

FLORIDA TAXATION AND BUDGET REFORM COMMISSION

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IN RE: Committee Meeting

DATE: January 18, 2008

TIME: Commenced at 9:06 a.m.  
Concluded at 10:25 a.m.

LOCATION: Knott Bldg., Room 412  
Tallahassee, FL

REPORTED BY: LISA D. FREEZE, RPR  
Notary Public

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MEMBERS OF THE COMMITTEE:

Hoyt "Barney" Barnett  
Martha W. Barnett  
Allan Bense  
R. Mark Bostick  
Talbot "Sandy" D'Alemberte  
Mike Haridopolos (by phone)  
Mike Hogan  
Julia Johnson  
Bruce Kyle  
Carlos Lacasa  
Patricia Levesque  
Alan Levine  
Gwen Margolis (by phone)  
Roberto "Bobby" Martinez  
Jacintha Mathis  
John M. McKay  
Robert "Bob" McKee  
Lesley J. "Les" Miller, Jr.  
Randy Miller  
Jade Thomas Moore  
Frank Peterman  
Nancy J. Riley  
Darryl E. Rouson  
Ray Sansom  
James "Jim" A. Scott (by phone)  
Susan Story  
William Gregory "Greg" Turbeville  
Kenneth "Ken" Wilkinson  
Brian Yablonski

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

2 \* \* \*

3 CHAIRMAN BENSE: It takes 17 people to move a  
4 proposal on, so we're going to hold on just a  
5 minute.

6 VICE CHAIR SCOTT: Yeah, I'm sorry. When I  
7 talked to Susan the other day, I could get up  
8 here.

9 CHAIRMAN BENSE: Okay. We all want to know:  
10 Do you have a doctor's excuse or something like  
11 that that we can examine?

12 (Laughter.)

13 VICE CHAIR SCOTT: Yeah. It's in the mail.  
14 I'll mail it up.

15 CHAIRMAN BENSE: It's in the mail. I've  
16 heard that one now.

17 (Laughter.)

18 VICE CHAIR SCOTT: How many do you have?

19 CHAIRMAN BENSE: Members, we'll go ahead and  
20 get started this morning and go through committee  
21 reports, et cetera, and maybe take a short break  
22 and maybe someone else will wander in.

23 Just as a reminder to members and folks in  
24 the audience, we have three -- or two --  
25 constitutional proposals coming up -- or one, I

4

1 should say -- that requires 17 votes. Yeah, we  
2 got two proposed constitutional amendments that  
3 require 17 votes, and those 17 votes have to be  
4 present. So, as a reminder in the future, if  
5 we have issues going on, do your best to  
6 attend.

7 Nancy, call the roll, please.

8 MS. FRIER: Yes, sir. Barney Barnett.

9 MR. BARNETT: Here.

10 MS. FRIER: Commissioner Martha Barnett.

11 MS. BARNETT: Here.

12 MS. FRIER: Commissioner Bostick.

13 (No response.)

14 MS. FRIER: Commissioner D'Alemberte.  
15 MR. D'ALEMBERTE: Here.  
16 MS. FRIER: Commissioner Haridopolis.  
17 (No response.)  
18 MS. FRIER: Commissioner Hogan.  
19 MR. HOGAN: Here.  
20 MS. FRIER: Commissioner Johnson.  
21 MS. JOHNSON: Here.  
22 MS. FRIER: Commissioner Kyle.  
23 (No response.)  
24 MS. FRIER: Commissioner Lacasa.  
25 (No response.)

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1 MS. FRIER: Commissioner Levesque.  
2 MS. LEVESQUE: Here.  
3 MS. FRIER: Commissioner Levine.  
4 (No response.)  
5 MS. FRIER: Commissioner Margolis.  
6 (No response.)  
7 MS. FRIER: Commissioner Martinez.  
8 (No response.)  
9 MS. FRIER: Commissioner Mathis.  
10 MS. MATHIS: Here.

11 MS. FRIER: Commissioner McKay.  
12 MR. MCKAY: Here.  
13 MS. FRIER: Commissioner McKee.  
14 (No response.)  
15 MS. FRIER: Commissioner Les Miller.  
16 MR. LES MILLER: Here.  
17 MS. FRIER: Commissioner Randy Miller.  
18 MR. RANDY MILLER: Here.  
19 MS. FRIER: Commissioner Moore.  
20 (No response.)  
21 MS. FRIER: Commissioner Peterman.  
22 (No response.)  
23 MS. FRIER: Commissioner Riley.  
24 MS. RILEY: Here.  
25 MS. FRIER: Commissioner Rouson.

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1 MR. ROUSON: Here.  
2 MS. FRIER: Commissioner Sansom.  
3 (No response.)  
4 MS. FRIER: Commissioner Story.  
5 MS. STORY: Here.  
6 MS. FRIER: Commissioner Turbeville.  
7 MR. TURBEVILLE: Here.

8 MS. FRIER: Commissioner Wilkinson.  
9 MR. WILKINSON: Here.  
10 MS. FRIER: Commissioner Yablonski.  
11 MR. YABLONSKI: Here.  
12 MS. FRIER: Vice Chair Scott.  
13 VICE CHAIR SCOTT: Here by phone.  
14 MS. FRIER: And Chair Bense.  
15 CHAIRMAN BENSE: Here. Nancy, how many --  
16 MS. FRIER: We have a quorum.  
17 CHAIRMAN BENSE: How many members are  
18 present?  
19 MS. FRIER: Seventeen.  
20 CHAIRMAN BENSE: Seventeen are present.  
21 Okay.  
22 First of all, welcome, members. A  
23 reminder, when you speak, please be sure to  
24 turn your microphone off -- or on. It's on,  
25 but it's on when the light is off, so when the

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1 light is off that means you're on. Took me  
2 about four years to figure that one out. And a  
3 couple news articles, but I got there.

4 We have with us by phone still

5 Commissioner Scott. Anyone else by phone?

6 (No response.)

7 Okay. Let's have reports of committees.

8 Chairman Story, give us a report on the Finance  
9 and Tax Committee.

10 MS. STORY: Thank you, Mr. Chairman. We did  
11 meet yesterday. We discussed a constitutional  
12 proposal related to the national streamline sales  
13 tax interstate compact and a statutory  
14 recommendation that -- national streamline sales  
15 tax. We did debate, we discussed, and we took  
16 public input, and we did carry it to a vote.

17 The constitutional -- we voted on the  
18 statutory recommendation first. It passed with  
19 one dissent. And then we voted on the  
20 constitutional proposal and it passed with two  
21 dissents.

22 From that point we went on and continued  
23 our workshop discussion on Constitutional  
24 Proposal Seven, which is sales tax exemption  
25 review by the Finance and Tax Committee. We

8

1 further discussed it. We discussed concepts



2       such as automatic sunsets, mandated review, and  
3       we looked at statutory versus constitutional  
4       since there already is the capability within  
5       the Constitution for that. That tax action  
6       already exists. This deals with the collection  
7       of it.

8               So we adjourned after that. We will meet  
9       on January 25th where we will begin a workshop  
10      presentation, no votes on sales tax exclusions,  
11      which is separate from exemptions and which  
12      does include the services tax issue. That is  
13      our only agenda item at this point for the  
14      25th.

15             And then we are scheduled for an all-day  
16      meeting February 11th, from 10 to 6, at which  
17      time we will take up property tax. We will  
18      take up Commissioner McKay and Rouson's CP2  
19      related to sales tax exemptions exclusions, and  
20      also the replacements, as well as on the 12th  
21      we will carry over -- we'll take property tax,  
22      we'll take that up. And then we're actually  
23      going to hold votes on those proposals related  
24      to property tax, sales tax exemption review and

25 sales tax exclusions. And we wanted to do that

9

1 at one time.

2 So that's my report, Mr. Chairman.

3 CHAIRMAN BENSE: Any questions of the  
4 chairman, Chairman Story?

5 (No response.)

6 Okay. We're going to have -- Chairman  
7 Levine is not present today, but we have  
8 Jacintha Mathis, Commissioner Mathis, who is  
9 going to give us a report of what happened in  
10 that committee yesterday. You're recognized.

11 MS. MATHIS: Yes, we had a meeting of the  
12 Governmental Procedure and Structure Committee,  
13 and we had a very lively meeting with strong  
14 debate. It was an excellent meeting.

15 And we passed out Constitutional Proposal  
16 15 by Commissioner Yablonski on ad valorem  
17 taxation of conservation lands. And we also  
18 passed out Constitutional Proposal 16 for the  
19 classification of the character and use of the  
20 conservation lands. And we also did change  
21 those bills to committee substitutes.

22           We also took up Commissioner McKay's and  
23           passed Constitutional Proposal 2 by  
24           Commissioner McKay on the repeal of the  
25           exemptions and the funding of the required

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1           local effort and really appreciated  
2           Commissioner McKay really facilitating good  
3           debate and good discussion on that issue.

