

FLORIDA TAXATION AND BUDGET REFORM COMMISSION

IN RE: COMMITTEE MEETING

DATE: JANUARY 30, 2008

TIME: COMMENCED AT 10:02 A.M.
CONCLUDED AT 12:15 P.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 BENNE
R. MARK BOSTICK
TALBOT "SANDY" D'ALEMBERT
MIKE HARIDOPOLOS (BY PHONE)
MIKE HOGAN (BY PHONE)
JULIA JOHNSON (BY PHONE)
BRUCE KYLE
CARLOS LACASA
PATRICIA LEVESQUE
ALAN LEVINE
GWEN MARGOLIS
ROBERTO "BOBBY" MARTINEZ
JACINTHA MATHIS
JOHN M. MCKAY
ROBERT "BOB" MCKEE
LESLEY J. "LES" MILLER, JR. (BY PHONE)
RANDY MILLER
JADE THOMAS MOORE
FRANK PETERMAN
NANCY J. RILEY
DARRYL E. ROUSON
RAY SANSOM
JAMES "JIM" A. SCOTT
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: MEMBERS, I THINK WE HAVE A
4 QUORUM. I WILL CALL THE MEETING TO ORDER. NANCY,
5 PLEASE CALL THE ROLL.

6 MS. FRIER: COMMISSIONER BARNEY BARNETT.

7 (NO RESPONSE.)

8 MS. FRIER: I KNOW I'VE SEEN HIM.

9 COMMISSIONER MARTHA BARNETT.

10 MS. BARNETT: HERE.

11 MS. FRIER: COMMISSIONER BOSTICK.

12 (NO RESPONSE.)

13 MS. FRIER: COMMISSIONER D'ALEMBERTE.

14 CHAIRMAN BENSE: NANCY, WHY DON'T YOU START
15 ALL OVER AGAIN. THERE ARE THREE OR FOUR -- LET'S
16 START ALL OVER AGAIN, PLEASE.

17 MS. FRIER: HERE COME SOME.
18 CHAIRMAN BENSE: GO AHEAD, NANCY.
19 MS. FRIER: OKAY. COMMISSIONER BARNEY
20 BARNETT.
21 MR. BARNETT: HERE.
22 MS. FRIER: COMMISSIONER MARTHA BARNETT.
23 MS. BARNETT: HERE.
24 MS. FRIER: COMMISSIONER BOSTICK.
25 MR. BOSTICK: HERE.

4

1 MS. FRIER: COMMISSIONER D'ALEMBERTE.
2 (NO RESPONSE.)
3 MS. FRIER: COMMISSIONER HARIDOPOLIS.
4 (NO RESPONSE.)
5 MS. FRIER: COMMISSIONER HOGAN.
6 MR. HOGAN: HERE.
7 MS. FRIER: COMMISSIONER JOHNSON.
8 MS. JOHNSON: HERE BY PHONE.
9 MS. FRIER: COMMISSIONER KYLE.
10 (NO RESPONSE.)
11 MS. FRIER: COMMISSIONER LACASA.
12 (NO RESPONSE.)
13 MS. FRIER: COMMISSIONER LEVESQUE.

14 MS. LEVESQUE: HERE.
15 MS. FRIER: COMMISSIONER LEVINE.
16 (NO RESPONSE.)
17 MS. FRIER: COMMISSIONER MARGOLIS.
18 (NO RESPONSE.)
19 MS. FRIER: COMMISSIONER MARTINEZ.
20 (NO RESPONSE.)
21 MS. FRIER: COMMISSIONER MATHIS.
22 MS. MATHIS: HERE.
23 MS. FRIER: COMMISSIONER MCKAY.
24 MR. MCKAY: HERE.
25 MS. FRIER: COMMISSIONER MCKEE.

5

1 MR. MCKEE: HERE.
2 MS. FRIER: COMMISSIONER LES MILLER.
3 (NO RESPONSE.)
4 MS. FRIER: COMMISSIONER RANDY MILLER.
5 MR. RANDY MILLER: HERE.
6 MS. FRIER: COMMISSIONER MOORE.
7 MR. MOORE: HERE.
8 MS. FRIER: COMMISSIONER PETERMAN.
9 (NO RESPONSE.)
10 MS. FRIER: COMMISSIONER RILEY.

11 MS. RILEY: HERE.
12 MS. FRIER: COMMISSIONER ROUSON.
13 (NO RESPONSE.)
14 MS. FRIER: COMMISSIONER SANSOM.
15 MR. SANSOM: HERE.
16 MS. FRIER: COMMISSIONER STORY.
17 MS. STORY: HERE.
18 MS. FRIER: COMMISSIONER TURBEVILLE.
19 (NO RESPONSE.)
20 MS. FRIER: COMMISSIONER WILKINSON.
21 MR. WILKINSON: HERE.
22 MS. FRIER: COMMISSIONER YABLONSKI.
23 MR. YABLONSKI: HERE.
24 MS. FRIER: VICE CHAIR SCOTT.
25 VICE CHAIR SCOTT: HERE.

6

1 MS. FRIER: CHAIR BENSE.
2 CHAIRMAN BENSE: HERE. LET THE RECORD
3 REFLECT THAT COMMISSIONER ROUSON IS HERE AS WELL.
4 MS. FRIER: YOU HAVE A QUORUM.
5 CHAIRMAN BENSE: OKAY. MEMBERS, BEFORE WE
6 GET INTO REMARKS OR REPORTS OF COMMITTEES, WE HAVE
7 SOME -- UNLESS THERE'S AN OBJECTION, WE HAVE SOME

8 DISTINGUISHED SPEAKERS TODAY THAT ARE GOING TO
9 GIVE US THEIR THOUGHTS ON ISSUES THAT WE MIGHT
10 WANT TO CONSIDER AS THE TAXATION AND BUDGET REFORM
11 COMMISSION.

12 AND OUR FIRST SPEAKER IS THE HONORABLE
13 ALEX SINK, OUR CFO. YOU'RE RECOGNIZED. YOU'RE
14 WELCOMED.

15 MS. SINK: THANK YOU, MR. CHAIR AND MEMBERS
16 OF THE COMMISSION. LET ME START OFF BY SAYING HOW
17 MUCH I APPRECIATE THE COMMITMENT OF TIME THAT
18 YOU'RE MAKING TO THE PEOPLE OF THIS STATE OF
19 FLORIDA. I HAVE SERVED ON COMMISSIONS IN THE PAST
20 BEFORE THIS LIFE THAT I'M IN AND KNOW WHAT AN
21 INCREDIBLE EFFORT AND AMOUNT OF TIME AND SACRIFICE
22 IT IS FOR YOU TO TAKE AWAY FROM YOUR NORMAL
23 BUSINESS TO COME TO TALLAHASSEE TO DO THE PEOPLE'S
24 WORK.

25 AND THIS HAS BEEN A LONG PROJECT, AND IT'S

7

1 NOT OVER YET, AND, IN FACT, PROBABLY YOUR MOST
2 IMPORTANT WORK IS YET TO COME IN THE NEXT
3 SEVERAL MONTHS. AND ALL OF FLORIDA IS
4 ANXIOUSLY AWAITING -- NOT TO PUT MORE PRESSURE

5 ON YOU, BUT IS ANXIOUSLY AWAITING THE PROPOSALS
6 THAT YOU'RE GOING TO BE MAKING.

7 IT'S CERTAINLY VERY TIMELY THAT THIS
8 COMMISSION IS MEETING THIS YEAR. FLORIDA, OF
9 COURSE, AS YOU-ALL ARE WELL AWARE, IS FACING A
10 NUMBER OF CHALLENGES THIS YEAR, FROM A DOWNTURN
11 IN OUR STATE'S ECONOMY TO THE GROWING COST OF
12 LIVING FOR OUR FAMILIES.

13 AND, IN FACT, SOME OF YOU ARE AWARE THE
14 FLORIDA CHAMBER JUST DID A REPORT THAT SHOWED
15 THAT THE COST OF LIVING, HERE IN FLORIDA, IS
16 NOW JUST ABOUT AT THE NATIONAL AVERAGE, AND
17 THAT IS SOMETHING NEW AND DIFFERENT FOR OUR
18 STATE. WE'VE ALWAYS BEEN VIEWED AS A LOW COST
19 OF LIVING STATE.

20 SO I TRULY BELIEVE THAT WE ARE IN A STATE
21 OF TRANSFORMATION, THAT WE WILL NEVER AGAIN BE
22 VIEWED AS A CHEAP COST OF LIVING STATE. SO
23 THAT'S GOING TO HAVE TO CHANGE THE WAY WE AS
24 POLICY MAKERS THINK ABOUT THE GROWTH OF FLORIDA
25 GOING FORWARD.

1 MANY OF OUR TAX SYSTEMS, FROM THE SALES

2 TAX TO THE PROPERTY TAX AND OTHER TAXES, ARE
3 PERCEIVED TO BE UNFAIR. FLORIDIANS
4 OVERWHELMINGLY SUPPORTED YESTERDAY'S PROPERTY
5 TAX AMENDMENT, BUT YOU AND I KNOW THAT THAT
6 AMENDMENT IS NOT THE END OF THE PEOPLE'S CRIES
7 FOR TAX FAIRNESS.

8 IN FACT, YESTERDAY I WAS ATTENDING A
9 LUNCHEON IN TAMPA, AND MANY OF THE PEOPLE
10 AROUND THE TABLE WERE -- STARTED COMMENTING
11 ABOUT THE DIFFERENCE IN PROPERTY TAX RATES THAT
12 PEOPLE JUST UP AND DOWN THEIR OWN STREET ARE
13 PAYING. SO THIS AMENDMENT WILL IN MANY
14 RESPECTS, BECAUSE OF PORTABILITY, EXACERBATE
15 THAT SITUATION, AND I BELIEVE THAT WE AS POLICY
16 MAKERS ARE GOING TO CONTINUE TO HEAR MORE ABOUT
17 THE UNFAIRNESS IN OUR TAX SYSTEM.

18 MAKING THOUGHTFUL CHANGES IN TAX POLICY,
19 AS YOU ARE LIVING, IS NOT EASY. IT POSES A
20 REAL PROBLEM FOR OUR POLITICAL PROCESS, WHICH
21 BY ITS NATURE, AS I HAVE FOUND IN THE LAST
22 YEAR, IS VERY CHAOTIC AND OFTENTIMES LEADS TO
23 SOLUTIONS THAT CANNOT SERVE AS MORE THAN
24 TEMPORARY BAND-AIDS FOR TODAY'S PROBLEMS. SO

25 IT REALLY IS TIMES LIKE THESE WHEN WE NEED YOUR

9

1 THOUGHTFUL, DELIBERATIVE PROPOSALS FROM PUBLIC
2 SERVANTS WHO CAN REMOVE YOURSELF AS MUCH AS
3 POSSIBLE FROM POLITICAL PRESSURES.

4 IMPLEMENTING FAIR TAX REFORM IS ONE
5 CHALLENGE WHERE WE REALLY NEED THE WORK OF A
6 DELIBERATIVE NONPOLITICAL BODY. AND IN SHORT,
7 FLORIDIANS REALLY DO NEED YOUR HELP. YOUR
8 COMMISSION EXISTS PRECISELY FOR THIS REASON, TO
9 STAND ASIDE FROM PARTISAN FIGHTS, FROM SPECIAL
10 INTERESTS, FROM OUTSIDE INFLUENCES, AND TO
11 CONSIDER WHAT THE PEOPLE OF FLORIDA AND OUR
12 ECONOMY TRULY NEED.

13 I AM HERE TODAY TO ENCOURAGE YOU, TO
14 ENCOURAGE YOUR WORK AND YOUR MISSION TO BRING
15 SOME COMMON AND BUSINESS SENSE TO FLORIDA'S TAX
16 AND BUDGET POLICIES.

17 I'VE LOOKED AT A NUMBER OF YOUR PROPOSALS,
18 AND I'M HEARTENED THAT YOU'RE WILLING TO
19 CONSIDER A NUMBER OF DIVERSE AND THOUGHTFUL
20 IDEAS. I'VE ALWAYS OPERATED IN BUSINESS, LET'S
21 THROW IT ALL OUT ON THE TABLE AND SIFT THROUGH

22 AND SEE WHAT MEETS THE TEST OF TIME, AND I KNOW
23 YOU'RE DOING THAT.

24 WELL, WE HAVE A SYSTEM IN OUR STATE, WHICH
25 WE ARE BALANCED VERY HEAVILY ON SALES TAXES,

10

1 AND WE ARE HEAVILY RELIANT UPON TOURISM AND THE
2 CONSTRUCTION AND HOUSING MARKET. AND WE FIND
3 OURSELVES IN ONE OF THOSE BUST TIMES NOW. WE
4 HAVE BEEN AROUND HERE A LONG TIME TO KNOW THAT
5 FLORIDA IS BUILT ON BOOMS AND BUSTS.

6 OUR WHOLE STATE WAS GROWN BECAUSE OF THE
7 LAND BOOMS AND LAND BUSTS IN EARLY YEARS, AND
8 WE CONTINUE TO SEE THESE CYCLES. SO WE HAVE
9 BEEN HERE BEFORE, BUT THE QUESTION SHOULD BE
10 ASKED, IS THERE A BETTER WAY.

11 WE HAVE A LOT OF LITTLE TAX EXEMPTIONS FOR
12 VERY, VERY SPECIAL NARROW INTERESTS THAT HAVE
13 JUST KIND OF INFILTRATED THE SYSTEM OVER TIME.

14 AND I APPLAUD YOU FOR YOUR WILLINGNESS TO
15 CONSIDER WHETHER OR NOT THESE MANY, MANY
16 EXEMPTIONS TRULY MEET THE SMELL TEST, AS --
17 USING ONE OF MY FAMOUS SOUTHERNISMS, AND THEY
18 SHOULD CONTINUE ON.

19 AS YOU DELIBERATE, YOU HAVE THE
20 OPPORTUNITY TO THINK ABOUT WHICH OF THESE TAX
21 EXEMPTIONS WILL TRULY HELP FAMILIES AND SMALL
22 BUSINESSES IN OUR 21ST CENTURY ECONOMY, WHAT
23 EXEMPTIONS FUEL SUSTAINABLE ECONOMIC GROWTH AND
24 CREATE JOBS AND IMPROVE OUR CITIZENS'
25 WELL-BEING.

11

1 AND I'M GOING TO TAKE THIS ONE STEP
2 FURTHER. IF ONE OF THESE EXEMPTIONS OR MANY OF
3 THEM DON'T BROADLY HELP AND TRULY HELP OUR
4 ECONOMY, I ENCOURAGE YOU TO SHINE A LIGHT ON IT
5 AND TAKE A HARD LOOK AT ITS VALUE. I ENCOURAGE
6 YOU TO STAY TRUE TO THE NEEDS OF FLORIDIANS AND
7 TO PROPOSE POLICIES THAT CAN HELP OUR 21ST
8 CENTURY ECONOMY GROW.

9 OUR ECONOMIC CHALLENGES HAVE ALSO LED TO A
10 DOWNTURN IN STATE REVENUE, MEANING WE HAVE TO
11 CUT OUR STATE BUDGET ONCE AGAIN, SOMETHING I
12 HAD TO DO IN BANKING, MANY, MANY TIMES. TOO
13 MANY TIMES.

14 BUT IN REALITY, TOUGH ECONOMIC TIMES LIKE
15 THESE ARE GREAT OPPORTUNITIES FOR US TO LOOK AT

16 WHAT AND HOW TAX DOLLARS ARE SPENT AND TO
17 REPRIORITIZE. AND IN FACT, MANY OF YOU MIGHT
18 HAVE HEARD THAT THIS MORNING RIGHT HERE IN LEON
19 COUNTY THE LOCAL GOVERNMENT IS MEETING AT
20 NINE O'CLOCK TO PRIORITIZE COUNTY GOVERNMENT
21 SERVICES IN THE FACE OF THE PASSAGE OF THE
22 AMENDMENT YESTERDAY.

23 AS YOUR CHIEF FINANCIAL OFFICER, ONE OF MY
24 GOALS IS TO POINT OUT WHERE STATE GOVERNMENT
25 CAN BE MORE ACCOUNTABLE TO THE PEOPLE AND WHERE

12

1 STATE GOVERNMENT CAN BE MORE EFFICIENT.

2 DURING THE PAST YEAR, I'VE BEEN FOCUSED ON
3 FINDING WAYS TO MAKE MY OWN DEPARTMENT MORE
4 EFFICIENT WITH THE PEOPLE'S DOLLARS. WE
5 STOPPED THE WASTE OF TAX DOLLARS AND A
6 MULTI-MILLION-DOLLAR ACCOUNTING SYSTEM,
7 \$85 MILLION WE SPENT. THIS SYSTEM WAS
8 FLOUNDERING AND ON THE WRONG TRACK. WE REDUCED
9 THE FEES THAT OUR FUND MANAGERS CHARGE TO
10 MANAGE THE MONEYS OF OUR STATE TREASURY,
11 RESULTING IN MORE TAX DOLLARS BEING USED FOR
12 THE PEOPLE OF FLORIDA.

13 AND WE'RE EVEN LOOKING AT SEEMINGLY
14 SMALLER ITEMS THAT CAN ADD UP QUICKLY, FROM THE
15 REDUCTION OF PUBLISHED PRINTING MATERIALS. YOU
16 KNOW, MANY PEOPLE GET THEIR INFORMATION ON THE
17 INTERNET. DO WE REALLY NEED TO BE PUBLISHING
18 MOUNDS AND MOUNDS OF PUBLICATIONS, PAPER THAT
19 ENDS UP SITTING IN A CLOSET SOMEWHERE AND
20 QUICKLY BECOMES OUTDATED?

21 YESTERDAY AT THE VENTURE CAPITAL FORUM IN
22 TAMPA, I TALKED TO A COMPANY WHO HAS A SOFTWARE
23 CHIP THAT CAN TURN OFF A COMPANY'S COMPUTERS
24 AUTOMATICALLY AT EIGHT O'CLOCK EVERY NIGHT AND
25 TURN THEM BACK ON AT SIX O'CLOCK IN THE

13

1 MORNING. IT SAVES \$100 A YEAR IN ENERGY COSTS.

2 NOW, THAT DOESN'T SOUND LIKE VERY MUCH
3 MONEY. WOULD IT REALLY BE WORTH THE EFFORT?
4 BUT WHEN YOU CONSIDER THAT IN MY OWN
5 DEPARTMENT, THE DEPARTMENT OF FINANCIAL
6 SERVICES, WE PROBABLY OPERATE 5,000 COMPUTERS.
7 THAT'S \$500,000 A YEAR IN ENERGY SAVINGS. THAT
8 GETS TO BE REAL MONEY. AND JUST THINK ABOUT
9 HOW MANY COMPUTERS THERE ARE IN THE TOTALITY OF

10 STATE GOVERNMENT. SO WE HAVE TO FORCE
11 OURSELVES TO LOOK AT EFFICIENCIES AND SAVINGS.

12 THIS YEAR, I'M GOING TO PRESENT A VERY
13 CONSERVATIVE BUDGET FOR MY DEPARTMENT TO THE
14 LEGISLATURE, AND I'M GOING TO WORK WITH THE
15 MEMBERS TO GIVE THEM THE MOST SAVINGS I CAN
16 POSSIBLY IDENTIFY WITHOUT HARMING THE ESSENTIAL
17 FUNCTIONS THAT MY DEPARTMENT PERFORMS.

18 WE'RE ALSO GOING TO BROADEN OUR FISCAL
19 ACCOUNTABILITY FOCUS TO INCLUDE OTHER AREAS OF
20 FLORIDA GOVERNMENT. WE HAVE A WEBSITE,
21 MYFLORIDACFO.COM, THAT POSTS THE REVENUE AND
22 EXPENDITURE INFORMATION FOR ALL LOCAL
23 GOVERNMENTS IN THE STATE OF FLORIDA.

24 SO TODAY MORE THAN EVER I AM PUTTING A
25 CALL OUT TO FLORIDA CITIZENS TO GET ENGAGED

14

1 WITH THEIR LOCAL GOVERNMENTS IN IDENTIFYING THE
2 PLACES THAT THEY ARE GOING TO HAVE TO CUT THEIR
3 SPENDING, AND TO GO ON THIS WEBSITE -- IT'S
4 CALLED YOUR LOCAL GOVERNMENT DOLLARS AND
5 CENTS -- AND TO BE VERY TRANSPARENT ABOUT THE
6 WAY OUR LOCAL GOVERNMENTS ARE SPENDING THEIR

7 MONEY.

8 OTHER ISSUES -- ONE OTHER ISSUE I'M
9 LOOKING AT VERY CAREFULLY IS INSURANCE
10 ASSESSMENTS, WHICH ARE IN REALITY TAXES, WHICH
11 OUR CITIZENS ARE FACING NOW DUE TO THE
12 SHORTFALLS IN DEFICITS FROM THE '04 AND '05
13 STORMS, BUT WILL CONTINUE TO FACE DEFICITS AND
14 ASSESSMENTS AFTER THE NEXT HURRICANE SEASONS.

15 AND WE HAVE BEEN VERY FORTUNATE THE LAST
16 TWO YEARS, OF COURSE, TO HAVE NO HURRICANES.
17 BUT WE LIVE IN FLORIDA; WE'RE GOING TO HAVE
18 HURRICANES.

19 WE EXPANDED OUR CAT FUND TO \$28 BILLION IN
20 ORDER TO ACHIEVE STABILITY IN INSURANCE RATES,
21 BUT BECAUSE OF THAT, IT LEAVES OUR CITIZENS
22 VERY, VERY VULNERABLE TO FUTURE ASSESSMENTS.
23 AND IF WE HAPPEN TO HAVE ONE OF THESE
24 28-BILLION-DOLLAR STORMS, WE FLORIDIANS WILL BE
25 ON THE HOOK TO REPAY BONDS IN THE AMOUNT OF A

15

1 BILLION EIGHT A YEAR FOR 30 YEARS. THIS IS BAD
2 FOR BUSINESS, AND IT'S BAD FOR OUR CITIZENS.

3 SO, WITH THE PRIVATE REINSURANCE PRICES

4 DROPPING AND PRIVATE REINSURANCE COMPANIES
5 WILLING TO TAKE SOME RISKS BACK HERE IN
6 FLORIDA, I HAVE PROPOSED A PLAN TO LEGISLATORS
7 THAT WILL HELP OFFSET SOME OF THAT RISK TO THE
8 PRIVATE MARKET.

9 THIS SESSION, I'M GOING TO BE WORKING WITH
10 THE LEGISLATURE IN AN EFFORT TO REDUCE THIS
11 RISK BY \$3 BILLION, WHICH WOULD REFLECT THE
12 SAVINGS OF AS MUCH AS \$8 BILLION IN ASSESSMENTS
13 OVER THE 38-YEAR PERIOD THAT WE COULD BE
14 SUBJECTED TO IF WE HAVE A BIG STORM.

15 CHAIRMAN BENSE HAS INVITED ME AND OUR
16 DEPARTMENT TO FOCUS ON SUGGESTIONS FOR A BUDGET
17 PROCESS. I KNOW YOU'VE BEEN VERY CONSUMED
18 ABOUT PROPERTY TAX ISSUES IN THESE MONTHS. NOW
19 THAT WE -- THE PEOPLE HAVE SPOKEN, I AM
20 ENCOURAGED THAT YOU'RE GOING TO BE TURNING YOUR
21 ATTENTION TO THE WAY WE DO STATE BUDGETING, AND
22 YOU'LL HEAR SOME MORE FROM ME IN YOUR FUTURE
23 MEETINGS AND THROUGH WRITTEN CORRESPONDENCE AS
24 TO SUGGESTIONS THAT WE BELIEVE THE BUDGETING
25 PROCESS IN OUR STATE COULD BE IMPROVED.

1 AGAIN, I WILL APPLAUD YOUR SERVICE TO THE
2 PEOPLE OF FLORIDA AND YOUR COMMITMENT, YOUR
3 TIME. I BELIEVE THAT TOGETHER WE CAN WORK TO
4 MAKE FLORIDA A MUCH MORE ACCOUNTABLE GOVERNMENT
5 AND TO BE MORE EFFICIENT IN THE WAY WE SPEND
6 OUR PEOPLE'S MONEY. THANK YOU, CHAIRMAN BENSE,
7 AND I'LL BE HAPPY TO TAKE A COUPLE OF
8 QUESTIONS.

9 CHAIRMAN BENSE: GREAT. THANK YOU, MADAM
10 CFO. ARE THERE ANY QUESTIONS OF THE CFO? ANY
11 QUESTIONS? NOW IS YOUR CHANCE FOR ...

12 (NO RESPONSE.)

13 THANK YOU SO MUCH FOR COMING. WE
14 APPRECIATE IT.

15 MS. SINK: THANK YOU.

16 CHAIRMAN BENSE: OKAY. WE ALSO HAVE WITH
17 US TODAY -- AND WE'LL LET HIM GO AND GET BACK TO
18 HIS WORK -- SECRETARY OF STATE KURT BROWNING.

19 MR. BROWNING, YOU'RE RECOGNIZED. WELCOME
20 TO THE COMMISSION.

21 MR. BROWNING: THANK YOU. GOOD MORNING. I
22 WANT TO THANK YOU FOR THE OPPORTUNITY TO ADDRESS
23 THE COMMISSION THIS MORNING. I WANTED TO -- I'VE

24 BEEN ASKED JUST TO SPEAK BRIEFLY ABOUT THE
25 MECHANICS OF GETTING THE BALLOT ISSUES READY IN

17

1 THE RIGHT POSTURE FOR THE NOVEMBER 2ND, 2008,
2 ELECTION.

3 AS YOU KNOW, OUR PROCESS PROVIDES THAT OUR
4 CONSTITUTION COULD BE AMENDED IN FIVE WAYS.
5 OBVIOUSLY, THE LEGISLATURE CAN PROPOSE
6 AMENDMENTS. THE CONSTITUTIONAL REVISION
7 COMMISSION, AS THEY DID IN 1998, A CITIZEN
8 INITIATIVE, WHICH IS ALWAYS A HOT TOPIC, AND
9 THE DEADLINE FOR THAT IS COMING UP FRIDAY. AND
10 THEN THE TAXATION AND BUDGET REFORM
11 COMMISSION -- AS WELL AS A CONSTITUTIONAL
12 CONVENTION, WHICH I DON'T THINK HAS EVER BEEN
13 USED, AT LEAST IN RECENT HISTORY.

14 I JUST WANTED TO LET YOU KNOW THAT THE
15 AMENDMENTS -- BECAUSE AMENDMENTS TO THE
16 CONSTITUTION REQUIRES THAT THEY BE APPROVED BY
17 ELECTORS BY 60 PERCENT OF THE VOTERS VOTING ON
18 THAT AMENDMENT, EXCEPT AMENDMENTS PROPOSING NEW
19 STATE TAXES OR FEES. AND, OF COURSE, TAX OR
20 FEE ISSUES THAT WOULD RAISE REVENUES, MUST BE

21 APPROVED BY AT LEAST TWO-THIRDS OF THE VOTERS
22 VOTING IN THAT ELECTION.

23 SO, DEPENDING ON WHAT THE EMPHASIS OR
24 FOCUS OF THE AMENDMENT IS, IT WOULD EITHER
25 REQUIRE 60 PERCENT, MINIMUM, MAYBE AS HIGH --

18

1 IF YOU WERE SUGGESTING AN INCREASE IN STATE
2 REVENUE OR FEES, THEN THAT WOULD REQUIRE A
3 TWO-THIRDS VOTE.

4 I JUST WANTED TO LET YOU KNOW THAT ONCE
5 THIS COMMISSION DETERMINES ITS PROPOSALS, THEY
6 NEED TO BE FILED WITH THE SECRETARY OF STATE.
7 THAT'S ARTICLE 11, SECTION 6 OF THE FLORIDA
8 CONSTITUTION. THE REVISIONS SHOULD COME TO THE
9 SECRETARIES AS ONE SET, WITH EACH INDIVIDUAL
10 REVISION ASSIGNED A NUMBER IN THE ORDER THAT
11 THIS COMMISSION WISHES THEM TO APPEAR ON THE
12 BALLOT.

