

FLORIDA TAXATION AND BUDGET REFORM COMMISSION

IN RE: Committee Meeting

DATE: February 13, 2008

TIME: Commenced at 10:08 a.m.
Concluded at 12:05 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 Bense
R. Mark Bostick (by phone)
Talbot "Sandy" D'Alemberte
Mike Haridopolos
Mike Hogan
Julia Johnson
Bruce Kyle
Carlos Lacasa
Patricia Levesque
Alan Levine
Gwen Margolis
Roberto "Bobby" Martinez
Jacintha Mathis (by phone)
John M. McKay
Robert "Bob" McKee
Lesley J. "Les" Miller, Jr.
Randy Miller
Jade Thomas Moore
Frank Peterman
Nancy J. Riley
Darryl E. Rouson
Ray Sansom
James "Jim" A. Scott
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: Okay. Let's call the
4 meeting to order.5 Good morning, everybody. I think we have
6 18 members present this morning. That's great.

7 Nancy, would you please call the roll?

8 MS. FRIER: Yes.

9 Commissioner Barney Barnett.

10 MR. BARNETT: Here.

11 MS. FRIER: Commissioner Martha Barnett.

12 MS. BARNETT: Here.

13 MS. FRIER: Commissioner Bostick.

14 MR. BOSTICK: Here, by phone.

15 MS. FRIER: Commissioner D'Alemberte.

16 MR. D'ALEMBERTE: Here.

17 MS. FRIER: Commissioner Haridopolis.
18 (No response.)
19 MS. FRIER: Commissioner Hogan.
20 (No response.)
21 MS. FRIER: Commissioner Johnson.
22 MS. JOHNSON: Here.
23 MS. FRIER: Commissioner Kyle.
24 (No response.)
25 MS. FRIER: Commissioner Lacasa.

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1 MR. LACASA: Here.
2 MS. FRIER: Commissioner Levesque.
3 MS. LEVESQUE: Here.
4 MS. FRIER: Commissioner Levine.
5 (No response.)
6 MS. FRIER: Commissioner Margolis.
7 (No response.)
8 MS. FRIER: Commissioner Martinez.
9 (No response.)
10 MS. FRIER: Commissioner Mathis.
11 MS. MATHIS: Here, on the phone.
12 MS. FRIER: Commissioner McKay.
13 MR. MCKAY: Here.

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

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

11 MS. FRIER: Commissioner Yablonski.
12 (No response.)
13 MS. FRIER: Vice Chair Scott.
14 VICE CHAIR SCOTT: Here.
15 MS. FRIER: Chair Bense.
16 CHAIRMAN BENSE: Here.
17 MS. FRIER: You have a quorum.
18 All right. We have a quorum.
19 CHAIRMAN BENSE: Just a few remarks. We will
20 continue to have long meetings now as we move
21 forward in committees with these bills and
22 proposals and amendments. So it's very important
23 for us to have quorums, so do your best to make
24 these meetings.
25 Now, we hope to have as many of these

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1 proposals out of the committees by the end of
2 this month or first of March, as possible, so
3 we can then just deal with these issues in the
4 full commission.

5 So we're working on meeting spaces and
6 scheduling, and we should have a calendar out
7 for you as soon as possible. Susan says maybe

8 Tuesday or Wednesday of next week that we'll
9 have a schedule out for you.

10 We're going to try to go out as far as we
11 can on the schedule so you can attend.
12 Because, obviously, as we get into March and
13 April, the Commission meetings become extremely
14 important. Not that they aren't important now,
15 but we will be voting up or down a lot of
16 proposals.

17 So we will get you that schedule. Part of
18 our problem actually is the fact that session
19 begins, and we are having to find other
20 locations that have the ability to have our
21 members phone in and things like that.

22 And just a reminder that on committee
23 meetings you can vote by phone, and commission
24 meetings, you must be here to cast your vote.
25 Let's have the report of committees.

7

1 Finance and Tax Committee. Chairman
2 Story, you are recognized.

3 MS. STORY: Thank you, Mr. Chairman. We did
4 meet twice this week for a total of nine hours.

5 We passed CP45 by Commissioner Hogan. We TP'd
6 CP41. We passed a combination of CP6 by
7 Commissioner Wilkinson, CP8 by Commissioner Scott
8 and CP34 by Commissioner Lacasa, working
9 waterfronts and passed it. We passed Statutory
10 Recommendation 13.

11 We TP'd CP23 by Commissioner Margolis. We
12 passed CP42 by Commissioner Barney Barnett. We
13 TP'd CP43. We TP'd to February 25th
14 Constitutional Proposal 2. We TP'd to
15 February 25th Constitutional Proposal 21. We
16 passed Constitutional Proposal 7. We passed
17 Statutory Recommendation 29 and CP12 failed.