4           We passed that proposal out, and then we  
5           also passed out Constitutional Proposal 20 with  
6           Commissioner --

7           VICE CHAIR SCOTT: Yeah, I got it on this  
8           morning. I don't know who --

9           MS. MATHIS: -- on the Blaine amendment.  
10          Excuse me. And we're going to meet again on  
11          January 17th here in Tallahassee.

12          CHAIRMAN BENSE: Okay. Any questions of the  
13          vice chair?

14          MS. MATHIS: Oh, I'm sorry. We're going to  
15          meet again on the 25th.

16          CHAIRMAN BENSE: January 25th is your next  
17          meeting date. One week from today.

18          Any questions?

19 (No response.)

20 Okay. Let's move on to -- we have three  
21 proposed -- three proposals that are on record  
22 today. Just as a reminder, members, in the  
23 rules, we have a -- if you're going to amend a  
24 proposal, we have a two-day requirement,  
25 48-hour requirement.

11

1 So, chairmen, if you do receive an  
2 amendment that is within that -- that same  
3 morning or the previous day, you need to make  
4 sure that you waive the rules and have the  
5 members of your committee and/or this  
6 commission need to approve the waiver of the  
7 rules regarding the 48-hour notice.

8 And generally, if you can, while everyone  
9 will have a copy of the proposed amendment, if  
10 it is late-filed, then, if you would, formally  
11 recommend that the sponsor of the amendment let  
12 the folks know it was a late-filed amendment  
13 and that it requires a two-thirds vote, if you  
14 would have the sponsor briefly describe the  
15 amendment so we know -- not in length but maybe

16 15 seconds or something like that, just a real  
17 quick description of the amendment.

18 Between that description, as well as  
19 having the amendment in front of you, you'll be  
20 able to explain it.

21 Yes, sir?

22 VICE CHAIR SCOTT: Alan, I hate to interrupt,  
23 but you're going in and out on the phone. I can't  
24 hear you. I don't know if anybody else is on.

25 CHAIRMAN BENSE: I'm talking directly into

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1 the microphone. But I won't move my head from now  
2 on. How does that sound? Does that sound better?

3 VICE CHAIR SCOTT: Okay.

4 CHAIRMAN BENSE: Okay. Any questions on the  
5 waiver of the rules for late-filed amendments?

6 (No response.)

7 Let's move forward then. We have  
8 consideration of Proposal CP003, a  
9 constitutional proposal by Commissioner Les  
10 Miller regarding a legislative session  
11 commencement date change.

12 Commissioner Miller, you're recognized.

13 MR. LES MILLER: Thank you, Mr. Chairman.  
14 Commissioners, this proposed amendment to the  
15 Constitution requires the Legislature to convene  
16 annually its regular session on the second Tuesday  
17 in January. However, the amendment also permits  
18 the Legislature to establish alternative dates,  
19 one session at a time, by law approved by a super  
20 majority of the vote. Basically, that would help  
21 them out in years of reapportionment where they  
22 would start in January, anywhere -- for  
23 reapportionment.

24 Currently, the Legislature meets convening  
25 on the second Tuesday in March, but this will

13

1 actually be the second Tuesday in January.

2 What this will do -- I think what it would  
3 do -- and I ask for your positive vote -- when  
4 the budget is passed in May, and by the time it  
5 gets to the Governor and if he signs it or  
6 vetoes anything in the budget, it puts  
7 agencies, it puts local governments, it puts  
8 school boards in a kind of limbo, because  
9 they're struggling, trying to figure out what

10 needs to happen within the budget.

11 This way, the budget is passed in April,  
12 and it gives the Governor enough time to either  
13 sign what he needs to sign or veto what he  
14 needs to veto. And it gives local governments  
15 and agencies and the school boards enough time  
16 to determine what all that they need to do.

17 In your package you'll look at how many  
18 states -- I'm not saying we need to compare  
19 ourselves to any other states, but look how  
20 many states convene their legislative sessions  
21 in January. Of the 50, 34 states convene their  
22 legislative sessions in January, 34 states do  
23 this.

24 And this particular piece of  
25 constitutional amend -- the proposed

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1 constitutional amendment would require that it  
2 take effect in January -- the first one in  
3 2009, the first one. It applies to the first  
4 session being 2010, and I do understand that  
5 there are some people who are concerned about  
6 them starting right after the holidays. If

7       this happens, we pass this, the voters pass it,  
8       the first session would be 12 January 2010.  
9       It's well after really the holidays are in  
10      effect, or after the holidays have ended.

11             So I just think that it is the right thing  
12      to do to move our session earlier, where it  
13      gives a lot of work done to be completed by the  
14      Legislature and have many things in place so  
15      agencies and local governments and school  
16      boards can have their work in place. And I  
17      just think it's positive, and it's the right  
18      thing to do.

19             I know there's some concern about the  
20      Governor not having enough time to put forth  
21      his budget. Well, that only happens once every  
22      four years. And the Governor -- once the  
23      Governor's in office, the Governor can also  
24      submit before the Legislature starts work on  
25      the budget a supplemental budget. That has

15

1       happened in the past.

2             So, Mr. Chairman, Commissioners, that's  
3       what this proposed constitutional amendment



4 entails.

5 CHAIRMAN BENSE: Okay, members, we're in the  
6 question phase. There is a late-filed amendment.  
7 Would the sponsor like to get right to the  
8 late-filed amendment, or would you like to go to  
9 the question phase first?

10 (No response.)

11 Okay. Why don't we go straight to the  
12 amendatory process and then we can ask  
13 questions of the bill if it becomes amended. A  
14 reminder, members, this is -- it's a late-filed  
15 amendment. It requires two-thirds vote to be  
16 voted upon.

17 Commissioner McKay, you're recognized to  
18 briefly explain the late-filed amendment.

19 MR. MCKAY: Thank you, Mr. Chairman. This  
20 is -- I apologize for filing this late. I forgot  
21 to do it earlier. And I believe this is  
22 completely constructive, and I hope Commissioner  
23 Miller will agree.

24 The Legislature is, as those of us that  
25 have served in it and know, puts an

1 extraordinary demand on Florida's --

2 VICE CHAIR SCOTT: Allan, I can't hear.

3 CHAIRMAN BENSE: Commissioner McKay, if we  
4 could, just tell us what it is and then you can  
5 elaborate later. If we introduce it, then we'll  
6 elaborate more on it.

7 MR. MCKAY: I thought you wanted a 15-second  
8 introduction and description so that people could  
9 decide what they wanted to do.

10 CHAIRMAN BENSE: Yeah, keep going. I didn't  
11 mean to interrupt.

12 MR. MCKAY: However you want it. I mean,  
13 it's your --

14 CHAIRMAN BENSE: Just a brief explanation.  
15 Basically, it moves the start date from January to  
16 February. I mean, that's --

17 MR. MCKAY: That's exactly right. Yes, sir.

18 CHAIRMAN BENSE: So you've heard Commissioner  
19 McKay briefly explain his late-filed amendment.  
20 All in favor of introducing the late-filed  
21 amendment, say aye.

22 (Aye.)

23 Opposed, no.

24 (No.)

25 The proposed amendment is not introduced.

17

1 It's late-filed.

2 Are there any questions of the sponsor of  
3 the bill?

4 MS. MARGOLIS: Yeah. Mr. Chairman?

5 CHAIRMAN BENSE: Who do we have on the phone?

6 MS. MARGOLIS: Gwen Margolis. Can I ask a  
7 question?

8 CHAIRMAN BENSE: Sure. Welcome, Commissioner  
9 Margolis.

10 MS. MARGOLIS: How are you?

11 CHAIRMAN BENSE: I'm great.

12 MS. MARGOLIS: Let me say that a lot of -- in  
13 election years, for instance this year, you're  
14 going to find people elected and just sworn, you  
15 know, like in really just maybe a month or two  
16 before, with very little preparation for a session  
17 earlier. And it would seem to me, every time we  
18 have an election year, we're going to be way  
19 behind if you started that much earlier.

20 And I certainly agree with the amendment.

21 It's better than the original proposal.

22 CHAIRMAN BENSE: Commissioner Margolis, the  
23 amendment was not introduced.

24 MS. MARGOLIS: Is that the issue we're on?

25 CHAIRMAN BENSE: No, ma'am. We were -- there

18

1 was a late-filed amendment. And before the  
2 amendment could be introduced, we have to waive  
3 the rules to allow it to be introduced, and the  
4 motion failed to waive the rules and introduce the  
5 amendment, so the bill will not be amended. The  
6 proposal will stand as presented.

7 So we're in the question phase, members.  
8 So let's fire away with questions.

9 Commissioner Scott, you have a question,  
10 don't you? Commissioner Scott, you're  
11 recognized. You're recognized, Commissioner  
12 Scott.

13 VICE CHAIR SCOTT: Okay. I'm not exactly --  
14 I guess what I want to do is: I want to speak  
15 basically against the proposal, with all due  
16 respect to Senator Miller. And I have a long  
17 history with this, having been involved in the

18 changes of it in the past, so I could ask some  
19 questions.