13 THE COMMISSION'S PROPOSALS WILL BE GROUPED
14 TOGETHER ON THE BALLOT. THEY WILL NOT BE
15 INTERSPERSED AMONGST OTHER CONSTITUTIONAL
16 AMENDMENTS THAT MAY RECEIVE BALLOT PLACEMENT
17 VIA CITIZEN INITIATIVE OR THE LEGISLATURE. BUT

18 THEY WILL BE -- THEY WILL BE ON THE BALLOT
19 GROUPED TOGETHER AND MAYBE HAVE BEEN FILED
20 AHEAD OF COMMISSION'S PROPOSALS. YOU MAY HAVE
21 OTHER ISSUES THAT MAY BE MAKING BALLOT
22 PLACEMENT THAT WOULD BE AHEAD OF YOURS.

23 EACH REVISION MUST HAVE THE FOLLOWING
24 INFORMATION EMBODIED IN THE PROPOSAL, AND THIS
25 IS PURSUANT TO 101.61(1) FROM THE FLORIDA

19

1 STATUTES.

2 THE REVISION NEEDS TO HAVE A TITLE, A
3 CAPTION BY WHICH THE MEASURE IS COMMONLY
4 REFERRED, AND THAT TITLE CANNOT EXCEED 15
5 WORDS. THEN THERE WILL BE A BALLOT SUMMARY.
6 THE BALLOT SUMMARY HAS AN EXPLANATORY STATEMENT
7 OF THE CHIEF PURPOSE OF THE MEASURE, AND THAT
8 IS LIMITED TO 75 WORDS. SO YOU HAVE TO BE REAL
9 CAREFUL AND CRAFTY IN ORDER TO GET YOUR POINT
10 ACROSS IN A SMALLER, LIMITED NUMBER OF WORDS.

11 THEN THE FULL TEXT OF THE REVISION,
12 INCLUDING THE CODING; AND THAT IS, AS I SAID,
13 PURSUANT TO SECTION 101.61 OF THE FLORIDA
14 STATUTES.

15 THE BALLOT SUMMARY SHOULD BE CLEAR AND
16 UNAMBIGUOUS LANGUAGE AND BE STYLED IN SUCH A
17 MANNER THAT A YES VOTE WOULD INDICATE APPROVAL
18 OF THE PROPOSAL AND A NO VOTE WILL INDICATE A
19 REJECTION OF THAT PROPOSAL.

20 THE PROPOSALS ARE DUE TO THE SECRETARY NO
21 LATER THAN 180 DAYS PRIOR TO GENERAL ELECTION.
22 GENERAL ELECTION, NOVEMBER 2ND, THE DEADLINE
23 FOR GETTING YOUR PROPOSALS TO THE SECRETARY OF
24 STATE IS MAY 8TH, 2008.

25 THE PROPOSED REVISIONS WILL BE PUBLISHED,

20

1 AND THE DEPARTMENT OF STATE WILL TAKE CARE OF
2 THE PUBLICATION OF THOSE REVISIONS, ALONG WITH
3 OTHER AMENDMENTS WHICH MAY BE APPEARING ON THE
4 GENERAL ELECTION BALLOT. AND WE MUST DO THAT
5 IN NEWSPAPERS OF GENERAL CIRCULATION THROUGHOUT
6 THE STATE.

7 WE DO THAT ONCE IN THE SIXTH WEEK AND ONCE
8 IN THE TENTH WEEK PRECEDING THAT GENERAL
9 ELECTION. THE DEPARTMENT ESTIMATES THAT EACH
10 AMENDMENT WILL COST \$60,000 TO ADVERTISE, WHEN
11 YOU LOOK AT THE NUMBER OF PAPERS THAT WE HAVE

12 TO PUBLISH IN. WE USE AN APPROXIMATION OF
13 \$60,000 PER AMENDMENT. THOSE COSTS ARE
14 OBVIOUSLY DEPENDENT ON THE LENGTH OF THE
15 AMENDMENT.

16 I BELIEVE THAT THE ONE THAT WAS ON THE
17 BALLOT YESTERDAY, SINCE IT EXCEEDED THE 75
18 WORDS, THAT WAS JUST LESS, I THINK, THAN A HALF
19 A MILLION DOLLARS THAT IT TOOK TO PUBLISH THAT
20 IN THE NEWSPAPERS ACROSS THE STATE.

21 IN ADDITION TO PUBLICATION, THE DEPARTMENT
22 WILL PROVIDE COPIES OF THE AMENDMENTS, EITHER
23 IN BOOKLET FORM OR POSTER FORM, THAT WILL BE
24 MADE AVAILABLE AT ALL POLLING PLACES, ALMOST
25 7,000 POLLING PLACES, ON GENERAL ELECTION DAY,

21

1 AS WELL AS THE TEXT OF THOSE AMENDMENTS WE'VE
2 POSTED ON OUR WEBSITE, AS WELL AS, I'M SURE,
3 OTHER WEBSITES.

4 SO THAT'S PRETTY MUCH -- IT'S A PRETTY
5 STRAIGHTFORWARD PROCESS. THE DEPARTMENT OF
6 STATE IS MORE THAN HAPPY TO WORK WITH THIS
7 COMMISSION AS YOU DRAW CLOSER TO THE MAY 8TH
8 DATE, BUT I WOULD BE MORE HAPPY TO ANSWER ANY

9 QUESTIONS THAT YOU MAY HAVE.

10 CHAIRMAN BENSE: QUESTIONS? COMMISSIONER
11 SCOTT.

12 VICE CHAIR SCOTT: MR. SECRETARY, YOU SAID
13 THAT -- HOW IT'S DETERMINED, BUT I DIDN'T QUITE
14 GET WHICH OF THE FIRST, SECOND, THIRD, FOURTH
15 AMENDMENTS ON THE BALLOT. IS THAT BY TIME? AND
16 WHAT IF THE LEGISLATURE PUTS SOME ON, AND WHERE
17 DOES THIS COMMISSION FIT INTO THAT?

18 MR. BROWNING: THE PROPOSALS FROM THIS
19 COMMISSION WILL BE AFTER FROM THOSE AMENDMENTS
20 THAT HAVE A BALLOT PLACEMENT BY SOME OTHER FORM.

21 WE -- THE LEGISLATURE MAY HAVE -- THEY --
22 REALLY BY THE ORDER IN WHICH WE RECEIVE THEM.
23 BECAUSE YOUR DATE IS MAY 8TH, THEN THAT'S THE
24 LATER OF ALL THE DATES FOR WHICH GROUPS HAVE TO
25 GET THINGS ON THE BALLOT. SO THEIRS -- YOURS

22

1 WILL BE GROUPED BEHIND ANY INITIATIVE OR ANY
2 AMENDMENT -- PROPOSED AMENDMENT THAT THE
3 LEGISLATURE WILL PUT ON THE BALLOT, AS WELL AS
4 IF ANY INITIATIVE -- PETITIONING GROUP HAS
5 BALLOT PLACEMENT CERTIFIED AS OF FRIDAY, THE

6 1ST OF FEBRUARY.

7 CHAIRMAN BENSE: WHO IS THAT? WHO IS WISHING
8 TO BE RECOGNIZED BY PHONE?

9 VICE CHAIR SCOTT: THEY'RE PROBABLY SAYING
10 THEY CAN'T HEAR. IT'S VERY DIFFICULT ON THE PHONE
11 SOMETIMES.

12 BUT IF I MIGHT, MR. CHAIR, JUST TO -- SO
13 IF WE SENT IT OVER EARLIER, IT WOULD BE ON
14 EARLIER, OR NO? WHAT IF WE SENT SOME OF THEM
15 OVER EARLIER AND SOME LATER?

16 MR. BROWNING: WELL, THEY'RE GOING TO BE
17 GROUPED TOGETHER. WE WOULD GROUP ALL YOUR
18 PROPOSALS TOGETHER. AND THAT WOULD BE AN ISSUE
19 THAT WE WOULD NEED TO GET LEGAL COUNSELS LOOKING
20 AT TO SEE, DEPENDING ON WHEN THEY'RE FILED WITH
21 THE DEPARTMENT. KEEP IN MIND THAT FRIDAY, 1ST OF
22 FEBRUARY, IS THE DEADLINE FOR SUPERVISORS TO
23 CERTIFY PETITION SIGNATURES TO US. AND WE'LL BE
24 MAKING THAT ANNOUNCEMENT SATURDAY, NO LATER THAN
25 SATURDAY AT NOON, AS TO WHETHER OR NOT ANY OF

23

1 THOSE CITIZENS HAVE BALLOT PLACEMENT.

2 SO, AT A MINIMUM, IF ANY OF THOSE ISSUES

3 MAKE BALLOT PLACEMENT BY FRIDAY, THEN YOU --
4 AND THEN YOU SUBMIT YOUR PROPOSALS, IT MAY BE
5 THAT THEY WOULD APPEAR AFTER ANY CITIZEN
6 INITIATIVE, BUT MAYBE BEFORE ANY LEGISLATIVE
7 ISSUE THAT MAY BE PLACED DURING THE SESSION.

8 CHAIRMAN BENSE: MR. SCOTT, YOU'RE
9 RECOGNIZED.

10 VICE CHAIR SCOTT: NO, I JUST WAS CURIOUS
11 ABOUT THE TIME FRAME. I KNOW YOU MAY WANT TO
12 CHECK THIS ALSO, BUT IT WAS JUST A QUESTION. IF
13 NOT TODAY, SOMETIME WE'D LIKE TO KNOW WHERE OUR
14 PROPOSALS, IF ANY, END UP.

15 MR. BROWNING: MR. CHAIRMAN, IF I MAY. WE
16 WILL GET THAT INFORMATION TO YOU AFTER WE GET
17 CHECKED WITH OUR COUNSEL.

18 CHAIRMAN BENSE: SO, MR. SECRETARY, WHAT
19 YOU'RE SAYING IS IT'S WHO GETS ON -- WHO GETS
20 THEIR SIGNATURES TO YOU FIRST, OR THEIR INITIATIVE
21 TO YOU FIRST? FIRST COME, FIRST SERVED?

22 MR. BROWNING: YES, SIR. GENERALLY THAT IS
23 THE WAY THAT THE ISSUES ARE PLACED ON THE BALLOT,
24 IS BY THE DATE THAT THEY ARE CERTIFIED TO THE
25 SECRETARY OF STATE.

1 CHAIRMAN BENSE: COMMISSIONER WILKINSON,
2 YOU'RE RECOGNIZED FOR A QUESTION.

3 MR. WILKINSON: MR. SECRETARY, I GOT A LITTLE
4 CONFUSED. I'M JUST LOOKING FOR CLARIFICATION.
5 YOU SAID OURS WOULD ALL COME OVER TOGETHER, BUT
6 YOU'RE NOT SAYING IT'S AN UP OR DOWN VOTE ON THE
7 NUMBERS THAT WE COUNT LIKE WE DID LAST NIGHT.
8 THEY STAND SEPARATELY, ALONE, FOR THE VOTE?

9 MR. BROWNING: MR. CHAIRMAN, IF I MAY.

10 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

11 MR. BROWNING: YES. THEY WOULD BE INDIVIDUAL
12 AMENDMENTS. WE WOULD WANT THE PACKAGE COMING OVER
13 AT ONE TIME, BUT THERE WOULD BE INDIVIDUAL
14 AMENDMENTS ON THE BALLOT FOR VOTERS TO CONSIDER,
15 YES.

16 CHAIRMAN BENSE: COMMISSIONER RILEY, YOU'RE
17 RECOGNIZED.

18 MS. RILEY: THANK YOU. SINCE WE'LL ALL BE
19 GROUPED TOGETHER, WILL IT BE NOTICED TO THE PUBLIC
20 IN THE GROUPING THAT THESE ARE PROPOSALS OR
21 AMENDMENTS FROM THE TAXATION AND BUDGET REFORM
22 COMMISSION, SO THAT THE PUBLIC WOULD KNOW THAT

23 THAT COMES FROM US?

24 MR. BROWNING: MR. CHAIRMAN?

25 CHAIRMAN BENSE: COMMISSIONER BROWNING -- OR,

25

1 SECRETARY BROWNING, YOU'RE RECOGNIZED.

2 MR. BROWNING: I'M NOT CERTAIN THAT THERE
3 WOULD BE ANY ADDITIONAL INDICATION THAT THERE
4 WOULD BE PROPOSALS COMING FROM THE TAXATION AND
5 BUDGET REFORM COMMISSION. THEY WOULD LOOK LIKE
6 ANY OTHER PROPOSAL THAT MAY BE OUT THERE. AGAIN,
7 THAT MAY BE AN ISSUE, COMMISSIONER, THAT WE MAY
8 NEED TO CHECK WITH COUNSEL ON AND SEE IF THERE'S
9 ANY ADDITIONAL WORDING. THE LAW DOES NOT
10 CONTEMPLATE ANY ADDITIONAL WORDING.

11 CHAIRMAN BENSE: FOLLOW-UP.

12 COMMISSIONER RILEY, YOU'RE RECOGNIZED.

13 MS. RILEY: DO YOU THINK MAYBE THAT MIGHT BE
14 APPROPRIATE? SINCE THE CITIZENS OF FLORIDA ARE
15 PUTTING A LOT OF PRESSURE ON THIS TAXATION AND
16 BUDGET REFORM COMMISSION, I THINK IT WOULD
17 PROBABLY BE APPROPRIATE TO LET THEM NOTICE THAT
18 THESE ARE PROPOSALS COMING FROM US.

19 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

20 MR. BROWNING: WE WILL LOOK AT THAT AND SEE
21 IF THE LAW PERMITS THAT OR ALLOWS THAT.

22 CHAIRMAN BENSE: COMMISSIONER MARTHA BARNETT,
23 YOU'RE RECOGNIZED.

24 MS. BARNETT: THANK YOU. THANK YOU.

25 MR. SECRETARY, YOU MAY NOT HAVE THIS ANSWER, BUT

26

1 IN TERMS OF THE PERCENTAGE REQUIRED TO ACTUALLY
2 PASS A CONSTITUTIONAL AMENDMENT, THERE'S A
3 60 PERCENT THRESHOLD, AND THEN FOR NEW FEES OR
4 TAXES, AS YOU MENTIONED, THE TWO-THIRDS REQUIRE --
5 MAJORITY REQUIREMENT.

6 DO YOU-ALL HAVE AN OPINION OR HAS THERE
7 BEEN ANY CASE LAW TO YOUR EFFECT AS TO WHAT IS
8 A NEW FEE OR TAX, SO THAT -- I WANT TO MAKE
9 SURE THAT WE ARE ALL COGNIZANT OF THE VOTING
10 REQUIREMENT THAT WOULD ATTACH TO ANY PROPOSAL
11 THAT WE MIGHT MAKE AND PUT ON THE BALLOT. SO
12 IF WE COULD GET A CLARIFICATION OF THAT AT SOME
13 POINT IT WOULD BE VERY HELPFUL.

14 CHAIRMAN BENSE: SECRETARY BROWNING?

15 MR. BROWNING: FUNNY YOU SHOULD ASK THAT,
16 COMMISSIONER, BECAUSE EVEN THIS MORNING I WAS

17 TALKING TO MY ASSISTANT SECRETARY ABOUT, IS IT ANY
18 PROPOSAL THAT COMES FROM THIS COMMISSION. WHEN
19 YOU READ THE CONSTITUTION FURTHER, IT'S -- IT DOES
20 INDICATE THAT THAT WOULD INCREASE REVENUES.

21 AGAIN, I DON'T THINK THAT I'M IN A
22 POSITION TO BE THE -- THE BODY THAT WOULD
23 DETERMINE WHETHER OR NOT SOMETHING WOULD PASS
24 BY 60 PERCENT OR A TWO-THIRDS VOTE. THAT WOULD
25 BE SOMETHING THAT WE WOULD HAVE TO INVESTIGATE

27

1 AND THEN TO GET BACK WITH YOU ON.

2 CHAIRMAN BENSE: FURTHER QUESTIONS?
3 COMMISSIONER MCKAY, YOU'RE RECOGNIZED.

4 MR. MCKAY: THANK YOU, MR. CHAIRMAN.

5 MR. CHAIRMAN, QUESTION FOR YOU FIRST. WE
6 PASSED IN OUR LAST MEETING A COUPLE
7 CONSTITUTIONAL AMENDMENTS BY SENATOR
8 MARGOLIS -- OR MAYBE ONE BY SENATOR MARGOLIS,
9 AND THEN THAT WENT TO THE STYLE AND DRAFTING
10 COMMITTEE. CAN YOU -- SUBJECT NEVER CAME UP
11 BEFORE, BUT CAN YOU ANTICIPATE HOW LONG THAT
12 WILL BE IN THAT COMMITTEE. AND ONCE IT'S IN
13 THAT COMMITTEE, WHAT HAPPENS TO SENATOR

14 MARGOLIS'S PROPOSAL?

15 CHAIRMAN BENSE: I THINK WE MAY BE PREPARED
16 TODAY TO MAKE RECOMMENDATIONS TO -- FOR COMMISSION
17 MEMBERS TO BE ON THAT STYLING AND DRAFTING
18 COMMITTEE. I DON'T KNOW HOW LONG THE COMMITTEE
19 WOULD TAKE TO DRAFT A PROPOSAL THAT WOULD BE --
20 MEET THE TEST AND AVOID ANY LEGAL TESTS AS WELL.

21 THEN THAT -- ONCE THAT COMMITTEE IS DONE
22 WITH EACH INDIVIDUAL PROPOSAL, THEY SEND THAT
23 BACK HERE TO THE COMMISSION TO MAKE SURE THAT
24 THAT'S IN FACT WHAT THEY PASSED. AND FROM
25 THERE WOULD GO ON TO HIS OFFICE.

28

1 DOES THAT ANSWER YOUR QUESTION?

2 MR. MCKAY: DOES THAT MEAN WHEN THE PRODUCT
3 COMES BACK FROM THE STYLING AND DRAFTING COMMITTEE
4 IT WILL REQUIRE ANOTHER VOTE OF THIS COMMISSION?

5 CHAIRMAN BENSE: THAT'S CORRECT. THAT'S
6 CORRECT.

7 MR. MCKAY: A VOTE --

8 CHAIRMAN BENSE: CORRECT, MR. CIBULA?

9 MR. CIBULA: YEAH. THERE WILL BE TWO VOTES.
10 I PLAN TO DISCUSS THAT LATER WHEN I SPEAK.

11 CHAIRMAN BENSE: WE DEBATED THAT PRETTY
12 STRONG ONE DAY.

13 MR. MCKAY: THAT SPEED IS IMPORTANT GIVEN THE
14 COMMENTS OF THE SECRETARY, BECAUSE IT'S THOSE OF
15 US THAT HAVE BEEN INVOLVED IN ELECTIONS, WHICH IS
16 MOST OF US, KNOW THAT PLACEMENT ON THE BALLOT CAN
17 HAVE A DRAMATIC EFFECT AS TO WHETHER AN ISSUE
18 PASSES OR A CANDIDATE IS ELECTED OR NOT.

19 CHAIRMAN BENSE: WELL, IT SOUNDS AS IF WE'RE
20 GOING TO NOT BE AT THE TOP OF THE LIST BECAUSE
21 OBVIOUSLY THE ONES THAT GET IN BY FRIDAY FROM THE
22 SIGNATURE PERSPECTIVE, IF THE LEGISLATURE PASSES
23 JOINT RESOLUTIONS THAT GET ON -- GET TO HIM BEFORE
24 ANY OF OURS GET TO THEM, THEN WE WILL NOT BE AT
25 THE TOP OF THE LIST, IT APPEARS. WOULD YOU AGREE?

29

1 MR. MCKAY: SO THAT'S WHY MAYBE WE WANT TO
2 SEE IF WE CAN BE AHEAD OF THE LEGISLATURE.

3 CHAIRMAN BENSE: GOOD POINT.

4 MS. STORY: MR. CHAIRMAN?

5 CHAIRMAN BENSE: COMMISSIONER STORY, YOU'RE
6 RECOGNIZED.

7 MS. STORY: TO THAT POINT, AND I KNOW THAT

8 MR. CIBULA IS GOING TO TALK ABOUT THE PROCESS. AS
9 WE TALK ABOUT THE PROCESS AND WE TALK ABOUT
10 GETTING AHEAD OF THINGS, I THINK IT'S IMPORTANT AS
11 WE'RE VOTING OUT PROPOSALS, I PERSONALLY -- AND I
12 MAY BE IN THE MINORITY -- WOULD LIKE TO SEE ALL OF
13 THEM BEFORE WE PRIORITIZE WHICH ONES WE WANT ON
14 OUR LIST IF ANY GO THROUGH.

15 SO I HAVE A CONCERN ABOUT VOTING ONCE,
16 GETTING IT THROUGH, AND JUST SENDING ONESIES
17 AND TWOSIES WITHOUT ANY PRIORITIZATION OF THIS
18 COMMISSION AT THE END OF LOOKING AT ALL OF
19 THEM, IF THERE ARE MULTIPLE ONES. AND I THINK
20 WE NEED TO BE COGNIZANT THAT, JUST BECAUSE WE
21 GET DONE IT FIRST, IT MAY NOT BE THE ORDER WE
22 MIGHT VOTE LATER. I WOULD PREFER -- AND I
23 THINK IT'S IN THE PROPOSED PROCESS THAT WE
24 COVERED TO DO THAT, SO I JUST WANT TO THROW
25 THAT OUT THERE.

30

1 CHAIRMAN BENSE: AND, MEMBERS, IT'S FURTHER
2 COMPLICATED BY THE FACT THAT, YOU KNOW, WE HAVE
3 SPONSORS IN THE HOUSE AND SENATE FOR LEGISLATION
4 TO EXCEED THE 75-WORD LIMIT, AND IT COULD VERY

5 WELL BE THAT IF IN FACT THAT PASSES, THAT WE MAY
6 WANT TO COMBINE SOME OF THESE AMENDMENTS AS WE GET
7 NEAR THE END.

8 SO, AGAIN, I DON'T HAVE A POSITION EITHER
9 WAY, EXCEPT FOR THE COMMISSION TO DECIDE.

10 SO, COMMISSIONER MATHIS, YOU'RE
11 RECOGNIZED.

12 MS. MATHIS: HELLO, SECRETARY BROWNING.
13 DO -- CAN YOU RECALL HOW THE PROPOSALS FROM THE
14 CONSTITUTIONAL REVISION COMMISSION WERE PLACED ON
15 THE BALLOT AND WHAT ORDER THEY HAD, AND DO YOU SEE
16 THIS COMMISSION'S PROPOSALS BEING TREATED ANY
17 DIFFERENTLY?

18 CHAIRMAN BENSE: MR. SECRETARY, YOU'RE
19 RECOGNIZED.

20 MR. BROWNING: THAT WAS 1998. I'M TRYING --
21 I WOULD HAVE TO GO BACK AND LOOK, BUT I WOULD
22 THINK THEY WOULD BE STYLED VERY SIMILAR TO THE WAY
23 THAT CRC HAD THEIR STYLE. SO -- BUT WE, YOU KNOW,
24 WE WOULD HAVE TO GO BACK AND LOOK AT THE BALLOTS
25 AND SEE ACTUALLY WHERE THEY FELL.

31

1 I WILL TELL YOU MY STAFF HAS JUST POINTED

2 OUT TO ME THAT WE HAVE A RULE IN THE
3 DIVISION -- DEPARTMENT OF STATE, A
4 CONSTITUTIONAL AMENDMENT BALLOT POSITION, AND
5 IT ACTUALLY READS, THE REVISION PROPOSALS AND
6 PROPOSED AMENDMENT SHALL BE ASSIGNED
7 DESIGNATING NUMBERS IN CONSECUTIVE ASCENDING
8 NUMERICAL SEQUENCE IN THE ORDER OF.

9 AND THE FIRST ONE IS, RECEIPT BY THE
10 SECRETARY OF STATE OF THE CONSTITUTIONAL
11 CONVENTION OR COMMISSION REVISION PROPOSALS.
12 SO IT DOES APPEAR THAT YOURS WOULD GO FIRST,
13 AND WE NEED TO VET THAT OUT FURTHER. BUT THEN
14 YOU ALSO HAVE ISSUES OF THE LEGISLATURE AS WELL
15 AS THEN CITIZEN INITIATIVES, SO -- IN THAT
16 ORDER.

17 SO WE WILL LOOK AT THAT AND MAKE SURE THAT
18 THAT'S SOLID. THAT'S GOOD NEWS FOR YOU.

19 CHAIRMAN BENSE: FURTHER QUESTIONS? FURTHER
20 QUESTIONS? I THINK THE LAWYERS HAVE A LITTLE BIT
21 OF WORK TO DO HERE FOR THE NEXT FEW WEEKS. AND,
22 MR. CIBULA AND MR. GOODLETTE, I ENCOURAGE YOU TO
23 GET WITH THE SECRETARY'S COUNSEL SO WE CAN HAVE
24 FURTHER CLARIFICATION ON THESE ISSUES.

25 MS. BARNETT: MR. CHAIRMAN?

32

1 CHAIRMAN BENSE: COMMISSIONER BARNETT.

2 MS. BARNETT: INFORMATION AND QUESTION. HOW
3 MANY INITIATIVE PETITIONS DO WE ANTICIPATE AT THIS
4 POINT IN TIME? DO YOU HAVE ANY EARLY, EARLY,
5 EARLY RESULTS?

6 CHAIRMAN BENSE: ANY POLLS OUT THERE?

7 MR. BROWNING: OH, NO. I'M OPERATING ON VERY
8 LITTLE SLEEP. WE HAD A VERY GOOD ELECTION
9 YESTERDAY, VERY GOOD. THERE ARE TWO INITIATIVES
10 THAT ARE CURRENTLY BEING CONSIDERED THAT ARE
11 CLOSE -- OR I SAY CLOSE, WITHIN STRIKING DISTANCE
12 OF THE 611,009 REQUIRED PETITIONS -- OR
13 SIGNATURES.

14 THE MARRIAGE PETITION WAS ABOUT 25,000 SHY
15 OF THAT NUMBER AS OF THE 10TH OF JANUARY. SO
16 THEY WERE -- MY UNDERSTANDING, THAT THE REPORTS
17 ARE THAT THEY'RE FRANTICALLY OUT THERE TRYING
18 TO GET THE BALANCE OF THOSE PETITIONS IN. AND
19 THOSE ARE TO BE CERTIFIED BY A SUPERVISOR BY
20 FEBRUARY 1ST, FRIDAY.

21 OF COURSE, THIS ELECTION YESTERDAY HAS

22 KIND OF THROWN A WRENCH, IF YOU WILL, INTO
23 THEIR SCHEDULE, BECAUSE THEY'RE TRYING TO GET
24 THE PRIMARY PULLED OFF AND THEN THEY WILL GO
25 BACK TO VERIFYING PETITIONS.

33

1 THE OTHER ONE THAT HAS A POTENTIAL OF
2 MAKING IT BUT A LITTLE BIT FURTHER AWAY IS
3 HOMETOWN DEMOCRACY. HOMETOWN DEMOCRACY WAS
4 ABOUT 110,000 SIGNATURES SHY OF THE REQUIRED
5 611,000. SO THOSE ARE THE TWO THAT ARE OUT
6 THERE THAT WE ARE CLOSELY WATCHING.

7 MS. BARNETT: FOLLOW-UP, PLEASE.

8 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

9 MS. BARNETT: WITH REGARD TO THE PETITIONS,
10 IS THERE -- WHAT DO THEY DO ABOUT SITUATIONS WHERE
11 THEY MAY HAVE PETITIONS AT THE SUPERVISOR OF
12 ELECTIONS OFFICE? I MEAN, YOU JUST MENTIONED
13 THEY'VE BEEN OVERWHELMED THIS WEEK WITH ELECTIONS,
14 AND THEY DON'T ACTUALLY GET CERTIFIED TO THE
15 SECRETARY OF STATE. IS THERE A NEVER-NEVER LAND
16 OR IS THERE A PROCESS THAT YOU GO THROUGH TO --
17 WHAT IS THE PROCESS THERE?

18 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

19 MR. BROWNING: THERE -- EVERY PETITION WILL
20 BE CHECKED. HOWEVER, THE LEGISLATURE LAST YEAR
21 ADOPTED A PROPOSAL THAT SAYS THAT SUPERVISORS
22 MUST -- ARE REQUIRED TO -- VERIFY PETITIONS WITHIN
23 30 DAYS OF RECEIPT. SO THE DATE THAT GROUPS
24 HAD -- IT WAS DECEMBER 31ST WAS THE 30TH DAY PRIOR
25 TO FEBRUARY 1ST, AND THAT WAS THE DATE THAT THEY

34

1 REALLY WANTED THEIR NUMBERS TO BE LEGALLY INCLUDED
2 IN THAT FEBRUARY 1ST CERTIFICATION.

3 THEY HAD TO HAVE IT IN MY OFFICE -- IN THE
4 SUPERVISOR'S OFFICE ABOUT -- ON OR BEFORE
5 DECEMBER 31ST. HOWEVER, SUPERVISORS WERE ALSO
6 ENCOURAGED, THAT ALTHOUGH YOU MAY RECEIVE
7 PETITIONS AFTER FEBRUARY 1ST, PLEASE, PLEASE,
8 PLEASE MAKE EVERY EFFORT TO VERIFY THOSE
9 PETITIONS.