18 That's the end of my report.

19 CHAIRMAN BENSE: Okay. It was a lengthy
20 two-day meeting.

21 Governmental Procedures and Structure
22 Committee, Greg Turbeville.

23 Commissioner, would you make that report,
24 please?

25 MR. TURBEVILLE: Yesterday in committee we

1 discussed Constitutional Proposal No. 27 by

2 Commissioner Hogan which would change the timing
3 and the frequency of the meetings of the Tax and
4 Budget Reform Commission, along with other things.

5 And the amendments were adopted so that
6 the Tax and Budget Reform Commission would meet
7 every ten years beginning in 2012, and, also,
8 it restored the original intent to the
9 Constitutional Reform Commission and the Tax
10 and Budget Reform Commission so that all tax
11 and budget issues that directly affect those
12 areas would be handled by the TBRC and not the
13 Constitutional Revision Commission.

14 CHAIRMAN BENSE: Any questions of acting
15 Chairman Turbeville?

16 Okay.

17 Planning and Budgetary Process Committee.
18 Chairman Lacasa, you are recognized.

19 MR. LACASA: We had presentations yesterday
20 from the Florida School Board Association and the
21 Florida Education Association with respect to
22 Commission Proposal 26 by Commissioner Turbeville.
23 After hearing their testimony and after some
24 discussion, the committee passed CP26.

25 Additionally, we heard from Commissioner

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1 Rouson on Statutory Recommendation 19, and that
2 was passed as well by the committee,
3 unanimously.

4 CHAIRMAN BENSE: Any questions of Chairman
5 Lacasa?

6 Okay.

7 That concludes the reports of committees.

8 Next up, representative David Simmons.

9 Representative Simmons would like to make a
10 presentation on property taxes, his ideas and
11 thoughts. I've known Representative Simmons
12 for a long time, and he has some thoughts he
13 would like to share with the Commission.

14 Representative Simmons, welcome.

15 REPRESENTATIVE SIMMONS: Mr. Chair.

16 CHAIRMAN BENSE: Oh, it's on.

17 REPRESENTATIVE SIMMONS: Can you hear me all
18 right?

19 CHAIRMAN BENSE: I don't know if it's on or
20 not. Talk to us, David.

21 REPRESENTATIVE SIMMONS: All right. Well, I

22 will just begin talking to you. How's that?

23 First, I want to say thank you to
24 Mr. Chairman, and I know a lot of you. And I,
25 certainly, last night sat down and reviewed the

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1 resumes for each of you so that I would have
2 some feel. Some of you know I know so well
3 that I didn't. It was like reading things that
4 I had seen so much before.

5 But you have a great Chair. I mean,
6 having served under now Chair Bense, but
7 Speaker Bense was an opportunity and an honor
8 for me. And to serve with Mike Hogan as a
9 fellow representative, it was great, and all of
10 you.

11 I want to start out by telling you about
12 what I feel is a serious, serious concern. If
13 there's one thing -- within all the broad
14 discretion that you have to make a decision
15 about, the one thing I suggest that you look
16 most strongly at is the issue of property tax
17 relief.

18 Because I believe on January the 29th,

19 while we did take a step forward, we, at the
20 same time -- while we made a step forward, we
21 truly jeopardized the fiscal responsibility
22 that we have to the people of the state of
23 Florida because of the way that the
24 constitutional amendment deals with people who
25 are long time homeowners and new homeowners.

11

1 You-all may recall that in the spring of
2 2007 there was a lot of discussion about what
3 needed to be done with respect to property tax
4 reform. Why? One of the main reasons was that
5 new homeowners were treated so poorly here in
6 the state of Florida. And I am sure that you
7 have heard the stories about someone who has a
8 \$400,000 house in the neighborhood and is being
9 taxed at approximately \$7,500 for that home, if
10 you're assuming about 20 mills for the ad
11 valorem taxation on that house. And right
12 across the street is another house that's being
13 taxed at \$1,500.

14 Well, there is a fundamental problem with
15 treating people like that. Fundamental problem

16 that new homeowners -- almost everybody is a
17 new homeowner. Certainly, families who come
18 here to the state of Florida are new
19 homeowners. People who have children who are
20 building communities are homeowners, new
21 homeowners, and unless we do something to
22 provide them -- for the relief that they
23 believe and deserve that they need, we are not
24 going to have a business, that is a business
25 community in this state that's thriving.

