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Date: October 4, 2007

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Time: 2:15 p.m. to 4:05 p.m.

14

Location: Orange County Admin Building  
201 South Rosalind Avenue  
Orlando, Florida

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Reported by: Pamela A. Scott  
Stenographic Reporter

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ZACCO & ASSOCIATES REPORTING SERVICES

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## I N D E X

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Transcript of Meeting

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Certificate of Reporter

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

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3 THE COURT: The meeting is called to order.  
4 Nancy, please call the role.

5 THE CLERK: Commissioner Barney Barnett.

6 COMMISSIONER BARNETT: Here.

7 THE CLERK: Commissioner Martha Barnett.

8 Commissioner Bostick. Commissioner D'Alemberte.

9 Commissioner Haridopholos. Commissioner Hogan.

10 COMMISSIONER HOGAN: Here.

11 THE CLERK: Commissioner Johnson.

12 Commissioner Kyle. Commissioner Lacasa. Commissioner  
13 Levesque.

14 COMMISSIONER LEVESQUE: Here.

15 THE CLERK: Commissioner Levine.

16 Commissioner Margolis. Commissioner Martinez.

17 Commissioner Mathis.

18 COMMISSIONER MATHIS: Here.

19 THE CLERK: Commissioner McKay.

20 COMMISSIONER MCKAY: Here.

21 THE CLERK: Commissioner McKee.

22 COMMISSIONER MCKEE: Here.

23 THE CLERK: Commissioner Les Miller.  
24 COMMISSIONER LES MILLER: Here.  
25 THE CLERK: Commissioner Randy Miller.

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1 COMMISSIONER RANDY MILLER: Here.

2 THE CLERK: Commissioner Moore.

3 COMMISSIONER MOORE: I'm on the phone.

4 THE CLERK: Thank you. Commissioner  
5 Peterman. Commissioner Riley.

6 Commissioner RILEY: Here.

7 THE CLERK: Commissioner Rouson.

8 COMMISSIONER ROUSON: Here.

9 THE CLERK: Commissioner Sansom.  
10 Commissioner Story. Commissioner Turbeville.  
11 Commissioner Wilkinson.

12 COMMISSIONER WILKINSON: Here.

13 THE CLERK: Commissioner Yablonski.

14 COMMISSIONER YABLONSKI: Here.

15 THE CLERK: Vice-Chair Scott.

16 COMMISSIONER SCOTT: Here.

17 THE CLERK: Chair Bense.

18 CHAIRMAN BENSE: Here.

19 Okay. Let the record reflect there's a  
20 quorum. Let's open up to just a few remarks. We've  
21 had plenty of commission meetings and I won't get into  
22 a whole lot of detail more than I got into last night,

23       because I think everybody here just about was at the  
24       meeting last night.

25               We've had about 55 or 56 meetings so far of

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1       either the commission or committees or subcommittees,  
2       and frankly the pace will continue to be pretty sporty  
3       as we get to the point where you are submitting formal  
4       proposals to be considered by this commission in  
5       November and December as these committees begin  
6       hearing these bills.

7               Just as a reminder for those of you that  
8       were here earlier, on that process, House and Senate  
9       in their bill drafting divisions have offered their  
10      people up to help us.

11             I think it might be more busier now than  
12      they thought they would be at this point in time, but  
13      I still think there is room, because we do want you to  
14      get your proposals in bill form, and at that point in  
15      time it will allow us if you do have a proposal -- and  
16      once -- by the way, just to rehash, once your proposal  
17      is submitted then we assign it a number and a  
18      committee, and the committee will do whatever is  
19      relevant to that issue.

20             And then from the committee process it moves  
21      up to the full commission process, much like a bill  
22      gets out of committee through the process and goes to

23       the floor of the House or Senate. And I'm sure all  
24       along the way we all know they will be amended.

25               And we'll get into these rules, but these

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1 rules -- and Tom Cibula will outline these rules --  
2 but they almost, what, 98 percent, mirror the rules  
3 that committee of us that were in the legislature were  
4 guided by.

5           So when a proposal is set forth -- for  
6 example, Commissioner Wilkinson, I know you had  
7 concerns about the accuracy of numbers on  
8 affordability, and we can't hire experts until we have  
9 a bill, until we know what are we supposed to  
10 research.

11           So once these begin to hit then we'll be  
12 able to assign folks that are bright in that area, and  
13 then we want to make sure that you feel comfortable  
14 and we feel comfortable that the numbers are in fact  
15 correct.

16           So we'll begin spending a lot of money at  
17 that point in time, but I don't think we should be  
18 frugal if we are looking at issues that can  
19 significantly affect public policy. I don't want to  
20 be on the cheap and get bad information that might  
21 cause bad things to go in our -- either our  
22 Constitution or in the Florida Statutes.

23                    So having said that, that's just sort of an

24        update as to where we are.

25                    Before we go on the rules, are there any

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1 questions about that process?

2 Commissioner McKay.

3 COMMISSIONER MCKAY: Well, this is sort of  
4 getting into the rules, but it's also going to the  
5 remarks earlier about how we're going to process the  
6 what we'll call bills or constitutional amendments.

7 CHAIRMAN BENSE: Proposals.

8 COMMISSIONER MCKAY: Proposals. Thank you.  
9 And there is nothing in the rules that I can recall or  
10 I can detect as I quickly glanced through that tells  
11 us how -- it tells us when we're going to have to have  
12 an amendment prior to a bill or constitutional  
13 amendment be being considered, a proposal being  
14 considered, but it doesn't tell us when we're going to  
15 have the document.

16 And so I think at some point we have to say  
17 that the document -- if you are going to say that the  
18 amendment has to be drafted 48 hours prior to the  
19 noticed meeting, we ought to have the proposal two  
20 weeks before, or some significant period before so  
21 that those of us that want to can carefully digest it.

22 CHAIRMAN BENSE: Well, I would anticipate

23       the proposal the day it is submitted. I think we  
24       should send it out to all members of the commission.  
25       I don't want to play hide the ball. I think that --

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1                   COMMISSIONER MCKAY: And I'm not suggesting  
2                   that you are. That's just something that has been --

3                   CHAIRMAN BENSE: Absolutely.

4                   COMMISSIONER MCKAY: -- overlooked. And I  
5                   commend you on -- and Tom, on doing these, but nowhere  
6                   do I see we've got a starting product.

7                   CHAIRMAN BENSE: You want somewhere in  
8                   the --

9                   MR. CIBULA: I think the answer to the  
10                  question may relate back to our agenda deadlines. We  
11                  have a seven day notice for agendas, and I would  
12                  expect that if the bill was referred to the committee  
13                  and the chairman wanted to place it on the agenda, it  
14                  would be out there for amendment at least seven days  
15                  before the meeting.

16                  But certainly we could come up with a two  
17                  week notice, or some other figure that the committee  
18                  decides on.

19                  CHAIRMAN BENSE: I think what he is saying  
20                  is, when a proposal has been submitted to our  
21                  executive director and assigned a number, number one,  
22                  two, three, four, five, at that point in time I expect

23       Executive Director Skelton to have sent every member  
24       of this commission a copy of that, and anyone in the  
25       media a copy of that.

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1 Does that answer your question?

2 COMMISSIONER MCKAY: That would be perfectly  
3 all right. I never saw that addressed anywhere, and  
4 while I approve of everything you -- I support  
5 everything you are talking about, I just never figured  
6 out how they were going to be distributed.

7 CHAIRMAN BENSE: Ms. Skelton.

8 MS. SKELTON: Mr. Chair, Susan Skelton. My  
9 anticipation, and we may need to put it to writing so  
10 it is very clear, is that at the point that a proposal  
11 becomes a numbered proposal it is a public document  
12 and it is available for anyone to review and for  
13 members to begin the review process.

14 We could put a "no later than seven days  
15 prior to the meeting for consideration", but in order  
16 to be on our agenda it has to be publically noticed  
17 seven days in advance.

18 So even if someone came in on the eighth day  
19 before a meeting and had a numbered proposal it would  
20 still be available both to the members and to the  
21 public prior to that seven day notice being issued.

22 So if you wanted to push it back further,

23 obviously that's something that could be reduced to  
24 writing and we could do an amendment to the rules  
25 today, or for consideration at the next meeting.

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1                   CHAIRMAN BENSE: Commissioner Scott.

2                   COMMISSIONER SCOTT: Yeah. I was just going  
3 to say, I guess I thought we would have a full copy of  
4 the rules, but we never really officially adopted, or  
5 we did adopt some basic rules before? I missed that  
6 one meeting.

7                   MS. SKELTON: We did.

8                   COMMISSIONER SCOTT: Okay. So we've adopted  
9 those. All right. So then these are like amendments  
10 that --

11                  CHAIRMAN BENSE: This is how the actual  
12 process runs.

13                  MS. SKELTON: These are amendments to the  
14 rule adoption.

15                  CHAIRMAN BENSE: We had to have rules in  
16 place in June to carry on an orderly meeting, so to  
17 speak, instead of committees and things like that, and  
18 we punted until we had time to think about the  
19 process, and so these -- this is the actual process on  
20 how we get either before -- and again, for those of  
21 you that served on the legislature, it is a pretty --  
22 you have seen it before.