10 IN -- I GUESS IN A SHORTER ANSWER,
11 SUPERVISORS HAVE 30 DAYS TO VERIFY PETITIONS.
12 SO IF THEY DIDN'T GET PETITIONS UNTIL THE 10TH
13 OF JANUARY, THEY'RE GOING TO HAVE 30 DAYS FROM
14 THE 10TH, WHICH WILL BE AFTER THE FEBRUARY 1ST
15 DEADLINE. MY HOPE IS THE SUPERVISORS WILL

16 CONTINUE NOW -- ALTHOUGH THE ELECTION IS OVER,
17 THERE'S STILL A LOT TO BE DONE WITH GETTING THE
18 ELECTION CERTIFIED AND GET PROVISIONAL BALLOTS
19 TABULATED AND WHAT HAVE YOU, TYING UP LOOSE
20 ENDS. BUT, HOPEFULLY, THEY WILL FOCUS THEIR
21 ATTENTION ON VERIFYING WHAT PETITIONS THEY HAVE
22 IN THEIR OFFICES.

23 CHAIRMAN BENSE: ANY MEMBERS ON THE TELEPHONE
24 HAVE ANY QUESTIONS?

25

35

1 MR. LES MILLER: MR. CHAIRMAN?

2 CHAIRMAN BENSE: YOU'RE RECOGNIZED. WHO IS
3 THIS?

4 MR. LES MILLER: THIS IS LES MILLER.

5 CHAIRMAN BENSE: HEY, COMMISSIONER MILLER.

6 MR. LES MILLER: I DON'T HAVE ANY QUESTIONS.
7 I JUST ASK THAT THEY SPEAK UP INTO THE MIC. IT'S
8 AWFULLY DIFFICULT HEARING ON THE PHONE. IT'S VERY
9 IMPORTANT FOR THESE CONVERSATIONS, AND I APOLOGIZE
10 FOR NOT BEING THERE. I JUST COULDN'T TRAVEL
11 TODAY. BUT IF EVERYONE WOULD SPEAK INTO THE MIC,
12 BELIEVE ME, IT WOULD HELP.

13 CHAIRMAN BENSE: OKAY. WE'LL DO A BETTER JOB
14 OF THAT. COMMISSIONER RILEY, YOU'RE RECOGNIZED.

15 MS. RILEY: THANK YOU. SECRETARY, THE
16 LEGISLATURE ALSO PASSED LAST SESSION, SAYING THAT
17 YOU COULD ALSO REMOVE YOUR NAME FROM THE PETITION,
18 SO IF IT HAS TO BE VERIFIED BY A CERTAIN DATE AND
19 THEN YOU HAVE THIS REMOVAL, WHEN IS THE FINAL
20 VERIFICATION OF IF YOU HAVE THE NUMBERS OR DON'T
21 HAVE THE NUMBERS?

22 CHAIRMAN BENSE: MR. SECRETARY, YOU'RE
23 RECOGNIZED.

24 MR. BROWNING: GOOD QUESTION. IT'S CALLED
25 VERIFICATIONS. THE LEGISLATURE DID PROVIDE THAT A

36

1 VOTE OR A PETITION SIGNER MAY HAVE HIS OR HER
2 SIGNATURE REVOKED OR REMOVED FROM A PETITION. THE
3 ONLY PETITION OUT THERE THAT HAS A REVOCATION
4 GROUP ASSOCIATED WITH IT IS HOMETOWN DEMOCRACY.
5 THOSE REVOCATIONS NEED TO BE FILED ON OR BEFORE
6 FEBRUARY 1ST.

7 SO ONCE THAT'S DONE, THEN IT'S JUST SIMPLE
8 MATH WHERE YOU TAKE ALL THE PLUSES FROM THE
9 COUNTIES AND THEN SUBTRACT OUT ALL THE

10 REVOCATIONS. AND EITHER THEY WILL SETTLE ON
11 THIS SIDE OR THE OTHER SIDE OF 611,009
12 SIGNATURES. THE REVOCATIONS WILL ALSO BE
13 INCLUDED IN THAT COUNT OF FEBRUARY 1ST.

14 CHAIRMAN BENSE: ANY MORE QUESTIONS? ANY
15 MORE QUESTIONS? I HAVE ONE. ARE THERE ANY JOINT
16 RESOLUTIONS PENDING THAT THE LEGISLATURE PASSED
17 THE LAST SESSION?

18 MR. BROWNING: NOT THAT I'M AWARE OF. I
19 DON'T BELIEVE THAT THERE ARE ANY THAT THE
20 LEGISLATURE FILED.

21 CHAIRMAN BENSE: SO TO SUM UP THE BATTLEFIELD
22 NOW, YOU HAVE ONE THAT'S 25,000 SHORT, ONE THAT'S
23 110,000 SHORT, AND THAT'S ALL THAT'S AHEAD OF US
24 RIGHT NOW?

25 MR. BROWNING: THAT IS CORRECT.

37

1 CHAIRMAN BENSE: COMMISSIONER SCOTT?

2 VICE CHAIR SCOTT: I UNDERSTOOD YOU TO SAY
3 THAT -- THAT OURS GO FIRST ANYWAY, BECAUSE IT'S
4 FROM THE -- IT'S LIKE, I THOUGHT I REMEMBERED
5 THAT, BUT THAT WAS ON A CONSTITUTIONAL REVISION,
6 THAT OUR PROPOSALS WOULD GO FIRST, EVEN AHEAD OF

7 ANY INITIATIVE POSITION?

8 MR. BROWNING: MY READING OF THIS RULE OF THE
9 DIVISION OF ELECTIONS IS THAT YOURS WOULD GO
10 FIRST, IN THAT ORDER. THE COMMISSION'S AND THEN
11 ANY JOINT LEGISLATIVE RESOLUTIONS BY THE
12 LEGISLATURE, AND THEN YOU HAVE THE CITIZEN
13 INITIATIVES. THAT'S THE WAY I READ IT.

14 SO REGARDLESS OF WHEN YOU GET YOURS IN,
15 EVEN MAY 8TH, THEY WOULD GO FIRST.

16 CHAIRMAN BENSE: WELL, DID I NOT HEAR EARLIER
17 THAT THE CITIZENS -- SO YOU CLARIFIED YOURSELF?

18 MR. BROWNING: YES, SIR.

19 CHAIRMAN BENSE: OKAY. ANY MORE QUESTIONS?

20 (NO RESPONSE.)

21 THANK YOU SO MUCH.

22 MR. BROWNING: THANK YOU SO MUCH.

23 CHAIRMAN BENSE: THANK YOU FOR TAKING THE
24 TIME.

25 NEXT UP, SINCE WE'RE KIND OF JUMPING

38

1 AROUND A LITTLE BIT, I THOUGHT WE'D HAVE JUST A
2 FEW MINUTES FOR SOME REMARKS PRIMARILY CENTERED
3 FRANKLY AROUND YESTERDAY'S VOTE ON THE

4 AMENDMENT NO. 1 WHICH PASSED.

5 MEMBERS, ANY COMMENTS THAT ANYONE WANTS TO
6 MAKE ALONG THOSE LINES? I'D LIKE TO HEAR THEM.
7 I THINK IT PROBABLY CHANGES OUR SCOPE A LITTLE
8 BIT OF WHERE WE'RE HEADING TODAY AND SO ON.
9 ANY COMMENTS? ANYONE WANT TO --

10 MR. WILKINSON: I WOULD HAVE ONE. YOOHOO.

11 CHAIRMAN BENSE: COMMISSIONER WILKINSON?

12 MR. WILKINSON: THAT WAS IT. YOOHOO.

13 CHAIRMAN BENSE: THAT WAS GOOD.

14 COMMISSIONER ROUSON, YOU'RE RECOGNIZED.

15 MR. ROUSON: THANK YOU VERY MUCH. FIRST OF
16 ALL, I THINK THAT THE GOVERNOR EXHIBITED GREAT
17 LEADERSHIP IN PUSHING FORWARD THIS CONSTITUTIONAL
18 AMENDMENT CONCERNING PROPERTY TAX RELIEF, AND THAT
19 THE PEOPLE HAVE SPOKEN IN A LARGE MEASURE.

20 HOWEVER, I BELIEVE ALSO THAT PART OF THIS
21 MESSAGE IS THAT THEY'RE STILL RELYING UPON US
22 AS THE TAX AND BUDGET REFORM COMMISSION TO DO
23 MORE. THE SENSE THAT I GOT WAS PEOPLE WANTED
24 RELIEF. THEY WANTED IT NOW. THEY WANTED IT
25 EVEN IN A FORM THAT MAY NOT GIVE THEM

1 EVERYTHING OR PROVIDE ALL OF THE RELIEF, BUT
2 CERTAINLY THERE IS MUCH WORK FOR US TO DO.

3 I THINK THAT WE HAVE TO FIND A WAY TO DO
4 SOME MORE FUNDING AND TO PUSH THE LEGISLATURE
5 TO DO MORE FUNDING FOR EDUCATION, IF EDUCATION
6 IS ACTUALLY GOING TO SUFFER.

7 BUT THAT IT WAS A GREAT MESSAGE YESTERDAY.
8 I AGREED WITH THE COMMENTS THAT WERE IN THE
9 ST. PETERSBURG TIMES THIS MORNING, IF IN FACT
10 THEY WERE ACCURATE, CONCERNING OUR FELLOW
11 COMMISSIONER MARTHA BARNETT, WHEN SHE INDICATED
12 THAT THIS WILL HELP US FOCUS. WE MIGHT FOCUS
13 MORE ON SPECIFICS AS OPPOSED TO SOME
14 BROAD-BASED THINGS.

15 SO I WAS EXCITED ABOUT THE VOTE YESTERDAY
16 AND THE OUTCOME AND THE CHARGE THAT IT GIVES US
17 THAT OUR WORK IS STILL RELEVANT, STILL VITAL,
18 AND STILL MEANINGFUL.

19 CHAIRMAN BENSE: WELL, JUST MY OWN REMARKS.
20 I CAN TELL YOU THAT GETTING A 60 PERCENT
21 THRESHOLD, AS I'VE SAID BEFORE, IS VERY DIFFICULT,
22 AND I COMMEND THE GOVERNOR FOR HIS HARD WORK.
23 HE'S BUSTED HIS REAR END THE LAST MONTH TO GET

24 THIS PASSED. I DON'T THINK IT WOULD HAVE PASSED
25 WITHOUT HIS EFFORTS. I SUPPORTED THE AMENDMENT,

40

1 VOTED FOR IT.

2 AND I JUST THINK A 64 PERCENT VOTE ON A
3 TAX CUT WITH A POPULAR GOVERNOR WORKING VERY
4 HARD, THAT'S A HIGH THRESHOLD, FOLKS. THAT'S A
5 VERY, VERY HIGH THRESHOLD. AND I PERSONALLY
6 THINK, AS I'VE COMMENTED BEFORE, SO MANY OF OUR
7 MEETINGS, BOTH THE COMMITTEES AS WELL AS ON THE
8 COMMISSION, GET BOGGED DOWN ON PROPERTY TAX.
9 MAYBE THIS -- MAYBE WE WON'T GET SO BOGGED
10 DOWN.

11 I'M NOT IMPLYING WE'RE DONE WITH PROPERTY
12 TAX REFORM BY ANY MEANS, IN MY OWN OPINION, BUT
13 THERE ARE A LOT OF OTHER AREAS WE CAN BEGIN TO
14 LOOK AT IN ADDITION TO PUTTING SOME WINDOW
15 DRESSING ON WHAT PASSED YESTERDAY.

16 COMMISSIONER WILKINSON?

17 MR. WILKINSON: BEING SERIOUS, WHAT I TOOK
18 AWAY FROM THAT VOTE. YOU KNOW, THERE'S A
19 DIFFERENCE BETWEEN TAX RELIEF AND TAX REFORM. WE
20 JUST PASSED TAX RELIEF, BUT NOT EVERYBODY GETS THE

21 SAME RELIEF. THERE'S DEGREES, AND THAT'S JUST THE
22 NATURE OF IT. AND THAT'S WHY IT'S CALLED, I
23 THINK, TAX RELIEF.

24 TAX REFORM IS WHERE THE PROCESS CHANGES
25 AND EVERYBODY BENEFITS THE SAME. AND I THINK

41

1 NOW WITH THIS BEHIND US, WE CAN CONCENTRATE ON
2 SOME TRUE TAX REFORM.

3 CHAIRMAN BENSE: COMMISSIONER RILEY?

4 MS. RILEY: YES. FIRST OF ALL, I HAVE TO
5 GIVE APPLAUD FOR THE FLORIDA ASSOCIATION OF
6 REALTORS COMING UP TO THE PLATE AND BEING OUT
7 THERE -- OUT FRONT BECAUSE --

8 MR. LES MILLER: PLEASE SPEAK INTO THE MIC.

9 MS. RILEY: -- ADVOCATES FOR THE
10 NEIGHBORHOODS. SO I'M VERY PROUD OF THEM. AND I
11 THINK THIS IS A BASE. WE'VE SAID ALL ALONG IT'S
12 NOT THE SOLUTION, IT'S NOT TRUE REFORM, BUT THIS
13 IS DEFINITELY A BASE SO WE DON'T HAVE TO START ALL
14 OVER AGAIN ARGUING WHERE ARE WE GOING TO START.
15 THE LEGISLATURE DOESN'T HAVE TO GO BACK ON A WHOLE
16 SESSION, BE BOGGED DOWN ON WHERE IS THE START.

17 WE NOW HAVE THE START. AS THE GOVERNOR

18 SAYS, WE'VE GOT A FIRST DOWN. LET'S KEEP GOING
19 UNTIL WE HAVE SOMETHING THAT'S EQUITABLE FOR
20 ALL AND GET A TOUCHDOWN.

21 CHAIRMAN BENSE: ANY MORE COMMENTS?

22 MR. D'ALEMBERTE: MR. CHAIRMAN, I MUST SAY --

23 CHAIRMAN BENSE: COMMISSIONER D'ALEMBERTE,
24 YOU'RE RECOGNIZED.

25 MR. D'ALEMBERTE: THANK YOU, MR. CHAIRMAN.

42

1 YOU OUGHT TO HEAR THE OTHER SIDE OF THIS AS WELL.

2 CHAIRMAN BENSE: SURE.

3 MR. D'ALEMBERTE: AND I MUST SAY THAT I'M
4 EXTREMELY DISAPPOINTED. I'M NOT SURPRISED. HAS
5 THERE BEEN A TIME THAT WE PUT OUT FOR A VOTE TO
6 PEOPLE TO REDUCE THEIR TAXES THAT THEY HAVE NOT
7 TAKEN THAT BAIT? I DON'T THINK SO.

8 SO WHAT WE'VE SEEN HERE, I THINK, IS
9 PRETTY FURTHER UNFAIRNESS CREEP INTO OUR TAX
10 SYSTEM, AND I'M VERY MUCH WORRIED. AND THIS IS
11 ALONG THE LINES THAT WE MENTIONED EARLIER,
12 WHERE WE DON'T HAVE TAX REFORM WITH THIS AT
13 ALL. WE'VE ACTUALLY HEIGHTENED SOME OF THE
14 INEQUITIES WITHIN OUR SYSTEM.

15 SO I DON'T SHARE THE GREAT ENTHUSIASM WITH
16 THIS RESULT AS OTHER MEMBERS OF THE COMMISSION
17 DO. AND SO YOU OUGHT TO HAVE AT LEAST ONE
18 DISSENTER ON THIS COMMISSION.

19 CHAIRMAN BENSE: THAT'S WHY WE HAVE A DIVERSE
20 COMMISSION. I LOVE IT.

21 ANY MORE COMMENTS?

22 (NO RESPONSE.)

23 IF NOT, LET'S MOVE INTO REPORTS OF
24 COMMITTEES. CHAIRMAN STORY, HOW ABOUT A REPORT
25 ON YOUR MOST RECENT FINANCE AND TAX COMMITTEE

43

1 MEETING. YOU'RE RECOGNIZED.

2 MS. STORY: THANK YOU, MR. CHAIRMAN. ON
3 JANUARY 25TH WE DID HOLD A WORKSHOP MEETING. WE
4 ADDRESSED CP0012, WHICH DEALT WITH SALES TAX
5 EXCLUSIONS, WHICH IS PREDOMINANTLY SERVICES TAX.
6 WE DISCUSSED IT AS A COMMITTEE. WE TOOK PUBLIC
7 TESTIMONY. WE DISCUSSED AND DEBATED IT FURTHER.

8 AND BASICALLY OUR NEXT MOVE, THE AFTERNOON
9 OF FEBRUARY 11TH AND FEBRUARY THE 12TH THE
10 FINANCE AND TAX COMMITTEE HAS A VERY IMPORTANT
11 MEETING, MR. CHAIR. WE'RE TRYING TO CLEAR

12 PROPOSALS FROM OUR COMMITTEE TO GO TO THE FULL
13 COMMISSION.

14 WE WILL BE ADDRESSING ANY OF THE PROPERTY
15 TAX PROPOSALS THAT ARE STILL RELEVANT,
16 FOLLOWING, YOU KNOW, WHAT WE PUT THEM OFF TO
17 SEE WHAT HAPPENED WITH THE ELECTION. WE'RE
18 GOING TO BE DISCUSSING THOSE.

19 WE'RE GOING TO PICK BACK UP OUR DISCUSSION
20 OF SALES TAX EXEMPTION REVIEW AS WELL AS THE
21 SERVICES TAX ISSUE. WE WILL THEN ADDRESS THE
22 OTHER PROPOSALS, AND WE WILL HAVE VOTES ON ALL
23 THE PROPOSALS.

24 WE WILL BEGIN THE AFTERNOON OF
25 FEBRUARY 11TH AT ONE O'CLOCK, GO TILL SIX, PICK

44

1 UP WHERE WE LEAVE OFF ON THE AFTERNOON OF THE
2 12TH. IT IS EXTREMELY IMPORTANT THAT ALL
3 FINANCE AND TAX COMMITTEE MEMBERS BE THERE THE
4 AFTERNOON OF THE 11TH AND 12TH.

5 AND THAT'S THE END OF MY REPORT,
6 MR. CHAIRMAN.

7 CHAIRMAN BENSE: TRYING TO GET SOME LEGAL
8 ADVICE FROM OUR COUNSEL HERE.

9 NEXT THE GOVERNMENTAL PROCEDURES AND
10 STRUCTURE COMMITTEE. ALAN LEVINE IS NOT HERE.
11 I HAVEN'T SEEN HIM HERE. COMMISSIONER
12 TURBEVILLE, YOU'RE RECOGNIZED.

13 MR. TURBEVILLE: LAST WEEK I WAS THE CHAIR OF
14 THE COMMITTEE BECAUSE --

15 MR. LES MILLER: SPEAK INTO THE MIC, PLEASE.

16 MR. TURBEVILLE: SURE. I WAS THE CHAIR OF
17 THE COMMITTEE LAST WEEK BECAUSE COMMISSIONER
18 LEVINE COULD NOT ATTEND IN PERSON. WE DISCUSSED
19 AND PASSED TWO CONSTITUTIONAL PROPOSALS.

20 MR. LES MILLER: MR. CHAIRMAN, CAN YOU SPEAK
21 INTO THE MIC?

22 MR. TURBEVILLE: BOTH OF THOSE PROPOSALS WILL
23 BE IN FRONT OF THE FULL COMMISSION TODAY. THEY
24 WERE BY -- PROPOSED BY COMMISSIONER YABLONSKI.

25 AND THEN WE ALSO INTRODUCED A COMMITTEE

45

1 MEASURE WHICH WILL BE REFERRED BY CHAIRMAN
2 BENSE AT A LATER DATE REGARDING THE BLAINE
3 AMENDMENT, AND ALSO UNIFORMITY AS IT RELATES TO
4 EDUCATION, HEALTH CARE, OTHER PROGRAMS THAT ARE
5 CURRENTLY IN STATE STATUTES.

6 SO THAT'S REALLY THE SUMMARY OF OUR
7 MEETING LAST WEEK.

8 CHAIRMAN BENSE: ANY QUESTIONS? ANYONE ON
9 THE PHONE HAVE QUESTIONS?

10 MR. LES MILLER: CAN'T HEAR YOU.

11 CHAIRMAN BENSE: BESIDES SPEAKING UP. IF YOU
12 WOULD, MEMBERS, TRY TO TALK INTO YOUR MIC, SORT OF
13 LIKE I'M DOING RIGHT NOW.

14 NEXT, THE GOVERNMENTAL SERVICES COMMITTEE
15 THAT'S CHAIRED BY ROBERTO MARTINEZ. THAT
16 REPORT WILL BE GIVEN BY COMMISSIONER MARTHA
17 BARNETT. YOU'RE RECOGNIZED.

18 MS. BARNETT: THANK YOU, MR. CHAIRMAN. THE
19 GOVERNMENTAL SERVICES COMMITTEE MET LAST FRIDAY,
20 THE 25TH, AND VOTED TO INTRODUCE THE FOLLOWING
21 COMMITTEE PROPOSALS.

22 CONSTITUTIONAL PROPOSAL NO. 35. THIS IS A
23 CONSTITUTIONAL AMENDMENT TO PROVIDE A LOCAL
24 OPTION TAX FOR APPROVAL BY A COUNTY REFERENDUM
25 FOR SALES -- FOR A SALE AND/OR AD VALOREM TAX

46

1 TO RAISE REVENUES FOR FUNDING COMMUNITY
2 COLLEGES. AND THAT PROPOSAL HAS A SUNSET

3 ATTACHED TO IT.

4 CONSTITUTIONAL PROPOSAL NO. 36 RELATING TO
5 TRANSPORTATION FUNDING. IF YOU-ALL HAVE
6 QUESTIONS, I'LL DEFER THOSE TO COMMISSIONER
7 MILLER. BUT IT IS A MULTI-PRONGED -- ACTUALLY,
8 IT'S NOT A CONSTITUTIONAL PROPOSAL. IT IS A
9 COMMISSION PROPOSAL.

10 IT'S A MULTI-PRONGED RECOMMENDATION TO THE
11 LEGISLATURE TO RAISE APPROXIMATELY \$4 BILLION
12 FOR -- ANNUALLY FOR FUNDING OUR STATE'S
13 TRANSPORTATION INFRASTRUCTURE NEEDS, AND
14 INCLUDES THINGS SUCH AS THE TAG FEE, INDEXING
15 THE FEDERAL GAS TAX, AND DIVERTING THE SALES
16 TAX ON THE SALE OF AUTOMOBILES TO
17 TRANSPORTATION FUNDING, AMONG OTHERS.

18 COMMITTEE PROPOSALS 37, 38, AND 39 ARE ALL
19 PROPOSALS STEMMING FROM A PRESENTATION BY
20 SECRETARY MCDONOUGH DEALING WITH THE REENTRY OF
21 PRISONERS IN -- DEALING WITH CORRECTIONS ISSUES
22 AND THE REENTRY OF PRISONERS INTO THE
23 MAINSTREAM OF SOCIETY. I DON'T KNOW WHO
24 SPONSORED THAT, AND I DON'T HAVE THE DETAILS OF
25 THAT BEFORE ME. IF YOU HAVE ANY QUESTIONS, I

1 WILL DEFER IT TO THE STAFF.

2 OUR NEXT MEETING, WHICH WILL BE HELD THE
3 LAST WEEK OF FEBRUARY, THE FOLLOWING ITEMS ARE
4 ON THE AGENDA; ALTHOUGH, I'VE BEEN CAUTIONED BY
5 THE CHAIR OF THE COMMITTEE, THIS MAY CHANGE.
6 PROPOSAL NO. 28 RELATING TO THE USE OF GAMBLING
7 REVENUES TO FUND EDUCATION; PROPOSAL NO. 30,
8 RELATING TO THE CLASS SIZE AMENDMENT; PROPOSAL
9 NO. 35, RELATING TO LOCAL OPTION TAXES TO
10 SUPPLEMENT COMMUNITY COLLEGE FUNDING IF THAT
11 GETS REFERRED TO OUR COMMITTEE BY THE CHAIR;
12 THE NO. 36, 37, AND 38 THAT I JUST MENTIONED
13 RELATING TO DEPARTMENT OF CORRECTIONS AND
14 OFFENDER PROPOSALS, IF THOSE GET REFERRED TO
15 THE COMMITTEE BY THE CHAIR; AND ANOTHER
16 CORRECTIONS ISSUE RELATING TO GAIN TIME TO
17 ALLOW EARLY RELEASE OF CERTAIN PRISONERS.

18 AND THAT COMPLETES THE REPORT OF THE
19 GOVERNMENT SERVICES COMMITTEE.

20 CHAIRMAN BENSE: ARE THERE QUESTIONS OF
21 COMMISSIONER BARNETT? ANY QUESTIONS?

22 (NO RESPONSE.)

23 ANY MORE QUESTIONS? WE HAVE ONE MORE
24 COMMITTEE, AND I THINK COMMISSIONER MATHIS
25 WANTS TO WAIT JUST A FEW MINUTES. WANT TO WAIT

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1 JUST A FEW MINUTES ON THAT? SURE.

2 WE HAVE PLENTY OF OTHER ISSUES WE CAN WORK
3 ON, AND WE'LL COME BACK TO THAT. WITHOUT
4 OBJECTION.

5 MR. MCKAY: MR. CHAIRMAN? BEFORE WE GO ON TO
6 THE NEXT SUBJECT, CAN I ASK COMMISSIONER STORY A
7 QUESTION?

8 CHAIRMAN BENSE: COMMISSIONER ...

9 MR. MCKAY: STORY.

10 CHAIRMAN BENSE: SURE. YOU'RE RECOGNIZED.

11 MR. MCKAY: WHEN DO YOU -- SO THAT WE CAN
12 ORGANIZE OUR PRESENTATIONS FOR THE 11TH AND 12TH,
13 WHEN DO YOU EXPECT THE AGENDA TO BE PUBLISHED?

14 CHAIRMAN BENSE: COMMISSIONER STORY, YOU'RE
15 RECOGNIZED.

16 MS. STORY: THANK YOU, MR. CHAIRMAN. I'M
17 MEETING WITH THE EXECUTIVE DIRECTOR AFTER THIS
18 MEETING, AND WE'RE GOING TO GROUP EVERYTHING AND
19 DO THE FLOW -- THE GENERAL FLOW OF OUR DISCUSSIONS

20 AND THE VOTES. AND HOPEFULLY BY THE END OF THIS
21 WEEK, WE'LL HAVE THAT DONE, COMMISSIONER.

22 CHAIRMAN BENSE: THAT WILL BE FEBRUARY THE
23 1ST.

24 MR. MCKAY: THANK YOU.

25 CHAIRMAN BENSE: ANY MORE QUESTIONS?

49

1 (NO RESPONSE.)

2 WHY DON'T WE MOVE ON TO THE STAFF
3 PRESENTATION OF THE TBRC PROPOSAL PROCESS,
4 INCLUDING THE WORK OF THE STYLING AND DRAFTING
5 COMMITTEE. AND WHO'S GOING TO DO THAT?
6 MR. CIBULA, MR. GOODLETTE, YOU TWO GOING TO
7 TAG-TEAM THAT?

8 I THINK WE HAVE A FLOW CHART. DO YOU WANT
9 TO USE THIS FLOW CHART THAT EVERYONE SHOULD
10 HAVE A COPY OF?

11 OKAY. MR. CIBULA, YOU'RE RECOGNIZED.

12 MR. CIBULA: ALL RIGHT. THANK YOU. LAST
13 WEEK THERE WERE A COUPLE QUESTIONS ABOUT HOW
14 MEASURES MOVE THROUGH THE TBRC PROCESS.

15 MR. LES MILLER: CAN'T HEAR, MR. CHAIR.

16 MR. CIBULA: I'LL SPEAK UP. LAST WEEK THERE

17 WERE A COUPLE QUESTIONS ABOUT HOW MEASURES MOVED
18 THROUGH THE TBRC PROCESS AND WHEN VOTES ARE TAKEN.
19 IN FRONT OF YOU THERE SHOULD BE A FLOW CHART
20 THAT'S DESIGNED TO ANSWER MOST OF THOSE QUESTIONS.