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1 So this is not something that is just
2 segregated to new homeowners. This is
3 something that's going to affect and is
4 affecting the entire economy of the state of
5 Florida. Why is it that we have schools,
6 public schools, that are reduced -- having
7 diminished population of students. You've
8 heard and read all about how our school
9 populations are decreasing, and the reason why
10 is because people are not moving here and
11 people are leaving here. And, in particular,
12 families are leaving here.

13 It is not some kind of coincidence that we
14 are having diminishing populations in our
15 schools. It is a fact that the reason that
16 people don't live here is because they can't
17 afford to live here. They cannot have a home
18 here in the state of Florida.

19 Well, how are we supposed to solve that?
20 Certainly, in the spring of 2007 as the
21 Legislature was debating all of this, I came to
22 Speaker Rubio and I suggested to him in about
23 March that there needed to be some form of
24 equity created. At that time, I presented to
25 him the concept of what's called -- what

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1 ultimately became called the super exemption, a
2 percentage exemption.

3 It's not something I came up with on my
4 own and said, my goodness, how do I solve this?
5 What I did, as Speaker Bense knows I'm prone to
6 do, I sat down and started reading the
7 constitution. And in the provisions of Article
8 7, it specifically says that this one section
9 would stand repealed in the event that the

10 Legislature adopted a percentage exemption.

11 And I said to myself, that is the
12 solution. That, in fact, is the solution.
13 Somebody in 1992 had already figured out that a
14 percentage exemption would provide equity that
15 is necessary for people who are living in
16 homes. And so what I did is I said well, what
17 can you do with a percentage exemption. And
18 the fact of it is, is a percentage exemption
19 smooths out everything, with respect to
20 homeownership.

21 You don't have the problems of the
22 \$400,000 house that a person is being taxed
23 \$7,500 and next door somebody is being taxed
24 \$1,500. And, as each of you are aware, the
25 reason why this great disparity exists is

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1 because long time homeowners have the
2 benefit -- the accumulated benefit of Save Our
3 Homes. When Save Our Homes caps the amount of
4 the assessment on a house -- and I know that
5 Mr. Wilkinson is here and is a father of that.

6 The concept is great that, in fact, it did

7 save our homes. It provides protection. But,
8 at the same time, when there is a massive
9 appreciation in the values of properties so
10 that over a period of ten years properties
11 appreciate, for example, two to three times
12 what their original values were, but the
13 assessment is capped at 3 percent each year.

14 You can see just by simple math that if
15 you had a house that originally was purchased
16 at \$100,000 back in the early 1990s so that the
17 assessed value, due to the accumulated benefits
18 of Save Our Homes is no more than \$130,000,
19 but, at the same time, someone is a new
20 homeowner who is buying a house next door
21 that's \$400,000, that there is a massive
22 disparity between the two.

23 If you go ahead and adopt a simple
24 percentage exemption, you can, in fact, even
25 that out. And, believe it or not, because

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1 there are so many people over here on this
2 side, which I call the haves, who have so much
3 accumulated benefit, and there's so many people

4 over here so that when you do actual
5 mathematical curves on it, who are new
6 homeowners who are being taxed like crazy over
7 here, if you even it out at 50 percent, say a
8 50 percent exemption, there is not a
9 significant revenue impact.

10 The first thing that somebody thinks is if
11 I have a 40 percent or 50 percent exemption,
12 what will it do. Well, if you don't go ahead
13 and give that exemption to the people who
14 already have it -- in other words, you do it so
15 it's the best of both worlds. Either you get
16 the percentage exemption or you're able to keep
17 your accumulated benefit so the long time
18 homeowners don't also share in that. Then what
19 happens is that all of that benefit actually
20 goes to the new homeowners.

21 So the idea is that you do not give an
22 exemption to people who do not need it. That
23 was, what I believe, the shortcoming with
24 respect to Amendment One, which was passed on
25 January the 29th of this year.

1 And that is that the additional \$25,000
2 exemption, which is from the range of 50,000 up
3 to \$75,000, is across the board. As a matter
4 of fact, whatever number it comes up to be as
5 to the impact on local governments, some say
6 3 billion. I don't know what it's going to
7 ultimately be, but the fact of it is is that
8 money was wasted on people who didn't need it.

9 The people who are long time homeowners
10 were not crying out down on the southeastern
11 coast of the state of Florida for tax relief.
12 They already had tax relief. They were crying
13 out for portability.

14 When Representative Domino consistently
15 presented his amendment -- his constitutional
16 appointment to the Florida House, he was not
17 talking about giving more exemptions to long
18 time homeowners down on the east coast, along
19 the gold coast. He's always talked about
20 giving the portability.