23                   COMMISSIONER MCKAY:  And Mr. Chair, that's  
24   how, as you correctly point out, bills are distributed  
25   as soon as they are numbered.  And the legislature --

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1 I don't know if we need a -- if we don't need a rule  
2 that's fine, I just wanted to know when I'm going to  
3 see somebody's product, and that's perfectly all right  
4 with me.

5 CHAIRMAN BENSE: Wait just a minute. Is  
6 yours on the rules?

7 MS. MATHIS: No. This is on the issue  
8 itself.

9 CHAIRMAN BENSE: Okay.

10 COMMISSIONER MATHIS: Having not been a  
11 legislator, I'm not certain -- are you saying that  
12 every numbered bill will be put on the agenda? So  
13 it's not necessarily on the agenda, and what I hear  
14 you asking about is putting the bill on the  
15 committee's agenda.

16 COMMISSIONER MCKAY: No, no.

17 COMMISSIONER SCOTT: No. He just means  
18 distributing it. Like, you know, when they're filed  
19 in the legislature and numbered, then they are  
20 available to the world and to the members and so  
21 forth.

22 COMMISSIONER MATHIS: So what is time frame

23       for them to come up in the committee for discussion?

24                   CHAIRMAN BENSE:  A proposal is set forth --

25       let's just go ahead -- we're in rules, so we're

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1       talking about rules. Hold that thought.

2               Commissioner RILEY: Well, when you're  
3       talking about this, looking at these bills, having not  
4       been in the legislature, I would like to sort of have  
5       you talk about the Sunshine Law, how that applies.  
6       Phone calls, getting together, that's all to be in  
7       public, correct?

8               CHAIRMAN BENSE: Yes.

9               COMMISSIONER RILEY: So if we can just kind  
10      of reiterate that a little bit, so that we're all on  
11      the same page.

12              CHAIRMAN BENSE: We'll get to that, too.  
13      But before we get to the rules -- any other  
14      housekeeping that anyone wants to bring up before we  
15      get to the rules? Because that's actually on our  
16      agenda is Tom actually going through these rules, then  
17      we'll address both of your questions.

18              COMMISSIONER MCKEE: Mr. Chairman, I just  
19      have a comment about.

20              CHAIRMAN BENSE: Commissioner McKee.

21              COMMISSIONER MCKEE: Thank you.

22              I assume that those of us who are totally

23       unfamiliar with the rules process, I mean, obviously  
24       we can read them and use that as a map to guide us,  
25       but we're going to be far more concerned about the

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1 substance of our issues and positions and the staff  
2 will assist us with the process, correct? So we're  
3 not going to get tripped up because the rule is there  
4 and we don't understand it and --

5 CHAIRMAN BENSE: Yes, but read the rules.

6 COMMISSIONER MCKEE: I understand that, I  
7 understand that.

8 CHAIRMAN BENSE: Read the rules. And  
9 Commissioner McKee, it's not a real complicated  
10 process. If I can figure it out pretty quick, it's  
11 real easy.

12 CHAIRMAN BENSE: Anymore housekeeping to  
13 come up before we get to the rules?

14 Okay. Let's move on to rules then. Again,  
15 to address Commissioner McKay's question, for example,  
16 if Commissioner Wilkinson submits a proposal, and it's  
17 submitted to Executive Director Skelton, she looks at  
18 it to make sure there's nothing horrible about it or  
19 that might need some tweaking with respect to bill  
20 drafting, it is assigned a number.

21 At that point in time it goes on our  
22 website, correct, Susan? Now if you want, every time

23       a proposal is numbered we can send you by e-mail a  
24       copy of it, or you can check -- if you want to you can  
25       check your website everyday, and we can talk about

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1       that. It might be simpler to go ahead and e-mail you  
2       every proposal that comes through, in case you're busy  
3       or whatever.

4               Snail mail required, or is it strictly  
5       e-mails? Everyone have e-mail addresses? Okay. To  
6       address your concern -- what was your concern? Is  
7       that what Commissioner McKee's question is, when a  
8       proposal is actually filed when do we get to know  
9       about it, and that is the date it gets assigned a  
10      number, everyone in this room.

11             Now from there the bill would come to  
12      committee. And I would then determine which committee  
13      of relevance it should go to. If it's obviously a  
14      taxation bill then I'm considered finance tax  
15      committee, then it is up to the committee chairman at  
16      that point in time to hear the bill.

17             So having said that, your issue of Sunshine,  
18      why don't you ask that question again. And, Tom, pay  
19      attention to the rules.

20             COMMISSIONER RILEY: I would just like to  
21      reiterate how the importance of Sunshine, having not  
22      been in the legislature, when people try to get

23 information, if you could just please reiterate that  
24 Sunshine Law, while the bills are being created and  
25 drafted.

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1                   MR. CIBULA: All right. Well, the rules are  
2                   a little different for us as compared to the  
3                   legislative branch. With the legislative branch draft  
4                   bills are confidential. With our group, I have done  
5                   some research and I don't think it is going to be easy  
6                   to argue that our drafts are confidential.

7                   But at the same way, the Sunshine Law  
8                   applies and in talking about it outside of noticed  
9                   meetings with other commission members, otherwise we  
10                  can create another grounds for someone to challenge  
11                  especially our constitutional proposals. And if they  
12                  are challenged perhaps somebody could void the vote on  
13                  our proposals if a lot of the decision making is  
14                  deemed to have taken place outside of the place of a  
15                  public meeting.

16                  These rules are also a little different in  
17                  that --

18                  CHAIRMAN BENSE: Wait a minute, back up.  
19                  Excuse me. Commissioner Riley, I think your concern  
20                  was, that the proposal is out there and another  
21                  commission member calls you and says, what do you  
22                  think about this proposal, is that what you're

23       thinking of?

24                   COMMISSIONER RILEY:   What I'm trying to get,  
25       some clarification among each other that is not --

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1                   CHAIRMAN BENSE:  If it is not noticed, we  
2     can't talk about it, would that be a correct  
3     statement.

4                   MR. CIBULA:  Yes.

5                   CHAIRMAN BENSE:  Commissioner Rouson, you're  
6     recognized.

7                   COMMISSIONER ROUSON:  If we're at a noticed  
8     meeting and we're on a five minute break and we're  
9     still in the room and the press would walk up into a  
10    conversation, can we talk to a fellow commissioner at  
11    that time about something that we said at the public  
12    meeting about a proposal?

13                  MR. CIBULA:  I think that's one of those  
14    things that might create an appearance that you are  
15    not living within the spirit of the Sunshine Law, and  
16    I realize that can happen.  I suspect that happens in  
17    other places, but we're setting this up for an  
18    appearance that we're not complying with the law.

19                  COMMISSIONER WILKINSON:  So you can't have a  
20    -- John and I can't be discussing sales tax exemptions  
21    down here?

22                  COMMISSIONER MILLER:  No.

23 COMMISSIONER WILKINSON: Who was it that

24 said that?

25 COMMISSIONER MILLER: The chairman said

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1       that.

2                   COMMISSIONER WILKINSON: I want to hear from  
3       Thomas.

4                   COMMISSIONER MCKEE: Mr. Chairman.

5                   CHAIRMAN BENSE: Commissioner McKee, you're  
6       recognized.

7                   COMMISSIONER MCKEE: Thank you. In regard  
8       to the Sunshine Law, Tom, something that may be  
9       beneficial in order to convey the spirit of the  
10      Sunshine Law, you may want to dig up some of the most  
11      recent rulings dealing with municipal governments and  
12      city councils and how casual a passing comment is, but  
13      yet how the state attorney's office ends up with it  
14      and finds grounds for an information filing.

15                  To understand the spirit of how constraining  
16      it is, you have to see what the courts have done with  
17      it, and it would certainly convey the spirit of it.

18                  MR. CIBULA: If I may.

19                  CHAIRMAN BENSE: Sure.

20                  MR. CIBULA: I would refer you back to the  
21      memo that I handed out several weeks ago about the  
22      Sunshine Law issue, and even if it never goes to the

23 state attorney, you may see press articles, state  
24 attorney should investigate, you know, so and so  
25 government entity.

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1                   And, you know, if it gets to that point, you  
2                   know, it is pretty bad, and I would expect the members  
3                   of this commission would want to stay out of newspaper  
4                   articles of that nature.

5                   CHAIRMAN BENSE: Does that help,  
6                   Commissioner Riley?

7                   COMMISSIONER RILEY: Yes.

8                   CHAIRMAN BENSE: Anymore questions?

9                   COMMISSIONER MILLER: I can tell you one  
10                  who's never as a legislator not worked with the  
11                  Sunshine, it's -- I don't know how you -- it's tough.  
12                  It has been very difficult for me.

13                  CHAIRMAN BENSE: Senator Miller, we've got  
14                  to be careful.

15                  COMMISSIONER MILLER: It's tough, man.

16                  CHAIRMAN BENSE: Okay. Having said that,  
17                  before Tom goes through the rules are there anymore  
18                  questions that you can think of? And then as he goes  
19                  through them, perhaps you've got some questions. You  
20                  have 15 minutes, Tom. Hit the highlights.