21 LET ME POINT OUT THE MAJOR POINTS OF THE
22 TBRC PROCESS. BOXES 1 THROUGH 5 SHOW THAT
23 MEASURES INITIALLY MOVE THROUGH THE PROCESS,
24 JUST LIKE BILLS MOVE THROUGH THE LEGISLATURE.
25 BILLS -- MEASURES ARE NUMBERED AND REFERRED TO

50

1 COMMITTEES AND VOTES ARE TAKEN BY COMMITTEES.

2 HOWEVER, AFTER BOX 5 THE PROCESS DIFFERS A
3 LITTLE BIT FROM THE LEGISLATIVE PROCESS.
4 CONSTITUTIONAL PROPOSALS THAT ARE REPORTED
5 FAVORABLY OUT OF ALL COMMITTEES OF RECORD WILL
6 BE HEARD BY THE FULL COMMISSION. AND OTHER
7 MEASURES -- GO TO BOX 6B -- AND ARE AVAILABLE
8 TO BE PLACED ON THE AGENDA FOR THE FULL
9 COMMISSION.

10 PLEASE TAKE A LOOK AT BOX 7A. THIS BOX
11 REPRESENTS THE FIRST HEARING, THE FIRST TIME
12 THAT A CONSTITUTIONAL PROPOSAL COMES BEFORE THE
13 FULL COMMISSION. AND THIS IS THE ONLY TIME

14 THAT THE OTHER MEASURES, STATUTORY
15 RECOMMENDATIONS AND INFORMAL MEASURES, COME
16 BEFORE THE COMMISSION. THIS STAGE OF THE
17 PROCESS IS SIMILAR TO BILLS ON SECOND READING,
18 OR THE SPECIAL ORDER CALENDAR IN THE
19 LEGISLATURE.

20 IF THE COMMISSION WANTS TO COMBINE
21 PROPOSALS, PROPOSALS CAN BE COMBINED AT THIS
22 STAGE BY AMENDMENT; AND JUST ABOUT ANY
23 AMENDMENT CAN BE A GERMANE AMENDMENT EXCEPT
24 AMENDMENTS THAT ARE THE SUBSTANCE OF A MEASURE
25 THAT WAS REPORTED UNFAVORABLY BY A COMMITTEE.

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1 AND ONE THING I WOULD CAUTION YOU ON, IF
2 YOU WANT TO COMBINE PROPOSALS AT THIS STAGE,
3 YOU HAVE TO CONSIDER WHETHER THE TWO PROPOSALS
4 CAN BE ADEQUATELY DESCRIBED IN 75 WORDS OR
5 FEWER TO SATISFY THE POTENTIAL SUPREME COURT
6 REVIEW.

7 ALSO IN BOX 7A, MEASURES OTHER THAN
8 CONSTITUTIONAL PROPOSALS THAT ARE APPROVED BY
9 THE FULL COMMISSION ARE TRANSMITTED TO THE
10 LEGISLATURE AT THE DISCRETION OF THE

11 COMMISSION.

12 AND ASSUMING THE CONSTITUTIONAL PROPOSAL
13 PASSES THE COMMISSION AT ITS FIRST HEARING, THE
14 MEASURE WILL BE REFERRED TO THE STYLING AND
15 DRAFTING COMMITTEE FOR A REVIEW OF THE BALLOT
16 TITLE AND BALLOT SUMMARY. THE STYLING AND
17 DRAFTING COMMITTEE DOES NOT HAVE AUTHORITY TO
18 DEFEAT A PROPOSAL OR COMBINE PROPOSALS. BUT AS
19 YOU KNOW, HAVING A GOOD BALLOT SUMMARY AND
20 TITLE IS VERY IMPORTANT. THAT'S THE ONLY THING
21 THAT MOST VOTERS WILL EVER SEE.

22 AND, OF COURSE, CHALLENGES TO PROPOSALS
23 THAT THIS COMMISSION MAKES WILL LIKELY ALLEGE
24 THAT MEASURES HAVE FLAWED BALLOT SUMMARIES.

25 BOX 10 REPRESENTS THE SECOND FULL

52

1 COMMISSION HEARING, AND 17 VOTES ARE REQUIRED
2 FOR THIS STAGE. I PROBABLY SHOULD HAVE ADDED
3 THAT TO THE TEXT OF BOX 10. AND AMENDMENTS AT
4 THIS STAGE -- GENERALLY, THE BALLOT TITLE
5 AMENDMENTS OR BALLOT SUMMARY AMENDMENTS, IT'S
6 SOMEWHAT SIMILAR TO BILLS ON THIRD READING IN
7 THE LEGISLATIVE PROCESS.

8 HOWEVER, IF YOU LOOK AT BOX 12, THIS BOX
9 SHOWS THAT THE FULL COMMISSION MUST TAKE A
10 SEPARATE 17-VOTE -- MUST VOTE ANOTHER TIME TO
11 TRANSMIT A MEASURE TO THE SECRETARY OF STATE TO
12 PLACE BEFORE THE VOTERS.

13 ONCE THE COMMISSION SETTLES ON THE
14 CONSTITUTIONAL PROPOSALS THAT IT WILL FILE WITH
15 THE SECRETARY OF STATE, THE COORDINATING
16 COMMITTEE WILL DESIGNATE THE ORDER IN WHICH THE
17 MEASURES APPEAR ON THE BALLOT.

18 I'M HAPPY TO ANSWER ANY QUESTIONS IF YOU
19 HAVE ANY.

20 CHAIRMAN BENSE: QUESTIONS, MEMBERS?

21 COMMISSIONER MCKAY, YOU'RE RECOGNIZED.

22 MR. MCKAY: THANK YOU, MR. CHAIRMAN.

23 TOM, I HAVE TWO QUESTIONS ON BOX 7A. YOU
24 STATE -- I'M ASSUMING YOU'RE THE AUTHOR OF
25 THOSE. AMENDMENTS TO CONSTITUTIONAL PROPOSALS

53

1 MAY NOT ADDRESS THE SUBSTANCE OF PROPOSALS THAT
2 HAVE BEEN REPORTED UNFAVORABLY BY COMMITTEES.

3 I ASSUME THAT -- BECAUSE THE TERM PROPOSAL
4 IS LESS THAN SPECIFIC, I ASSUME THAT MEANS THAT

5 A PROPOSED BILL OR CONSTITUTIONAL AMENDMENT
6 THAT HAS BEEN REPORTED UNFAVORABLY, AS OPPOSED
7 TO AN AMENDMENT THAT WAS OFFERED TO A PROPOSAL.

8 MR. CIBULA: THE LANGUAGE IN THE RULE WAS
9 DESIGNED TO TRACK THE LANGUAGE USED IN THE
10 LEGISLATIVE RULES. AND I THINK THE INTERPRETATION
11 WOULD BE THE SAME UNDER THIS RULE. I WOULD
12 PROBABLY --

13 MR. LES MILLER: CAN'T HEAR, MR. CHAIR.

14 MR. CIBULA: I'M SORRY. THE -- THE LANGUAGE
15 OF THE RULE THAT YOU'RE REFERRING TO IS DESIGNED
16 TO TRACK THE LEGISLATIVE RULES, AND THE SAME
17 INTERPRETATION OF THOSE RULES WOULD APPLY. I
18 MIGHT WANT TO GO BACK AND TAKE A CLOSER LOOK AT
19 THE LANGUAGE TO GIVE YOU A PRECISE ANSWER, BUT YOU
20 ARE PROBABLY FAIRLY FAMILIAR WITH THE ISSUE
21 YOURSELF.

22 MR. MCKAY: WELL, WE DO HAVE SOME OTHER
23 PREVIOUS RULES, CHAIRMAN, HERE, AND I'M VIRTUALLY
24 100 PERCENT -- PERHAPS COMMISSIONER SCOTT COULD
25 OPINE ON THIS. I'M VIRTUALLY 100 PERCENT CERTAIN

1 THAT IF AN AMENDMENT THAT WAS OFFERED TO A BILL OR

2 A PROPOSAL FAILS, THEN THAT AMENDMENT ITSELF CAN
3 BE REOFFERED.

4 CHAIRMAN BENSE: I WOULD AGREE WITH THAT.
5 THAT'S CONSISTENT WITH HOUSE RULES. NOW, BUT IF
6 THE PROPOSAL ITSELF FAILS THEN --

7 MR. MCKAY: I UNDERSTAND. THE SECOND
8 QUESTION I HAVE --

9 CHAIRMAN BENSE: MR. GOODLETTE, WOULD YOU
10 AGREE WITH THAT? OKAY.

11 MR. MCKAY: THE SECOND QUESTION I HAVE,
12 MR. CHAIRMAN, IS -- IF I UNDERSTOOD YOU CORRECTLY,
13 TOM, THERE WILL ACTUALLY BE THREE VOTES --

14 MR. CIBULA: YES, SIR.

15 MR. MCKAY: -- ON A PROPOSAL IN FRONT OF THIS
16 BODY. ONE WHEN IT INITIALLY PASSES, SECOND ON
17 YOUR BOX 10, AND THEN IT HAS TO ONCE AGAIN COME
18 BACK TO THIS COMMISSION UNDER BOX 12. IS THAT
19 CORRECT?

20 MR. CIBULA: YES, IT IS.

21 CHAIRMAN BENSE: ANY MORE QUESTIONS?

22 MR. MCKAY: I DON'T THINK I'VE EVER
23 UNDERSTOOD THAT WHEN WE WERE GOING THROUGH THE --
24 WHEN WE WERE GOING THROUGH THE RULES,

25 MR. CHAIRMAN. I MADE THE INCORRECT ASSUMPTION --

55

1 WELL, I THOUGHT IT WOULD ONLY BE HERE ONCE. I
2 MADE THE INCORRECT ASSUMPTION THAT THE STYLE AND
3 DRAFTING COMMITTEE WAS SIMPLY TO CORRECT SIMPLE
4 THINGS LIKE SCRIVENER'S ERRORS AS OPPOSED TO
5 HAVING THE COMMISSION HAVING THREE BITES AT THE
6 PROPOSAL.

7 IF WE HAVE A -- IF WE HAVE A CONTROVERSIAL
8 SUBJECT THAT PASSES 17 TO 8, THEN THOSE THAT
9 MIGHT WANT -- THOSE THAT ARE NONMEMBERS OF THIS
10 COMMISSION, BECAUSE WE'RE GOVERNED BY
11 GOVERNMENT IN THE SUNSHINE, THAT WISH TO SEE
12 THAT PROPOSAL DEFEATED THEN CAN LOOK AT THOSE
13 17 VOTES AND HEAVILY LOBBY ONE OF THOSE 17
14 VOTES IN ORDER TO DEFEAT THAT PROPOSAL. AND
15 THAT WOULD SEEM TO BE -- THAT WOULD SEEM TO BE
16 LESS THAN FAIR.

17 CHAIRMAN BENSE: COMMISSIONER MCKAY, LET ME
18 TELL YOU. I WAS ON YOUR -- I WAS ON YOUR SIDE ON
19 THAT SIDE OF THAT ISSUE. I THOUGHT YOU PASS IT
20 OUT OF THE COMMISSION. THE STYLING AND DRAFTING
21 CLEANS IT UP AND KEEPS IT FROM GETTING CHALLENGED

22 BY A GOOD LAWSUIT, AND THEN IT'S READY FOR THE
23 SECRETARY OF STATE'S OFFICE.

24 THERE WAS SOME CONCERN AMONG MEMBERS THAT
25 THE STYLING AND DRAFTING COMMITTEE COULD

56

1 POSSIBLY, IN SOME WAY OR FASHION, CHANGE THE
2 MEANING OF THE PROPOSAL THAT PASSED. AND JUST
3 TO MAKE SURE, IT WAS SORT OF TO KEEP THE
4 STYLING AND DRAFTING COMMITTEE HONEST, IF YOU
5 WOULD -- I DON'T LIKE TO USE THAT WORD -- BUT
6 TO MAKE SURE IT WAS CONSISTENT, THEIR FINAL
7 PRODUCT WAS CONSISTENT WITH WHAT THE SPONSOR OF
8 THE PROPOSAL INTENDED IF IT CAME BACK TO THE
9 COMMISSION.

10 WE HAD SOME PRETTY GOOD DEBATE ON THAT, IF
11 I RECALL.

12 MR. MCKAY: MR. CHAIRMAN, HOW DID WE GET INTO
13 NO. 12 THEN? BECAUSE I DON'T RECALL BOX 12 AT
14 ALL. WHICH IS MY FAULT, BUT CAN YOU REFRESH MY
15 MEMORY ON THAT?

16 CHAIRMAN BENSE: THE DEBATE? I MEAN, WE
17 TALKED ABOUT THAT.

18 MR. MCKAY: WE DID TALK ABOUT THAT ONE TOO.

19 SO AT THIS POINT, IF THERE IS A
20 SIGNIFICANT NUMBER -- IF THERE ARE A
21 SIGNIFICANT NUMBER OF THE COMMISSIONERS THAT
22 MIGHT AGREE THAT THREE BITES OF THE APPLE IS
23 TOO MANY, HOW WOULD WE GO ABOUT AMENDING OUR
24 RULES AND TO VOTE TO CHANGE THE RULES AT THIS
25 POINT? DO WE NEED TWO-THIRDS OR DO WE NEED A

57

1 SIMPLE MAJORITY?

2 CHAIRMAN BENSE: WE PROBABLY NEED A SIMPLE
3 MAJORITY. I DON'T THINK WE SHOULD TAKE THAT ISSUE
4 UP TODAY. I THINK WE SHOULD THINK ABOUT WHAT --
5 THAT -- AND I DON'T MIND PUTTING IT ON OUR NEXT
6 AGENDA. BUT, AGAIN, I HAD SOME CONCERNS ABOUT
7 CONTINUALLY CHANGING THE RULES. WE HAVE A SET OF
8 RULES, AND THEY GOT SOME DEBATE. AND I LOST ON
9 SOME OF THE ISSUES, TO COMPROMISE SOMETIMES. BUT
10 I THINK WE SHOULD BE CAREFUL ABOUT MAKING CHANGES
11 TO THE RULES. I'LL LET THE MEMBERS TALK ABOUT
12 THAT. COMMISSIONER SCOTT, YOU'RE RECOGNIZED.

13 VICE CHAIR SCOTT: I THINK ONE OF -- HAVING
14 BEEN THROUGH THE 18 MONTHS OF CONSTITUTIONAL
15 REVISION COMMISSION AND SO FORTH, I THINK THAT YOU

16 REALLY -- ANOTHER CONSIDERATION IS THAT WHEN YOU
17 GET TO WHAT YOU'RE GOING TO SEND OVER THERE, YOU
18 MIGHT WANT TO COMBINE THEM, FOR EXAMPLE, WITH
19 SOMETHING ELSE. THEY HAVE -- THEY MIGHT BE
20 DRAFTED DIFFERENTLY. WE DON'T KNOW AT THIS POINT,
21 LET'S SAY IF WE VOTE SOMETHING OUT TODAY, THAT WE
22 MIGHT GET THE 75-WORD BALLOT -- WE MIGHT BE ABLE
23 TO CONVINCE THE LEGISLATURE TO REMOVE THAT FROM
24 US.

25 SO I THINK THAT I RECOGNIZE THE PROBLEM

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1 ABOUT CHANGE -- THE POSSIBLE LOBBYING AND SO
2 FORTH. BUT I WONDER -- I THINK IN THE
3 DISCUSSION BEFORE AND THE DEBATE ABOUT IT,
4 THERE WAS -- IT WAS FELT THAT YOU GET TO WHAT
5 YOU'RE FINDING ON A TRANSMIT, AND THAT'S WHAT
6 THE RULES AND THAT'S WHAT THE CONSTITUTION
7 PROVIDED. AND UNTIL IT'S TRANSMITTED, YOU
8 KNOW, IT'S SORT OF STILL HERE. WHAT IF SOME
9 DISASTROUS NEW INFORMATION CAME UP ON
10 SOMETHING, YOU KNOW, SO AT LEAST IT WOULD BE
11 AVAILABLE UNTIL THE FINAL CONSIDERATION.

12 AND THE STYLE AND DRAFTING -- AND I KNOW

13 ON CONSTITUTIONAL REVISION THERE WERE
14 SIGNIFICANT DISCUSSIONS -- MARTHA, I KNOW WAS
15 THERE -- OVER THE WORDING OF HOW THINGS CAME
16 BACK AND WHETHER IT WAS RIGHT OR WRONG AND WHAT
17 IT MEANT AND WHAT IT MODIFIED AND WHAT THE
18 CHANGE MODIFIED AND SO FORTH. SO, JUST FOR
19 CONSIDERATION FOR YOU TO THINK ABOUT.

20 CHAIRMAN BENSE: COMMISSIONER BARNETT, YOU
21 WERE INVOLVED IN THAT DEBATE TOO, I THINK. YOU'RE
22 RECOGNIZED.

23 MS. BARNETT: WELL, MR. CHAIRMAN, I APOLOGIZE
24 TO YOU AND TO OTHER MEMBERS OF THE COMMISSION. I
25 DID MISS THE MEETING WHERE WE HAD THE FINAL

59

1 DISCUSSION OF THESE RULES, AND I KNOW IT WAS
2 DEBATED AT LENGTH. I ALSO KNOW I KEEP ASKING YOU
3 QUESTIONS ABOUT THEM, AND YOU REMIND ME THAT WE
4 DISCUSSED IT. SO I APOLOGIZE.

5 BUT THIS IS -- THIS, FRANKLY SEEING THIS
6 CHARTED OUT TODAY WAS THE FIRST TIME THAT IT
7 STRUCK ME THAT WE WERE TAKING THREE SUPER
8 MAJORITY VOTES ON THE SUBSTANCE OF A PROPOSED
9 CONSTITUTIONAL AMENDMENT. AND I THINK THAT IS

10 INCONSISTENT WITH WHAT THE CONSTITUTION
11 REQUIRES OF THIS COMMISSION, AND WOULD ASK
12 THAT -- WOULD ASK THAT OUR GENERAL COUNSEL,
13 WORKING MR. CIBULA AND MAYBE MEMBERS OF THE
14 COMMITTEE -- COMMISSION LOOK AT IT.

15 THE CONSTITUTION REQUIRES A TWO-THIRDS
16 VOTE TO PUT A MATTER ON THE BALLOT. AND I
17 DON'T THINK IT REQUIRES THREE TWO-THIRDS VOTES
18 TO PUT IT ON THE BALLOT. UNLESS THIS
19 COMMISSION JUST SAYS WE WANT ALL OF OUR RULES
20 TO BE -- YOU KNOW, WE HAVE TO CLIMB A HIGH
21 MOUNTAIN TO GET PAST ANY PARTICULAR ISSUE.

22 BUT I CERTAINLY DIDN'T REALIZE THAT, AND I
23 KNOW THAT IN THE PAST WHEN -- I THINK IT WAS
24 THE TAX AND BUDGET REFORM COMMISSION HAD BUILT
25 INTO THE CONSTITUTION A TWO-STEP SUPER MAJORITY

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1 VOTE THAT WAS ACTUALLY THERE, WHERE YOU HAD TO
2 HAVE A SUPER MAJORITY OF THE SUPERINTENDENT
3 MAJORITY OF THE MEMBERS APPOINTED BY THE
4 PRESIDENT, THE SPEAKER, AND THE GOVERNOR, AND
5 THEN A SUPER MAJORITY OF THE WHOLE COMMISSION.

6 IT CREATED ENOUGH OF A BURDEN TO THE WORK

7 OF THE COMMISSION THAT THE CONSTITUTION WAS
8 CHANGED. AND SO THAT, YOU KNOW, THAT INFORMS
9 ME SOMEWHAT IN TERMS OF OUR -- OUR RULES GOING
10 FORWARD, THAT WE NOT BURDEN OURSELVES WITH TOO
11 MANY -- TOO MANY STEPS TO TAKE, BECAUSE I THINK
12 THE WAY THE COMMITTEE STRUCTURE HAS BEEN
13 WORKING WITH CONCEPTS AND PROPOSALS AND THEN
14 REFERENCE BACK TO THE COMMITTEES THEMSELVES,
15 AND THEN COMING TO THE COMMISSION, IS REALLY
16 CREATING AN ENORMOUS AMOUNT OF DISCUSSION AND
17 PROCESS THAT'S HELPED TO INFORM THE PUBLIC AND
18 THE MEMBERS OF THE COMMISSION.

19 SO I PERSONALLY -- AS I SAY, I APOLOGIZE
20 FOR NOT BEING THERE, BUT I SIMPLY DIDN'T
21 REALIZE THAT OUR RULES WOULD OPERATE THIS WAY.
22 AND IF SENATOR MCKAY'S SUGGESTION HAS ANY MERIT
23 WITH YOU, I'D LIKE TO REVISIT THOSE IN AN
24 APPROPRIATE WAY.

25 CHAIRMAN BENSE: MEMBERS, HOW ABOUT IF WE

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1 LOOK AT THAT SPECIFIC ISSUE AT OUR NEXT FULL
2 COMMISSION MEETING, AND DURING THAT TIME YOU MAY
3 WANT TO STRUCTURE SOME LANGUAGE TO -- THAT ONE OF

4 THE TWO OF YOU MIGHT WANT TO PUT FORWARD.

5 ANY MEMBERS HAVE STRONG FEELINGS THE OTHER
6 WAY? IF WE SEE -- IT MAY TAKE A -- IT MAY TAKE
7 A TWO-THIRDS VOTE, BECAUSE WE'RE BASICALLY
8 AMENDING THE RULES, WHICH WOULD BE SIMILAR TO
9 WAIVING THE RULES. I DON'T KNOW. WE'LL LET
10 COUNSEL FIGURE THAT ONE OUT.

11 WELL, I THINK LET'S JUST LEAVE IT AS
12 DISCUSSION AT THIS STAGE THAT -- MS. SKELTON,
13 IF YOU WOULD, MAKE SURE THIS ISSUE IS ON THE
14 AGENDA NEXT WEEK. AND COUNSELOR GOODLETTE, IF
15 YOU WOULD BE SURE TO GET WITH SENATOR MCKAY AND
16 COMMISSIONER BARNETT TO COME UP WITH SOME
17 SUGGESTED LANGUAGE AND REVIEW THE RULES AND HOW
18 MANY VOTES IT TAKES US.

19 IS THAT FAIR? OKAY. ANY MORE DISCUSSION?
20 COMMISSIONER STORY.

21 MS. STORY: AS YOU'RE DOING THIS, I DON'T
22 NECESSARILY CARE WHETHER THERE'S THREE STEPS OR
23 NOT, SUPER MAJORITY, BUT I AM CONCERNED ABOUT IT.
24 IT WILL AFFECT HOW A VOTE IS. IF WE ONLY HAVE ONE
25 VOTE, I NEED TO KNOW THAT, BECAUSE I DON'T

1 PERSONALLY BELIEVE THERE OUGHT TO BE 15
2 INITIATIVES. AND I WOULD LIKE AT LEAST A VOTE
3 BEFORE IT GOES TO THE BALLOT.

4 I DON'T CARE IF YOU MERGE THE OTHERS. BUT
5 IF WE HAVE TO HOLD THAT VOTE TO THAT POINT, I
6 WILL VOTE VERY DIFFERENTLY IF THERE ARE 15 AT
7 THE END, AND IT MAY CHANGE MY VOTE IN THE
8 PROCESS BECAUSE, FROM A PRIORITY STANDPOINT,
9 THERE'S SOME THINGS THAT I'M OKAY WITH, BUT IF
10 I HAVE TO PRIORITIZE, I DON'T BELIEVE WE OUGHT
11 TO PUT 10 OR 15 THINGS ON THE BALLOT, AND --
12 SIMILAR TO WHAT COMMISSIONER SCOTT SAID, SO I
13 DON'T CARE IF WE GO THROUGH THIS, BUT AT SOME
14 POINT I WOULD LIKE TO LOOK AT ALL OF THE ONES
15 THAT GO THROUGH SOME SCREENING PROCESS BEFORE A
16 FINAL VOTE TO THE BALLOT. I FEEL PRETTY
17 STRONGLY ABOUT THAT.

18 CHAIRMAN BENSE: AND IF YOU WOULD,
19 COMMISSIONER STORY, BE SURE ALSO TO VISIT WITH
20 MS. SKELTON AND MR. GOODLETTE TO GET YOUR POINTS
21 THROUGH. COMMISSIONER SCOTT.

22 VICE CHAIR SCOTT: I'M REMEMBERING NOW THAT,
23 FOR EXAMPLE, IN CONSTITUTIONAL REVISION, THERE WAS

24 A VOTE TO ONLY HAVE THREE MEMBERS OF THE CABINET,
25 WHICH WAS THE CHIEF FINANCIAL OFFICER, THE

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1 GOVERNOR, AND THE ATTORNEY GENERAL. AND THEN
2 EVERYBODY WENT HOME AND ALL OF A SUDDEN AFTER, YOU
3 KNOW, A LOT OF DISCUSSION, IT'S THOUGHT, WELL, WE
4 REALLY NEED TO HAVE AGRICULTURE. SO WE CAME BACK
5 AND THEN WE AMENDED IT TO CHANGE AGRICULTURE.

6 I THINK THE POINT IS THERE'S REALLY ONLY
7 ONE VOTE IN THE SENSE THAT THE FINAL VOTE TO
8 SEND IT -- AND LIKE COMMISSIONER STORY SAYS, IF
9 THERE'S 52 THINGS, WE MAY SAY, WAIT A MINUTE.
10 WE REALLY DON'T -- WE GOT FOUR OR FIVE
11 IMPORTANT ONES AND MAYBE WE WON'T DO SOME OF
12 THESE OTHERS. AND SO I THINK YOU GOT TO AT
13 LEAST LEAVE SOME FLEXIBILITY.

14 SO ALL OF THIS IS FOR DISCUSSION FOR
15 WHOEVER IS GOING TO BE LOOKING AT THIS.

16 CHAIRMAN BENSE: COMMISSIONER SCOTT, I HOPE
17 YOU'LL HAVE SOME INPUT TOO ON THAT. ANY MORE
18 QUESTIONS ON THAT ISSUE?

19 (NO RESPONSE.)

20 GOOD, GREAT. LET'S MOVE BACKWARD NOW TO

21 THE -- THANK YOU, MR. CIBULA. THANK YOU VERY
22 MUCH.

23 COMMISSIONER MATHIS WILL PRESENT THE
24 PLANNING AND BUDGETARY PROCESS COMMITTEE
25 REPORT. YOU'RE RECOGNIZED.

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1 MS. MATHIS: THE PLANNING AND BUDGETARY
2 PROCESS COMMITTEE TOOK UP A PROPOSAL BY
3 COMMISSIONER TURBEVILLE THAT DEALT WITH
4 DESIGNATING THAT 65 PERCENT OF SCHOOL FUNDING
5 WOULD BE SPENT IN THE CLASSROOM RATHER THAN ON
6 SCHOOL ADMINISTRATION. THERE WERE SOME -- THERE'S
7 A LOT OF DISCUSSION --

8 MR. LES MILLER: PLEASE SPEAK INTO THE MIC.

9 MS. MATHIS: THERE WAS A LOT OF DISCUSSION
10 ABOUT SCHOOL TRANSPORTATION, THE TREATMENT OF FOOD
11 SERVICE AT SCHOOLS, AND THE DEFINITION OF WHAT IS
12 SCHOOL FUNDING. AND SO THE PROPOSAL WAS
13 TEMPORARILY PASSED TO WORK WITH STAFF ON SOME OF
14 THESE DEFINITIONS AND TO CLARIFY THEM, TO BE
15 BROUGHT BACK TO THE COMMITTEE AT A LATER DATE.

16 AND THAT WAS THE ONLY PROPOSAL OF OUR
17 COMMITTEE -- OUR COMMITTEE TOOK UP.

18 CHAIRMAN BENSE: OKAY. ARE THERE ANY
19 QUESTIONS OF THE -- OF COMMISSIONER MATHIS? ANY
20 QUESTIONS?

21 (NO RESPONSE.)

22 OKAY. SEEING NONE, LET'S MOVE ON.
23 COMMISSIONER MILLER, ARE YOU ON THE PHONE
24 STILL?

25 MR. LES MILLER: YES, SIR, I AM.

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1 CHAIRMAN BENSE: GOOD DEAL. WE'RE GOING TO
2 MOVE ON. ACTUALLY, NEXT ON THE AGENDA IS
3 RECONSIDERATION OF CP0003 BY COMMISSIONER MILLER.
4 AND I THINK COMMISSIONER BARNETT MIGHT WANT TO
5 MAKE THAT MOTION TO RECONSIDER.