20 But the questions that would come up,  
21 first of all, is the one that Senator Margolis  
22 raised about -- about newly elected members and  
23 them not being able to even get the staff or,  
24 you know, get anything going up there. In  
25 December all you do is just sort of

19

1 introductory committee reports or something,  
2 and then all of a sudden they're going to be in  
3 session. So that would be the first question,  
4 is what happens to the -- well, with regard to  
5 the new members and the constituents they  
6 represent.

7 Another would involve revenue estimating.  
8 With the volatile economies that we're having  
9 up and down both ways, that's going to be a  
10 question of whether you try to do revenue  
11 estimates and try to budget in January or  
12 February for next July, when we've seen the  
13 number of changes in the revenue estimating a  
14 new term.

15           The Governor -- a new Governor, and to say  
16           that we would have to have a super majority  
17           means that -- let's just say, regardless of  
18           which party within a majority, then the  
19           minority could block any efforts to schedule a  
20           session at any later date. And the newly  
21           elected Governor would not have any chance or  
22           opportunity to have a budget to present, even  
23           hardly budget amendments if they just take  
24           office like one week before the session.

25           So these are three questions that I think

20

1           should be answered before you -- you know,  
2           before you move -- try to move the session.  
3           March and April was thought as a very good  
4           compromise when we did this before, because the  
5           problems with April and May, where they ran  
6           right up to the start of the budget year in  
7           July. And often they wouldn't even know if  
8           they have a budget if there were special  
9           sessions.

10           So those are the three questions that I  
11           would have. And I really apologize that I'm

12 not there in person. But I do think these are  
13 questions that need to be answered before you  
14 finalize a product moving the session.

15 CHAIRMAN BENSE: Commissioner Scott, could  
16 you real quick like summarize those three  
17 questions for us, please.

18 VICE CHAIR SCOTT: Well, the three questions  
19 would be, newly elected governors is one and the  
20 fact that it would take the super majority to  
21 reschedule or move the session, which would have  
22 had to have been done in advance without even  
23 knowing who's going to be elected.

24 The second would be newly elected  
25 legislators that take office in November and

21

1 then getting ready for a session.

2 And the third would involve revenue  
3 estimating in trying to do a budget that early,  
4 in January and February, based on those  
5 estimates that doesn't take effect till July,  
6 and it could well be -- end up being in session  
7 for six months off and on trying to get the  
8 main thing that they must pass up there is the

9 budget.

10 So those are three of the concerns that I  
11 would have.

12 CHAIRMAN BENSE: Only a clever former Senate  
13 president could couch debate in the form of a  
14 question. You know that?

15 Commissioner Miller, you're recognized to  
16 answer the questions.

17 MR. LES MILLER: Well, I'm not going to  
18 answer the questions at this time. I understand  
19 where Mr. Scott's coming from, and he has a  
20 legitimate point of asking those questions. But  
21 it is quite obvious that three former Senate  
22 presidents have a problem with this date, one of  
23 them being my first Senate president. And I can  
24 count, so if it makes any difference, I make a  
25 motion that we move to reconsider the vote by

22

1 which Senator's McKay's amendment failed.

2 CHAIRMAN BENSE: Okay. There's a motion on  
3 the floor to reconsider the motion to approve to  
4 waive the rules and allow Senator McKay's proposed  
5 amendment to be reheard. It is a movement by the



6 sponsor of the proposal.

7 All in favor of that say aye.

8 (Aye.)

9 Opposed, no.

10 (No response.)

11 Okay. So we're going to move to  
12 reconsideration. All those who favor the  
13 introduction of Senator McKay's late-filed  
14 amendment signify by saying aye.

15 (Aye.)

16 Opposed, no.

17 (No response.)

18 The amendment is in good standing.  
19 Senator McKay, you're recognized to explain  
20 your amendment.

21 MR. MCKAY: Thank you, Mr. Chairman. I think  
22 Senator Scott crystallized things very well in it,  
23 and I appreciate him doing that.

24 In addition, as those of us that have  
25 served in the Legislature know, it places a

23

1 tremendous burden and strain on the families of  
2 those that are in the Legislature. And I think

3       if -- while Senator Miller's examples of other  
4       states that start in January is good evidence  
5       that we might be able to do that, I think we  
6       should -- rather than just taking other  
7       examples and copy them, I think we ought to  
8       consider other factors in addition to Senator  
9       Scott's. I think to disrupt the holiday season  
10      for everyone's families would place a  
11      considerable personal strain.

12             So, I, you know, a humanitarian approach  
13      as well as a procedural perspective to Senator  
14      Scott offered. I would urge folks to vote for  
15      this friendly amendment.

16             CHAIRMAN BENSE: Okay. So Commissioner McKay  
17      has explained his amendment. Are there questions  
18      to the sponsor of the amendment? Are there  
19      questions?

20             VICE CHAIR SCOTT: Mr. Chairman?

21             CHAIRMAN BENSE: Commissioner Scott, you're  
22      recognized for a question.

23             VICE CHAIR SCOTT: Well, I guess my question  
24      would be, why move it to where one month nearer in  
25      view of the concerns that nobody really gets going

1           until January anyway in the process. I mean, is  
2           this better than the current situation? That  
3           would be the question.

4           CHAIRMAN BENSE: Okay. Senator McKay, you're  
5           recognized to answer Commissioner Scott's  
6           question.

7           VICE CHAIR SCOTT: And could you speak into  
8           the mic, please, John? We're having trouble  
9           hearing you on the phone.

10          MR. MCKAY: It gets a little windy on that  
11          practice tee at the golf course, doesn't it, John?

12          (Laughter.)

13          CHAIRMAN BENSE: He's in a bowling alley, I  
14          think.

15          VICE CHAIR SCOTT: I'm in my office.

16          (Laughter.)

17          MS. MARGOLIS: I can't hear him.

18          VICE CHAIR SCOTT: Gwen can't hear you  
19          either.

20          MR. MCKAY: I don't feel strongly either way  
21          about whether the Legislature should continue to  
22          start in March or whether it ought to be advanced

23 to April. If there's the sentiment -- and Senator  
24 Miller makes a number of excellent points, but if  
25 there is a sentiment that it should start earlier

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1 than it currently starts, I just don't think it  
2 ought to go back to January.

3 CHAIRMAN BENSE: Okay. More questions? More  
4 questions? Commissioner Rouson, you're recognized  
5 for questioning.

6 MR. ROUSON: One of the questions that I  
7 wanted to know was, if 34 other states are already  
8 doing it, then, obviously, they have addressed  
9 some of these concerns about newly elected members  
10 of the Legislature as well as the overriding  
11 concern of local governments needing some idea of  
12 how to affix their budget policies. And I didn't  
13 know whether someone had looked into how they  
14 overcame those issues and addressed them in a  
15 short season, like between a November election and  
16 a January start date.

17 CHAIRMAN BENSE: Commissioner Miller, you're  
18 recognized to answer the question.

19 MR. LES MILLER: Well, Mr. Chairman, I really

20 don't have an answer for that because I didn't do  
21 any research on that at all as to why they have  
22 addressed it. I imagine some of these have been  
23 in place for many, many years. I don't have an  
24 answer for that, Commissioner Rouson, as to why 34  
25 of the 50 states addressed their -- have their

26

1 sessions starting in January.

2 Some of them start as late as the second  
3 or third week in January. Some of them start  
4 the first day of January. I imagine there's  
5 one on the first day of January. That's just a  
6 date that they can start session. I think they  
7 could push it back further than that.

8 But as to why they moved it to January, I  
9 don't know. I would imagine because of the  
10 fiscal year the way they have it, probably is  
11 one of the reasons why. But if you look at  
12 some of these states, it will also be longer  
13 than 60 days. Some of them meet 90, 120, some  
14 of them meet throughout the year, starting in  
15 January. But to have to answer the question as  
16 to why they affixed that date, I don't really

17 have an answer for you.

18 CHAIRMAN BENSE: Further questions? Members,  
19 further questions? Commissioner Story, you're  
20 recognized for a question.

21 MS. STORY: Commissioner Miller, I guess,  
22 number one, is this something the Legislature has  
23 been looking at in the past, that it's one of  
24 their pressing issues? Number two, if it is, why  
25 have they not taken action?

27

1 CHAIRMAN BENSE: Commissioner Miller, you're  
2 recognized to answer the question.

3 MR. LES MILLER: When I was in the  
4 Legislature, when I first came to the Legislature,  
5 we started meeting in February. And for some  
6 reason, they pushed it back to March. I have no  
7 idea. After two sessions I was in the  
8 Legislature, they pushed it back to March.

9 At that particular point in time, I  
10 started hearing some concerns from agencies as  
11 to why it was pushed back to March and put them  
12 under the gun.

13 But there was talk while I was in the

14       Legislature -- and perhaps some of these others  
15       can answer -- as to why we did push it back to  
16       March when no one ever took it upon themselves  
17       to put anything in the statute to push it even  
18       further up. We do start in January during the  
19       reapportionment year because of the mere fact  
20       it takes a while to get things into place, and  
21       reapportionment is a battle, plus the fact you  
22       want to make sure all the maps are in place  
23       before Legislature starts.