21                  MR. CIBULA: Actually I would like to start  
22                  with --

23                   CHAIRMAN BENSE:  No, take your time.

24                   MR. CIBULA:  I would like to start with the  
25 lobbyist registration rules.  You have two sets of

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1       them.

2               We have made several changes to the lobbyist  
3       registration rules based on the recommendations of the  
4       general counsel of the house and senate and the office  
5       of legislative services. First of all, they were  
6       concerned that our lobbyist registration rules would  
7       require legislators and legislative staff to register  
8       as lobbyists to speak with us.

9               And this is legislators, legislative staff,  
10       governor, lieutenant governor, and senior staff, and  
11       the Supreme Court Justices from the definition of a  
12       lobbyist. And it also changes the rules with respect  
13       to reporting of anything from lobbying and legislative  
14       and clarifies that income must be reported separately  
15       from income for lobbying the legislature. And it is  
16       just a recordkeeping thing that the office of the  
17       legislative services requested.

18              Those are the major changes there with  
19       respect to those rules.

20              COMMISSIONER MILLER: Mr. Chairman.

21              CHAIRMAN BENSE: Commissioner Miller, you  
22       are recognized.

23                   COMMISSIONER MILLER: Tom, am I reading this  
24 right, that we're charging someone \$50 to register to  
25 lobby the tax budget and reform commission, in

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1       addition to the money they have to pay to register  
2       with the House, or -- no, or what?

3               MR. CIBULA:  No, that's not correct.  If  
4       they are already registered they don't have to pay  
5       again.

6               COMMISSIONER MILLER:  Does it say that?

7               COMMISSIONER WILKINSON:  I want Vicki to pay  
8       mine.

9               CHAIRMAN BENSE:  Mr. Scott, you are  
10      recognized, for the record.

11              COMMISSIONER SCOTT:  No, no.  I was  
12      directing everybody else, I just blurted out.

13              I'm just wondering, I mean, this is what,  
14      October, November?  We've got essentially four or  
15      five, six months or something.  And you're going to  
16      have them do all this income reporting, even though  
17      they are already registered, they are already  
18      reporting their lobbying income?

19              We're saying you don't have to register  
20      again, but then somehow they are supposed to separate  
21      and report what?  I mean, if they came over here for  
22      an afternoon and said something to us?  I mean, I'm

23       just curious why if they are already registered and  
24       they're already reporting everything that we would  
25       have them report income separately for us.

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1                   CHAIRMAN BENSE:  Ms. Skelton.

2                   MS. SKELTON:  Mr. Chairman, it is a  
3           verification of the audit trail, and it will keep the  
4           audit clean for the legislature and for the TBRC.  It  
5           is simply a bookkeeping issue.

6                   It is no different than the rules we've  
7           already adopted on lobbying registration, it's just  
8           that the particular expenditure related to TBRC will  
9           be reported by separate paper form so that there is an  
10          audit trail separation between expenditures for  
11          lobbying the legislature and expenditures for lobbying  
12          the TBRC.

13                  It's a piece of paper that they fill out at  
14          the OLS.  But the lobbying registration is no  
15          different than what we adopted back in June, which has  
16          already been in place since June.

17                  COMMISSIONER SCOTT:  I mean, it's not a big  
18          deal, but if somebody is getting \$10,000 to lobby the  
19          legislature and then they say, by the way, go over  
20          there tomorrow afternoon and do so and so, then  
21          they're supposed to say --

22                  MS. SKELTON:  It's an audit trail.

23                   COMMISSIONER SCOTT:  -- okay, well, how much  
24    you going to pay me to do that?  Well, I'm not paying  
25    you anymore, so then I guess they figure \$500 and

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1 stick that in?

2 MS. SKELTON: It was at the request of the  
3 legislative attorneys, the general counsels for the  
4 House and Senate that we separate the audit trails on  
5 these two issues so that their audits are clean. They  
6 just want to make sure that they're not lump summing  
7 expenditures for the TBRC.

8 COMMISSIONER SCOTT: All right. Never mind.  
9 It will be over in six months anyway. It is  
10 ridiculous the things that we have to do.

11 CHAIRMAN BENSE: Okay. Any more questions  
12 on the lobbyist rules?

13 Any others? Let's move on.

14 MR. CIBULA: Yeah. I don't have anything  
15 else to add.

16 MS. SKELTON: Motion to adopt.

17 CHAIRMAN BENSE: We need a motion to approve  
18 the amended rules --

19 COMMISSIONER MCKEE: So moved.

20 COMMISSIONER MILLER: Second.

21 CHAIRMAN BENSE: -- regarding lobbyist  
22 registration.

23 Commissioner McKee moves, and Commissioner  
24 Les Miller seconds. All in favor of the motion say  
25 aye. Opposed, no. Motion carries.

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1                   Let's move on to the drafting and submission  
2 part of the rules. Mr. Cibula, you are recognized.

3                   MR. CIBULA: All right. The drafting and  
4 submission of proposals to TBRC, these are very  
5 similar to the legislative rules. If you are familiar  
6 with the legislative process this is nothing for you,  
7 they are 98 percent the same as the legislative rules  
8 with some tweaks to address our peculiar situation.

9                   The rules vary slightly based on the  
10 different types of output that I think the commission  
11 has. We can have constitutional proposals, and that's  
12 our most significant function, and we can have  
13 legislative recommendations as statutory  
14 recommendations. Those are our main types of output  
15 and those will be drafted in the form of legislative  
16 drafting format.

17                  Then we can also have informal measures and  
18 I think that is something more akin to a declaratory  
19 statement. The legislature should appropriate more  
20 funds to the Department of Revenue to have compliance  
21 to the tax laws or something along those lines, or  
22 perhaps an informal declaratory statement asking the

23 legislature to study an issue in more detail, those  
24 types of things.

25 Now the process, just like the legislature,

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1 starts with an idea. You may have an idea --

2 CHAIRMAN BENSE: Tom, if I could just stop  
3 you. It took me a while to figure this part of it  
4 out, but if I had to summarize on where we're going to  
5 be, I think we'll end up as a commission doing one of  
6 four things.

7 We'll have a formal constitutional proposal  
8 that is in legal language and goes on the ballot. The  
9 second thing we might have is a formal measure which  
10 is in -- strike that -- an informal statutory  
11 recommendation whereby we send a recommendation to the  
12 legislature, we suggest you take up healthcare, or  
13 maybe more specific healthcare bill.

14 The fourth -- the third is a statutory  
15 recommendation where we actually draft the proposed  
16 bill in bill form to the legislature for them to take  
17 up. I think you will see those three items along with  
18 the recommendation that the legislature take up a  
19 joint resolution as well. Which one is that? Is that  
20 the --

21 MR. CIBULA: That would be an informal  
22 constitutional recommendation.

23                   CHAIRMAN BENSE:   Okay.   I would suggest  
24   those are probably the four items that we're going to  
25   take up more frequently.

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1 COMMISSIONER RILEY: One is constitutional.

2 CHAIRMAN BENSE: Number two, and --

3 COMMISSIONER MATHIS: One, three, four, and  
4 eight.

5 CHAIRMAN BENSE: One, three, four, and  
6 eight.

7 COMMISSIONER MCKAY: Mr. Chairman.

8 CHAIRMAN BENSE: Commissioner McKay, you're  
9 recognized.

10 COMMISSIONER MCKAY: I don't have a copy of  
11 all the rules with me. It is my recollection that you  
12 can confirm, or correct me and I would appreciate it.

13 Everything passes by a majority vote, except  
14 for constitutional amendments in front of the full  
15 commission which requires two thirds vote. So  
16 constitutional amendments out of committees and  
17 majorities.

18 CHAIRMAN BENSE: That's right.

19 COMMISSIONER WILKINSON: I have a follow-up  
20 question.

21 CHAIRMAN BENSE: Commissioner Wilkinson.

22 COMMISSIONER WILKINSON: If say in a

23       committee you can't get your constitutional amendment  
24       to get a majority vote, but the number of negative  
25       votes on that committee, if you didn't get any other

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1 negatives and went before the full commission it could  
2 pass. How would you handle that?

3 Let's say there are eight members in a  
4 committee and you lose the vote, but that number of  
5 votes, say five negative votes loses in the committee,  
6 but five negative votes at the commission would not --  
7 you would pass it.

8 CHAIRMAN BENSE: Just like in the  
9 legislature. If a bill fails in the committee, it  
10 can't move forward. See, you --

11 MR. CIBULA: Can I get to that? A moment.

12 COMMISSIONER WILKINSON: Yeah.

13 MR. CIBULA: The way the rules are set up,  
14 nothing dies in the committee, however before it can  
15 get to the full commission it has to be recommended by  
16 the coordinating committee and on the agenda.

17 And I would expect if something -- you know,  
18 a lot of negative votes in the committee level, that  
19 may be taken into account by the coordinating  
20 committee and set on the agenda of the full  
21 commission, but that would not preclude the  
22 coordinating committee --

23                   CHAIRMAN BENSE: We formed a coordinating  
24       committee back in May to establish the committee's  
25       formation, things like that, and there are folks that

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1 sit on the coordinating committee.