6 YOU'RE RECOGNIZED, COMMISSIONER BARNETT.

7 MS. BARNETT: THANK YOU, MR. CHAIRMAN. AT
8 THE LAST MEETING.

9 MR. LES MILLER: CAN'T HEAR, SIR.

10 MS. BARNETT: THANK YOU, MR. CHAIRMAN. AT
11 THE LAST MEETING, I WAS ON THE PREVAILING SIDE IN
12 THE VOTE WHEREBY THIS PARTICULAR PROPOSAL FAILED,
13 AND I MOVED TO RECONSIDER AND LEAVE PENDING, AND
14 I'M PREPARED TODAY, HAVING BEEN ON THE PREVAILING

15 SIDE, TO MOVE TO RECONSIDER THE VOTE BY WHICH THIS
16 PROPOSAL FAILED.

17 CHAIRMAN BENSE: THERE'S A MOTION ON THE
18 FLOOR TO RECONSIDER THE VOTE BY WHICH THIS
19 AMENDMENT FAILED. IT'S A VOICE VOTE, AND IT TAKES
20 A MAJORITY.

21 VICE CHAIR SCOTT: CAN YOU DISCUSS IT OR NO?

22 CHAIRMAN BENSE: SURE, WE CAN. WE CAN DO
23 THAT DURING THE -- WHEN WE BRING THE BILL BACK UP
24 IF YOU LIKE. THIS IS JUST TO RECONSIDER --
25 STRICTLY TO RECONSIDER IT.

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1 ALL IN FAVOR OF THE MOTION TO RECONSIDER
2 SAY AYE.

3 (AYE.)

4 OPPOSED NO.

5 (NO RESPONSE.)

6 OKAY. THE BILL IS BACK UP. THE BILL --
7 THE PROPOSAL IS BACK UP. I CAN'T HELP MYSELF
8 SOMETIMES.

9 (LAUGHTER.)

10 COMMISSIONER MILLER, IT MIGHT BE DIFFICULT
11 FOR YOU TO PRESENT THIS. I KNOW YOU'RE ILL, ON

12 THE PHONE. YOUR CALL. YOU'RE RECOGNIZED.

13 MR. LES MILLER: WELL, MR. CHAIRMAN, IF IT'S
14 OKAY WITH YOU AND THE COMMITTEE, AND I APOLOGIZE
15 FOR NOT BEING THERE. THE DOCTOR'S ASKED ME NOT TO
16 TRAVEL TODAY. IF AT ALL POSSIBLE, CAN WE
17 TEMPORARILY PASS THIS AND PUT THIS BACK ON THE
18 AGENDA FOR THE NEXT FULL COMMISSION MEETING, WHICH
19 I GUARANTEE YOU, HOOK OR CROOK, I'LL BE THERE. IF
20 IT'S OKAY WITH THE COMMISSION AND IF WE CAN JUST
21 TEMPORARILY PASS IT AND PUT IT ON THE NEXT AGENDA
22 FOR THE COMMISSION.

23 CHAIRMAN BENSE: OKAY. BEFORE WE AGREE TO TP
24 THAT, COMMISSIONER SCOTT, YOU HAD SOME COMMENTS.

25 VICE CHAIR SCOTT: NO. I WAS GOING TO MAKE

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1 THE MOTION -- COURTESY TO SENATOR MILLER TO
2 TEMPORARILY PASS THIS MATERIAL AND LEAVE IT
3 PENDING UNTIL SUCH TIME AS HE CAN BE HERE AND
4 PRESENT IT AND VOTE ON IT.

5 MS. MATHIS: SECOND.

6 CHAIRMAN BENSE: OKAY. THERE'S A MOTION TO
7 TP THE BILL. ARE THERE OBJECTIONS TO THE TP?

8 (NO RESPONSE.)

9 SEEING NONE, THIS BILL IS TEMPORARILY
10 POSTPONED UNTIL COMMISSIONER MILLER IS ABLE TO
11 ATTEND THE MEETING AND PRESENT -- AT THE NEXT
12 MEETING, PRESENT THIS BILL -- THIS PROPOSAL.
13 ANY OBJECTIONS?

14 (NO RESPONSE.)

15 OKAY. LET'S MOVE ON. NEXT WE HAVE --
16 THANK YOU, COMMISSIONER MILLER.

17 MR. LES MILLER: THANK YOU, SIR. THANK YOU,
18 MEMBERS.

19 CHAIRMAN BENSE: NEXT WE HAVE CP0015 BY
20 COMMISSIONER YABLONSKI, RELATING TO AN EXEMPTION
21 FROM AD VALOREM TAXATION ON LANDS USED FOR
22 CONSERVATION PURPOSES.

23 COMMISSIONER YABLONSKI, YOU'RE RECOGNIZED.

24 MR. YABLONSKI: MR. CHAIRMAN, MAY I GO UP
25 THERE?

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1 CHAIRMAN BENSE: SURE. THAT WAY WE CAN THROW
2 THINGS AT YOU.

3 (LAUGHTER.)

4 MR. RANDY MILLER: MR. CHAIR?

5 CHAIRMAN BENSE: COMMISSIONER MILLER, YOU'RE

6 RECOGNIZED.

7 MR. RANDY MILLER: BASED ON THE DISCUSSION WE
8 JUST HAD REGARDING THREE VOTES ON THESE PROPOSALS,
9 AND THE SAME CONCERN THAT COMMISSIONER STORY HAD
10 ABOUT WHAT WILL OUR PROPOSALS LOOK LIKE, IF WE
11 VOTE ON THIS TODAY, IT WILL STILL HAVE TO COME
12 BACK AFTER IT GOES TO STYLING AND DRAFTING AND AS
13 A FINAL VOTE FROM THE COMMISSION UNDER THE CURRENT
14 RULES --

15 CHAIRMAN BENSE: THAT'S CORRECT.

16 MR. RANDY MILLER: OKAY. VERY GOOD. THANK
17 YOU.

18 CHAIRMAN BENSE: AND WHEN WE SAY IT TAKES
19 THREE SUPER MAJORITY VOTES, IT TAKES TWO BY THE
20 COMMISSION AND ONE BY THE STYLING AND DRAFTING
21 COMMITTEE. IT DOESN'T REALLY TAKE THREE. IT
22 TAKES TWO BY THE FULL COMMISSION.

23 OKAY. COMMISSIONER YABLONSKI, YOU'RE
24 RECOGNIZED.

25 MR. YABLONSKI: THANK YOU, MR. CHAIRMAN. AND

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1 I WANT TO MAKE SURE EVERYBODY CAN HEAR ME.

2 IT'S -- ACTUALLY, IT'S BETTER LOOKING AT

3 EVERYBODY'S FACES THAN EARS.

4 MR. LES MILLER: SPEAK INTO THE MIC, PLEASE.

5 MR. YABLONSKI: IS THIS ON?

6 CHAIRMAN BENSE: I DON'T THINK IT'S ON.

7 YOU'VE DONE THIS BEFORE, BRIAN. COME ON. THIS

8 ISN'T YOUR FIRST RODEO.

9 MR. YABLONSKI: I WAS LOOKING AT THE HEIGHT.

10 THAT'S BETTER. THANK YOU.

11 I'M UP HERE TODAY TO PRESENT TWO

12 CONSTITUTIONAL PROPOSALS, AS THE CHAIRMAN

13 MENTIONED. CONSTITUTIONAL PROPOSAL 15 AND

14 CONSTITUTIONAL PROPOSAL 16. BOTH ARE

15 CONSERVATION TAX INITIATIVES.

16 AND I WANTED TO START THE PROPOSAL TODAY

17 BY JUST THROWING OUT A FACTOID FOR EVERYBODY

18 HERE. AND THE FACTOID IS THIS. ACCORDING TO

19 THE STATE, THE FOLKS WHO ARE REALLY SMART AT

20 THIS AND HAVE LOOKED AT CONSERVATION PROTECTION

21 MATTERS, WE HAVE ABOUT \$9 BILLION WORTH OF

22 NATURAL RESOURCES, LAND AND WATER RESOURCES,

23 THAT THE STATE BELIEVES IS IN NEED OF

24 PROTECTION, CONSERVATION PROTECTION, A

25 TREMENDOUS AMOUNT OF NATURAL RESOURCES THAT ARE

1 IN NEED OF PROTECTION.

2 AND EVEN IF THAT'S A -- EVEN IF THERE'S A
3 50 PERCENT MARGIN OF ERROR ON THAT NUMBER,
4 THAT'S STILL A HUGE AMOUNT, YOU KNOW. WE'RE
5 LOOKING AT \$5 BILLION, \$4 BILLION WORTH OF
6 PROTECTION.

7 TRADITIONALLY THE STATE HAS USED THE
8 P2000, THE FLORIDA FOREVER, AND OTHER
9 CONSERVATION ACQUISITION PROGRAMS TO DO
10 PROTECTION OF THESE RESOURCES. BUT GIVEN THE
11 NEED, IT'S UNREALISTIC, AND MAYBE IT'S NOT EVEN
12 DESIRABLE, IN THE OPINION OF SOME
13 COMMISSIONERS, THAT THE STATE BE THE SOLE OWNER
14 OF CONSERVATION LANDS.

15 THE FLORA AND FAUNA OUT THERE THAT ARE IN
16 NEED OF PROTECTION CERTAINLY DON'T KNOW THE
17 DIFFERENCE BETWEEN PUBLIC AND PRIVATE
18 PROTECTION. AND I THINK AT THE END OF THE DAY,
19 THE GOAL IS, YOU KNOW, TO BE ABLE TO IMPLEMENT
20 CONSERVATION IF WE CAN, WHETHER IT'S THROUGH
21 PUBLIC OR PRIVATE MEANS.

22 THE GENESIS OF THESE TWO INITIATIVES WAS

23 REALLY TO LOOK AT ADDING TOOLS TO THE TOOLBOX
24 ON HOW THE STATE GOES ABOUT PROVIDING
25 CONSERVATION. AND ONE OF THE THINGS I DID AS I

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1 WENT THROUGH AND STARTED RESEARCHING THIS IS I
2 WENT OUT TO THE CONSERVATION COMMUNITY, THOSE
3 WHO KNOW HOW TO DO THIS BEST.

4 AND ONE OF THE NEEDS THAT AROSE WAS THIS
5 IDEA THAT WE NEED TO CREATE INCENTIVES FOR
6 PRIVATE LANDS TO ACTUALLY MANAGE AND PUT THOSE
7 LANDS INTO CONSERVATION. AND WE DON'T
8 NECESSARILY DO A GREAT JOB OF THAT TODAY.

9 THE FEDERAL GOVERNMENT HAS A NUMBER OF
10 INCENTIVES BASED ON INCOME TAX, BASED ON
11 PAYMENTS FOR HOW A LANDOWNER MIGHT MANAGE THEIR
12 LAND. BUT WHAT CAME OUT AGAIN WAS THIS NOTION
13 THAT WE COULD DO AS A STATE A BETTER JOB OF
14 PROVIDING INCENTIVES TO LANDOWNERS, AND ADD
15 ANOTHER TOOL IN THE TOOLBOX TO GET US TOWARDS A
16 GOAL OF TRYING TO CONSERVE THOSE LANDS.

17 FLORIDA FOREVER, AT THE END OF THE DAY,
18 EVEN THEIR REAUTHORIZATION IS GOING TO COME
19 NOWHERE NEAR \$9 BILLION. I'M PRETTY CERTAIN OF

20 THAT. AND FOLKS WILL TRY AND -- BUT THERE WILL
21 ALWAYS BE A NEED TO ENCOURAGE PRIVATE OWNERS TO
22 PUT THEIR LAND INTO CONSERVATION.

23 SO THAT SAID, THE TWO INCENTIVES AND THE
24 TWO INITIATIVES WE HAVE TODAY ACTUALLY STAND
25 ALONE, BUT THEY WORK TOGETHER. AND I WANT TO

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1 TAKE TWO SECONDS TO EXPLAIN BOTH OF THEM AND
2 HOW THEY WORK TOGETHER.

3 THE FIRST IS A FULL TAX EXEMPTION FOR
4 LANDS THAT ARE USED FOR CONSERVATION PURPOSES
5 AS DEFINED BY THE LEGISLATURE. AND THAT'S THE
6 PROPOSAL THAT HAS GONE THROUGH TWO COMMITTEES,
7 IS RECEIVING UNANIMOUS SUPPORT IN TWO
8 COMMITTEES.

9 THE IDEA WITH THAT IS THAT IF WE HAVE
10 LAND -- THAT THE LEGISLATURE CAN DEFINE LANDS
11 THAT ARE BEING PROTECTED AT SORT OF A HIGH
12 LEVEL, IS THE WAY WE TALKED ABOUT IT, WE TALK
13 ABOUT IN COMMITTEES, FOR EXAMPLE, CONSERVATION
14 EASEMENTS, THAT THEY SHOULD RECEIVE A FULL TAX
15 EXEMPTION.

16 THE SECOND MEASURE, WHICH IS CP16,

17 ACTUALLY PROVIDES FOR CONSERVATION LANDS THAT
18 WOULD NOT BE COVERED BY A FULL TAX EXEMPTION,
19 WOULD PROVIDE A SPECIAL TAX ASSESSMENT CATEGORY
20 FOR OTHER CONSERVATION RESOURCES THAT THE
21 LEGISLATURE WOULD DEFINE. AND FOR -- I'LL GIVE
22 YOU AN EXAMPLE OF THAT.

23 I MEAN, YOU MAY HAVE LANDS THAT ARE
24 ENROLLED IN THE STATE'S SAFE HARBOR PROGRAM,
25 LANDS THAT ARE PART OF THE FEDERAL CONSERVATION

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1 RESERVE PROGRAM, WETLAND PRESERVE PROGRAM. WE
2 HAVE -- THE STATE HAS A CANDIDATE CONSERVATION
3 AGREEMENT PROGRAM. AND THEN WE HAVE WILDLIFE
4 MANAGEMENT AREAS WHERE PRIVATE LANDOWNERS
5 ENROLL THEIR LAND WITH THE STATE AND ALLOW
6 PUBLIC ACCESS FOR HUNTING AND RECREATION AND
7 THOSE THINGS, MANAGING FOR CONSERVATION.

8 SO THE LEGISLATURE WOULD GO IN ON THE
9 SECOND PROPOSAL AND ACTUALLY TRY TO DEFINE
10 CONSERVATION LANDS BASED ON THEIR USE AND
11 PROVIDE AN ASSESSMENT, NOT AN EXEMPTION, BASED
12 ON THOSE CONSERVATION USES.

13 THE OTHER WAY TO THINK ABOUT THIS IS, IT'S

14 AN OFFENSIVE TACTIC TO GET CONSERVATION LANDS,
15 BUT IT'S ALSO A DEFENSIVE TACTIC. YOU MIGHT
16 HAVE A SITUATION TODAY WHERE YOU HAVE
17 AGRICULTURAL LANDOWNERS THAT ARE RECEIVING THE
18 BENEFITS OF A GREEN BELT ASSESSMENT, BUT MAY
19 BE, RATHER THAN DOING BONA FIDE AGRICULTURE,
20 WOULD RATHER DO SOME KIND OF BONA FIDE
21 CONSERVATION AND ACTUALLY RISK LOSING THE TAX
22 BENEFIT THAT THEY WOULD RECEIVE AS A RESULT OF
23 BEING AN AGRICULTURAL PROPERTY AND MOVE INTO A
24 CONSERVATION TAX PROPERTY AND RUN THE RISK
25 POTENTIALLY OF HAVING A HIGHER TAX ASSESSMENT

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1 FOR DOING THAT.

2 SO WHAT THE SECOND ISSUE WAS TRYING TO DO
3 WAS REALLY TO, NOT ONLY ENCOURAGE, BUT TO
4 PROTECT LANDOWNERS THAT WOULD RATHER DO
5 CONSERVATION. AND, AGAIN, BUILT INTO THAT IS
6 FLEXIBILITY FOR THE LEGISLATURE TO DEFINE THAT,
7 PUT PARAMETERS AROUND THAT. WE KNOW IN PAST
8 COMMITTEE MEETINGS WE'VE HAD GENERAL -- GOOD
9 GENERAL DISCUSSIONS ABOUT GREEN BELT AND HOW
10 THAT'S GONE. AND SOME FOLKS SAY THAT THEY'D

11 RATHER, YOU KNOW, IF -- YOU KNOW, TAKE A LOOK
12 AT THAT AND TIGHTEN IT UP A LITTLE BIT. THIS
13 LEGISLATURE WOULD CERTAINLY HAVE A SHOT IN THE
14 CASE OF THE SECOND INITIATIVE.

15 WHAT I WAS HOPING, SEE, THOSE ARE THE
16 TWO -- AND WE'D BE VOTING SEPARATE ON THAT.
17 BUT WHAT I'D LIKE TO DO, MR. CHAIRMAN, MR. VICE
18 CHAIRMAN, IS -- ACTUALLY, I HAVE AN AMENDMENT
19 TO OFFER ON THE FIRST INITIATIVE, WHICH...

20 VICE CHAIR SCOTT: OKAY. ANY -- IF THERE ARE
21 NO QUESTIONS AT THE MOMENT, WE'LL TAKE UP THE
22 AMENDMENT. WHO HAS THE AMENDMENT TO READ IT?

23 MR. YABLONSKI: I HAVE IT.

24 THE AMENDMENT IS ACTUALLY AN ATTEMPT --
25 AND AGAIN, THIS WOULD BE IN YOUR PACKET,

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1 AMENDMENT NO. 3 TO CT15.

2 VICE CHAIR SCOTT: OKAY. ALL RIGHT. SO
3 WE'LL SHOW BEFORE THE COMMISSION AMENDMENT NO. 3
4 IN THE PACKET, AND IT'S TO BE EXPLAINED BY
5 COMMISSIONER YABLONSKI.

6 MR. YABLONSKI: AND JUST AS A MATTER OF
7 PROCEDURE, THERE'S AN AMENDMENT 1 AND AN AMENDMENT

8 2 IN THERE. I'M WITHDRAWING THOSE AMENDMENTS.
9 AMENDMENT 3 IS THE ONLY AMENDMENT THAT I'D LIKE TO
10 TAKE A LOOK AT TODAY.

11 THE PURPOSE OF THIS AMENDMENT IN SOME OF
12 THE -- IN SOME OF OUR COMMITTEE MEETINGS, WE
13 HAD DISCUSSIONS. I KNOW COMMISSIONER WILKINSON
14 HAD ASKED A QUESTION ABOUT THIS. SOME OTHER
15 MEMBERS HAD ASKED -- HAD ASKED QUESTIONS ABOUT
16 THE EXEMPTION. AND EVEN THOUGH THE INTENT IS
17 TO PROVIDE STRONGER AND LONGER TERM
18 CONSERVATION, WAS THERE A WAY TO TIGHTEN IT UP
19 A LITTLE BIT SO THAT WE TRULY WERE GETTING
20 LONG-TERM CONSERVATION FOR THIS.

21 THE AMENDMENT THAT'S BEING OFFERED HERE
22 WOULD ACTUALLY ADD TO SOME OF THE GENERAL
23 LANGUAGE THAT RIGHT NOW THE LEGISLATURE WOULD
24 DEFINE CONSERVATION PURPOSES, BUT WOULD
25 ACTUALLY SAY THAT THE EXEMPTION COULD ONLY

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1 APPLY FOR REAL PROPERTY USED FOR CONSERVATION
2 PURPOSES IN PERPETUITY, INCLUDING REAL PROPERTY
3 ENCUMBERED BY PERPETUAL CONSERVATION EASEMENTS
4 AND OTHER PERPETUAL CONSERVATION PROTECTIONS AS

5 DEFINED BY GENERAL LAW.

6 AGAIN, THE POINT HERE IS TO SAY, THIS WILL
7 BE PERMANENT. THIS WILL BE PERPETUAL
8 PROTECTION. THAT'S WHY THIS LAND SHOULD GET A
9 TAX EXEMPTION AS OPPOSED TO THE LESSER BENEFIT,
10 WHICH MIGHT A FAVORABLE TAX ASSESSMENT.

11 SO THAT'S THE AMENDMENT, MR. CHAIR.

12 CHAIRMAN BENSE: OKAY. WE'RE ON AMENDMENT 3.
13 LET THE RECORD REFLECT THAT AMENDMENTS 1 AND 2
14 WERE WITHDRAWN WITHOUT OBJECTION. WE'RE ON
15 AMENDMENT 3. ANY QUESTIONS TO THE SPONSOR OF THE
16 AMENDMENT? IS IT LATE FILED? IS IT TIMELY FILED?

17 MR. YABLONSKI: I BELIEVE IT'S TIMELY, YES.

18 CHAIRMAN BENSE: OKAY. IT WAS TIMELY FILED.

19 ARE THERE QUESTIONS OF THE SPONSOR OF THE
20 AMENDMENT? COMMISSIONER BARNETT, YOU'RE
21 RECOGNIZED FOR A QUESTION.

22 MS. BARNETT: DOES THIS AMENDMENT LAY THE
23 GROUNDWORK FOR A RECAPTURE TYPE PROVISION IF IN
24 FACT THE PROPERTY SOMEHOW COMES OUT OF A
25 CONSERVATION EASEMENT?

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1 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

2 MR. YABLONSKI: THANK YOU. THE INTENT IS
3 THAT IT DOES NOT, BECAUSE THIS WOULD BE PERPETUAL.
4 IT WOULD BE A PERMANENT EASEMENT WITHOUT THE
5 ABILITY TO COME OUT, HENCE THE NEED FOR RECAPTURE
6 WOULD GO AWAY.

7 CHAIRMAN BENSE: FOLLOW-UP QUESTION?

8 MS. BARNETT: NONE, THANK YOU.

9 CHAIRMAN BENSE: COMMISSIONER RILEY, YOU'RE
10 RECOGNIZED FOR A QUESTION.

11 MS. RILEY: THAT WAS MY QUESTION ABOUT THE
12 RECAPTURE, BECAUSE IF THE STATE DOESN'T OWN IT,
13 AND AN INDIVIDUAL OR CORPORATION DOES, THEY FALL
14 UNDER, YOU KNOW, PRIVATE PROPERTY RIGHTS, AND I'M
15 NOT SURE THAT YOU COULD SAY THEY COULDN'T
16 SOMEWHERE DOWN THE LINE DEVELOP IT. SO WOULD
17 THERE BE A PROBLEM, SINCE THE INTENT WOULD BE TO,
18 YOU KNOW, HAVE IT FOREVER, THAT IF IT WASN'T
19 FOREVER THAT THE STATE WOULD SOMEHOW BE PROTECTED
20 ON RECAPTURING THAT MONEY?

21 CHAIRMAN BENSE: COMMISSIONER YABLONSKI,
22 YOU'RE RECOGNIZED TO ANSWER THAT QUESTION.

23 MR. YABLONSKI: THANK YOU. IT IS MY
24 UNDERSTANDING THAT THE WAY CONSERVATION EASEMENTS

25 ARE CRAFTED TODAY AND THAT ARE RECOGNIZED, THAT

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1 THEY ARE -- THESE ARE LEGALLY BINDING AGREEMENTS,
2 THAT YOU CAN'T GET OUT. ONCE YOU MAKE THAT
3 COMMITMENT, THE COMMITMENT IS THERE AND IT'S
4 LEGALLY BINDING.

5 SO THE FIRST PROTECTION IS ACTUALLY THE
6 LEGAL DRAFT OF THE EASEMENT ITSELF THAT YOU'RE
7 ACTUALLY LEGALLY BINDING YOURSELF. THE SECOND
8 PROTECTION IS THE LEGISLATURE ITSELF, WHICH
9 WOULD STILL NEED TO DO SOME -- IMPLEMENT
10 LEGISLATION HERE, AGAIN, TO TIGHTEN THIS UP AS
11 MUCH AS POSSIBLE.

12 SO, I SUSPECT THE LEGISLATURE, WHEN THEY
13 COME IN AND DEFINE PERMANENT CONSERVATION
14 EASEMENTS, THEY COME IN AND PROTECT AGAINST
15 WHAT YOU WOULD SAY. AND I WOULD LIKE TO HEAR
16 WHEN SOME OF THE SPEAKERS GET UP -- WE HAVE
17 SOME SPEAKERS HERE.

18 BUT I THINK THERE ARE -- THERE ARE FOLKS
19 WHO ARE SMARTER THAN ME ON THIS, BUT I DO
20 BELIEVE A PERMANENT EASEMENT IS A PERMANENT
21 EASEMENT. IT'S LIKE TRANSFERRING FEE SIMPLE

22 TITLE TO SOMEBODY AND THEN TRYING TO TAKE THAT
23 BACK, I DON'T THINK IT CAN BE DONE.

24 VICE CHAIR SCOTT: MR. CHAIR?

25 CHAIRMAN BENSE: COMMISSIONER SCOTT, YOU'RE

79

1 RECOGNIZED FOR A QUESTION.

2 VICE CHAIR SCOTT: RIGHT. THE WAY THAT --
3 THE WAY THIS AMENDMENT WAS DRAFTED, YOU COULD ONLY
4 GRANT THE TAX EXEMPTION IF IT WAS IN PERPETUITY,
5 RATHER THAN -- I THOUGHT THERE WERE SOME OF THESE
6 PROGRAMS WHERE YOU COULD -- FEDERAL PROGRAMS WHERE
7 YOU COULD DO IT FOR 20 YEARS OR 30 YEARS OR
8 SOMETHING LIKE THAT.

9 MR. YABLONSKI: THAT'S CORRECT.

10 VICE CHAIR SCOTT: SO HOW ARE YOU DEALING
11 WITH -- THIS WOULD ONLY LET THEM DO IT IF IT WAS
12 FOREVER.

13 CHAIRMAN BENSE: COMMISSIONER YABLONSKI,
14 YOU'RE RECOGNIZED.

15 MR. YABLONSKI: THANK YOU, MR. CHAIR. THAT'S
16 CORRECT. AGAIN, THE ORIGINAL LANGUAGE PASSED OUT
17 TO COMMITTEES UNANIMOUSLY, BUT I AM LISTENING TO
18 THE COMMISSIONERS, AND THIS ISSUE WAS BROUGHT UP,

19 THERE WAS A LITTLE CONCERN THAT WITHOUT SOME
20 LIMITATION ON TIME, THAT THAT MIGHT CAUSE SOME
21 UNEASINESS AMONG COMMISSIONERS.

22 SO THE WAY I -- WHEN I WENT BACK AND
23 REDRAFTED THIS, THE IDEA WAS FOR THE EXEMPTION,
24 NONE OF THOSE PROGRAMS WOULD BE ELIGIBLE UNLESS
25 YOU'RE IN A PERPETUAL -- YOU COULD BE IN A

80

1 PERPETUAL CONSERVATION EASEMENT AND STILL BE
2 ACCESSING THE CONSERVATION RESERVE PROGRAM AT
3 THE FEDERAL LEVEL, FOR EXAMPLE. SO THERE COULD
4 BE SOME AREA IN THAT.

5 BUT IF YOU'RE NOT IN A PERPETUAL,
6 PERMANENT CONSERVATION EASEMENT AND YOU'RE IN
7 THE CONSERVATION RESERVE PROGRAM OR SOME OF THE
8 OTHER PROGRAMS, THE IDEA IS THAT YOU WOULD
9 POTENTIALLY, IF THE LEGISLATURE DEEMED IT, BE
10 GET CAPTURED BY THE SPECIAL ASSESSMENT.

11 CHAIRMAN BENSE: FURTHER QUESTIONS? WE'RE ON
12 THE AMENDMENT.

13 (NO RESPONSE.)

14 ANY PUBLIC TESTIMONY ON THE AMENDMENT?
15 YOU WANT TO WAIT TILL THE ACTUAL PROPOSAL? IF

16 YOU WOULD LIKE TO -- FEEL FREE TO. DON'T LET
17 ME TALK YOU OUT OF IT. ANY DEBATE ON THE
18 AMENDMENT? ANY DEBATE ON THE AMENDMENT?

19 (NO RESPONSE.)

20 IS THERE OBJECTION TO THE AMENDMENT?

21 (NO RESPONSE.)