24               I did hear a lot after being home from  
25       local government, specifically after the

28

1       continuous budget issues that we had this past  
2       year and having special sessions with budget,  
3       that it put a lot of agencies and local  
4       government and school boards under the gun,  
5       because of the mere fact that -- I imagine all  
6       the tax collectors are also under the gun  
7       because of the mere fact they kept going back  
8       and going back for special sessions.

9               This can one way help if we do have a  
10       problem with the revenue estimate. If we

11 have -- revenue estimates, if I recall, we get  
12 one, I think the latter part of the year. Then  
13 we get another one, I think, in March, if I'm  
14 not mistaken. Am I right, Mr. Speaker, in  
15 March?

16 CHAIRMAN BENSE: I think so.

17 MR. LES MILLER: February and March. Even if  
18 we had it in January, if we passed a budget in  
19 March, if we had to come back for special session,  
20 we would have it much, much earlier than we would  
21 have having it then.

22 But the Legislature -- to answer your  
23 question, there was never a time after the  
24 change into February that we did anything to  
25 change it back. But I can tell you now that I

29

1 did hear a lot of concerns when we did it, and  
2 now I'm hearing some concerns from agencies,  
3 people in local government, and school boards,  
4 as it puts them under the gun.

5 MS. STORY: Thank you.

6 CHAIRMAN BENSE: Further questions?

7 Commissioner Miller, you're recognized for a



8 question. We're on the amendment.

9 MR. RANDY MILLER: Well, I've got a question.  
10 I guess this goes to Styling and Drafting. I can  
11 see the link, although tenuous, to the budget.  
12 But what my concern is, is this commission has a  
13 pretty broad charge, but when we get down to  
14 actually adopting issues to go on the ballot,  
15 how -- is this going to be a standalone ballot  
16 question, or is it going to be engrafted into  
17 other amendments that we may propose to the  
18 Constitution?

19 In other words, how is our work product  
20 going to look when it goes to the ballot?  
21 Because I think we only got so many shots. You  
22 can't just put a string of things out there and  
23 hope --

24 CHAIRMAN BENSE: And, Commissioner, that  
25 could be something we could talk about as the

30

1 meeting moves on. If a proposal -- for example,  
2 if this proposal passes today, the next step is  
3 for it to go to our Styling and Drafting  
4 Committee, which we will form probably at our next

5 meeting.

6 Styling and Drafting will then prepare the  
7 proposal, send it back to this Commission and  
8 make sure it's what the intent was, and then we  
9 can put it in the holding pattern. My -- I  
10 would anticipate that this proposal, since it's  
11 sort of a unique proposal, might be on its own.  
12 I think it would be its own issue.

13 If we have, for example, property tax  
14 issues that pass -- if we have four or five  
15 property tax issues, separate proposals that  
16 pass, then this Commission may want to consider  
17 logrolling those and putting them into the one.  
18 I think that's a decision we make as we move  
19 forward.

20 Okay. More questions on the amendment?

21 (No response.)

22 All right. Seeing none, is there debate  
23 in the amendment? Is there debate? We're on  
24 the amendment. Commissioner Scott, you want to  
25 debate it?

31

1 VICE CHAIR SCOTT: Well, I just -- I'm in

2 favor of the current situation, but this would be  
3 better. But I still, you know, I don't have any  
4 question with the amendment.

5 CHAIRMAN BENSE: Okay. We're on the  
6 amendment. Any more debate?

7 (No response.)

8 Seeing none, Commissioner Miller, you're  
9 recognized to close the amendment.

10 MR. LES MILLER: It's Commissioner McKay's  
11 amendment.

12 CHAIRMAN BENSE: Oh, you're right. Sorry.  
13 It's Commissioner McKay's amendment. Commissioner  
14 McKay, you're recognized to close the amendment.

15 MR. MCKAY: I think it's been discussed  
16 enough.

17 CHAIRMAN BENSE: Okay. Commissioner McKay  
18 having closed on his amendment, the question  
19 occurs, all in favor of Commissioner McKay's  
20 amendment say aye.

21 (Aye.)

22 Opposed no.

23 (No.)

24 The amendment passes. We're back on the

25           proposal as amended. Are there questions now?

32

1           We're in the question phase. Are there  
2           questions of the proposal as amended?

3           (No response.)

4           Is there debate on the proposal as  
5           amended? You want to get some more licks in,  
6           Senator Scott?

7           VICE CHAIR SCOTT: Yes, I do.

8           (Laughter.)

9           Am I recognized?

10          CHAIRMAN BENSE: You're recognized. I'm  
11          sorry.

12          VICE CHAIR SCOTT: All right. You know,  
13          Commissioners, this has -- this idea of moving the  
14          session has been around for some time. Back  
15          historically, as everybody knows, you read the  
16          staff report, it was April and May because  
17          that's -- in the old days, that's when they would  
18          plant the corn or whatever. And they'd go off to  
19          the Legislature and come back, but -- and then  
20          they only met every other year.

21          I'm pretty familiar with some of these

22 other states that do start in January. And,  
23 number one, unless they change like Georgia, I  
24 think, for example, they count legislative days  
25 as days when they actually meet, and they may

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1 have changed that some, but even then, of all  
2 of the ones that start in January, they still  
3 go three months.

4 Many of these that start in January, if  
5 you look at the staff report, meet throughout  
6 the year, or at least meet until July and May  
7 and read down the list, June 5th, early May.  
8 So they meet for several months. And I --  
9 that's another issue that's always come around,  
10 you know, there's the general feeling in the  
11 Legislature, probably with any of the voters,  
12 at least it was perceived to be, that we don't  
13 want a full-time Legislature. We don't want  
14 them to be like Congress.

15 We don't want them meeting all year,  
16 passing laws like -- you know, one time when I  
17 was first was up there, I sent this newsletter  
18 out and I put a paragraph in that I'm pleased

19 to have passed, you know, like 15 bills into  
20 law. And I got the thing back with a big red  
21 circle, says, liked your letter until this. Go  
22 up there and repeal some and don't pass no  
23 more.

24 I really think that -- I think what  
25 they've got now, it still puts them under

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1 pressure. They've got two months to get ready,  
2 January and February. Even with Senator  
3 McKay's amendment, which makes it better than  
4 January, they still -- now they're only going  
5 to have 30 days to get ready.

6 And remember, it's not just them, it's all  
7 of the people in the state that want to know  
8 what's going on up there, you know, what's been  
9 filed. When are these bills going to be filed,  
10 especially after an election year, and how much  
11 notice are the people in Miami or Fort  
12 Lauderdale or Orlando going to have to go up  
13 there and protest them, you know.

14 And they're going to be in the committees  
15 right after the first of the year; otherwise,

16 they won't have anything to do when the session  
17 opens this February. So I just think that  
18 there's a lot of concern -- a lot of issues  
19 that this would raise and potential problems to  
20 the point of, you know -- well, when this came  
21 out before there was a lot of sentiment not to  
22 even move it back, but it was agreed as  
23 basically a compromise to move it to March and  
24 April.

25 And so, you know, I think that's a pretty

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1 good system we got now, and it still gives some  
2 leeway for them to get their budgets ready when  
3 they finish. For all those reasons, I just  
4 think that the proposal is not a good idea.  
5 And I know I can't vote because I'm not there,  
6 but I would sure vote against it if I was  
7 there.

8 CHAIRMAN BENSE: Okay. More debate?  
9 Commissioner Turbeville, you're recognized in  
10 debate.

11 MR. TURBEVILLE: I'm going to vote today in  
12 favor of the amendment and the proposal, because,

13 as we heard public testimony around the state,  
14 there were some concerns of local governments,  
15 school boards, a lot of the entities that deal  
16 with the state budget, that more time would be --  
17 would be very important.

18 For instance, if you're a school district,  
19 you're going to have to hire teachers based  
20 upon what the school budget is for that year.  
21 And some years the state doesn't have more  
22 money, but this proposal, I believe, will  
23 provide those -- those local entities more time  
24 to plan for the upcoming school year.

25 And to the one point on reducing the

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1 amount of time that members of the Legislature  
2 would have, that is very true that the date  
3 would be moved by a month. But if you look at  
4 the election cycle, some members are elected at  
5 the qualifying date when they don't have  
6 opposition. Some members are elected in  
7 September when they win the primary outright,  
8 and other members are elected in October when  
9 they win a runoff if that's required.



10 All members, of course, are sworn in two  
11 weeks after the November election, but if they  
12 are going to be members and they know they're  
13 elected to the district that they're running  
14 for, they have an opportunity to seek out  
15 staff, work on proposals prior to being sworn  
16 in, and get ready. So there is some planning  
17 time there on the front end before they're  
18 officially sworn in.

19 So I'm going to vote in favor of the  
20 amendment today. And I think Commissioner  
21 Miller has tried to do a good job at balancing  
22 all the varying differences in opinions on the  
23 issue.

24 CHAIRMAN BENSE: Commissioner Wilkinson,  
25 you're recognized in debate.

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1 MR. WILKINSON: Thank you, Mr. Chairman. As  
2 so many laws are changed here that affect the  
3 administration and property appraiser's tax roll,  
4 that by voting for this would give us an extra  
5 month to analyze what we have to do to prepare  
6 that tax roll, I'd be in favor of it.