2 So if a bill does fail, or pass in the  
3 committee, it is then sent to the coordinating  
4 committee. That coordinating committee then at that  
5 point, they can even take a bill that has failed and  
6 send it up to the commission. Am I correct on that,  
7 Tom?

8 MR. CIBULA: Yes.

9 CHAIRMAN BENSE: Commissioner McKay, you are  
10 recognized.

11 COMMISSIONER MCKAY: So if a bill passed --  
12 hypothetically, if a bill or constitutional amendment  
13 passed unanimously in the committee it would be  
14 possible for the coordinating committee never to  
15 agenda that bill?

16 CHAIRMAN BENSE: It could, but I would hope  
17 that doesn't happen. It's just like, if a bill passes  
18 the committee and the speaker doesn't want it to go to  
19 the next committee, it will sit in their office. I  
20 mean, there are ways around it.

21 Senator Scott.

22 COMMISSIONER SCOTT: I was just going to

23       say, I think one of the points here, unlike the  
24       legislature where if you can get something out on the  
25       floor it can pass by one vote, you know, or 21/19, or

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1       whatever, anything to get on the ballot is going to  
2       take two thirds vote regardless.

3               So -- and with two-thirds you could waive  
4       the rules. For example, if something failed by one  
5       vote in a committee, but, you know, if two-thirds --  
6       do you see what I'm saying? I don't see that -- I  
7       think that --

8               CHAIRMAN BENSE: If you get killed on the  
9       committee you don't have a much better chance in the  
10      commission is what you are saying.

11              COMMISSIONER SCOTT: But theoretically you  
12      could. But I guess the point that he was making is  
13      that a certain committee has to have five people that  
14      vote no on roll call, they vote no on everything. It  
15      wouldn't necessarily kill the proposal if it was  
16      something that the majority -- you know, that  
17      two-thirds of the commission wanted to pick up.

18              CHAIRMAN BENSE: Commissioner Les Miller.

19              COMMISSIONER LES MILLER: Les Miller. I was  
20      sick and missed some meetings. I'm a little concerned  
21      about the coordinating committee.

22              Now you are saying that a bill could very

23 well fail at a subsequent committee, but now has to go  
24 the coordinating committee, which in the House I guess  
25 is called counsel, that can now come out of that

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1 coordinating committee even if it failed to go to the  
2 full commission?

3 CHAIRMAN BENSE: That's correct, much like a  
4 rules committee.

5 COMMISSIONER LES MILLER: I'm a little  
6 concerned about that.

7 CHAIRMAN BENSE: Okay. That's why we're  
8 going through the rules.

9 COMMISSIONER LES MILLER: It's like the  
10 committee structure and the committee voting really  
11 does not have any substantive power. I mean, why send  
12 it to the committee? Why not just send it straight to  
13 the -- to this -- what is it called again --  
14 coordinating committee, and let them do the work.

15 Because the committee is doing work really  
16 that's going to be null and void if this committee,  
17 coordinating committee decides it wants to say, hey,  
18 well, it failed in the committee but we think it's a  
19 good idea and we want to send it on to the full  
20 commission.

21 The committee is not doing their work. The  
22 work is being done by another committee.

23                   CHAIRMAN BENSE: Whatever they do can be  
24 overridden is what you are saying. Commissioner  
25 McKay.

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1                   COMMISSIONER MCKAY: Mr. Chairman, can I  
2     propose a rules amendment, without knowing where it  
3     goes and without writing it?

4                   CHAIRMAN BENSE: Fire away.

5                   COMMISSIONER MCKAY: If a bill or  
6     constitutional amendment passes a committee, it has to  
7     be agenda-ed by the full commission.

8                   CHAIRMAN BENSE: I could live with that.  
9     Does that help you any, Commissioner Miller? It gives  
10    you -- if your bill dies in committee at least there's  
11    a glimmer of hope that it might survive in the  
12    coordinating committee.

13                  COMMISSIONER LES MILLER: In the committee  
14    it's dead. It is dead, why put it on life support?

15                  CHAIRMAN BENSE: Commissioner Mathis.

16                  COMMISSIONER MATHIS: I think we're all here  
17    on a volunteer basis. We are devoting a huge amount  
18    of time, effort, and energy out of our private  
19    endeavors.

20                  If there is a bill that any one of the  
21    members of this commission want to be heard by the  
22    full committee for consideration, even though it came

23 out of committee with some unfavorable recommendation,  
24 I believe that there should be a process for the full  
25 commission to hear that proposal.

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1                   And going back to the constitutional --  
2       commissioner, help me here, Commissioner Scott, that  
3       was one of the best proposals that we had in the CRC  
4       was that any proposal that a commissioner wants to be  
5       heard by the full commission could be heard by the  
6       full commission.

7                   There would be a discussion of the committee  
8       recommendation, but that proposal was heard by the  
9       full commission, whether it is voted up or down,  
10      depending upon the full commission's consideration.

11                  And because we have some additional  
12      protection in anything we propose to go on the ballot  
13      to require a super majority to get on the ballot, I  
14      don't think we have to worry about, you know, small  
15      incidents.

16                  I think that that opens up our commission  
17      process to a fairer, more -- we're not state  
18      legislators, we're here as volunteers, we're dealing  
19      with narrow issues, and I think that those issues to  
20      be considered by this whole group is what should  
21      happen in order to give these things full airing out.  
22      And I don't think a coordinating committee should have

23 the ability to axe something that's been in  
24 (inaudible) and I think that a favorable and  
25 unfavorable proposals should be heard by the full

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1       commission.

2                   CHAIRMAN BENSE:  Commissioner Levesque.

3                   COMMISSIONER LEVESQUE:  Mr. Chairman, I  
4       would -- I respect everything that Commissioner Mathis  
5       says, but having worked in the legislative process  
6       also I think there is a use for having committees hear  
7       issues, flesh them out, debate them, get detailed bill  
8       analyses on them, and then dispose of them, and I  
9       think there are enough safeguards written in the rules  
10      to allow issues to still come to the full commission.

11                   But there has to be a hearing at the  
12      committee level.  If any issue can be brought up at  
13      the commission level -- we're going to be bombarded if  
14      the legislature does nothing by the end of this month  
15      on property taxes.

16                   And what has happened probably -- and I know  
17      it's happened in the legislature, and it could happen  
18      to us, many issues can be brought to us at the last  
19      hour when they have never even had a committee  
20      hearing.

21                   And so I respect what she is saying about  
22      everyone here has put in time and is serving on this,

23 but let the issues work through the committee process.  
24 Make your case, have the data there, have the people  
25 and the public being able -- that's when the public is

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1       going to get to speak is in committee for or against.

2               I don't know if we're going to have full  
3       commission hearings where we let the public speak for  
4       or against before we do a final vote, but that's where  
5       the public has the ability to weigh in as well.

6               And then the two safeguards for all issues  
7       is the coordinating committee that can take another  
8       look at it and see if something possibly was not  
9       heard, or dealt with unfavorably, and that would have  
10      a second chance. But then I think what Commissioner  
11      Scott said, if you have a vote on the full commission  
12      to have it pass, you have the vote on the full  
13      commission to get the rules to bring it up before the  
14      full commission.

15              So I would just recommend that we continue  
16      along with what we have.

17              CHAIRMAN BENSE: Commissioner Scott.

18              COMMISSIONER SCOTT: Yeah. Since we  
19      referred to it, like a year and a half, you know, and  
20      we had old -- you know, it's a different type thing.  
21      And I think the idea here is, I think it's pretty well  
22      balanced, like Patricia said.

23                   If something clearly that, you know, doesn't  
24    have any support, the committee has fleshed it out, it  
25    didn't get -- and there may be 50 of those, and we've

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1       got -- we can't debate every one of them on the floor.  
2       So I think that's the idea that the coordinating  
3       committee and the chair would have the discretion to  
4       say, okay, well, you know, this is a really hot issue  
5       and even though the committee voted against it we'll  
6       take the time to hear it.

7                So I think that -- I would guess that what I  
8       would ask, that we just kind of trust them to go along  
9       and hope that we're not going to have -- there's not  
10      going to be from this group or certainly our Chair any  
11      kind of a sense of silence or anything, but just to  
12      save time, we have a limited amount of time.

13               CHAIRMAN BENSE: I'll recognize everyone.  
14      But because of my idea of putting that in the rules  
15      was that I would hate to see a bill that went to  
16      committee and died in committee, and then as we hit  
17      February all of a sudden that idea became a good idea.

18               That's the only vehicle we have in that  
19      committee, that even though it was reported out of the  
20      committee of first reference, if that's such a  
21      relevant and important issue that it could be brought  
22      up to be heard to say with another proposal.

23                   It may not ever even happen, and if you-all  
24       don't want it that certainly is fine. It was a safety  
25       valve, but I recognize Commissioner McKay's point that

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1 would not be fair.

2 I do think that if a bill gets through its  
3 committee it goes to the commission.

4 COMMISSIONER MCKAY: Well then, we have a  
5 proposal on the table, Mr. Chairman, and I -- however  
6 you would like to deal with that, whether that's a  
7 motion and we need to vote on that.