22 SEEING NONE, THE AMENDMENT PASSES.

23 WE ARE NOW BACK ON THE BILL AS AMENDED.

24 WE HAVE NOT BEEN THROUGH THE QUESTION PHASE

25 YET. ARE THERE QUESTIONS OF THE SPONSOR OF THE

81

1 PROPOSAL? COMMISSIONER RANDY MILLER, YOU'RE
2 RECOGNIZED.

3 MR. RANDY MILLER: THANK YOU, MR. CHAIRMAN.

4 COMMISSIONER YABLONSKI, SINCE THIS
5 PROPERTY WOULD STILL BE IN THE OWNERSHIP OF A
6 PRIVATE --

7 CHAIRMAN BENSE: TALK IN YOUR MIC.

8 MR. RANDY MILLER: I AM TRYING TO,
9 MR. CHAIRMAN.

10 THE PERPETUAL CONSERVATION EASEMENT STILL
11 LEAVES THE OWNERSHIP OF THE PROPERTY IN A
12 PRIVATE INDIVIDUAL'S NAME. PART OF OWNERSHIP

13 IS TO BE ABLE TO CONTROL ACCESS --

14 MR. LES MILLER: SPEAK IN THE MIC, PLEASE.

15 MR. RANDY MILLER: I'M SPEAKING IN THE MIC.

16 -- IS TO CONTROL ACCESS TO THAT PROPERTY.

17 HAS IT BEEN CONTEMPLATED UNDER THIS THAT THIS

18 WOULD HAVE PUBLIC ACCESS?

19 MR. YABLONSKI: IT IS -- IT IS NOT PER SE.

20 IT IS NOT PER SE, BECAUSE IN SOME CASES OF

21 CONSERVATION EASEMENTS AND PERMANENT, THERE'S

22 PUBLIC ACCESS, AND IN SOME CASE THERE IS NOT

23 PUBLIC ACCESS.

24 IF THAT'S SOMETHING THAT THE LEGISLATURE

25 PERHAPS WANTED TO RUN THROUGH AND TAKE A LOOK

82

1 AT, I THINK THEY COULD WITH THIS LANGUAGE. BUT

2 I WANTED TO FOLLOW UP BECAUSE YOU MAKE A GREAT

3 POINT.

4 WITH A CONSERVATION EASEMENT AND THE

5 IMPLICATION THAT THERE'S PRIVATE OWNERSHIP,

6 THERE'S ALSO PRIVATE MANAGEMENT DOLLARS THAT

7 ARE GOING TO PROTECT THESE LANDS THAT ARE NOT

8 STATE MANAGEMENT DOLLARS THAT ARE GOING TO

9 PROTECT LANDS. I SAY THAT ONLY BECAUSE WITH

10 THIS INITIATIVE THERE'S THE POTENTIAL TO SAVE
11 MILLIONS IN TAXPAYER DOLLARS WITH THE PRIVATE
12 LAND MANAGER ACTUALLY MANAGING LAND FOR
13 CONSERVATION RATHER THAN AN ACQUISITION
14 SITUATION WHERE THE STATE THEN HAS TO COME UP
15 WITH TAX DOLLARS TO MANAGE THE LAND FOR
16 ACQUISITIONS.

17 SO THERE'S -- A PART OF THE BENEFIT OF
18 THIS PROPOSAL IS THAT IT IS -- YOU'RE FINDING
19 YOURSELF WITH A PRIVATE OWNER WHO CAN EXPEND
20 MONEY TO KEEP IT IN CONSERVATION AND MANAGE
21 APPROPRIATELY FOR CONSERVATION.

22 MR. RANDY MILLER: MR. CHAIRMAN?

23 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

24 MR. RANDY MILLER: AS PART OF THIS, I WOULD
25 BE CONCERNED, AND MAYBE WE NEED TO CLARIFY IT IN

83

1 THIS PROVISION OR NOT THAT WE WOULD NOT BE
2 CREATING A PRIVATE HUNTING PRESERVE FOR A
3 PARTICULAR OWNER AND TAKE THAT OFF THE TAX ROLL.
4 IF THEY'RE GOING TO USE IT FOR THEIR OWN PRIVATE
5 USES, I THINK I'VE GOT SOME CONCERNS ABOUT THAT.

6 CHAIRMAN BENSE: YOU WANT TO RESPOND TO

7 THOSE, COMMISSIONER?

8 MR. YABLONSKI: NO, I -- AGAIN, IT'S -- AND I
9 WOULD LIKE TO HEAR -- SOME OF THE FOLKS IN THE
10 CONSERVATION COMMITTEE MIGHT HAVE THOUGHTS ON THAT
11 AS WELL, BUT AGAIN, I THINK THE POINT HERE AND THE
12 INTENT IS TO ENCOURAGE FOLKS TO PUT PERMANENT
13 CONSERVATION EASEMENTS ON THOSE LANDS. WHETHER
14 THERE'S AN INCOME BEING DERIVED OR NOT FROM THOSE
15 EASEMENTS, THAT PROTECTION IF THERE IS AN
16 INVALUABLE BENEFIT TO THE STATE.

17 CHAIRMAN BENSE: FURTHER QUESTIONS? FURTHER
18 QUESTIONS?

19 MR. WILKINSON: MR. CHAIRMAN?

20 CHAIRMAN BENSE: COMMISSIONER WILKINSON,
21 YOU'RE RECOGNIZED.

22 MR. WILKINSON: ARE WE STILL ON THE AMENDMENT
23 OR ARE WE ON THE BILL?

24 CHAIRMAN BENSE: ON THE BILL.

25 MR. WILKINSON: ON THE BILL? THEN I WOULD

84

1 HAVE -- RAISE A QUESTION.

2 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

3 MR. WILKINSON: THANK YOU. CONSIDER A

4 SITUATION LIKE THIS. YOU'VE GOT A THOUSAND ACRES,
5 AND YOU HAVE A HUNDRED HERE THAT'S BEING
6 DEVELOPED, SINGLE FAMILY. UNDER THIS IT WOULD BE
7 MY UNDERSTANDING THAT IF YOU PUT THAT EASEMENT ON
8 THE 900 AND HAVE A ZERO TAX, WOULD THEN -- OF
9 COURSE, THESE IN HERE WOULD BE MORE VALUABLE,
10 BECAUSE THEY WOULD BE PROTECTED BY THIS NATURAL
11 SURROUNDING.

12 WOULD THEY ALSO -- IF THEY HAD THE LEASE,
13 AS I THINK COMMISSIONER MILLER BROUGHT UP, THEY
14 COULD HAVE SOME VERY VALUABLE HUNTING AND
15 FISHING LEASES THERE BUT YET PAY ZERO TAXES
16 UNDER THIS BILL?

17 MR. YABLONSKI: MR. CHAIRMAN?

18 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

19 MR. YABLONSKI: TO THE BEST OF MY
20 UNDERSTANDING, A LOT OF CONSERVATION EASEMENTS
21 THAT ARE IMPLEMENTED TODAY HAVE A SITUATION WHERE
22 YOU MIGHT HAVE A PERSON'S HOUSE, FOR EXAMPLE, AND
23 THAT HOUSE IS NOT PART OF THE CONSERVATION
24 EASEMENT, BUT THE SURROUNDING LAND THAT MIGHT, YOU
25 KNOW, ABOUT OTHER PUBLIC LAND OR OTHER CONSERVATION

1 LANDS IS PUT INTO A CONSERVATION EASEMENT. SO
2 THAT'S CORRECT.

3 MR. WILKINSON: AND I WOULD AGREE WITH YOU ON
4 THE HOUSE SITUATION. IT'S JUST LIKE UNDER AG.
5 IT'S CALLED CURTILAGE, TAKE AN ACRE OUT AND THAT
6 IS TAXED AT THE MARKET. BUT I'M TALKING ABOUT IF,
7 IN THIS PARTICULAR CIRCUMSTANCE, WOULD I BE
8 CORRECT IN SAYING THAT THERE COULD BE VALUABLE
9 LEASES THAT ARE GENERATING INCOME, BUT YET AT THE
10 SAME TIME THERE'D BE ZERO TAX?

11 MR. YABLONSKI: THAT'S POSSIBLE. AGAIN, PART
12 OF LEAVING IT OPEN TO THE LEGISLATURE IS HAVING
13 THE LEGISLATURE TAKE A LOOK AT THIS.

14 WHAT I WAS TRYING TO AVOID IN DRAFTING
15 THIS LANGUAGE IS TO TRY -- I WANTED TO AVOID
16 DRAFTING STATUTE, AND REALLY WANTED TO DRAFT A
17 CONSTITUTIONAL PROVISION THAT WOULD ALLOW
18 QUESTIONS LIKE THAT TO COME UP AND LET THE
19 LEGISLATURE ADDRESS THAT.

20 CHAIRMAN BENSE: MORE QUESTIONS?
21 COMMISSIONER LEVESQUE, YOU'RE RECOGNIZED.

22 MS. LEVESQUE: THANK YOU, COMMISSIONER
23 YABLONSKI. ISN'T YOUR INTENT FOR THIS PARTICULAR

24 AMENDMENT TO INCENTIVIZE CONSERVATION, AND THEREBY
25 HAVING LARGE LANDOWNERS WHO, RIGHT NOW WHEN FACED

86

1 WITH THE INCENTIVE OF DEVELOPMENT OR AN INCENTIVE
2 FOR CONSERVATION, THERE'S NO INCENTIVE FOR
3 PERPETUAL CONSERVATION. AND SO IF YOU COULD
4 EXPLAIN A LITTLE BIT MORE --

5 MR. LES MILLER: SPEAK INTO THE MIC, PLEASE.

6 MS. LEVESQUE: -- WHAT THE INTENT OF THE
7 AMENDMENT WOULD BE.

8 CHAIRMAN BENSE: YOU'RE RECOGNIZED,
9 COMMISSIONER YABLONSKI.

10 MR. YABLONSKI: YEAH, ABSOLUTELY. I MEAN,
11 COMMISSIONER LEVESQUE IS RIGHT. THE INTENT HERE
12 IS -- WHAT WE'RE TRYING TO ACCOMPLISH IS
13 CONSERVATION. THE FLORIDA FOREVER PROGRAM IS A
14 VERY POPULAR PROGRAM, BUT WE KNOW IT'S NOT -- AT
15 THE END OF THE DAY GOING TO BE ENOUGH TO GET US
16 WHERE WE NEED TO GO.

17 AND TRYING TO GET PRIVATE LANDOWNERS TO DO
18 THE RIGHT THING IN SOME FORM OR FASHION IS THE
19 INTENT HERE. AND ONE OF THE WAYS YOU DO THAT
20 IS BY PROVIDING TAX INCENTIVES TO GET THEM TO

21 DO THE RIGHT THING.

22 I KNOW, FOR EXAMPLE, I SERVE ON THE FISH
23 AND WILDLIFE CONSERVATION COMMISSION. WE HAVE
24 A PROGRAM CALLED WILDLIFE MANAGEMENT AREAS THAT
25 ONE OF THE SPEAKERS MAY TALK TO. AND THAT'S A

87

1 CASE WHERE PRIVATE LANDOWNERS ENROLL THEIR
2 LANDS IN THE STATE PROGRAM TO ALLOW PUBLIC
3 HUNTING ON THAT PROGRAM AND RECOUP A LITTLE BIT
4 OF A FEE.

5 BUT THERE ARE LANDOWNERS THAT ARE
6 WITHDRAWING THOSE LANDS FROM WILDLIFE
7 MANAGEMENT AREAS BECAUSE OF DEVELOPMENT
8 PRESSURES, BECAUSE OF PRESSURES TO DERIVE
9 ECONOMICS FROM IT AND WHATNOT.

10 SO THE THREAT TO THESE LANDS ARE -- THE
11 THREATS ARE REAL OUT THERE. AND WHATEVER WE
12 CAN DO IN A WAY THAT'S ECONOMICAL TO THE STATE
13 AND TO LOCAL GOVERNMENTS, I THINK ARE TOOLS
14 THAT WE SHOULD TAKE A HARD LOOK AT. AND I
15 THINK YOU'LL HEAR FROM THE CONSERVATION
16 COMMITTEE TOO ABOUT HOW IMPORTANT THESE TYPES
17 OF PROPOSALS WOULD BE TOWARDS REALLY

18 ENCOURAGING LANDOWNERS TO DO THE RIGHT THING
19 AND ADD TO CONSERVATION LANDS, WHICH IN MANY
20 OCCASIONS ABOUT PUBLIC CONSERVATION LANDS, AND
21 WOULD ADD TO HABITATS AND CONSERVATION AREAS
22 MANY FOLD.

23 AND IT'S NOT JUST LARGE LANDOWNERS TOO.
24 THERE ARE SMALL LANDOWNERS. I MEAN, I THINK
25 YOU'LL HEAR, AGAIN, ONE OF THE PERSONS

88

1 TESTIFYING TODAY, I WILL PUT IN THE CATEGORY OF
2 SMALL LANDOWNER WHO HAD AN EXPERIENCE WHERE --
3 WAS GETTING FAVORABLE CONSERVATION TAX
4 TREATMENT IN THE STATE OF GEORGIA BUT NOT SO
5 MUCH IN THE STATE OF FLORIDA, AND THAT WAS
6 SOMETHING THAT HAD JUMPED OUT THAT AT
7 INDIVIDUAL.

8 CHAIRMAN BENSE: FURTHER QUESTIONS?
9 COMMISSIONER TURBEVILLE, YOU'RE RECOGNIZED.

10 MR. TURBEVILLE: JUST GOT ONE QUESTION. YOU
11 MENTIONED SOME OF THE DETAILS THAT WOULD BE
12 DECIDED BY THE LEGISLATURE. IS THE INTENT OF THIS
13 CURRENT LANGUAGE TO BE A COMPLETE EXEMPTION,
14 100 PERCENT, OR IS THAT PERCENTAGE LEFT UP TO THE

15 LEGISLATURE TO DECIDE?

16 MR. YABLONSKI: I THINK THE INTENT, AND WE
17 TALKED ABOUT IT IN THE PAST COMMITTEE MEETINGS,
18 WAS TO BE FULL TAX EXEMPTION. BUT AGAIN, THERE'S
19 WAYS -- THERE'S -- THE LEGISLATURE STILL NEEDS TO
20 DEFINE WHAT OUR ALLOWABLE USE IS, WHAT ARE THE
21 PERMANENT TYPES OF CONSERVATION EASEMENTS THAT
22 WOULD ACTUALLY QUALIFY FOR THIS TYPE OF FAVORABLE
23 TREATMENT.

24 CHAIRMAN BENSE: COMMISSIONER WILKINSON,
25 YOU'RE RECOGNIZED.

89

1 MR. WILKINSON: THANK YOU, MR. CHAIRMAN.
2 I'M STILL NEEDING A LITTLE MORE
3 CLARIFICATION. I THINK THIS IS GETTING BETTER,
4 AT LEAST FROM MY PERSPECTIVE, THAT NOW, THE WAY
5 WE SEEM TO BE DISCUSSING IT IS THIS WOULDN'T
6 ENCOURAGE A DEVELOPER TO COME OUT AND BUY THIS
7 PRIVATE PROPERTY, BECAUSE NOW HE COULD NEVER
8 DEVELOP IT, OR IS IT STILL THE WAY IN SOME OF
9 ITS INITIAL FORM THAT IT WOULD ENCOURAGE A
10 DEVELOPER TO COME OUT, PURCHASE THIS PROPERTY
11 IF IT WAS AN OPEN END THAT HE -- SOMEHOW THE

12 EASEMENT GOES AWAY AND HE CAN DEVELOP IT. IT
13 SEEMS TO ME THAT WOULD BE THE REVERSE OF WHAT
14 YOU'RE TRYING TO DO.

15 MR. YABLONSKI: RIGHT. NO, I AGREE. AGAIN,
16 I DON'T THINK -- IF THAT'S THE QUESTION -- I DON'T
17 THINK THE EASEMENT CAN GO AWAY. AGAIN, YOU'RE
18 LEGALLY BOUND BY THAT EASEMENT AND IT CANNOT GO
19 AWAY. THE LEGISLATURE CAN BELT AND SUSPENDER THAT
20 IF THEY NEED TO SAY THAT OVER AGAIN. BUT THEN
21 THAT'S THE INTENT.

22 AND YOU'RE RIGHT, I'M TRYING TO MOVE THIS
23 MORE IN YOUR DIRECTION BECAUSE I'VE BEEN
24 LISTENING TO YOU, AND I THOUGHT IT WAS
25 APPROPRIATE. YOU KNOW, IF YOU'RE GETTING A

90

1 FULL TAX EXEMPTION, LET'S MAKE IT REALLY TIGHT
2 AND LET'S MAKE IT FOR THE HIGHEST LEVEL OF
3 CONSERVATION, WHICH IS A PERMANENT CONSERVATION
4 EASEMENT ON THAT PROPERTY.

5 MR. WILKINSON: FOLLOW UP FOR CLARIFICATION,
6 MR. CHAIR.

7 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

8 MR. WILKINSON: I WOULD FEEL BETTER IF -- AND

9 IT LOOKS LIKE THIS IS THE DIRECTION YOU'RE GOING,
10 THAT -- BECAUSE MY CONCERN, OBVIOUSLY, AGAIN, WAS
11 THAT THIS COULD ENCOURAGE DEVELOPMENT, WHICH IS
12 THE OPPOSITE OF WHAT YOU WANT. BUT IF THE
13 DEVELOPER KNOWS, EVEN THOUGH HE BUYS THAT AND GETS
14 TO PUT IT IN THIS, THAT HE CAN NEVER TAKE IT BACK
15 OUT AND DEVELOP IT.

16 AND I THINK YOU'RE RIGHT. BUT DID YOU SAY
17 YOU WOULD LEAVE THAT OPEN TO THE INTERPRETATION
18 OF THE LEGISLATURE?

19 MR. YABLONSKI: OH, NO, NO, NO. I THINK IT'S
20 DONE. I THINK YOU DO A PERMANENT CONSERVATION
21 EASEMENT AND IT'S PERMANENT. IT'S ABSOLUTELY
22 PERMANENT.

23 MR. WILKINSON: THANK YOU, COMMISSIONER.

24 CHAIRMAN BENSE: MORE QUESTIONS?

25 (NO RESPONSE.)

91

1 OKAY. LET'S MOVE INTO THE PUBLIC
2 TESTIMONY PHASE, AND WE'LL GET TO THE DEBATE
3 PHASE, WITHOUT OBJECTION. WE HAVE HERE WITH US
4 TODAY PRESTON ROBERTSON, VICE PRESIDENT,
5 GENERAL COUNSEL, FLORIDA WILDLIFE FEDERATION.

6 MR. ROBERTSON, WELCOME.

7 MR. ROBERTSON: THANK YOU. GOOD MORNING.

8 CAN YOU-ALL HEAR ME?

9 CHAIRMAN BENSE: IT'S NOT US. IT'S THE FOLKS
10 ON THE PHONE YOU GOT TO WORRY ABOUT.

11 MR. ROBERTSON: THANK YOU, MR. CHAIRMAN.

12 GOOD MORNING, COMMISSIONERS, MR. CHAIRMAN.

13 I WANT TO GIVE HEARTFELT THANKS TO COMMISSIONER
14 YABLONSKI FOR PUSHING THIS FORWARD. I THINK
15 THIS A TREMENDOUS PROPOSAL, AND I'VE GOT THE
16 PERSONAL STAKE IN IT AS WELL AS I'VE WORKED FOR
17 MANY YEARS TO TRY TO PROTECT WHAT I THINK MAKES
18 FLORIDA SPECIAL, AND THAT'S ITS NATURAL
19 RESOURCES.

20 AS BRIAN SAID, AND COMMISSIONER LEVESQUE
21 SO ADEQUATELY -- MORE THAN ADEQUATELY STATED,
22 WHAT WE'RE TRYING TO DO HERE IS INCENTIVIZE
23 PRIVATE LANDOWNERS TO PROTECT THEIR LAND.

24 I UNDERSTAND COMMISSIONER WILKINSON'S
25 CONCERNS, BUT, ACTUALLY, I'M THE MAN THAT

92

1 COMMISSIONER YABLONSKI WAS TALKING ABOUT. I
2 HAVE A FARM, SMALL FARM IN SOUTH GEORGIA. AS

3 SOON AS I PUT A CONSERVATION EASEMENT ON IT,
4 THE TAXES WENT TO ALMOST ZERO. I DID THE SAME
5 THING ON A FARM IN FLORIDA, IN GADSDEN COUNTY
6 RIGHT HERE, MY TAXES WERE NOT AFFECTED IN THE
7 LEAST.

8 THERE'S NO INCENTIVIZATION, THERE'S NO
9 MONETIZATION FOR ME TO PROTECT MY LAND. I'M
10 NOT AS OVERLY CONCERNED IN THE REAL WORLD WITH
11 DEVELOPERS USING THIS. THE WAY I LOOK AT IT,
12 AS SOMEBODY WHO DEALS WITH LARGE LANDOWNERS ALL
13 THE TIME, THESE FOLKS WANT TO PROTECT THEIR
14 LAND. THE REASON THEY CAN'T IS THEY CAN'T
15 AFFORD TO DO IT. IT'S AS SIMPLE AS THAT.

16 THERE ARE A LOT OF REALLY WONDERFUL PEOPLE
17 WHO LOVE THEIR LAND WHO WANT TO PASS THEIR LAND
18 ON TO THEIR CHILDREN AND GRANDCHILDREN, THEY
19 NAME THEIR PONDS AFTER THEIR GRANDDAUGHTERS,
20 BUT CAN'T AFFORD TO DO IT UNDER THE PRESENT
21 CONSTITUTION OF THIS STATE, AND SO THAT'S WHAT
22 WE'RE TRYING TO REMEDY HERE. AND, VERY BRIEF,
23 THAT'S WHAT WE ARE TRYING TO DO HERE.

24 THE OTHER THING I JUST CAN'T HELP BUT
25 MENTION, YESTERDAY'S -- I MEAN, THERE'S A TAX

1 RELIEF COMING TO US, OBVIOUSLY. AND AS POPULAR
2 AS FLORIDA FOREVER IS AND AS POPULAR AS
3 PRESERVATION 2000 WAS IN THE '90S, I THINK THIS
4 WILL PASS. I'M VERY HOPEFUL OF THAT, AND I
5 WOULD VERY MUCH APPRECIATE YOUR SUPPORT ON
6 THIS. WE GOT TO PROTECT OUR WATER; WE GOT TO
7 PROTECT OUR WETLANDS. WE GOT TO PROTECT
8 WILDLIFE HABITAT AND RECREATIONAL VALUES,
9 THAT -- ALL OF THOSE THINGS, ALL OF THEM WILL
10 BE HELPED WITH PASSAGE OF THIS.

11 CHAIRMAN BENSE: QUESTIONS? ARE THERE
12 QUESTIONS OF THE PRESENTER?

13 MR. MCKEE: MR. CHAIRMAN?

14 CHAIRMAN BENSE: COMMISSIONER MCKEE, YOU'RE
15 RECOGNIZED.

16 MR. MCKEE: THANK YOU. IN GEORGIA, WHERE YOU
17 ENJOY THIS OPPORTUNITY, WHAT'S THE MINIMUM ACREAGE
18 REQUIRED TO PARTICIPATE?

19 MR. ROBERTSON: I THINK IT'S TEN.

20 MR. MCKEE: TEN ACRES?

21 MR. ROBERTSON: YES, SIR.

22 MR. MCKEE: THANK YOU.

23 CHAIRMAN BENSE: I HAVE A QUESTION. HOW
24 WOULD YOU -- IF THIS PASSES AND IT PASSES IN
25 NOVEMBER, HOW WOULD YOU RANK THIS IN TERMS OF

94

1 IMPACT ON SAVING OUR ENVIRONMENT COMPARED TO
2 FLORIDA FOREVER, AS GOOD OR BETTER?

3 MR. ROBERTSON: THAT'S AN EXCELLENT QUESTION.
4 I'M A BIG FAN OF PRIVATE CONSERVATION. AND ONE OF
5 THE MAIN REASONS --

6 CHAIRMAN BENSE: YOU BETTER BE WITH THE GROUP
7 YOU BELONG TO.

8 MR. ROBERTSON: YEAH, ABSOLUTELY.
9 ABSOLUTELY, OR I WOULDN'T BE WORKING FOR THEM.
10 BECAUSE OF THE COSTS INVOLVED. I'M ALSO A
11 TREMENDOUS FAN OF FLORIDA FOREVER, AND I'D
12 CERTAINLY WANT A SUCCESSOR PROGRAM. DON'T GET ME
13 WRONG. THERE ARE PLACES THAT NEED TO BE OWNED BY
14 THE PUBLIC. OUR SPRINGSHEDS -- THERE ARE JEWELS
15 IN THIS STATE WE'VE GOT TO PROTECT. I FEEL VERY
16 STRONGLY ABOUT THAT.

17 BUT AS FAR AS THE DOLLARS GO, LAND IS
18 ACQUIRED BY THE STATE. YOU AND I AND EVERYBODY
19 ASSUMED WE'RE GOING TO BE PAYING FOR THE

20 MANAGEMENT OF THAT LAND HENCEFORTH. IN
21 PRIVATE -- A PRIVATE OWNER, AND I HAPPEN TO BE
22 ONE SO I'M VERY BIASED -- I THINK I LOOK AFTER
23 MY LAND A WHOLE LOT BETTER THAN FOLKS THAT HAVE
24 TO BE PAID BY THE STATE. I MEAN, IT'S HUMAN
25 NATURE.

95

1 AS TO WHICH ONE IS BETTER, I THINK THEY GO
2 HAND IN HAND. AND I AGREE WITH COMMISSIONER
3 YABLONSKI, WE ARE -- AND I'M SORRY FOR BABBLING
4 ON, BUT THIS IS REALLY IMPORTANT TO ME. I WANT
5 MY KIDS AND MY GRANDKIDS TO HAVE THIS STUFF
6 THAT I'VE GOT. AND THERE ARE A LOT OF PRIVATE
7 LANDOWNERS. I KNOW MAYBE YOU-ALL KNOW THEM IN
8 THE RED HILLS. THESE CONSERVATION EASEMENTS,
9 IF THEY ARE INCENTIVIZING JUST A LITTLE BIT,
10 THEY WILL PROTECT THEIR LAND.

11 AND I'M DELIGHTED WITH THIS AMENDMENT. I
12 THINK THAT YOUR CONCERNS ABOUT CONSERVATION
13 EASEMENTS, EVERY CONSERVATION I'VE EVER SEEN IS
14 PERPETUAL. AND IT RUNS WITH THE LAND; IT
15 DOESN'T RUN WITH THE OWNER. IF I SELL MY LAND
16 TOMORROW, IT'S STILL NOT GOING TO BE DEVELOPED.

17 IT'S HENCEFORTH.

18 CHAIRMAN BENSE: THANK YOU, MR. ROBERTSON.

19 COMMISSIONER RILEY FOR A FURTHER QUESTION.

20 MS. RILEY: THANK YOU. I'M STILL A LITTLE
21 BIT UNCLEAR ABOUT THIS EASEMENT AND IT BEING
22 FOREVER, BECAUSE YOU HAVE CHILDREN AND THEN THEY
23 HAVE CHILDREN AND THIS LAND IS PASSED DOWN. I
24 MEAN, I'VE WORKED MANY TIMES TO HAVE EASEMENTS
25 VACATED, SO I DON'T KNOW THAT ANYTHING IS FOREVER

96

1 WHENEVER YOU OWN IT AND YOU HAVE YOUR PROPERTY
2 RIGHTS.

3 SO I NEED TO HAVE SOME KIND OF COMFORT ON
4 THAT FOR GENERATIONS DOWN, WHAT'S GOING TO
5 HAPPEN AND HOW THAT CHALLENGE WILL NOT COME TO
6 BEAR ON THE STATE OF FLORIDA.

7 MR. ROBERTSON: IT'S A GREAT QUESTION, AND I
8 DEAL WITH THIS ALL THE TIME SO I GUESS I HAVE SOME
9 BASIS OF KNOWLEDGE.

10 THERE'S NEVER BEEN A CONSERVATION IN THE
11 UNITED STATES -- THESE ARE VERY POPULAR, BY THE
12 WAY, CONSERVATION EASEMENTS, FOR ALL THE
13 REASONS I JUST LISTED, EVEN MORE SO OUT WEST.