7 CHAIRMAN BENSE: Further debate?

8 (No response.)

9 Seeing none, Commissioner Miller, you're  
10 recognized to close on your proposal.

11 MR. LES MILLER: Thank you, Mr. Chairman, and  
12 I thank members for their debate, and I thank  
13 Commissioner Scott for his wisdom also.

14 When I came to this Legislature some 15  
15 years ago, we started session in February and  
16 went through for 60 days. And upon election,  
17 and I had election in November, we had -- I had  
18 my staff in place, we had a new member  
19 orientation, and we had everything in place to  
20 start in February.

21 At that particular point in time, there  
22 was 10 million people in the state and our  
23 budget was \$26 billion. This state has grown  
24 to over 18 million with a budget of 70 some odd  
25 billion dollars. It has become very, very

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1 complex, and more and more complex parts of the  
2 budget, and more and more things are vetoed at  
3 this particular point in time that throws a lot

4 of things in limbo by the governors because of  
5 the mere fact that that has made the state  
6 become complex.

7 I think that -- and I learned very early  
8 by the late Doug Jamieson that to be successful  
9 in this process you have to learn how to feel  
10 the heart of compromise, and that's why I  
11 compromised with Senator McKay and what he did  
12 in saying let's move it to February.

13 That 30-day period, or 28-day period, or  
14 maybe even more than that at this particular  
15 point in time makes a big difference with the  
16 Legislature, makes a big difference in the  
17 state if we go to February.

18 Thirty-four states start their session in  
19 January. Now, I did research and find out that  
20 on most of these, the majority of them, on this  
21 particular date, except one, I think, that does  
22 January 1st -- I'm sorry. Two that have their  
23 session start on January 1st, they have to be  
24 there for that particular date.

25 Now, how they go from that point on is up

1 to that body. Some of them meet much longer  
2 than 60 days. And, Commissioner Scott, I did  
3 think about making the legislative session  
4 longer, but I probably would have got my head  
5 chopped off if I had done that.

6 But this will help the state. This will  
7 help agencies in the state, this will help  
8 local governments in the state, this will help  
9 school boards in the state if we do this.

10 The one thing I did hear when I was here  
11 back in that day when we changed was that one  
12 of the reasons we changed was because of the  
13 weather. Well, it does get cold in  
14 Tallahassee. It's cold this morning, and I see  
15 we have a lot of members here.

16 But this is the work of the people, and  
17 this state has become very complex. It's  
18 become large, and the budgets have become  
19 large. And there's more and more issues in  
20 that budget that we have to deal with. And we  
21 are the Budget and Taxation -- Budget Reform  
22 Commission, and this is something that we need  
23 to tackle.

24                   So, Mr. Chairman, I hope that all of the  
25                   members here can vote for this. We could very

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1                   well see it again after it goes back to the  
2                   Style and Drafting Committee and bring it back,  
3                   but I think this is an important issue to this  
4                   state. And it's an important issue to those  
5                   agencies, and other governments depend on the  
6                   Legislature when they pass the budget.

7                   So with that, Mr. Chairman, I close.

8                   CHAIRMAN BENSE: Okay. Commissioner Miller  
9                   having closed on his proposal, members, it takes  
10                  17 votes of those present here at the meeting to  
11                  approve this proposed resolution. The question  
12                  recurs on the passage of CP003. Nancy, call the  
13                  roll, please.

14                  MS. FRIER: Chair Bense.

15                  CHAIRMAN BENSE: Yes.

16                  MS. FRIER: Commissioner Barney Barnett.

17                  MR. BARNETT: Yes.

18                  MS. FRIER: Commissioner Martha Barnett.

19                  MS. BARNETT: No.

20                  MS. FRIER: Commissioner D'Alemberte.

21 MR. D'ALEMBERTE: Yes.  
22 MS. FRIER: Commissioner Hogan.  
23 MR. HOGAN: Yes.  
24 MS. FRIER: Commissioner Johnson.  
25 MS. JOHNSON: Yes.

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1 MS. FRIER: Commissioner Levesque.  
2 MS. LEVESQUE: Yes.  
3 MS. FRIER: Commissioner Mathis.  
4 MS. MATHIS: Yes.  
5 MS. FRIER: Commissioner McKay.  
6 MR. MCKAY: Yes.  
7 MS. FRIER: Commissioner Les Miller.  
8 MR. LES MILLER: Yes.  
9 MS. FRIER: Commissioner Randy Miller.  
10 MR. RANDY MILLER: Yes.  
11 MS. FRIER: Commissioner Riley.  
12 MS. RILEY: Yes.  
13 MS. FRIER: Commissioner Rouson.  
14 MR. ROUSON: Yes.  
15 MS. FRIER: Commissioner Story.  
16 MS. STORY: Yes.  
17 MS. FRIER: Commissioner Turbeville.

18 MR. TURBEVILLE: Yes.  
19 MS. FRIER: Commissioner Wilkinson.  
20 MR. WILKINSON: Yes.  
21 MS. FRIER: Commissioner Yablonski.  
22 MR. YABLONSKI: Yes.  
23 CHAIRMAN BENSE: What's the vote?  
24 MS. FRIER: 16 yeas, one nay.  
25 CHAIRMAN BENSE: Then by your vote the

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1 proposal fails. Let's move on to CP0004 by  
2 Commissioner Margolis. Commissioner Margolis, are  
3 you still on the phone?

4 MS. MARGOLIS: Yeah, I sure am.

5 CHAIRMAN BENSE: You're recognized to present  
6 your proposal.

7 MS. MARGOLIS: Thank you. I think most  
8 everybody there has heard it in one committee or  
9 another, but this would really guarantee the  
10 property appraisers do not raise the property when  
11 the property is hardened in order to withstand  
12 hurricane damage and if indeed they -- they  
13 improve -- they make improvements with solar and  
14 energy savings types improvement.

15           And I think everybody has heard this in  
16           one committee or another. And we've gone  
17           through the process and amended, and we've done  
18           everything that is necessary. And I'll be glad  
19           to answer any additional questions that the  
20           members have. Of course, I can't hear them, so  
21           that's a little difficult.

22           CHAIRMAN BENSE: Okay. Commissioner  
23           Margolis, you have, obviously -- I was distracted  
24           a bit. Did you fully explain your proposal?

25           MS. MARGOLIS: Yeah, I think so.

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1           CHAIRMAN BENSE: Okay. We have a traveling  
2           amendment, and we have a late-filed technical  
3           amendment to this bill. Why don't we move on to  
4           the amendatory phase. Let's go ahead and read the  
5           traveling amendment. Who was the sponsor of the  
6           traveling amendment?

7           MR. CIBULA: That was Ms. Margolis?

8           MS. MARGOLIS: Yeah, that was a staff -- both  
9           of them were staff amendments.

10          CHAIRMAN BENSE: Okay. How about if we have  
11          Mr. Cibula explain the traveling amendment, if



12           that's okay with you.

13           Mr. Cibula, would you please explain to  
14           the members -- first of all, I think it's  
15           late-filed. Is it late-filed? Oh, it's not  
16           late-filed. Okay. So we have an amendment up.  
17           Mr. Cibula, if you would please explain the  
18           amendment.

19           MR. CIBULA: The traveling amendment corrects  
20           a coding error in the prior amendment. The  
21           stricken language is the substance of the existing  
22           but inoperative constitutional solar exemption.

23           CHAIRMAN BENSE: Are there questions of the  
24           sponsor of the amendment?

25           (No response.)

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1           Is there debate to the amendment?

2           (No response.)

3           Is there objections to the amendment?

4           (No response.)

5           Seeing none, the amendment is adopted.

6           Read the next amendment. Does everyone  
7           have a copy of the second -- this is a  
8           late-filed technical amendment. Commissioner

9 Margolis, do I have --

10 (Telephone interruption.)

11 Commissioner Scott must be on the fifth  
12 hole by now.

13 (Laughter.)

14 Okay. Members, if you can hear, let's --  
15 I can't hear Commissioner Margolis. Why don't  
16 we have Ms. Cibula explain the late-filed --

17 (Telephone interruption.)

18 Mr. Cibula, you're recognized.

19 MR. CIBULA: The amendment makes a technical  
20 change to the effective date of the provision to  
21 conform the intent of the -- to the substantive  
22 amendment. Specifically, the amendment deletes  
23 the word "prohibiting" and inserts the word --

24 MS. MARGOLIS: Mr. Chairman, we can't hear --

25 MR. CIBULA: -- the Legislature to --

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1 CHAIRMAN BENSE: We're explaining your  
2 amendment, Commissioner Margolis.

3 MS. MARGOLIS: Yes, I do know that.

4 CHAIRMAN BENSE: Okay. Didn't know if you  
5 could hear or not.

6 MS. MARGOLIS: I couldn't up until now.

7 CHAIRMAN BENSE: Okay. The first amendment  
8 passed. We're on the late-filed technical  
9 amendment. Since it is late-filed it requires a  
10 waiver of the rules. Mr. Cibula has briefly  
11 explained to you the late-filed technical  
12 amendment. All in favor of introducing that one  
13 say aye.