8 CHAIRMAN BENSE: Okay. There's a motion by  
9 Commissioner McKay, seconded by Commissioner Hogan,  
10 that the rules -- the amended rules be further amended  
11 such that the coordinating committee within the TBRC  
12 be mandated to forward to the full commission all  
13 bills that clear committees. Is that correct?

14 Okay. All -- is there a debate on the  
15 issue? Are there questions? All in favor say aye.  
16 Opposed, no. Motion carries.

17 CHAIRMAN BENSE: Commissioner Miller.

18 COMMISSIONER LES MILLER: Let me ask a  
19 question. If a bill fails in committee, the bill is  
20 the property of that committee, am I right?

21 If a bill fails committee, the bill is still  
22 the property of that committee, right?

23                   CHAIRMAN BENSE: It gets moved to the  
24       coordinating committee. The coordinating committee  
25       has control of that bill.

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1                   COMMISSIONER SCOTT: That's the way it is in  
2     the legislature. They report them. They report them  
3     unfavorably, but they are reported and sent to  
4     somebody, you know, somebody else. The rules  
5     committee, whatever.

6                   COMMISSIONER MCKAY: They still -- the  
7     Chairman said they still have a life at that point,  
8     even if they failed eight to zip. It might be a good  
9     idea later on, you're right.

10                  CHAIRMAN BENSE: Once it is killed in  
11     committee, you can't make it part of an amendment as  
12     time goes on.

13                  CHAIRMAN BENSE: Mr. Wilkinson.

14                  COMMISSIONER WILKINSON: Maybe I made my  
15     point clear, maybe I didn't.

16                  There could be a circumstance with the  
17     number of attendees at a committee that your proposal  
18     could fail, but not -- but fail by less than eight  
19     votes, in other words, eight negative votes.

20                  CHAIRMAN BENSE: Easily could.

21                  COMMISSIONER WILKINSON: And it seems to me  
22     that there should be an ability to have the ability to

23 kick that up. You know, five/eight votes in the  
24 committee, I'm done. I'm not going to get less than  
25 that. What are you laughing at?

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1                   But if you have four or five and it kills  
2                   you, I'm an optimist, you've still got a chance.

3                   CHAIRMAN BENSE: I guess that's the way the  
4                   process works. Commissioner Hogan.

5                   COMMISSIONER HOGAN: Yeah. I have an  
6                   example. In Jacksonville, charter government, if the  
7                   city council takes up a bill, a J Bill, a Jacksonville  
8                   Bill, it's got to be sent to Tallahassee for  
9                   legislative approval. It doesn't matter what the vote  
10                  is on that bill.

11                  They can send it with a recommendation to  
12                  pass, or a recommendation to deny, it still goes to  
13                  the delegation. The delegation still votes on that  
14                  bill, and the delegation can overrule the decision  
15                  made by the local city council, because there be  
16                  citizens that provided this thought and this idea, it  
17                  didn't get accepted at the council level, but could be  
18                  accepted at the delegation level.

19                  So that's all I see as this coordinating  
20                  committee is that something may still have life. A  
21                  short committee, a stacked committee, maybe everybody  
22                  against that different bill was in that committee, and

23       so I -- that --

24                   CHAIRMAN BENSE:  Commissioner Mathis, you

25       are recognized.

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1                   COMMISSIONER MATHIS: The coordinating  
2     committee was not appointed to hear taxation of budget  
3     issues, we were as commissioners. I don't think any  
4     power should be delegated to the coordinating  
5     committee. I think the power rests in the full  
6     commission.

7                   So if the full commission decides that even  
8     though something was voted unfavorably out of the  
9     committee, it should be heard by the full commission.  
10    And so while I understand about the coordinating  
11    committee, it give me no comfort. I think we were  
12    appointed as a commission and therefore it is the  
13    commission that is responsible to hear the issues and  
14    give them full consideration.

15                  CHAIRMAN BENSE: Thank you. Commissioner  
16    Levesque.

17                  COMMISSIONER LEVESQUE: I just went back to  
18    the rules, and the rules on the original coordinating  
19    committee and their responsibilities says, they're  
20    responsible for planning and arranging public  
21    information, public meetings and hearings for the  
22    commission and its committees and will be responsible

23       for developing the calendar as substantive matters for  
24       consideration by the commission.

25                   And so to me this falls under the

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1 jurisdiction of the coordinating committee as what is  
2 the calendar, what is in front of the full commission,  
3 so --

4 CHAIRMAN BENSE: I think we copied that from  
5 the 2000 commission.

6 COMMISSIONER SCOTT: You did. That's what  
7 is already adopted.

8 COMMISSIONER RANDY MILLER: Ten volunteers.

9 CHAIRMAN BENSE: Who is on that committee?

10 MS. SKELTON: It was ten people who raised  
11 their hand and volunteered. There was no criteria.

12 COMMISSIONER RANDY MILLER: I think Patricia  
13 was on that.

14 MS. SKELTON: I think, Commissioner Scott,  
15 Commissioner Mathis, Commissioner Mark Barnett. There  
16 is a large group, almost half of the commission,  
17 volunteered for that committee. And everybody had the  
18 chance to volunteer, but --

19 COMMISSIONER MATHIS: I have a question.

20 CHAIRMAN BENSE: Commissioner Mathis, you  
21 are recognized.

22 COMMISSIONER MATHIS: Thank you.

23 Commissioner Scott, you mentioned that you could  
24 propose to the full commission a waiver of the rules  
25 to hear any matter.

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1                   COMMISSIONER SCOTT: You can waive any rule  
2     by two thirds vote, same as in the legislature. So,  
3     yes. So I think that -- my only point was that if it  
4     happened at the committee there is only seven of the  
5     twelve members and four of them voted something down,  
6     you could still have, A, the coordinating council that  
7     could say, hey, you know, this seems to have at least  
8     a lot of support for debate, and so maybe we would  
9     hear it. That's possible.

10                  And the other would be that if we clearly  
11     had the vote out of the members to put something on  
12     the ballot you would be able to waive the rules. So  
13     these are all like last safeguard, you know, rare, but  
14     hopefully would be available to you.

15                  COMMISSIONER MATHIS: What if we amend the  
16     rules to say that the full commission could vote by  
17     simple majority to hear any matter, whether it was  
18     reported favorably or unfavorably by the committee?

19                  CHAIRMAN BENSE: You want to make that in  
20     the form of a motion?

21                  COMMISSIONER MATHIS: So moved.

22                  COMMISSIONER WILKINSON: Second.

23 CHAIRMAN BENSE: We have a motion, and a  
24 second.

25 COMMISSIONER SCOTT: Well, I have a concern

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1       about only just what if you go into our meeting, we've  
2       got something, property tax reform or whatever, and  
3       now we're going to have ten different debates over  
4       motions to say, well, let's see if we can get a  
5       majority vote to do this or do that?

6               I am just wondering -- we hope it would not  
7       be abused, but I have some concern about our procedure  
8       on that.

9               CHAIRMAN BENSE:   Questions or debate?  
10       Commissioner McKee.

11              COMMISSIONER MCKEE:   Thank you.  
12       Commissioner Mathis, as I understand what you are  
13       saying is that if we have a member of this 25 member  
14       committee that feels so strongly about an issue that  
15       they would like to get the majority of the commission  
16       to decide whether or not it should go to the full  
17       commission, you in fact think that's appropriate?

18              CHAIRMAN BENSE:   Even though it's been  
19       dismissed by a committee earlier.

20              COMMISSIONER MCKEE:   Correct.   But you're  
21       saying that if the majority of this commission would  
22       like to hear it, you think that that would be

23       appropriate?

24                   COMMISSIONER MATHIS:   Yes.

25                   COMMISSIONER MCKEE:   And I would agree.

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1                   CHAIRMAN BENSE: Commissioner Rouson.

2                   COMMISSIONER ROUSON: I agree with the  
3       premise, although I have some concern about getting in  
4       a bottleneck with things that the committee denied.  
5       But there are some things that in fact I'm feeling a  
6       little disjointed because I missed the August 21st  
7       presentation by Secretary McDonough to Commissioner  
8       Martinez's committee, and it was about some issues  
9       that I feel very strongly about, which may not be very  
10      popular amongst the commission, but I want an  
11      opportunity to argue it before the full commission,  
12      even if it dies in the committee.

13                  Say I propose something along the lines that  
14      I would like to, and you send it to that committee and  
15      that committee kills it for one reason or another, but  
16      I want an opportunity for the full commission and not  
17      just the coordinating council to look at it and  
18      consider it. I think she makes a good point.

19                  CHAIRMAN BENSE: Commissioner McKay.

20                  COMMISSIONER MCKAY: I think that  
21      Commissioner Mathis makes a very good point,  
22      Mr. Chairman. But I think also Commissioner Scott,

23 Vice-Chairman Scott makes a very good point, and so I  
24 would amend her motion and give you the license to  
25 word it the way you like, that the motions to hear

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1 bills that failed in committee, or proposals that  
2 failed in committee, come at the end of an agenda, so  
3 that the problem Commissioner Scott is talking about  
4 where there could be a bottleneck at the beginning  
5 would not occur and that would give the Chair the  
6 latitude to schedule those items at subsequent  
7 meetings so that they can all be handled in a sensible  
8 manner.