14 BUT THERE'S NEVER BEEN ONE THAT'S BEEN
15 SUCCESSFULLY CHALLENGED, TO MY KNOWLEDGE.

16 THE VACATIONS YOU'RE TALKING ABOUT ARE
17 PROPERTY LIKE, I DON'T KNOW, ENTRY, LIKE GOING
18 TO THE BEACH OR THAT KIND OF VACATION OF THOSE
19 RIGHTS. I'M NOT QUITE SURE. I'VE NEVER HEARD
20 OF A CONSERVATION EASEMENT.

21 GENERALLY HOW IT WORKS IS, I VOLUNTARILY
22 SAY -- I MEAN, THERE'S NO CONDEMNATION IN THIS.
23 THIS IS ALL VOLUNTARY TO THE PRESENT LANDOWNER.
24 THIS IS WHAT I'M GOING TO DO WITH MY LAND. I
25 GO TO A THIRD PARTY, BONA FIDE THIRD PARTY,

97

1 WHETHER IT'S A NATURE CONCERN, TPL, STATE OF
2 FLORIDA. I'VE GOT A FEDERAL ONE ON ONE OF MY
3 PROPERTIES WITH THE U.S. FISH AND WILDLIFE
4 SERVICE.

5 AND I SAY, HERE, TAKE THIS LAND. THEY
6 FILE IT IN THE COURTHOUSE. IT RUNS WITH THE
7 PROPERTY THROUGH THE CHAIN OF TITLE. EVERY
8 SUCCESSIVE OWNER IS GOING TO BE BOUND BY THIS.
9 IF I VIOLATE IT, THEN THEY SUE ME. I MEAN, ALL
10 OF THIS STUFF, IT -- IT'S BECOME VERY PRO FORMA

11 ACTUALLY, BECAUSE THERE'S SO MANY EASEMENTS
12 NOW, AND YOU'VE GOT TO, YOU KNOW, LIKE ANY
13 OTHER LITIGATION.

14 BUT AGAIN, I GUESS MY POINT IS, I
15 PERSONALLY DON'T KNOW OF ANY THAT HAVE BEEN
16 VACATED. I MEAN, THERE MIGHT HAVE BEEN SOME
17 WHERE THERE WAS AN INFRINGEMENT WHERE I TOOK --
18 IF I TOOK TOO MANY TREES DOWN, LET'S SAY, AND I
19 DIDN'T LEAVE ENOUGH STAMPS PER ACRE -- I'M
20 SORRY; I'M GETTING INTO THE SILVICULTURE
21 BUSINESS HERE.

22 BUT I DIDN'T LEAVE ENOUGH TREES PER ACRE,
23 AND THEREFORE I VIOLATED THE EASEMENT. WELL,
24 WHOEVER THE EASEMENT HOLDER WAS WOULD GO IN AND
25 SAY -- AND ENFORCE THAT PROVISION OF THE

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1 EASEMENT, JUST LIKE A CONTRACT. AND THEY WOULD
2 WORK IT OUT. AND IF IT WAS A COMPLETE
3 VIOLATION AND THEY BUILT A HOUSE OR SOMETHING
4 AFTER GETTING THIS TAX BENEFIT, THEN THEY WOULD
5 LOSE THE BENEFIT. AND THEY WOULD BE SUED AND
6 PAY THE PENALTIES UNDER THAT.

7 CHAIRMAN BENSE: OKAY. FOLLOW-UP QUESTION?

8 YOU'RE RECOGNIZED.

9 MS. RILEY: SO ARE YOU SAYING THAT THERE HAVE
10 BEEN CHALLENGES TO THIS, THAT PEOPLE HAVE TRIED TO
11 GET OUT OF IT, OR ARE YOU JUST SAYING --

12 MR. ROBERTSON: NO, MA'AM. NO, I'M NOT.
13 WHAT I'M SAYING IS, SOMETIMES -- LET'S SAY YOU GOT
14 10,000 ACRES, AND THE EASEMENTS ARE PARTICULAR TO
15 THE PROPERTY, BECAUSE THEY GOT TO BE, BECAUSE
16 EVERY PIECE OF LAND IS DIFFERENT. AND LET'S SAY
17 ONE PROVISION OF THE EASEMENT IS, THOU SHALL NOT
18 LET THE WATER LEVEL IN NANCY'S LAKE, LET'S SAY, GO
19 DOWN BELOW FOUR FEET TO ALLOW FOR WATER FILL
20 HABITAT. THE LANDOWNER SAYS, THAT'S STUPID, I'M
21 GOING TO LET IT GO DOWN TO NOTHING.

22 WELL, THEN, IT'S GOING TO BE UP TO THE
23 MONITOR TO SAY, IS THAT REALLY WORTH GOING IN
24 AND ENFORCING THAT PROVISION. THERE'S NEVER
25 BEEN A -- BUT IT'S NOT LIKE THE LANDOWNER WANTS

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1 TO GET OUT OF THE EASEMENT; IT'S JUST A
2 QUESTION OF THE MINUTIA WITHIN THE EASEMENTS.

3 CHAIRMAN BENSE: COMMISSIONER MILLER, YOU'RE
4 RECOGNIZED FOR A QUESTION.

5 MR. RANDY MILLER: THANK YOU, MR. CHAIRMAN.
6 WHO WOULD BE THE HOLDER OF THE EASEMENT UNDER WHAT
7 IS CONTEMPLATED IN THIS PROPOSAL?

8 MR. ROBERTSON: WELL, I THINK -- WELL,
9 RIGHT -- UP TILL NOW, IT HAS BEEN GENERALLY STATE
10 LAW -- IT'S NOT IN FLORIDA, BUT I THINK EVEN IN
11 CHAPTER 704, WHICH RECOGNIZES THE CONSERVATION
12 EASEMENT ALREADY IN THIS STATE, IT'S GOT TO BE
13 BONA FIDE -- AND IT CAN BE A STATE, IT CAN BE A
14 FEDERAL GOVERNMENT. I GUESS IT COULD BE A LOCAL
15 GOVERNMENT. SURE, IT COULD BE COUNTY GOVERNMENT.
16 I THINK THERE ARE COUNTIES IN SOUTH FLORIDA THAT
17 HOLD CONSERVATION EASEMENTS.

18 BUT THAT'S GOING TO BE SOMEWHAT UP TO THE
19 LEGISLATURE TO DEFINE WHAT BONA FIDE MEANS.
20 AND I'M CERTAINLY ALL FOR THAT, BECAUSE I WANT
21 THESE THINGS TO ACTUALLY WORK.

22 CHAIRMAN BENSE: COMMISSIONER TURBEVILLE,
23 YOU'RE RECOGNIZED FOR A QUESTION.

24 MR. TURBEVILLE: JUST TO COMPARE AND CONTRAST
25 GEORGIA VERSUS FLORIDA. IN GEORGIA, DO YOU HAVE

1 TO DESIGNATE YOUR PROPERTY FOR CONSERVATION

2 PURPOSES IN PERPETUITY, OR IS THAT BASED ON TIME
3 OR CAN YOU SPECIFY?

4 MR. ROBERTSON: THERE'S ACTUALLY -- GEORGIA
5 IS ACTUALLY A COUPLE STEPS AHEAD OF US. THEY HAVE
6 TWO THINGS. THEY'VE GOT PERPETUAL CONSERVATION
7 EASEMENT, AND THEY ALSO HAVE CONSERVATION USE.
8 CONSERVATION USE, I BELIEVE, IS 15 YEARS, AND YOUR
9 PROPERTY TAX GOES DOWN BY TWO-THIRDS FOR EVERY
10 YEAR YOU'RE IN THAT, AND YOU CAN REUP.

11 THIS IS KIND OF WHAT BLEW ME AWAY IN
12 GEORGIA, AND I KNOW THIS IS AN ASIDE, SO I
13 APOLOGIZE. BUT IN GEORGIA ALL YOU DO IS YOU GO
14 TO THE COUNTY TAX APPRAISER AND YOU FILL OUT A
15 CARD AND GIVE YOUR LEGAL DESCRIPTION, AND THEY
16 GO AND CHECK IT ONCE A YEAR. THAT'S IT. YOUR
17 TAXES ARE DOWN TWO-THIRDS.

18 THERE'S ALSO -- THERE'S A LOT OF PERPETUAL
19 CONSERVATION EASEMENTS IN GEORGIA TOO. AND I'M
20 ASSUMING THEY GET -- HONESTLY, I DON'T KNOW 100
21 PERCENT OF THE ANSWER. I KNOW THEY GET AT
22 LEAST THE TWO-THIRDS.

23 CHAIRMAN BENSE: OKAY, MEMBERS, WE'RE GOING
24 TO LOSE A MEMBER HERE IN A MINUTE TO A FUNERAL

25 THAT HE HAS TO ATTEND, SO I'M NOT -- I LOVE DEBATE

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1 AND KEEP IT GOING, BUT IF WE CAN MOVE ALONG A
2 LITTLE BIT. I'VE BEEN BAD ABOUT ASKING QUESTIONS
3 TOO.

4 COMMISSIONER SCOTT, YOU'RE RECOGNIZED.

5 VICE CHAIR SCOTT: WELL, I WAS JUST GOING TO
6 SAY, WHAT'S WRONG WITH SOMETHING ALONG THE LINE OF
7 A FIXED PERIOD OF TIME, BECAUSE I GUESS I HAVE
8 SOME CONCERN THAT PEOPLE MAY, YOU KNOW, WANT TO
9 SAY, GEEZ, YOU KNOW, I DON'T MIND DOING THIS FOR
10 MY LIFETIME BUT MY GRANDCHILDREN, THE WHOLE PLACE
11 MAY CHANGE, IT MAY BE SOMETHING DIFFERENT BY THAT
12 TIME.

13 SO I GUESS I WAS JUST WONDERING ABOUT
14 HAVING A FIXED PERIOD OF 15 OR 20 YEARS.

15 MR. ROBERTSON: CAN I GET MY 2 CENTS IN?

16 CHAIRMAN BENSE: COMMISSIONER YABLONSKI, DO
17 YOU WANT TO ANSWER THAT ONE? THAT REALLY AFFECTS
18 YOUR PROPOSAL.

19 MR. YABLONSKI: THANK YOU, MR. CHAIRMAN.

20 WELL, AGAIN --

21 CHAIRMAN BENSE: EITHER ONE OF YOU.

22 MR. YABLONSKI: THIS IS A -- AND, PRESTON,
23 FEEL FREE TO JOIN. WE WERE TRYING TO DEFINE
24 FOREVER, AND WE THOUGHT PERPETUITY CAPTURED
25 FOREVER. THAT'S A TERM, A LEGAL TERM THAT IS USED

102

1 AMONG CONSERVATION EASEMENTS. SO I THINK IT WOULD
2 BE A LITTLE INCONSISTENT TO SAY PERPETUITY FOR 50
3 YEARS. THE IDEA IS FOREVER.

4 MR. ROBERTSON: AND I'D LIKE TO TOSS IN MY 2
5 CENTS. BRIAN IS EXACTLY RIGHT. IN PERPETUITY IS
6 THE TERM OF ART THAT'S USED IN EVERY CONSERVATION
7 EASEMENT, AND THAT'S WHY WE'RE TRYING TO GLOM ONTO
8 THAT. IT COULD BE THAT THE FOLKS THAT SIGNED UP
9 FOR A PERIOD OF YEARS WOULD FALL UNDER 16. SEE,
10 IT WOULD BE 16, NOT 15.

11 CHAIRMAN BENSE: FURTHER QUESTIONS?
12 COMMISSIONER STORY, YOU'RE RECOGNIZED.

13 MS. STORY: JUST FOR CLARIFICATION. I KNOW
14 WE'RE ON CP15. MY UNDERSTANDING IS THIS IS ONE
15 OPTION, AND THE REASON YOU HAVE CP16 IS FOR
16 SOMETHING LESS STRINGENT, IN PERPETUITY FOR SOME
17 OF THE OTHER CIRCUMSTANCES WE'VE HEARD. IS THAT
18 CORRECT?

19 CHAIRMAN BENSE: COMMISSIONER YABLONSKI?

20 MR. YABLONSKI: THAT'S CORRECT.

21 MS. STORY: THANK YOU.

22 CHAIRMAN BENSE: NEXT PRESENTER IS JANET
23 BOWMAN FROM THE NATURE CONSERVANCY.

24 MS. BOWMAN, YOU'RE RECOGNIZED. WELCOME.

25 MS. BOWMAN: THANK YOU, CHAIRMAN, MEMBERS OF

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1 THE COMMISSION, AND THANK YOU, COMMISSIONER
2 YABLONSKI FOR PRESENTING SOME REALLY EXCELLENT
3 AMENDMENTS.

4 ONE THING THAT REALLY HASN'T COME UP IS,
5 FROM OUR PERSPECTIVE AS NEGOTIATING ACQUISITION
6 OF LAND WITH LANDOWNERS AND WORKING WITH
7 LANDOWNERS EVERY DAY, ONE OF THE QUESTIONS THEY
8 ASK IS, WELL, WHAT HAPPENS TO OUR PROPERTY
9 TAXES. AND THIS WILL GIVE THEM A VERY DEFINITE
10 ANSWER AND WILL PROVIDE AN ADDITIONAL INCENTIVE
11 TO ENCOURAGE PRIVATE CONSERVATION. AND
12 CONSERVATION EASEMENTS ARE BECOMING A MORE AND
13 MORE IMPORTANT PART OF OUR LAND PROTECTION MIX
14 IN FLORIDA.

15 THANK YOU.

16 CHAIRMAN BENSE: OKAY. ANY QUESTIONS OF THE
17 PRESENTER?

18 (NO RESPONSE.)

19 THANK YOU, MS. BOWMAN.

20 NEXT WE HAVE TIM BREault WITH THE FISH AND
21 WILDLIFE CONSERVATION COMMISSION, FWCC.
22 WELCOME.

23 MR. BREault: THANK YOU, MR. CHAIRMAN,
24 COMMITTEE MEMBERS. I'M HERE TO SUPPORT
25 COMMISSIONER YABLONSKI'S EFFORTS IN THIS REGARD.

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1 I THINK YOU'VE SOME HEARD TESTIMONY HERE TODAY
2 THAT THIS WOULD BE A VERY POWERFUL CONSERVATION
3 TOOL HERE IN THE STATE. WE HAVE A RICH AND
4 DIVERSE WILDLIFE HERITAGE IN THE STATE.

5 FISH AND WILDLIFE IS A PUBLIC TRUST
6 RESOURCE, AND WE HAVE A LOT OF LANDOWNERS OUT
7 THERE RIGHT NOW THAT ARE MANAGING THEIR LAND
8 FOR ENDANGERED SPECIES AND OTHERS, BECAUSE THEY
9 WANT TO DO THE RIGHT THING. AND YET THE PUBLIC
10 IS GOING TO BE THE BENEFICIARY OF ALL. SO OUR
11 AGENCY IS IN THE FISH AND WILDLIFE BUSINESS, SO
12 WE HAVE A PASSION THERE, WE HAVE AN INTEREST IN

13 THIS PARTICULAR INITIATIVE.

14 WE ALSO HAVE AN AWARENESS THAT THERE ARE A
15 LOT OF LANDOWNERS OUT THERE IN THIS STATE THAT
16 WOULD REALLY LOOK FORWARD TO THIS, BECAUSE THEY
17 ARE GOOD LAND STEWARDS. THEY'VE HAD THE LAND
18 IN THEIR FAMILY FOR SIX AND SEVEN GENERATIONS.
19 THEY WANT TO KEEP IT AS A FAMILY HERITAGE, BUT
20 THEY'RE BEING FACED WITH INCREDIBLE --
21 INCREDIBLE ECONOMIC PRESSURES TO DIVEST
22 THEMSELVES OF THE LAND.

23 SO I THINK THIS WOULD BE A GREAT TOOL THAT
24 WOULD AUGMENT ON AN ONGOING STATE ADVOCACY
25 PROGRAM.

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1 CHAIRMAN BENSE: ANY QUESTIONS OF THE
2 PRESENTER?

3 (NO RESPONSE.)

4 THANK YOU, MR. BREault.

5 STEVEN PEPPER UCHINO WITH THE TRUST FOR
6 PUBLIC LAND. WELCOME, MR. UCHINO.

7 MR. UCHINO: GOOD MORNING, MR. CHAIRMAN,
8 MEMBERS OF THE COMMISSION. MY NAME IS STEVEN
9 PEPPER UCHINO. I REPRESENT THE TRUST FOR PUBLIC

10 LAND, AND I JUST WOULD LIKE TO THANK COMMISSIONER
11 YABLONSKI FOR PUTTING THESE TWO PROPOSALS FORWARD.

12 I REPRESENT THE LAND TRUST, THE TRUST FOR
13 PUBLIC LAND, WHO DEALS WITH LANDOWNERS ON AN
14 EVERYDAY BASIS. AND ONE OF THE TOOLS THAT IS
15 NOT USED ENOUGH IN FLORIDA IS THE CONSERVATION
16 EASEMENT, AND THESE TWO PROPOSALS WILL GIVE THE
17 TAXPAYERS OF FLORIDA AND THE TRUST FOR PUBLIC
18 LAND ANOTHER TOOL IN PROVIDING CONSERVATION
19 EASEMENT PERPETUITY. THANK YOU.

20 CHAIRMAN BENSE: QUESTIONS OF THE PRESENTER?

21 (NO RESPONSE.)

22 SEEING NONE, THANK YOU, MR. UCHINO.

23 T.J. MARSHALL WITH THE FLORIDA COASTAL AND
24 OCEAN COALITION. MR. MARSHALL, WELCOME TO THE
25 COMMISSION.

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1

2 MR. MARSHALL: THANK YOU, CHAIRMAN. THANK
3 YOU, COMMISSIONERS.

4 THE FLORIDA COASTAL AND OCEAN COALITION
5 HAS A COMBINATION OF SIX NONPROFITS IN OUR DC:
6 ENVIRONMENTAL DEFENSE, THE OCEAN CONSERVANCY,

7 SURF RIDER FOUNDATION, REEF RELIEF, AND THE SEA
8 TURTLE SURVIVAL LEAGUE.

9 AND YOU WOULDN'T THINK OF IT AS A
10 CONSERVATION PROGRAM THAT'S TEN ACRES OR INLAND
11 ACRES HAVE AN EFFECT ON THE COAST, BUT THEY
12 HAVE A TREMENDOUS EFFECT. AND I THINK IN THIS
13 COMMUNITY HERE WHEN WE LOOK AT THE ACF ISSUE,
14 AT THE APALACHICOLA AND CHATTAHOOCHEE RIVER,
15 WHO WOULD THINK THAT UP IN ATLANTA OR FURTHER
16 NORTH THAT THAT HAS A TREMENDOUS EFFECT ON THE
17 GULF OF MEXICO.

18 SO IF WE CAN TAKE THIS LAND AND WE CAN
19 TAKE IT OUT OF AGRICULTURE, WE CAN TAKE IT OUT
20 OF DEVELOPMENT, WE CAN REDUCE THE AMOUNT OF
21 RUNOFF THAT REACHES THE GULF, WE CAN REDUCE
22 THINGS LIKE CONTRIBUTORS TO RED TIDE, ALGAE
23 BLOOMS, THINGS OF THAT NATURE. AND FLORIDA IS
24 THE EPITOME OF AN OCEAN STATE, SO WE THINK THIS
25 IS A TREMENDOUS BENEFIT.

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1 AND ADDRESSING YOUR QUESTION ABOUT HOW
2 THIS MIGHT BE BETTER THAN FLORIDA FOREVER OR
3 HOW THAT WORKS WITH THAT, AND I THINK IT

4 ENHANCES IT, BECAUSE IF YOU HAVE SOMETHING THAT
5 IS IN CONSERVATION, AND THEN AN OPPORTUNITY
6 ARISES THAT THERE'S A GREAT PIECE OF PROPERTY
7 AND WE CAN GET IT AT THE RIGHT PRICE, THEN YOU
8 GO TO THE FLORIDA FOREVER PROGRAM AND THEY COME
9 IN AND NOW THEY COMBINE SOMETHING TOGETHER. SO
10 I THINK THAT'S THE TREMENDOUS BENEFIT FOR
11 FLORIDA, AND I HOPE IT PASSES.

12 CHAIRMAN BENSE: ANY QUESTIONS OF
13 MR. MARSHALL?

14 (NO RESPONSE.)

15 THANK YOU, MR. MARSHALL.

16 ANYONE ELSE THAT WOULD LIKE TO SPEAK ON
17 BEHALF OR AGAINST THIS PROPOSAL IN THE
18 AUDIENCE?

19 (NO RESPONSE.)

20 SEEING NONE, LET'S GO TO DEBATE PHASE. IS
21 THERE DEBATE ON THE PROPOSAL? IS THERE DEBATE?
22 COMMISSIONER SCOTT?

23 VICE CHAIR SCOTT: DID WE ADOPT THE
24 AMENDMENT?

25 CHAIRMAN BENSE: IS THERE DEBATE?

1 COMMISSIONER LEVESQUE, YOU'RE RECOGNIZED IN
2 DEBATE.

3 MS. LEVESQUE: THANK YOU, MR. CHAIRMAN. I
4 WOULD URGE MY FELLOW COMMISSIONERS --

5 MR. LES MILLER: CAN'T HEAR, MR. CHAIRMAN.

6 MS. LEVESQUE: SORRY, COMMISSIONER MILLER.
7 IS THIS BETTER?

8 MR. LES MILLER: THAT'S BETTER. THANK YOU.

9 MS. LEVESQUE: I WOULD URGE MY FELLOW
10 COMMISSIONERS TO VOTE IN SUPPORT OF THIS VERY
11 GOOD, THOUGHTFUL CONSTITUTIONAL PROPOSAL THAT WILL
12 INCENTIVIZE CONSERVATION OF LANDS. IT WILL SAVE
13 TAXPAYERS MONEY WHO WANT TO AND WILLINGLY PUT
14 THEIR LAND IN A PERMANENT, PERPETUAL, FOREVER
15 CONSERVATION EASEMENT. IT WILL SAVE THE STATE
16 MONEY IN THE LONG RUN IN THE MANAGEMENT OF THESE
17 LANDS. AND WE'RE PROVIDING AN INCENTIVE FOR
18 CONSERVATION AS OPPOSED TO DEVELOPMENT.

19 AND I BELIEVE COMMISSIONER YABLONSKI HAS
20 DONE AN EXCELLENT JOB IN ADDRESSING CONCERNS OF
21 DEVELOPERS THAT MAY WANT TO GAIN IN THE SYSTEM
22 BY ADDING THIS AMENDMENT IN THAT MAKES IT A
23 PERPETUAL CONSERVATION EASEMENT. AND IT'S A

24 VERY GOOD PROPOSAL AND I URGE SUPPORT.

25 CHAIRMAN BENNE: COMMISSIONER SCOTT, YOU'RE

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1 RECOGNIZED IN DEBATE.

2 VICE CHAIR SCOTT: RIGHT. I JUST WANT TO
3 URGE SUPPORT OF IT ALSO, AND I WANT TO THANK
4 PRESTON AND ALL THE PEOPLE FROM THE CONSERVANCY
5 AND THE TRUST FOR BRINGING THIS. AND I REALLY AM
6 A LONGTIME ADMIRER OF YOUR EFFORTS IN REGARD TO
7 CONSERVATION, AND SO I WOULD URGE SUPPORT OF IT.

8 CHAIRMAN BENNE: COMMISSIONER MARTHA BARNETT,
9 YOU'RE RECOGNIZED IN DEBATE.

10 MS. BARNETT: NOT TO BELABOR IT, BUT I TOO
11 WANT TO EXPRESS MY STRONG SUPPORT FOR THIS
12 PROPOSAL. AND IT STEMS FROM BEING A LIFETIME
13 RESIDENT OF THE STATE OF FLORIDA. I WAS BORN IN
14 RURAL PASCO COUNTY. I HOPE I'LL BE BURIED THERE
15 50 OR 60 YEARS FROM NOW.

16 (LAUGHTER.)

17 BUT I'VE SEEN ENORMOUS CHANGES IN THIS
18 STATE, AND, THESE TYPES OF PROPOSALS, WHICH ARE
19 AIMED AT PROTECTING WHAT HAS MADE FLORIDA SUCH
20 AN IMPORTANT RESOURCE FOR THIS COUNTRY, I THINK

21 ARE IMPORTANT. PLUS, I'LL HAVE TO TELL YOU, MY
22 BROTHER, WHO I ADORE, ONLY CALLS ME TWO OR
23 THREE TIMES A YEAR. HE'S CALLED ME ABOUT THREE
24 TIMES A WEEK RECENTLY TO TELL ME THAT HE THINKS
25 THE ONLY IMPORTANT THING I WILL HAVE EVER DONE

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1 IN MY LIFE IS SUPPORT THIS PARTICULAR PROPOSAL.

2 SO I SAY THAT NOT TO REFLECT ON MY
3 RELATIONSHIP WITH MY FAMILY.

4 (LAUGHTER.)

5 BUT TO LET YOU KNOW THAT I THINK A COMMENT
6 MADE EARLIER TODAY ABOUT THE -- HOW THIS WILL
7 BE RECEIVED BY THE AVERAGE CITIZEN OF THE STATE
8 OF FLORIDA WHO DOES CARE ABOUT THE QUALITY OF
9 THE ENVIRONMENT WILL BE VERY IMPORTANT. THIS
10 PROPOSAL COULD BE THE ONE THAT MAY CARRY MANY
11 OF OUR OTHER PROPOSALS TO SUCCESS ULTIMATELY IN
12 THE GENERAL ELECTION. I THINK THIS WILL BE
13 WELL RECEIVED BY VOTERS IN THIS STATE, AND I
14 COMPLIMENT THE PEOPLE WHO BROUGHT THIS FORWARD,
15 AND I INTEND TO SUPPORT IT.

16 CHAIRMAN BENSE: FURTHER DEBATE? FURTHER
17 DEBATE?

18 (NO RESPONSE.)

19 SEEING NONE, COMMISSIONER YABLONSKI, YOU
20 ARE RECOGNIZED TO CLOSE YOUR PROPOSAL.

21 MR. YABLONSKI: THANK YOU. FIRST OF ALL, I
22 WANT TO THANK EVERYONE WHO MADE IT OUT TODAY TO
23 TESTIFY ON THIS, AND INCLUDING THAT THERE WAS A
24 LETTER IN YOUR PACKET FROM AUDUBON OF FLORIDA AS
25 WELL. I KNOW ERIC DRAPER WAS A SUPPORTER OF THIS

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1 AND WANTED TO BE HERE, AND HE HAD A CONFLICT AS
2 WELL.

3 THIS PARTICULAR PROPOSAL HAS RECEIVED
4 UNANIMOUS VOTES IN TWO COMMITTEES. IT'S BEEN
5 CO-SPONSORED BY THE FINANCE AND TAX COMMITTEE,
6 WHICH I THINK IS THE FIRST BILL WE'VE ACTUALLY
7 CO-SPONSORED IN THIS ENTIRE PROCESS. AND IT'S
8 ACTUALLY VERY SIMILAR TO WHAT THE CRC DID BACK
9 IN 1998. I KNOW COMMISSIONER SCOTT,
10 COMMISSIONER BARNETT WORKED ON A SIMILAR
11 PROPOSAL, CLAY HENDERSON AT THAT TIME WITH THE
12 CRC AS WELL.

13 I HONESTLY BELIEVE BASED ON -- NOT BASED
14 ON WHAT I THINK, BUT BASED ON WHAT PEOPLE WHO

15 DO CONSERVATION AND ENVIRONMENTAL PROTECTION
16 FOR A LIVING THINK, THAT THIS MAY BE ONE OF THE
17 MOST EFFECTIVE CONSERVATION TOOLS WE WILL HAVE
18 SEEN IN THE STATE SINCE 2000. AND THE WAY TO
19 JUDGE THIS IS TO STEP BACK AND LOOK BACK 20
20 YEARS FROM NOW, AND OUR SUCCESSOR COMMISSION
21 THAT WILL COME ALONG IN 20 YEARS.

22 AND I HONESTLY THINK THAT WE'LL LOOK BACK
23 AT THIS AND SAY THIS WAS ONE OF THE MOST
24 IMPORTANT THINGS WE DID AS A COMMISSION TO THE
25 STATE, AND THAT WILL BE BORNE OUT BY THE AMOUNT

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1 OF LAND THAT WE HAVE CONSERVED.

2 WE -- I'D LIKE TO SEE A UNANIMOUS VOTE ON
3 THIS. I HUMBLY ASK FOR A UNANIMOUS VOTE ON
4 THIS MEASURE. IT'S NOT A LUXURY, BUT KIND OF
5 NEED IT, BECAUSE WITH THE ATTENDANCE WE ARE
6 AT -- WE HAVE LIMITED ATTENDANCE HERE AT THIS
7 THE MEETING, AND I REMEMBER WHAT HAPPENED AT
8 THE LAST MEETING.