14 (Ayes unanimous.)

15 Opposed, no. The late-filed amendment is  
16 introduced. The late-filed amendment has been  
17 explained. Are there questions of the sponsor  
18 of the amendment? Are there questions?

19 (No response.)

20 Is there debate in the amendment?

21 (No response.)

22 Are there objections to the amendment?

23 (No response.)

24 Seeing none, the amendment is adopted into  
25 the proposal.

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1 Representative Margolis, having explained  
2 her bill, and with the amendments to the

3       proposal, are there questions of the sponsor  
4       the proposal? Are there questions of the  
5       sponsor of the proposal?

6               (No response.)

7               Is there debate on the proposal? Is there  
8       debate? Commissioner Story, you are recognized  
9       to debate.

10              MS. STORY: I'd just like to point out that  
11       this constitutional proposal, as well as statutory  
12       enabling legislation, would basically look at two  
13       of the priorities of the state, which are for  
14       people to hurricane-harden their homes as to well  
15       as to implement energy efficiency devices.

16              And I commend Commissioner Margolis for  
17       this. I think it sends a great signal in terms  
18       of we're asking people to do things which could  
19       long-term actually reduce costs for the state,  
20       and this would offer them a further incentive  
21       to do so.

22              CHAIRMAN BENSE: Okay. Commissioner  
23       Margolis, we're in debate, so we're in debate.

24              MS. MARGOLIS: Oh, you know, this state has  
25       really encouraged the hardening in other ways, by

1       having grants available to people who can't afford  
2       it. And certainly, we try and encourage  
3       alternative energy sources, so I'm really pleased  
4       that -- to have an opportunity to have both the  
5       implementing legislation and the constitutional  
6       amendment that would guarantee that  
7       constitutionally it will change for a period of  
8       time.

9               CHAIRMAN BENSE: Okay. We're still in  
10       debate. Is there further debate?

11              (No response.)

12              Seeing none, Commissioner Margolis, you're  
13       recognized to close your proposal.

14              MS. MARGOLIS: It would -- it's a plus-plus,  
15       and it also would drop -- probably drop the  
16       insurance costs to homeowners and people who make  
17       the improvements. I'm very pleased to have it in  
18       place.

19              CHAIRMAN BENSE: Okay. Commissioner Margolis  
20       having closed on her bill -- on her proposal, I'm  
21       going to round up members, because we have to have  
22       every single member here. So I'm going to --

23 Susan, is everyone here? Okay.

24 Commissioner Margolis, having closed on  
25 her Constitutional Proposal No. CP004, Nancy

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1 will call -- the question occurs on passage of  
2 CP004. Nancy, please call the roll.

3 MS. FRIER: Chair Bense.

4 CHAIRMAN BENSE: Yes.

5 MS. FRIER: Commissioner Barney Barnett.

6 MR. BARNETT: Yes.

7 MS. FRIER: Commissioner Martha Barnett.

8 MS. BARNETT: Yes.

9 MS. FRIER: Commissioner D'Alemberte.

10 MR. D'ALEMBERTE: Yes.

11 MS. FRIER: Commissioner Hogan.

12 MR. HOGAN: Yes.

13 MS. FRIER: Commissioner Johnson.

14 MS. JOHNSON: Yes.

15 MS. FRIER: Commissioner Levesque.

16 MS. LEVESQUE: Yes.

17 MS. FRIER: Commissioner Mathis.

18 MS. MATHIS: Yes.

19 MS. FRIER: Commissioner McKay.

20 MR. MCKAY: Yes.  
21 MS. FRIER: Commissioner Les Miller.  
22 MR. LES MILLER: Yes.  
23 MS. FRIER: Commissioner Randy Miller.  
24 MR. RANDY MILLER: Yes.  
25 MS. FRIER: Commissioner Riley.

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1 MS. RILEY: Yes.  
2 MS. FRIER: Commissioner Rouson.  
3 MR. ROUSON: Yes.  
4 MS. FRIER: Commissioner Story.  
5 MS. STORY: Yes.  
6 MS. FRIER: Commissioner Turbeville.  
7 MR. TURBEVILLE: Yes.  
8 MS. FRIER: Commissioner Wilkinson.  
9 MR. WILKINSON: Yes.  
10 MS. FRIER: Commissioner Yablonski.  
11 MR. YABLONSKI: Yes.  
12 MS. FRIER: Passes with 17 yeas.  
13 CHAIRMAN BENSE: And by your vote, the  
14 constitutional proposal is passed. That's our  
15 first proposal to pass.  
16 Okay. I think Commissioner Barnett, do

17           you have a motion?

18           MS. MARGOLIS: We have the implementing  
19           legislation --

20           CHAIRMAN BENSE: We'll get there,  
21           Commissioner. We'll get there.

22           Commissioner Barnett, do you have a  
23           motion?

24           MS. BARNETT: At least before we adjourn,  
25           Mr. Chairman. If now is appropriate, I will.

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1           CHAIRMAN BENSE: If you're ready, we'll do it  
2           now.

3           MS. BARNETT: Okay. I was the only person  
4           who voted against Commissioner Miller's proposal,  
5           so I -- and it failed for -- because it did not  
6           get the required 17 votes. And out of respect for  
7           Commissioner Miller, what I would like to do,  
8           since I was on the prevailing side, and hopefully  
9           with the concurrence of the Commission, I'd like  
10          to move to reconsider, but leave it pending for  
11          our next meeting so that there will be more people  
12          here that -- you know, there are a number of  
13          commissioners who may want to speak to this or be



14 involved in it.

15 And I certainly don't want to be the only  
16 individual in a situation where we only have 17  
17 people to keep a proposal from going forward if  
18 in fact there is the required majority of the  
19 commission.

20 So I'd like to move to reconsider the vote  
21 by which I think 003 failed and leave that  
22 pending for a meeting at the discretion of the  
23 chair.

24 CHAIRMAN BENSE: Commissioner Barnett moves  
25 that we reconsider CP0003 and leave pending

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1 Commissioner Miller's proposal. All in favor say  
2 aye.

3 (Ayes unanimous.)

4 Proposed, no.

5 Okay. We're going to reconsider that,  
6 leave it pending at the -- and we'll look at it  
7 at the next meeting.

8 Now, let's move on to committee substitute  
9 for statutory recommendation 005 by  
10 Commissioner Margolis. Commissioner Margolis,

11           you're recognized.

12           MS. MARGOLIS: Yes. This would be the  
13           implementing legislation for the constitutional  
14           amendment, which really defines the hardening and  
15           defines exactly what the constitutional amendment  
16           would bring to the people of the State of Florida.

17           CHAIRMAN BENSE: Okay. Commissioner Margolis  
18           having explained her statutory recommendation, are  
19           there amendments?

20           (No response.)

21           There are no amendments. Are there  
22           questions of the sponsor of the proposal?  
23           Commissioner Wilkinson, you're recognized for a  
24           question.

25           MR. WILKINSON: When would this take effect?

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1           What tax roll year?

2           CHAIRMAN BENSE: Commissioner Margolis,  
3           you're recognized.

4           MS. MARGOLIS: Which tax roll year? I don't  
5           think that's in the implementing legislation. I  
6           think that, once again, the implementing  
7           legislation is a recommendation to, as I

8 understand it, it is to be implementation. And  
9 through the legislative process they would have to  
10 go through -- they would have to through the  
11 process, which would be the following year.

12 So it probably would not be implemented  
13 for -- or certainly two years after -- I would  
14 assume it would not be implemented until after  
15 the Legislature acted on the legislative  
16 proposal.

17 CHAIRMAN BENSE: Commissioner Wilkinson,  
18 you're recognized for a follow-up question.

19 MR. WILKINSON: Thank you, Mr. Chairman.

20 If I understand you, let's assume this  
21 goes on the ballot this year, November, the tax  
22 roll -- the next tax roll starts January 1st.

23 MS. MARGOLIS: That's correct. But the  
24 implementation would not be in effect until the  
25 end of the following session, which is going to

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1 start in February or March, depending on what  
2 happens to the Miller recommendation.

3 So legislatively it has to be implemented,  
4 and they would have to look at our implementing

5 language and either approve it or not approve  
6 it or modify it as the Legislature.

7 CHAIRMAN BENSE: Follow-up question?

8 MR. WILKINSON: It sounds as if then it could  
9 be in '09, which would be better for the  
10 implementing process for the local governments.

11 MS. MARGOLIS: Yes, that is true, and you'll  
12 have the opportunity to, I mean, certainly,  
13 there'll be opportunity through the legislative --  
14 through the legislative committee process.  
15 Everybody has to offer, you know, their ideas on  
16 the implementation.

17 MR. WILKINSON: So the earliest would be the  
18 tax roll for '10, probably?

19 MS. MARGOLIS: That is correct.

20 CHAIRMAN BENSE: Further questions? Are  
21 there further questions?

22 (No response.)