9 CHAIRMAN BENSE: Let me comment. As Chair  
10 I try not to get involved. But I take a look at the  
11 members on this commission who have concerns about it,  
12 former Senate President Scott, and former Senate  
13 President McKay, and former Speaker Bense, because we  
14 have seen what happens at the end, and it is not  
15 pretty sometimes.

16 And I anticipate that there will be a lot of  
17 pressure -- and former Leader Miller as well,  
18 understands the pressures that occur the last week or  
19 ten days, maybe in this case in the last couple of  
20 months. And there's a process out there in that you  
21 work your committee members to get your votes passed.

22 And I think if you -- I think as the

23 commissioner said, if it's dead, it's dead, or someone  
24 said that earlier today. You've got to -- it's one  
25 thing if it was never even heard by the commission,

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1       that's an issue that would not happen hopefully. But,  
2       I mean, you can't keep giving life to things.

3               You have to move on, take a level and move  
4       forward. And I just have some concerns about it, but  
5       I'll -- we'll -- let's hold on to your suggestion a  
6       minute. Commissioner Rouson.

7               COMMISSIONER ROUSON: I'll defer.

8               CHAIRMAN BENSE: Speak. Commissioner  
9       Mathis.

10              COMMISSIONER MATHIS: I respectfully  
11       understand what you are saying, your familiarity with  
12       the legislative process. But we are 25 members  
13       appointed to hear taxation and budget issues, and I  
14       think we are responsible for giving full air to those  
15       issues. A small member -- a small committee that  
16       somehow doesn't vote favorably on a matter, that one  
17       of these commissioners or a group or a majority of  
18       this commission feel should be fully aired, I think we  
19       should defer to it.

20              I think that's part of our responsibility as  
21       a commission, to give full air and not set up  
22       procedural voices to the full airing of these

23 substantive matters.

24 CHAIRMAN BENSE: Okay. Commissioner Riley.

25 I'm sorry, I was facing that way and I didn't get to

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1       see you.

2                   COMMISSIONER RILEY: Thank you. I think we  
3       have a process, it is a good process. If we're not  
4       going to follow this process, we all have something  
5       that we're passionate about. We all have things we  
6       would like to get passed. We all have things that we  
7       think are important.

8                   And so why not just say you are going to  
9       hear everything twice? Because we're here for a short  
10      period of time, we have important issues that we need  
11      to talk about.

12                  The citizens of the State of Florida are  
13      looking for some relief in the taxes and the budget.  
14      I mean, some things are going to have to go to the  
15      wayside, no matter how passionate we personally are  
16      about these things.

17                  We have a committee, let the committee  
18      decide. We have a process that if someone else,  
19      another group, another eye, another ear, another set  
20      of ears thinks that it should be brought up, then they  
21      are there to be able to bring life back to it.

22                  But if we're constantly going to be hearing

23       the same thing over and over and over again, when are  
24       we going to make the decision on something that is  
25       really important and of substance?

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1                   And I certainly would hate to dilute the  
2           process by constantly bringing things back, and a  
3           simple majority to me is not acceptable, it would have  
4           to be a super majority or something.

5                   CHAIRMAN BENSE: Commissioner McKay, do you  
6           move that we extend for 15 more minutes?

7                   COMMISSIONER MCKAY: Absolutely.

8                   CHAIRMAN BENSE: Will you second that  
9           motion?

10                  COMMISSIONER WILKINSON: Second.

11                  CHAIRMAN BENSE: All in favor say aye. All  
12           opposed, no. Let the record reflect we are extending  
13           to 3:30. Commissioner Rouson, you're recognized.

14                  COMMISSIONER ROUSON: The comment by  
15           Chairman Bense that kind of kicked me into high gear  
16           and I wanted to kind of think about it before I said  
17           something about it was, work your members, work your  
18           committee.

19                  We don't get that luxury because of Sunshine  
20           to work our committee like you would in the  
21           legislature. And so if I can't work my committee on  
22           the bill or proposal that's important to not just me,

23 but important I think to a whole lot of people, then  
24 I'm giving to that committee the power to speak for me  
25 and to try to get it passed.

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1                   And if it dies, then my commission has not  
2                   heard it. I have a hope in the coordinating  
3                   committee. But having said that, I will respect the  
4                   process, and if we decide upon a process and that's  
5                   the rules then I'm going to try to play by best by it  
6                   and abide by it.

7                   But I've got to tell you that I come to this  
8                   commission, as many of you do, with my own experience.  
9                   I am the sum total of who I have been and the places  
10                  where I have been and things that I've done in life,  
11                  and I want my commission if it is something important  
12                  to me and people that I represent, and the experiences  
13                  that I represent, I want a shot at doing that, but if  
14                  I can't work my committee because of Sunshine, I feel  
15                  handicapped.

16                  CHAIRMAN BENSE: Commissioner Miller,  
17                  Commissioner Les Miller. I'm curious, I hold you in  
18                  high esteem. Your thoughts on this issue?

19                  COMMISSIONER LES MILLER: You are taking a  
20                  guy that served the process of legislature for  
21                  fourteen years, and I understand what Commissioner  
22                  Mathis is saying, and I feel where she's going with

23       that, and that being a volunteer that's been appointed  
24       to travel across the state to hear what people have to  
25       say, and I have an idea of what people, your city or

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1 county might want to see put forth, that if the  
2 committee -- and I agree with Commissioner Rouson, the  
3 committee, if you can't work the committee, kills that  
4 you should have a process by which that bill can be  
5 heard again.

6 You have a coordinating committee. The  
7 coordinating committee might not have the opportunity  
8 to take that up and might say, well, I agree with that  
9 committee, so therefore that doesn't go forth. But  
10 then again, the full commission would have the power  
11 to hear that again.

12 But then through the training that I have  
13 for the last fourteen years, and many times, probably  
14 99 percent of the time, once it is heard, it is dead,  
15 it is dead. And you cannot continue to give something  
16 life, you just can't continue to keep it on life  
17 support.

18 If the committee votes it down, the  
19 committee votes it down, and therefore that's where it  
20 is. Now I was thinking along the lines of the senate  
21 committee, and you said something earlier about that  
22 we do this in January, and come back in March, and

23 realize it is something that was killed in the  
24 committee has the opportunity or someone thinks it's a  
25 good idea, well, you know, that's not a bad idea but

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1       it was killed in the committee.

2                   But we don't have a time frame like the  
3       legislature. We can always make a motion to move to  
4       reconsider that bill. Am I correct? There's no time  
5       frame. In the legislature you kill a bill you have to  
6       bring it back within the next day to more to  
7       reconsider. If you don't bring it back within the  
8       next day, it is dead, you cannot do anything with it.

9                   We don't have that. And if in the committee  
10      it dies, who is to say a month later that if it is not  
11      a bad idea you move, Commissioner Mathis, to  
12      reconsider a bill that Commissioner Hogan said died.

13                  I just have a concern that you continue to  
14      have these layers that it died, but we can keep it  
15      going. It died, and we can keep it going. Well, what  
16      is the work of the committee? You are taking away  
17      from the hard work that the committee is doing.

18                  The committees are the ones that made the  
19      amendment, they take all the work that needs to be  
20      done before it goes to the commission, and now you've  
21      got another layer. I understand where you are going  
22      with this, but you just can't keep it alive.

23       Something has to happen to it.

24                   CHAIRMAN BENSE:  Commissioner Hogan.

25                   COMMISSIONER HOGAN:  Well, I think the rules

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1       allow, the difference is, the second bite at the  
2       coordinating committee. And you have a third bite by  
3       the full commission for the rules to be heard, and at  
4       that point you can argue why you want it to be and you  
5       are presenting your bill to the full commission.

6               But I think it should be a two-thirds vote,  
7       I don't think it should be a simple majority. It's  
8       already failed the committee, it may have already  
9       failed in the coordinating committee, and that's  
10      additional people looking at it. And I think a simple  
11      majority is too easy.

12             And it doesn't die. It's Freddie Kruger at  
13      Halloween.

14             CHAIRMAN BENSE: Any more discussion, any  
15      more debate? There's a motion and a second.

16             COMMISSIONER MCKAY: And the amendment. The  
17      amendment was to take care of Senator Scott's concern,  
18      which is very legitimate, that there be a specified  
19      time for the reconsiderations, I call them  
20      reconsiderations, to occur at the end of an agenda.

21             CHAIRMAN BENSE: So you want to amend the  
22      amendment to say that?

23                    COMMISSIONER MILLER: No matter what, it is  
24                    at the end.

25                    COMMISSIONER MCKAY: Yes, sir. We won't get

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1 bogged down.

2 CHAIRMAN BENSE: So if the amendment passes,  
3 if your passes, then we do hear it at the end.

4 COMMISSIONER LES MILLER: Yes.

5 CHAIRMAN BENSE: There's a motion to amend  
6 the amendment by Commissioner McKay, Commissioner  
7 Hogan seconds it. Is there debate? All in favor say  
8 aye. Opposed, no. We're back on the amendment.  
9 Commissioner Scott.