9 AND IF ANYONE -- I WOULD JUST ASK THAT IF
10 ANYONE IS UNCOMFORTABLE WITH THIS OR HAS MORE
11 QUESTIONS, I WOULD DEFER. THANK YOU.

12 CHAIRMAN BENSE: OKAY. COMMISSIONER
13 YABLONSKI HAVING CLOSED ON THIS PROPOSAL, THE
14 QUESTION OCCURS ON PASSAGE OF CP0015. MEMBERS,
15 TURN YOUR MICS ON, IF YOU WOULD. AND, NANCY,
16 PLEASE CALL THE ROLL.

17 MS. FRIER: CHAIR BENSE.

18 CHAIRMAN BENSE: YES.

19 MS. FRIER: COMMISSIONER BARNEY BARNETT.

20 MR. BARNETT: YES.

21 MS. FRIER: COMMISSIONER MARTHA BARNETT.

22 MS. BARNETT: YES.

23 MS. FRIER: COMMISSIONER BOSTICK.

24 MR. BOSTICK: YES.

25 MS. FRIER: COMMISSIONER D'ALEMBERTE.

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1 MR. D'ALEMBERTE: YES.

2 MS. FRIER: COMMISSIONER LEVESQUE.

3 MS. LEVESQUE: YES.

4 MS. FRIER: COMMISSIONER MATHIS.

5 MS. MATHIS: YES.

6 MS. FRIER: COMMISSIONER MCKAY.

7 MR. MCKAY: YES.

8 MS. FRIER: COMMISSIONER MCKEE.

9 MR. MCKEE: YES.

10 MS. FRIER: COMMISSIONER RANDY MILLER.

11 MR. RANDY MILLER: YES.

12 MS. FRIER: COMMISSIONER MOORE.

13 MR. MOORE: YES.

14 MS. FRIER: COMMISSIONER RILEY.

15 MS. RILEY: YES.

16 MS. FRIER: COMMISSIONER ROUSON.

17 MR. ROUSON: YES.

18 MS. FRIER: COMMISSIONER STORY.

19 MS. STORY: YES.

20 MS. FRIER: COMMISSIONER TURBEVILLE.

21 MR. TURBEVILLE: YES.

22 MS. FRIER: COMMISSIONER WILKINSON.

23 MR. WILKINSON: YES.

24 MS. FRIER: COMMISSIONER YABLONSKI.

25 MR. YABLONSKI: YES.

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1 MS. FRIER: VICE CHAIR SCOTT.

2 VICE CHAIR SCOTT: YES.

3 CHAIRMAN BENSE: AND BY YOUR VOTE IT'S

4 UNANIMOUS AND THE PROPOSAL PASSES.

5 CONGRATULATIONS.

6 MR. YABLONSKI: THANK YOU.

7 CHAIRMAN BENSE: LET'S MOVE ON TO CP0016 BY
8 COMMISSIONER YABLONSKI. COMMISSIONER YABLONSKI,
9 YOU'RE RECOGNIZED TO EXPLAIN YOUR PROPOSAL.

10 MR. YABLONSKI: THANK YOU, MR. CHAIRMAN, AND
11 THANK YOU, EVERYONE. THIS IS THE TWIN THAT'S
12 FOLLOWING CT15. AGAIN, THIS IS -- IT IS A SPECIAL
13 ASSESSMENT, A TAX SPECIAL ASSESSMENT PROVISION IN
14 THE CONSTITUTION THAT WOULD ALLOW FOR LESS THAN
15 PERMANENT PROTECTION AS THE LEGISLATURE WOULD
16 DEFINE A SPECIAL ASSESSMENT CATEGORY FOR
17 CONSERVATION LANDS AS DEFINED BY THE LEGISLATURE.

18 THE IDEA ON THIS ONE -- ORIGINALLY, WHEN
19 WE INTRODUCED CP15 THERE WERE A LOT OF
20 PROTECTION MEASURES THAT WOULD HAVE MAYBE BE
21 INCLUDED THERE. WE PRECLUDED THAT BY GOING TO
22 A PERMANENT PERPETUAL CONSERVATION EASEMENT.
23 THIS WOULD ESSENTIALLY MOVE CONSIDERATION OF
24 OTHER CONSERVATION MEASURES, NOT TO RECEIVE A
25 TAX EXEMPTION, BUT TO RECEIVE AN ASSESSMENT

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1 BASED ON ITS CONSERVATION USE.

2 THE LANGUAGE ITSELF THAT YOU SEE BEFORE

3 YOU TODAY IS ESSENTIALLY THE SAME LANGUAGE THAT
4 IS USED IN THE CONSTITUTION FOR THE GREEN BELT
5 ASSESSMENT TREATMENT. AND FOR FOLKS WHO DON'T
6 KNOW WHAT -- YOU KNOW, THAT THAT WAS PLACED IN
7 THE CONSTITUTION, IT'S VERY SHORT, SWEET
8 LANGUAGE. AND THEN THE LEGISLATURE WENT AND
9 CREATED A STATUTE TO DEFINE BONA FIDE
10 AGRICULTURE WITH LOTS OF DEFINITIONS AND LOTS
11 OF WAYS THAT YOU WOULD QUALIFY FOR THIS.

12 AGAIN, I'VE LOOKED AT THIS PROPOSAL AS
13 SORT OF THE EXACT SAME IDEA, THAT YOU WOULD
14 GIVE LEGISLATURE THE CHARGE TO CREATE A SPECIAL
15 ASSESSMENT CATEGORY, AND THEN THEY WOULD
16 DEFINE, PUT PARAMETERS ON IT, TIGHTEN IT, YOU
17 KNOW, EVERYTHING THEY NEEDED TO DO TO PROTECT
18 US.

19 AGAIN, I DON'T WANT TO REPEAT TOO MUCH
20 HERE, BUT THIS WOULD HAVE, AGAIN, HUGE BENEFITS
21 FOR PRIVATE CONSERVATION.

22 CHAIRMAN BENSE: QUESTIONS OF THE SPONSOR?
23 ANY QUESTIONS? COMMISSIONER MCKAY, YOU'RE
24 RECOGNIZED FOR A QUESTION.

25 MR. MCKAY: THANK YOU, MR. CHAIRMAN. IN

1 READING THE STAFF ANALYSIS, THIS AMENDMENT WOULD
2 REQUIRE THE LAND BE ASSESSED ON THE BASIS OF
3 CHARACTER USE FOR AD VALOREM TAX PURPOSES. AND
4 I'M WONDERING, WE HAVE HAD A LOT OF DEBATE IN OUR
5 COMMISSION ABOUT THE IMPORTANCE WITH REGARD,
6 PARTICULARLY FOR WATERFRONT PROPERTIES, AND WE'VE
7 SEEN THE EXAMPLES OF LAND THAT'S BEING USED AS
8 SINGLE-FAMILY HOUSING BEING RE -- BEING TAXED AS
9 THOUGH IT WERE -- AS THOUGH IT COULD BE -- AS
10 THOUGH IT WERE GOING TO BE USED FOR CONDOMINIUM
11 PURPOSES.

12 WOULD THIS COVER THAT PROBLEM AS WELL?

13 MR. YABLONSKI: SO LONG AS -- I MEAN, AND
14 AGAIN, THE LEGISLATURE WOULD HAVE TO DEFINE
15 CONSERVATION USES.

16 MR. MCKAY: SO IT WOULD ONLY APPLY -- SO THE
17 STAFF ANALYSIS IS A LITTLE MISLEADING IN THAT THIS
18 WOULD REQUIRE THAT LAND BE ASSESSED ONLY ON
19 CHARACTER AND USE FOR CONSERVATION PURPOSES, AND
20 NOT FOR ALL -- FOR ALL PROPERTIES?

21 MR. YABLONSKI: THAT'S CORRECT. THAT'S
22 CORRECT, MR. COMMISSIONER. THE LANGUAGE ITSELF

23 SAYS, LAND USED FOR CONSERVATION PURPOSES SHALL BE
24 CLASSIFIED BY GENERAL LAW AND ASSESSED SOLELY ON
25 THE BASIS OF THE CHARACTER OF USE.

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1 MR. MCKAY: I'M WONDERING -- IF I MAY,
2 MR. CHAIRMAN, FOLLOW UP -- COMMISSIONER, IF IT
3 MIGHT BE A GOOD IDEA, AND DEPENDING ON HOW THIS
4 COMES BACK AGAIN, IF THERE'S A -- THIS MIGHT BE
5 THE OPPORTUNITY TO KILL TWO BIRDS WITH ONE STONE.
6 AND COMMISSIONER STORY HAS TALKED ABOUT AND OTHERS
7 HAVE TALKED TOO MANY AMENDMENTS ON THE BALLOT, AND
8 I WONDER IF YOU COULD ROLL THIS INTO A
9 CONSTITUTIONAL AMENDMENT THAT WOULD REQUIRE THAT
10 PROPERTIES BE TAXED AS THEY ARE UTILIZED AS
11 OPPOSED TO WHAT THEIR POTENTIAL MIGHT BE, AND THAT
12 MIGHT TAKE CARE OF YOU AND MIGHT TAKE CARE OF THE
13 OTHER PROBLEM AS WELL.

14 CHAIRMAN BENSE: THAT'S A QUESTION? I DON'T
15 KNOW -- I THINK YOU'RE SPECULATING, AND I THINK AS
16 WE MOVE FORWARD, IT MIGHT VERY WELL BE PRUDENT TO
17 ROLL IT INTO ANOTHER VOTE.

18 MR. MCKAY: IT MAY BE -- PERHAPS IT WOULD
19 GIVE -- I DON'T WANT TO MESS UP YOUR

20 CONSTITUTIONAL AMENDMENT HERE, BUT I THINK YOU
21 WOULD PROBABLY SUPPORT VALUATION AND USE, IF
22 THAT'S THE CORRECT TERM, AS OPPOSED TO A POTENTIAL
23 VALUATION. I WONDER IF IT MIGHT BE APPROPRIATE TO
24 TEMPORARILY PASS THIS AND COME BACK WITH AN
25 AMENDMENT THAT COULD KILL TWO BIRDS WITH ONE

118

1 STONE?

2 MR. YABLONSKI: MR. CHAIRMAN?

3 CHAIRMAN BENSE: COMMISSIONER, YOU'RE
4 RECOGNIZED.

5 MR. YABLONSKI: I WOULD THANK YOU,
6 COMMISSIONER, FOR THE SUGGESTION. I WOULD
7 ACTUALLY ENCOURAGE THAT WE GO AHEAD AND PASS THIS
8 TODAY. IT'S MY UNDERSTANDING WE'RE GOING TO HAVE
9 A STYLE AND DRAFTING COMMITTEE THAT'S GOING TO
10 LOOK AT ISSUES LIKE THAT, AND THAT IF WE HAVE A --
11 IF IN A FULLER DEBATE WE DECIDE TO GO TO A BROADER
12 USE CATEGORY HERE, CERTAINLY I THINK STYLE AND
13 DRAFTING COULD FIGURE OUT HOW TO MELD THOSE TWO.
14 I THINK THAT'S WHAT STYLE AND DRAFTING DOES,
15 MR. CHAIRMAN. IF I'M CORRECT, THEY SORT OF FIGURE
16 OUT, DO AMENDMENTS NEED TO BE TOGETHER AND APPEAR

17 ON THE BALLOT THAT WAY.

18 BUT I THINK IT WOULD BE APPROPRIATE TO
19 VOTE THIS OUT, ESPECIALLY WHEN THE PURPOSE --
20 AS A MATTER OF POLICY, THE POLICY QUESTION ON
21 THE USE IS, SHOULD YOU TREAT LAND BASED ON USE.
22 THE POLICY QUESTION HERE IS, SHOULD
23 CONSERVATION BE TREATED DIFFERENTLY, AND
24 TREATED BASED ON USE.

25 AND I THINK THAT'S A LITTLE -- IT'S A

119

1 LITTLE DIFFERENT QUESTION THAN THE BROADER
2 QUESTION; ALTHOUGH, I WOULD AGREE AND I WOULD
3 BE SYMPATHETIC ON BROADER QUESTIONS.

4 CHAIRMAN BENSE: FURTHER QUESTIONS?
5 COMMISSIONER D'ALEMBERTE, YOU'RE RECOGNIZED.

6 MR. D'ALEMBERTE: MR. CHAIRMAN, I WAS QUITE
7 ENTHUSIASTIC ABOUT THE EARLIER PROPOSAL. I'M LESS
8 ENTHUSIASTIC HERE. AND I, IN MY BACKGROUND AS A
9 LEGISLATOR, ACTUALLY SPONSORED THE LEGISLATION
10 IMPLEMENTING THE GREEN BILL. BUT AFTER I THOUGHT
11 ABOUT THAT QUITE A LOT, I REALIZED THERE WAS A
12 TERRIBLE UNFAIRNESS, BECAUSE WE NEVER GOT
13 RECAPTURED.

14 AND I WOULD NOT WANT TO PASS SOMETHING
15 LIKE THIS WITHOUT HAVING SOME UNDERSTANDING
16 ABOUT ONCE -- THE HUGE CHANGES THAT ALL OF THIS
17 IS THE BENEFIT OF HAVING BACK TAXES NOT
18 ASSESSED WAS SOMEHOW SUBJECT TO AT LEAST A
19 REASSESSMENT. MY PERSONAL VIEW WOULD BE THAT
20 YOU WOULD GIVE BENEFIT OVER TIME, OVER A LONG
21 PERIOD OF TIME. YOU KNOW, YOU WOULDN'T TAKE --
22 TAKE SO MUCH TO RECAPTURE, BUT THERE OUGHT TO
23 BE SOME KIND OF RECAPTURE HERE. THERE OUGHT TO
24 BE ONE IN AGRICULTURE AS WELL. I DON'T GUESS
25 WE'LL GET THAT.

120

1 BUT I WOULD INTEND TO VOTE AGAINST THIS
2 WITHOUT SOME -- SOME RECAPTURE POSITION, AND
3 THAT MIGHT CHANGE YOUR OPINION ABOUT
4 COMMISSIONER MCKAY'S SUGGESTION.

5 MR. YABLONSKI: THANK YOU. YEAH, AND I DON'T
6 KNOW IF THIS WILL HELP. IT PROBABLY WON'T. BUT
7 AGAIN, THE IDEA ON THIS IS TO ALLOW THE
8 LEGISLATURE BY GENERAL LAW TO DEFINE THIS, IN
9 WHICH CASE THEY VERY WELL COULD COME IN AND PUT
10 TIME LINES FOR THE ACTUAL CONSERVATION USE.

11 AGAIN, IT'S -- TRYING TO DO THIS CONSTITUTIONALLY
12 AND NOT WRITE STATUTE IN THE CONSTITUTION IS
13 SOMETHING THAT I THINK IT'S IMPORTANT TO DO.

14 AND WHILE WE CAN'T CLOSE EVERY DOOR, I
15 THINK THERE'S A POINT WHERE YOU SORT OF HAVE TO
16 LET THE LEGISLATIVE BODY WITH ALL TESTIMONY AND
17 ALL THE DATA ACTUALLY TAKE A SHOT AT THIS.
18 THERE'S NOTHING -- I WILL SAY THIS, AND
19 PERSONALLY I THINK RECAPTURE COULD ACT AS A
20 DISINCENTIVE TO ENTERING PROGRAMS AND DOING
21 THAT. BUT THERE'S NOTHING IN THIS THAT WOULD
22 PROHIBIT THE LEGISLATURE FROM TAKING UP THAT
23 QUESTION, THE WAY I VIEW IT.

24 CHAIRMAN BENSE: COMMISSIONER YABLONSKI, I
25 HAVE A QUESTION. DOES THIS INTER -- IF WE DON'T

121

1 DO 0016, DOES THAT HAVE ANY EFFECT ON 0015?

2 MR. YABLONSKI: MR. CHAIR, I DON'T BELIEVE
3 SO. THEY FIT NICELY TOGETHER BUT THEY ARE
4 STANDALONE. AND THERE WILL BE BENEFIT IN 15.
5 THERE WOULD ALSO BE BENEFIT IN 16. I KNOW, AGAIN,
6 WHEN --

7 AND 16 ACTUALLY -- I THOUGHT 16, THE

8 INTENT WAS PROBABLY LESS, YOU KNOW, LESS
9 CONTROVERSIAL HERE BECAUSE IT WAS NOT A FULL
10 EXEMPTION. THIS WAS AN ASSESSMENT THAT THE
11 LEGISLATURE WOULD DEFINE AND, YOU KNOW, COULD
12 DEFINE IT HOWEVER THEY WANTED TO DEFINE IT, AND
13 WOULD DEFINITELY WORK AGAINST ABUSE.

14 CHAIRMAN BENSE: COMMISSION MILLER FOR A
15 QUESTION.

16 MR. RANDY MILLER: COMMISSIONER YABLONSKI,
17 TODAY, THIS TYPE OF ACTIVITY WOULD BE CARRIED OUT
18 UNDER AGRICULTURAL USE EXEMPTION; IS THAT CORRECT?

19 MR. YABLONSKI: THAT'S CORRECT, I BELIEVE,
20 YEAH.

21 MR. RANDY MILLER: SO WHAT WE'RE DOING HERE
22 IS CURRENTLY MOST OF THE ACTIVITY IS ALREADY
23 ELIGIBLE UNDER THE AG EXEMPTION, BUT THIS WOULD
24 SPECIFICALLY CLARIFY THAT IF IT IS CONSERVATION AS
25 DEFINED BY THE LEGISLATURE, IT COULD ALSO BE

122

1 GRANTED ON ITS OWN A USE EXEMPTION.

2 SO WE'RE REALLY NOT CREATING A BIG HOLE
3 ANYWHERE. WE'RE JUST CLARIFYING THAT A
4 CONSERVATION EXEMPTION, IT IS VERY SIMILAR TO

5 THE AG, BUT WE ARE SPECIFYING THAT IT CAN HAVE
6 ACTIVITIES THAT MAY NOT NECESSARILY QUALIFY
7 UNDER AG.

8 MR. YABLONSKI: MR. CHAIRMAN?

9 CHAIRMAN BENSE: YOU'RE RECOGNIZED.

10 MR. YABLONSKI: THANK YOU. COMMISSIONER
11 MILLER RAISES A GREAT POINT. THE WAY THIS CAME
12 UP, WENT FROM AN IDEA TO A CONSERVATION THING WAS
13 MORE DEFENSIVE. THEIR GREATEST CONCERN WAS THAT
14 YOU MIGHT HAVE AGRICULTURAL LANDOWNERS TODAY THAT
15 RECEIVE THE BENEFIT OF A GREEN BELT ASSESSMENT WHO
16 WOULD RATHER PUT THEIR LAND INTO CONSERVATION AND
17 ARE PENALIZED POTENTIALLY IN THEIR TAX ASSESSMENTS
18 FOR DOING BONA FIDE CONSERVATION.

19 AND SO WE AWARD BONA FIDE AGRICULTURE AS A
20 MATTER OF POLICY, SAY WE WANT TO PRESERVE THAT,
21 BUT BONA FIDE CONSERVATION, WE SAY, NO, WE
22 DON'T CARE TOO MUCH ABOUT THAT. AND SO THAT
23 WAS -- THAT WAS REALLY THE INTENT THAT WE WERE
24 TRYING TO GET AT HERE, TO ENCOURAGE FOLKS, IF
25 THEY DIDN'T WANT TO USE AN AGRICULTURAL USE BUT

123

1 WANTED TO USE IT FOR CONSERVATION USE, THE DOOR

2 SHOULD BE OPEN FOR THAT.

3 CHAIRMAN BENSE: FURTHER QUESTIONS.

4 COMMISSIONER WILKINSON, YOU'RE RECOGNIZED FOR A
5 QUESTION.

6 MR. WILKINSON: YOU CONVINCED ME ON THE FIRST
7 ONE, BUT I'M NOT CONVINCED YET ON THIS ONE. THERE
8 ARE SOME CONCERNS, AND IT DOES HAVE TO DO WITH
9 LOOPHOLES, ET CETERA, AND WE TURN THINGS OVER TO
10 LEGISLATURE, SUCH AS IN AG. AND THE ORIGINAL AG
11 STATUTES SAY IF YOU PAY FOUR TIMES MORE THAN THE
12 ASSESSED VALUE, YOU COULD NOT HAVE THAT IN A BONA
13 FIDE COMMERCIAL AG, BECAUSE THE COST OF HAVING IT
14 FAR EXCEEDS WHAT YOU COULD EVER GET AS A BENEFIT
15 AS A BUSINESS.

16 SO MANY OF THOSE STATUTES, ZONING, THAT
17 THAT WAS ORIGINALLY BY THE LEGISLATURE, WELL,
18 THAT'S OUT THE DOOR. THE COURTS HAVE
19 OVERTURNED -- OTHER THAN SEE THE COW, GET THE
20 EXEMPTION. AND I'M A LITTLE CONCERNED THAT
21 THIS JUST ADDS TO THAT WITHOUT A RECAPTURE OR
22 SOMETHING IN THERE. SO, AT THIS POINT, I
23 PROBABLY COULDN'T SUPPORT IT.

24 CHAIRMAN BENSE: YOU HAVE A MOTION?

25 MR. YABLONSKI: YEAH. WELL, MR. CHAIR, NO,

124

1 I'M IN THE SAME POSITION AS THE LAST ONE, AND IT
2 SOUNDS LIKE THERE'S SOME MEMBERS HERE THAT ARE
3 UNCOMFORTABLE AND PROBABLY WANT TO HAVE SOME MORE
4 QUESTIONS AND THINGS THAT I'D LIKE TO TAKE A LOOK
5 AT.

6 SO, MR. CHAIR, IF I MAY, I'D LIKE TO
7 PROPOSE TO TEMPORARILY PASS TO A FUTURE
8 MEETING.

9 CHAIRMAN BENSE: WITHOUT OBJECTION, SHOW THE
10 ITEM TEMPORARILY POSTPONED.

11 LET'S SEE. I THINK THAT TAKES US TO --
12 WE'VE ALREADY DONE NO. 11. WE DID THAT
13 INITIALLY. I'VE HAD FIVE FOLKS APPROACH ME WHO
14 WANTED TO BE PART OF THE STYLING AND DRAFTING
15 COMMITTEE, AND I'D CONTEMPLATED MAKING IT A
16 FIVE-PERSON COMMITTEE, AS FOLLOWS: PATRICIA
17 LEVESQUE, JIM SCOTT, COMMISSIONER MARTHA
18 BARNETT, COMMISSIONER MIKE HOGAN, COMMISSIONER
19 BOB MCKEE.

20 ARE THERE ANY OTHER FOLKS THAT ARE DYING
21 TO GET ON THE STYLING AND DRAFTING COMMITTEE,

22 OR IS THAT --

23 MR. LES MILLER: YES, I WOULD.

24 CHAIRMAN BENSE: SAY AGAIN?

25 MR. LES MILLER: LES MILLER.

125

1 CHAIRMAN BENSE: YES, LES?

2 MR. LES MILLER: I WOULD.

3 CHAIRMAN BENSE: YOU WOULD LIKE TO BE ON IT?

4 MR. LES MILLER: YES.

5 CHAIRMAN BENSE: ANYONE ELSE THAT WOULD LIKE

6 TO BE ON THE COMMITTEE? ANYONE THAT HAS -- I

7 PROBABLY NEED TO HAVE IT AT AN ODD NUMBER. HOW

8 ABOUT IF WE POSTPONE IT, AND I'LL ADD LES MILLER'S

9 NAME TO THE LIST. AND IF YOU HAVE A DESIRE TO BE

10 ON THAT COMMITTEE, PLEASE LET CHAIRMAN SKELTON

11 KNOW BETWEEN NOW AND THE NEXT MEETING.

12 OKAY. ANYTHING FOR THE GOOD OF THE CAUSE,

13 MEMBERS?

14 GOOD. WE PASSED SOME GOOD -- I THINK SOME

15 GOOD STUFF TODAY. THANK YOU VERY MUCH. AND

16 COMMISSIONER STORY MOVES TO RISE.

17 MR. HARIDOPOLIS: MIKE HARIDOPOLIS.

18 CHAIRMAN BENSE: MIKE HARIDOPOLIS, IS THAT

19 YOU?

20 MR. HARIDOPOLIS: YES, IT IS, SIR. HOW ARE
21 YOU TODAY?

22 CHAIRMAN BENSE: DID YOU WANT TO MAKE ANY
23 COMMENTS?

24 MR. HARIDOPOLIS: IF IT'S OKAY. WHAT I'D
25 LIKE TO COMMENT ON IS I HAD A GREAT TALK WITH

126

1 MARTHA BARNETT WHEN -- OF COURSE, LAST WEEK WE GOT
2 A LITTLE PROBLEM WITH THE PHONES, BUT I WANT TO,
3 OF COURSE, MAKE SURE THAT EVERYONE KNOWS ON THE
4 COMMISSION THAT THE SENATE FINANCE AND TAX
5 COMMITTEE IS MORE THAN WELCOME TO HEAR, WHETHER IT
6 BE MS. BARNETT, SENATOR MCKAY, I THINK CFO SINK
7 ALSO MADE SOME COMMENTS THIS MORNING ABOUT THE
8 SALES TAX EXEMPTION ISSUE.

9 AGAIN, I WANT TO STRESS TO THE
10 COMMISSIONERS THAT WE ARE OPEN FOR BUSINESS,
11 AND IF THEY HAVE SOME PROPOSALS THAT THEY WOULD
12 LIKE TO SEE AN UP OR DOWN VOTE ON, WE'D LOVE TO
13 BRING IT INTO OUR COMMITTEE.

14 AND, SPECIFICALLY, IF THERE ARE SOME SALES
15 TAX EXEMPTIONS THAT THEY FEEL HAVE OUTLIVED

16 THEIR USEFULNESS, WE'D ALSO LOVE TO HAVE AN UP
17 OR DOWN VOTE IN OUR COMMITTEE AS WELL. AND SO
18 IF COMMISSIONER SINK AND COMMISSIONER BARNETT
19 AND COMMISSIONER AND SENATOR MCKAY HAVE
20 SUGGESTIONS, WE WOULD BE HAPPY TO ENGAGE THERE
21 IN THE FLORIDA SENATE AS WE HAVE ALREADY
22 STARTED THE PROCESS.

23 CHAIRMAN BENSE: OKAY, MEMBERS, SINCE WE'RE
24 ADJOURNED, EVERYONE IS ADVISED THAT IF YOU WOULD
25 LIKE TO PRESENT AN ISSUE, EITHER THE UNWANTING OF

127

1 AN EXEMPTION OR WHATEVER, THAT SENATOR HARIDOPOLIS
2 HAS ENCOURAGED YOU TO COME BEFORE HIS COMMITTEE
3 FOR AN UP OR DOWN VOTE OR DEBATE.

4 THANK YOU. THANK YOU, SENATOR.

5 MR. HARIDOPOLIS: THANK YOU, MR. CHAIRMAN.
6 APPRECIATE YOUR TIME.

7 (THE PROCEEDINGS CONCLUDED AT 12:15 PM)

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CERTIFICATE OF REPORTER

3

4

5

6 STATE OF FLORIDA)

7 COUNTY OF LEON)

8

9

I, LISA D. FREEZE, NOTARY PUBLIC, CERTIFY

10 THAT I WAS AUTHORIZED TO AND DID STENOGRAPHICALLY
11 REPORT THE PROCEEDINGS HEREIN, AND THAT THE TRANSCRIPT
12 IS A TRUE AND COMPLETE RECORD OF MY STENOGRAPHIC NOTES.

13 I FURTHER CERTIFY THAT I AM NOT A RELATIVE,
14 EMPLOYEE, ATTORNEY OR COUNSEL OF ANY OF THE PARTIES,
15 NOR AM I A RELATIVE OR EMPLOYEE OF ANY OF THE PARTIES'
16 ATTORNEY OR COUNSEL CONNECTED WITH THE ACTION, NOR AM I
17 FINANCIALLY INTERESTED IN THE ACTION.

18 WITNESS MY HAND AND OFFICIAL SEAL THIS 30TH
19 DAY OF JANUARY, 2008.

20

21

22

LISA D. FREEZE, RPR, NOTARY PUBLIC
2894 REMINGTON GREEN LANE
TALLAHASSEE, FL 32308
850-878-2221

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