23 Seeing none, we're in the debate phase.  
24 Is there debate? Is there debate?

25 (No response.)

1 Seeing none, Representative Margolis,

2       you're recognized to close on your statutory  
3       recommendation.

4             MS. MARGOLIS: I think I'm going to save you  
5       some time. I think we all know what it says. And  
6       statutorily, I think it's good recommendation  
7       for -- certainly for the purpose of dealing with  
8       the Legislature in the beginning.

9             CHAIRMAN BENSE: Commissioner Margolis having  
10      closed on her statutory recommendation, question  
11      occurs on passage of the committee substitute for  
12      Statutory Recommendation 0005. Nancy, please call  
13      the roll.

14            MS. FRIER: Chair Bense.

15            CHAIRMAN BENSE: Yes.

16            MS. FRIER: Commissioner Barney Barnett.

17            MR. BARNETT: Yes.

18            MS. FRIER: Commissioner Martha Barnett.

19            MS. BARNETT: Yes.

20            MS. FRIER: Commissioner D'Alemberte.

21            MR. D'ALEMBERTE: Yes.

22            MS. FRIER: Commissioner Hogan.

23            MR. HOGAN: Yes.

24            MS. FRIER: Commissioner Johnson.

25 MS. JOHNSON: Yes.

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1 MS. FRIER: Commissioner Levesque.

2 MS. LEVESQUE: Yes.

3 MS. FRIER: Commissioner Mathis.

4 MS. MATHIS: Yes.

5 MS. FRIER: Commissioner McKay.

6 MR. MCKAY: Yes.

7 MS. FRIER: Commissioner Les Miller.

8 MR. LES MILLER: Yes.

9 MS. FRIER: Commissioner Randy Miller.

10 MR. RANDY MILLER: Yes.

11 MS. FRIER: Commissioner Riley.

12 MS. RILEY: Yes.

13 MS. FRIER: Commissioner Rouson.

14 MR. ROUSON: Yes.

15 MS. FRIER: Commissioner Story.

16 MS. STORY: Yes.

17 MS. FRIER: Commissioner Turbeville.

18 MR. TURBEVILLE: Yes.

19 MS. FRIER: Commissioner Wilkinson.

20 MR. WILKINSON: Yes.

21 MS. FRIER: Commissioner Yablonski.

22 MR. YABLONSKI: Yes.

23 MS. FRIER: It passes, 17 yeas.

24 CHAIRMAN BENSE: And by your vote, Statutory  
25 Recommendation SR005 passes.

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1 How about if we get an update on upcoming  
2 meetings, schedules, and committee activities?  
3 And I just received notice that Commissioner  
4 Haridopolis will be calling in in a few minutes  
5 to discuss the Senate's work on sales tax  
6 issues. So we may take a short recess in  
7 respect to Senator Haridopolis.

8 Kathy, if you could give us an update on  
9 the upcoming meetings.

10 MS. TORIAN: Certainly. You have  
11 Governmental Services, Governmental Procedures and  
12 Structure, Finance and Taxation, and the Planning  
13 and Budgetary Processes Committee, all planning to  
14 meet on the 25th. Governmental Services and  
15 Governmental Procedures and Structure from 8:30 to  
16 noon. Finance and Tax and Planning and Budgetary  
17 Processes from 1:30 to 5.

18 Then the full Taxation and Budget Reform

19 Commission will meet from 9 to 3 on  
20 January 30th back in this same room.

21 Further plans into February include a  
22 meeting of the Finance and Tax Committee for  
23 February 11th from 10 to 6, then a full slate  
24 of the four committee meetings on  
25 February 12th, and then the full Taxation and

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1 Budget Reform Committee -- Commission to meet  
2 on the 13th.

3 There is also a current plan for that same  
4 system of the four committees to meet on  
5 February 25th with a full Taxation and Budget  
6 Reform Commission on the 16th.

7 CHAIRMAN BENSE: Commissioner Miller, you're  
8 recognized.

9 MR. LES MILLER: Thank you, Mr. Chairman. I  
10 appreciate that synopsis of our upcoming meetings.  
11 Let me ask you a question. Would the Planning and  
12 Budgetary Process Committee meeting, will they be  
13 meeting on next Friday?

14 The reason I ask you is this. Tampa is  
15 getting ridiculous, getting in and out of



16 Tampa. The last flight for that day, there is  
17 no last one. I mean, it's -- the last flight  
18 is at 1:30 of last Friday. This meeting runs  
19 until 5, so I was wondering if they are going  
20 to be -- do we know that or not? They are?  
21 Okay.

22 CHAIRMAN BENSE: They're planning on meeting.  
23 Again, I can -- I'll ask that Susan Skelton get  
24 with members to try to work, you know, the  
25 schedules. There are 11 members. It's terribly

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1 difficult to arrange schedules, but I'll ask her  
2 once again to get involved and see if we can't  
3 locate different times. She's scowling at me over  
4 there.

5 MR. LES MILLER: The staff is doing a  
6 fantastic job, I mean outstanding. It's the  
7 airlines that need to do a better job.

8 (Laughter.)

9 CHAIRMAN BENSE: That's part of it, though.  
10 Commissioner Wilkinson, you're recognized.

11 MR. WILKINSON: Mr. Chairman, could we get  
12 that in writing, what was just read. I couldn't

13 keep up.

14 MS. TORIAN: Yes.

15 CHAIRMAN BENSE: It's on your computers. Any  
16 more questions? Any word from Commissioner  
17 Haridopolis? Are you on the line by chance?

18 (No response.)

19 Okay. Anyone else have anything for the  
20 good of the order until we recess? We'll  
21 recess until Commissioner Haridopolis is  
22 called -- calls. Any -- any -- Commissioner  
23 Story, you're recognized.

24 MS. STORY: I'd like to commend the staff.  
25 The tracking report they've put up to keep up with

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1 all the proposals is excellent. And thank you so  
2 much for putting that together and sending it to  
3 us.

4 CHAIRMAN BENSE: Any more questions?

5 (No response.)

6 Okay. Without objection, let's take about  
7 a 15-minute recess.

8 (Brief recess was taken.)

9 CHAIRMAN BENSE: Commissioner Haridopolis?

10 I'm great, Senator. If we can gather everybody  
11 else up here. I think we have most of the folks  
12 back. We recessed about ten minutes ago, and we  
13 have everyone gathered back. There's about 15 of  
14 us on the Commission here. So, members, we are  
15 out of recess and the Commission is back in  
16 session.

17 Senator Haridopolis, good morning.

18 MR. HARIDOPOLIS: Good morning, Mr. Speaker  
19 and Mr. Chairman. Again, I appreciate your  
20 patience in working with me. As you know, we've  
21 got a little amendment going on right now, and  
22 they've asked me to speak in a few locales. I  
23 appreciate your willingness to be flexible.

24 I also know, of course, that there has  
25 been an issue of great concern from the

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1 Commission, and I share that concern, that  
2 dealing with sales tax exemptions. It's an  
3 issue that we are going to pursue and tackle in  
4 the Florida Legislature.

5 Specifically, I think most members  
6 hopefully know that on our last committee week

7 we actually invited all persons who were  
8 interested in this issue to come and testify.  
9 I thought we had a very illuminating discussion  
10 and a lot of people offered some outstanding  
11 suggestions. And I think the most obvious  
12 thing, that there is a lot of money in, quote,  
13 sales tax extensions, so that number dwindles  
14 significantly once you take off food,  
15 prescription drugs and services on down the  
16 line.

17 But we have said and will continue to say  
18 and do, more importantly, we will take up any  
19 bill from any member, any one of the, of  
20 course, 40 senators and 120 house members who  
21 wish to eliminate a sales tax exemption.

22 We will not only hear that bill, but we  
23 are also willing to give an up or down vote on  
24 that particular bill as well. We think it's  
25 essential if nothing else for public disclosure

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1 and information and the concerns they have that  
2 they have full hearing, and any person who  
3 might see a dramatic change to their business

4       because they have built their business model on  
5       a particular exemption would also have the  
6       ability to articulate why they think a  
7       particular exemption should or should not stay.

8               But with that, Mr. Speaker and  
9       Mr. Chairman, that is kind of the broad picture  
10      that I wanted to paint, that again we are  
11      ready, willing, and able to take up any issue,  
12      and should any of the commissioners wish to  
13      testify before our finance and tax committee,  
14      we would welcome them. And we would welcome  
15      their suggestions as well and, of course,  
16      welcome them to talk with any member who they  
17      think might be sympathetic to eliminating  
18      certain sales tax exemptions on down the line  
19      as well.

20             But with that, Mr. Speaker and  
21      Mr. Chairman, if there are questions or  
22      suggestions for our committee as we work  
23      through the regular session, I would be happy  
24      to take those, and -- or commissioners want to  
25      speak with me personally, of course, we would

1 welcome that as well.

2 CHAIRMAN BENSE: Well, thank you, Senator  
3 Haridopolis. As you know, you are a member of  
4 this Commission.

5 And, members, anyone have any questions of  
6 Senator Haridopolis, who is chairman of the  
7 F and T committee within the Florida Senate?