10 COMMISSIONER SCOTT: Well, for what it is  
11 worth, even with Senator McKay's amendment, I still --  
12 I've been thinking about it, and I think that we have  
13 enough going here. And if you've got the -- if you  
14 can get two thirds at the very end, even after the  
15 coordinating council, after the committee killed it, I  
16 think that's enough. You know, to go on and on, with  
17 all due respect, I really don't want to support the  
18 idea that we go to a majority.

19 CHAIRMAN BENSE: Commissioner Riley.

20 COMMISSIONER RILEY: I'm against it, but I  
21 would like to amend this amendment to say -- to change  
22 it just to keep, it passes from a simple majority to a

23 two-thirds vote in order for it to pass.

24 CHAIRMAN BENSE: Well, that's already out

25 there.

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1 COMMISSIONER RILEY: But your motion was --

2 COMMISSIONER MATHIS: -- a simple majority.

3 CHAIRMAN BENSE: So you want to amend that

4 to say two thirds.

5 COMMISSIONER MCKAY: That's redundant,

6 that's what the rules provide.

7 CHAIRMAN BENSE: The commission has the

8 power.

9 COMMISSIONER HOGAN: She is changing it from

10 two thirds to one half plus one.

11 COMMISSIONER RILEY: Is that your amendment?

12 Can you read the amendment?

13 CHAIRMAN BENSE: Sure. The amendment reads

14 that a member can bring up a bill before the full

15 commission that has been dismissed in committee and

16 will not be re-heard in the coordinating committee

17 upon vote of the majority of the members of the

18 commission. Okay. Anymore debate?

19 All in fair of the motion say aye. All

20 opposed, no. Motion fails. Don't raise hands,

21 you-all.

22 COMMISSIONER MILLER: Don't want to see five

23 hands?

24 CHAIRMAN BENSE: I'm not going there

25 anymore. I don't have my glasses to see with anymore.

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1                   COMMISSIONER MILLER: But you could hear  
2                   good.

3                   CHAIRMAN BENSE: Okay. Anymore questions on  
4                   the rules?

5                   COMMISSIONER SCOTT: Are we adopting these  
6                   amendments to the rules?

7                   MR. CIBULA: Yes.

8                   CHAIRMAN BENSE: Before Tom gets back into  
9                   his drill, are there any questions?

10                  COMMISSIONER LEVESQUE: He's fixing to  
11                  explain them?

12                  CHAIRMAN BENSE: Yes.

13                  MR. CIBULA: I think we got to the most  
14                  important portion already, so I'll gloss over the rest  
15                  of them. Just like the legislature process a proposal  
16                  starts as an idea. Somebody, like Weber says, I have  
17                  this great idea, can you put it in bill form for me,  
18                  and that makes our workload a lot easier, but if you  
19                  don't have the capacity to do that, talk with me, talk  
20                  with Susan, and we'll work with the bill drafting as  
21                  far as putting your bills in the proper posture you  
22                  want them to be in.

23                   The Chair will reference all bills, all the  
24   different measures to the committees, and they will be  
25   analyzed in a similar manner as our legislative bills.

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1       And the agendas for each committee will be submitted  
2       by committee chairs.

3               One thing that differs about our rules than  
4       the legislature, we have different filing deadlines,  
5       and I think the different amendment filing deadlines  
6       are a day or two before the committee, and probably  
7       that's a good reason to have more time to have a  
8       longer amendment filing deadline.

9               So if you have an amendment to a formal  
10       measure it has to be filed within 48 hours of the  
11       committee meeting. Amendments to amendments are  
12       timely when they are filed at least 24 hours before  
13       the meeting time. Of course amendments can be  
14       introduced on two-thirds vote of the committee.

15              And we have germanity standards that are  
16       very similar, germanity standards of the legislative  
17       process, and rule 6.007 describes germanity. Germane  
18       amendments have to be related to the same subject as  
19       the original subject, or be a natural and logical  
20       expansion of the measure, and if it is not a new and  
21       independent issue.

22              However, once a proposal passes out of the

23 committee process and it goes to the commission floor  
24 we have a much broader amenity. And that's probably  
25 appropriate. We're not limited to a single subject

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1 law and (inaudible) for legislative bills. We can  
2 address as many issues as we can describe accurately  
3 within seventy-five words and fewer.

4 So the last constitutional provision  
5 commission used the coordinating committee to combine  
6 proposals, but tax proposals tend to be much more  
7 complicated. They tend to be removed from the ballot,  
8 but if we want to combine them, offer them as an  
9 amendment during the full commission, that's the  
10 appropriate time.

11 When the coordinating committee --

12 CHAIRMAN BENSE: Stop a second. Has  
13 everyone read the rules? Are you comfortable with  
14 them? Raise your hand if you have a --

15 COMMISSIONER LEVESQUE: I have an amendment  
16 to codify what Senator McKee -- would be on  
17 notification, it will be very fast, and then I do have  
18 one issue on our amendments getting on the ballot.

19 CHAIRMAN BENSE: Okay. Why don't you go  
20 ahead and work on that. Commissioner Miller, do you  
21 move that we extend to 3:45?

22 COMMISSIONER RANDY MILLER: Yes.

23                   CHAIRMAN BENSE: Do you second that,

24       Commissioner McKay?

25                   COMMISSIONER MCKAY: Yes.

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1                   CHAIRMAN BENSE: All in favor say aye.  
2       Opposed, no. Motion passes. That gives us more time.  
3       Commissioner Levesque.

4                   COMMISSIONER LEVESQUE: Really quickly.  
5       This is on 6.002, which is page two of our rules. I  
6       would change the header to say form submission,  
7       drafting, and publication measures.

8                   And all I would add is a new subsection four  
9       that would say, measures will be distributed to all  
10      commission members upon receipt of a number.  
11      Additionally, measures will be distributed when placed  
12      on a committee agenda for consideration at least seven  
13      days prior to the meeting. So it gets two  
14      publications to the members, if that's all right.

15                  CHAIRMAN BENSE: Seconded by Commissioner  
16      Hogan. Questions? Debate? All in favor say aye.  
17      Opposed, no.

18                  COMMISSIONER LES MILLER: Formulate it to  
19      the staff.

20                  CHAIRMAN BENSE: Make sure you get with  
21      Ms. Skelton. You are recognized.

22                  COMMISSIONER LEVESQUE. Thank you.

23       Mr. Chairman, the other issue is the ordering of  
24       amendments that finally get placed in front of the  
25       voters. And legislatively I believe it is in the

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1       order of passage that the legislative amendments get  
2       ordered on the ballot. But for ours, we may, let's  
3       say, have five amendments that would ultimately pass  
4       the commission. But the last one --

5               CHAIRMAN BENSE: Amendments to the  
6       constitution, 17 votes plus.

7               COMMISSIONER LEVESQUE: Let's say we had  
8       five, but the very last one that was to pass is the  
9       one that we wanted the voters to see first. And so if  
10      there's a way for either the coordinating committee,  
11      or the style and drafting committee to take whatever  
12      we finally pass and say, this is our recommended  
13      order, and then have the full commission vote on the  
14      order, if that's allowable I think that might be  
15      something you may want to consider. Unless there is  
16      some reason we can't do that.

17              CHAIRMAN BENSE: Ms. Skelton mentioned to  
18      me, we need to check the Department of State, they may  
19      be in charge of that. I'm not sure. I don't think  
20      they are, but they could be.

21              COMMISSIONER LEVESQUE: I don't think they  
22      are, but --

23                    COMMISSIONER SCOTT: Well, even if they  
24                    technically are, Mr. Chair, I think that the  
25                    commission, whether it is coordinated, we should be

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1       able to determine the order.

2                   CHAIRMAN BENSE:  Should it be the  
3       coordinating committee, or should it be the  
4       commission?

5                   COMMISSIONER LEVESQUE:  You have to have  
6       a --

7                   CHAIRMAN BENSE:  Commissioner McKay.

8                   COMMISSIONER MCKAY:  I would make the  
9       suggestion -- that could be a very, very important  
10      issue, the order.  Somebody has to come up with a  
11      suggestive order, Mr. Chairman, so I would suggest  
12      that the coordinating committee come up with a  
13      suggested order, and then the full commission vote on  
14      it.

15

16                   CHAIRMAN BENSE:  Is that a motion?

17                   COMMISSIONER MCKAY:  I guess it might be.

18                   CHAIRMAN BENSE:  In addition, Commissioner  
19      McKay makes the motion, with Les Miller seconding,  
20      that the coordinating committee in fact rank the order  
21      in which the proposed constitutional amendments that  
22      are cleared with the commission be placed on the

23 ballot to be approved by the full commission.

24 COMMISSIONER MCKAY: Question. Which would

25 mean, Mr. Chairman, I would assume that in the event

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1       that the commission did not agree to the order --

2               CHAIRMAN BENSE:  So the commission would  
3       have the last say?

4               COMMISSIONER MCKAY:  Yes, sir.

5               CHAIRMAN BENSE:  Commissioner Levesque?

6               COMMISSIONER LEVESQUE:  (Nods head.)

7               CHAIRMAN BENSE:  All in favor say aye.

8       Opposed, no.  Motion carries.

9               Commissioner Riley.

10              COMMISSIONER RILEY:  Yes.  I have a question  
11       on the germane.  And Commissioner Rouson, you might  
12       want to hear this.  This gives an opportunity if  
13       something passes that it can be amended with something  
14       that has failed?

15              MR. CIBULA:  No, because that's -- the  
16       substance of it.

17              COMMISSIONER RILEY:  It was very broad, what  
18       is germane of this group.

19              MR. CIBULA:  It is very broad, except that  
20       it can include constitutional proposals reported  
21       unfavorably by the committee.

22              CHAIRMAN BENSE:  Commissioner Levesque, you

23       are recognized.

24                   COMMISSIONER LEVESQUE: I have a different  
25       issue. Based upon the courts ruling against the

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1 legislative amendment that was unclear, even though  
2 the legislature has unlimited words to be able to  
3 describe an issue, and the legislature also has the  
4 ability to combine issues, we as a commission have the  
5 ability to combine issues, whereas citizen's  
6 initiatives have to be single subject and I think  
7 should be subject to the seventy-five rule word limit  
8 in the ballot summary.

9 We have the opportunity to make a  
10 recommendation early to ask the legislature to  
11 consider in their upcoming special session to give us  
12 the authority to waive the seventy-five word ballot  
13 summary for our amendments, because we're going to  
14 have complicated amendments, and it may take more than  
15 seventy-five words to really --

16 CHAIRMAN BENSE: So you are proposing that  
17 we ask the legislature to give us the power to have  
18 more than seventy-five words on the constitutional  
19 amendment.

20 COMMISSIONER LEVESQUE: To make sure that  
21 whatever we do -- if something passes our commission  
22 by a two thirds vote, that means that a vast majority

23 of our commission members believe in the issue, so if  
24 we should have the ability to articulate in the ballot  
25 summary accurately so that we don't have to worry

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1       about future constitutional challenge because we  
2       didn't have enough words to explain the complexity of  
3       the amendment.

4               CHAIRMAN BENSE: Commissioner McKay and  
5       Commissioner Scott, as former leaders in amending the  
6       call, what do you-all think about that in a special  
7       session?

8               COMMISSIONER (UNIDENTIFIED): They can do it  
9       in a regular session.

10              COMMISSIONER MCKAY: I would get them to  
11       take it up in the session at the end of this month.

12              COMMISSIONER SCOTT: I recognize the issue,  
13       but I don't see us going over there and getting them  
14       to do that in a special session. They are barely  
15       trying to survive over there with all the sessions on  
16       real complicated issues. I don't know. I'd put it  
17       this way, why don't you inquire with the staff,  
18       whatever, if they think this is going to be a big  
19       problem. I don't know. What do you think?

20              CHAIRMAN BENSE: I always hate bringing  
21       things outside the call. You tell 50 people no, and I  
22       said before I have great -- I'm very concerned about

23       our relationship with the legislature, because I want  
24       them to take our recommendations seriously.

25                   And you can go to that well so many times,

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1 too, asking them for things. I --

2 COMMISSIONER MILLER: Mr. Chairman, don't  
3 you see a nexus? I used to argue with you on those.  
4 Can't you see that, taxes are taxes.

5 COMMISSIONER SCOTT: We're in a position  
6 where people are saying, leave these big issues to the  
7 tax people. Now they say they talked about it. For  
8 us to send over there and say, gee, give us the  
9 authority to do the same as you, even though we can go  
10 directly to it, I don't know why.

11 It is not worth it to me to do that. We can  
12 do more than one proposal, we can reference the  
13 proposals, and each one of them can have seventy-five  
14 words. I just don't -- you can try it, but I don't  
15 like doing it.

16 CHAIRMAN BENSE: Commissioner Miller, what  
17 are your thoughts on that? Les Miller. I hate  
18 putting you on the spot, but you've been in the fire  
19 at the top.

20 COMMISSIONER LES MILLER: I'm inclined to  
21 agree with Commissioner Scott. If you go to the well  
22 too many times, it's going to be, well, here they come

23       again, and we're really going to need them to  
24       understand what we're doing and take us as serious as  
25       we can in every session.

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1                   I understand what you are saying, and  
2       counsel is concerned about seventy-five words also,  
3       but I am inclined to agree with Commissioner Scott  
4       that I don't think this is the time. The timing is  
5       not right for them in a special session at the end of  
6       this month when they're dealing with a very complex  
7       issue, property taxes, I would not do it.

8                   CHAIRMAN BENSE: Commissioner McKay.

9                   COMMISSIONER MCKAY: I ain't worried about  
10      going to well too many times, because I think we are  
11      -- I think a lot of people are thinking we may be the  
12      well.

13                  I would -- given what I have read in the  
14      papers and I've learned a long time ago, you can't  
15      always believe that, but that being said, it seems  
16      like it might be very, very difficult for the  
17      Republicans and Democrats to agree to a sufficient  
18      level to get anything out in order to get it on the  
19      January ballot.

20                  And God only knows what the court's going to  
21      do on what they already had on the ballot. So I think  
22      the legislature might very well -- although they

23       certainly don't want to advocate their authority, they  
24       may very well be looking to this organization, or this  
25       commission to help them.

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1                   And I would hate to see us bound by  
2     seventy-five words. It is darned difficult to get a  
3     single subject in seventy-five words, and I can tell  
4     you that as somebody that's tried it a bunch of times.

5                   And Ken can, too. And if we've got -- you  
6     know, I have a vision offering a constitutional  
7     amendment for this group's deliberation and evaluation  
8     and positive vote by the majority, or by a super  
9     majority, two-thirds, that will encompass multiple  
10    subjects, and I think it would be a whole lot easier  
11    for us to say, let's deal with it as all one issue.

12                  If you have property taxes and you have  
13    sales taxes and you have assessment and somehow they  
14    all blend together in a single amendment, I don't know  
15    how that evolve, but let's supposed that happens, how  
16    you going to do that in seventy-five words?

17                  With all the clout you've got, all the  
18    respect you've got, Mr. Chairman, and there's a lot of  
19    it in that legislature, and I don't think I'm  
20    overstating that, I think that if you would -- I think  
21    if you went to the president, the speaker and say, we  
22    need one little tool in our bag to help us get our job

23       done, I think that they would very willingly do that.

24                   CHAIRMAN BENSE:  Let me suggest this, folks.

25       We have a meeting next week.  Maybe I'll touch base

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1 with you. I do agree it can't hurt to have that tool  
2 in the tool box. Even if we don't go over the  
3 seventy-five words, it certainly can't hurt.

4 COMMISSIONER WILKINSON: Won't hurt to help  
5 them out.

6 CHAIRMAN BENSE: And I don't mind informally  
7 asking, and if I get a positive feedback to that, it  
8 sounds like a good idea, it may help us out with some  
9 other issues they have. And then perhaps we agenda a  
10 commission meeting either next Thursday in Miami, or  
11 the following Wednesday in Fort Walton. The  
12 commission can meet ahead of time before the public  
13 hearing. Would that be satisfactory with everybody?

14 COMMISSIONER RILEY: The work they do is  
15 not --

16 CHAIRMAN BENSE: Commissioner Hogan.

17 COMMISSIONER HOGAN: One point, one  
18 question. To me it is softball. If I was over there,  
19 not to be that difficult, especially considering what  
20 is on the plate, and the fact that they are wanting to  
21 see something happen, and number two, the question is,  
22 is March too late? If it is not special session, is

23 March too late?

24 COMMISSIONER SCOTT: Yeah, it takes a law  
25 change, it has to go through the governor. And we

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1       should be way along with -- our absolute deadline is  
2       May 7th, or whatever.

3               CHAIRMAN BENSE: Is that okay with  
4       everybody? Commissioner Miller? Commissioner Mathis.

5               COMMISSIONER MATHIS: Are the ballot summary  
6       what is published on the actual ballot before the  
7       voters?

8               CHAIRMAN BENSE: Yes.

9               COMMISSIONER MATHIS: So do you think that  
10      the long ballot summaries facilitate, or do they  
11      detract from the amendment as it is on the ballot?

12              CHAIRMAN BENSE: It might detract. That's a  
13      very good point.

14              COMMISSIONER MILLER: If you go over  
15      seventy-five words you are off, so you need that  
16      flexibility.

17              COMMISSIONER LABLONSKI: And if you can't  
18      describe it in seventy-five words you are misleading.

19              CHAIRMAN BENSE: I'll just do that and  
20      report that to the commissioners through Ms. Skelton.

21              We need a motion to adopt the rules, folks.  
22      Have we adopted them?

23 COMMISSIONER WILKINSON: I thought we did.

24 I make a motion we adopt the rules.

25 COMMISSIONER HOGAN: Second.

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1                   CHAIRMAN BENSE: Commissioner Wilkinson made  
2           a motion that we adopt the rules, and amend them today  
3           as amended. Commissioner Hogan seconded. All in  
4           favor say aye. Opposed, no. Motion carries.

5                   And Commissioner Les Miller moves to  
6           adjourn. Thank you-all.

7                   (The meeting was concluded at 4:00 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA]

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COUNTY OF ORANGE]

I, PAMELA A. SCOTT, Stenographic Shorthand  
Reporter, Notary Public, do hereby certify that I was  
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Shorthand Reporter, Notary Public  
Commission No. DD610783  
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