8 Commissioner Riley. This is Commissioner  
9 Nancy Riley for a question. You're recognized.

10 MS. RILEY: Oh, thank you, Senator. I would  
11 kind of like to make a comment, that some of the  
12 things I am reading in the newspaper about where  
13 these sales tax on services doesn't absolutely  
14 correctly represent the discussions in the meeting  
15 yesterday.

16 Some of the -- just wanted to make sure  
17 everybody knew that some of these proposals on  
18 sales tax on services passed out to be able to  
19 have more hearings on it and more discussion.  
20 In no way did it come out as if this was a  
21 consensus on the way the Commission is leaning  
22 on sales tax on services.

23 It is something we're looking at. It's

24 something that we're discussing, but I believe  
25 that in no way is there a consensus or a

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1 growing consensus that this is the way that we  
2 should go yet. And I just wanted to make that  
3 clear.

4 MR. HARIDOPOLIS: Thank you, Commissioner  
5 Riley.

6 CHAIRMAN BENSE: Commissioner McKay, do you  
7 want to respond? Any more questions of Senator  
8 Haridopolis?

9 (No response.)

10 Great, Senator, thank you so much. What  
11 is your time frame?

12 MR. HARIDOPOLIS: Our time frame, of course,  
13 is -- we're not going to actually be meeting this  
14 Thursday. But we are -- I have asked each of the  
15 members to let us know which exemptions they would  
16 like us to look more closely at.

17 I'm sure, as some of the senators on the  
18 panel or representatives on the panel know,  
19 there were two studies done, one in 1998 and  
20 one again in 2000 under Chairman Horne, if I

21 remember correctly, that take a look at all of  
22 the over 200 sales tax exemptions, some as  
23 early as 1949. And there were recommendations  
24 of ones we should review and others that we  
25 should take off the table.

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1 I think it would be a great benefit if we  
2 can figure out early which ones can be, quote,  
3 taken off the table so that we would have a new  
4 dollar amount in which to work with.

5 My time frame is really at the members'  
6 request, but I will have two more committee  
7 meetings in February and, of course, throughout  
8 the regular session. We are ready and willing  
9 to take not only testimony but should there be  
10 bills, prepared to give them an up or down vote  
11 along those lines.

12 We stand ready, Mr. Chairman, and I think  
13 it's a legitimate issue to put forth,  
14 especially considering our tight budget, not  
15 just here, but will be increasingly so on the  
16 local level. People need to have this comfort  
17 that we are not just giving out exemptions or



18        loopholes but that each of these exemptions  
19        that still exist are truly growing jobs and new  
20        opportunities for Floridians or people who  
21        would like to move to Florida.

22                So I stand ready to help, and I speak for  
23        the Senate in that regard. And in my  
24        discussions with Marco Rubio and other House  
25        leaders, I think they too are willing to look

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1        at this issue. We just need to see bills in  
2        front us, because I can candidly say last year  
3        not a single sales tax exemption bill was even  
4        filed in my finance and tax committee.

5                And so we need some help from some of the  
6        members who feel strongly about this to get  
7        some of the members they might know to look at  
8        filing bills to eliminate some of these  
9        so-called loopholes, or true loopholes that we  
10       can address.

11                So we're willing and able, Mr. Chairman.  
12        And again, I can't thank you enough for being  
13        patient with me today as I travel throughout  
14        the state, and will be, of course, on call for

15 anyone who would like to make a suggestion, be  
16 there personally in Tallahassee, I would be  
17 happy to give our office a call and we'll get  
18 right back to them.

19 CHAIRMAN BENSE: Great, Senator Haridopolis.  
20 We have one more question by Commissioner Martha  
21 Barnett. Commissioner Barnett, you're recognized.

22 MS. BARNETT: Senator Haridopolis, thank you  
23 very much. We hope you will come join us at some  
24 of our meetings because your input is very  
25 important to I think a lot of the strategic

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1 discussions of this committee -- Commission.

2 I had one question that you may -- may not  
3 want to respond to at this point. But the  
4 Commission is not actually looking at  
5 individual exemptions from the sales tax. It's  
6 been the -- the discussion so far has been  
7 looking at a process to review exemptions and  
8 to a process that would have some standards to  
9 be used by the Legislature.

10 Could you comment on how receptive you  
11 think certainly your committee or the Senate

12 would be to that type of proposed legislation  
13 where there is a process and standards  
14 articulated for the Legislature to use, as  
15 opposed to this Commission looking at the  
16 specific individual exemptions?

17 MR. HARIDOPOLIS: Ms. Barnett or Commissioner  
18 Barnett, about half -- about three-quarters of the  
19 way through your question, we had a little  
20 telephone difficulty. Some kind of music started  
21 playing. And if you could just -- unfortunately,  
22 you had got -- I think you -- in your talk or  
23 question you had come to the point where you had  
24 said that a set of standards as opposed to  
25 specific exemptions, and then you got cut off.

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1 And here it comes again.

2 (Laughter.)

3 MS. BARNETT: This could be divine  
4 intervention in a message, that it's not  
5 appropriate comment. Can you hear me?

6 MR. HARIDOPOLIS: No. There's music playing  
7 in the background.

8 CHAIRMAN BENSE: Commissioner Haridopolis,

9           why don't you just comment on the first part of  
10          what she said? If you're on the -- I see you're  
11          on hold.

12                 (Brief telephone interruption.)

13           MR. HARIDOPOLIS: I'm not sure if you-all can  
14          hear me. I'm just hearing some on-hold music.

15           CHAIRMAN BENSE: We can hear you fine,  
16          Commissioner. Senator, we can hear you fine. Why  
17          don't you respond to the first part of her  
18          question?

19           MR. HARIDOPOLIS: Okay. As best I can,  
20          working through the music that I'm hearing on my  
21          cell phone.

22                 (Laughter.)

23           Commissioner Scott has got me on hold. I  
24          really can't hear you-all.

25           MS. BARNETT: Mr. Chairman, I don't think

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1          it's fair -- let's defer that question for another  
2          day.

3           CHAIRMAN BENSE: Senator Haridopolis, we'll  
4          ask that question at a later time.

5           MR. HARIDOPOLIS: And I apologize. I can't

6 hear you that well. Commissioner Scott has got  
7 his voice mail on or something, and it's coming  
8 through on all of ours. I will be happy to answer  
9 Barnett's question in time. The bottom line, yes,  
10 we are open for business and are willing to tackle  
11 some of the challenges she has -- at least I can  
12 best hear her articulate and look at in our  
13 committee.

14 CHAIRMAN BENSE: Sounds great. Thank you,  
15 Senator Haridopolis. Have a great day.

16 MR. HARIDOPOLIS: Thank you, sir.

17 CHAIRMAN BENSE: Okay, members. Anything  
18 from the good body? Commissioner Story, you're  
19 recognized.

20 MS. STORY: Well, I'll try to do it over the  
21 music too. I had a question, and I talked to  
22 Mr. Cibula at break and others may have this. In  
23 terms of process, we understand coming out of  
24 committee, being taken up by the full Commission.

25 There was a question about if we vote

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1 today, does that automatically mean it goes on  
2 the ballot, or is there another step? And I

3 believe, Mr. Chairman, you said that there will  
4 be a time when we look to see if we combine.

5 And then my further question was, does  
6 that mean that either it stands alone or it's  
7 combined, and I think it would help me maybe if  
8 you or Mr. Cibula would clarify that process as  
9 well as, you know, if we have ten proposals  
10 that go on the ballot what order those --

11 (Brief telephone interruption.)

12 CHAIRMAN BENSE: How about we have it on the  
13 agenda for next week? Okay? Is that good?

14 MS. STORY: That's good.

15 CHAIRMAN BENSE: Commissioner Miller, you're  
16 recognized.

17 MR. LES MILLER: Mr. Chairman, I would like  
18 to, if possible -- I know she's having a problem  
19 hearing -- be added to co-sponsorship of  
20 Commissioner McKay's No. 2 issue dealing with --

21 UNIDENTIFIED SPEAKER: We can't hear you.

22 MR. LES MILLER: I said, I was requesting  
23 that I be added as a co-sponsor to Commissioner  
24 McKay's No. 2 amendment.

25 CHAIRMAN BENSE: Commissioner Miller wants to

1           be a co-sponsor on Senator McKay's CP No. 0002.

2           Anything else, folks?

3           (No response.)

4           Okay. Commissioner Johnson moves we rise.

5           (The proceedings concluded at 10:25 AM)

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CERTIFICATE OF REPORTER

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6 STATE OF FLORIDA )

7 COUNTY OF LEON )

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9

I, LISA D. FREEZE, Notary Public, certify

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that I was authorized to and did stenographically

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report the proceedings herein, and that the transcript

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I further certify that I am not a relative,

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employee, attorney or counsel of any of the parties,

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attorney or counsel connected with the action, nor am I

17

financially interested in the action.

18

WITNESS my hand and official seal this 18th

19

day of January, 2008.



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