21 So the idea is never and should never be
22 to give an across-the-board exemption to
23 everybody, an additional exemption. The idea

24 was to take the person who is paying \$7,500 in
25 taxes on their \$400,000 house and reducing it

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1 down to something like three or \$4,000.

2 And you can actually do it, and the number
3 runs that were done in the House of
4 Representatives and, ultimately, the Senate, in
5 the spring and late summer, midsummer of 2007,
6 absolutely showed that the revenue impact was
7 no more than 5 or 6 percent.

8 Now, when you have a 30 billion or now
9 \$32 billion tax base, in ad valorem taxation,
10 so that you do only a 5 percent reduction,
11 there was no significant impact on local
12 governments in doing that. And it created the
13 equity, and it permitted people who want to buy
14 a house and have a family here in the state of
15 Florida to be able to afford to do that.

16 When you've got property insurance the way
17 we've got property insurance and the risk now
18 that the people of the state of Florida have
19 with respect to property insurance, you've got
20 property taxes on a \$400,000 house of 7,000 or

21 \$7,500. And you got a mortgage where you
22 finance \$300,000 on that house. Before you
23 know it, you are spending over \$30,000, \$40,000
24 a year just to live in a house in the state of
25 Florida.

18

1 That's why we have so many what are called
2 "half backs." People that have come from some
3 place up north and now moved halfway back. And
4 for us to deny that is for us to stick our
5 heads in the sand and ignore a very basic
6 principle that this state is not going to
7 continue to have any economic prosperity unless
8 we do something about this gross inequity that
9 admittedly exists. Not only is it
10 fundamentally wrong to treat people so that new
11 homeowners are paying \$7,500 in taxes while the
12 adjacent land homeowner is paying \$1,500.

13 Maybe we, who have been living here, can
14 justify it in our minds and say, hey, so long
15 as I've got it, I don't care about those who
16 don't get it. We can't do that. Because the
17 impact on the economy of the state of Florida

18 is going to be so great, and you're already
19 seeing it. Read the newspaper today. You
20 know, the concrete industry, which is really
21 the harbinger of what is going on. When
22 concrete is going downhill, we know
23 construction is going downhill.

24 They are saying we are in the middle of a
25 recession right now. Look around. Look at the

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1 value of houses. The latest report shows that,
2 again, we've got a terrible, terrible, terrible
3 month with respect to housing sales here in the
4 state of Florida.

5 Property values continue to decline. You
6 have the opportunity, and I hope that the
7 Florida Legislature this spring has the
8 opportunity and will do something about the
9 this. Because what happened is, I am going to
10 go through the history, is the Florida House
11 and the Florida Senate went ahead and adopted
12 in June of 2007 a percentage exemption.

13 Now, that percentage exemption was
14 squashed down sort of to the low end. It was

15 75 percent of the first \$200,000, and
16 15 percent for everything from 200 up to
17 \$500,000; you recall that?

18 We passed that. You may recall the
19 glowing, glowing statements that legislators
20 were making about the super exemption, the
21 percentage exemption, that it did create the
22 equity that needed to be created. You heard
23 them all talking about the fact that the
24 percentage exemption can actually be molded to
25 exactly however you want it because all you

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1 have to do is change the percentage. If you
2 are causing too much revenue impact on local
3 government, drop the percentage down.

4 But if you treat everybody equally and
5 give everybody a homestead exemption -- now,
6 this homestead exemption that we ultimately
7 adopted in June of 2007 was going to ultimately
8 replace Save Our Homes because you had the
9 right to elect. And, ultimately, what would
10 happen is enough people over a period of time
11 would, in fact, probably elect except for the

12 people who have a whole lot of savings and
13 don't want to ever move out of their house.

14 That homestead exemption that we passed,
15 that super exemption in 2007 of June, was
16 geared for the majority of people living in the
17 state of Florida. It was. It was so heavily
18 set -- and the reason -- the mind-set why they
19 were using it and why the Legislature used
20 75 percent, if somebody said why, is because
21 there were raw numbers done.

22 And the idea was, who were winners. Who
23 could make it just \$1 of better benefit of
24 having this new super exemption compared to a
25 person who has Save Our Homes? That was the

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1 reason it was done that way. Sheer numbers.
2 It was a political decision. More people could
3 go ahead and get the benefit of this than Save
4 Our Homes.

5 And that's okay. Because, most people do
6 live in homes less than \$250,000 here in the
7 state of Florida, and so it was geared for
8 those people. Well, not all of those people

9 are voters. As a matter of fact, voters
10 probably need a substantially different
11 demographic, and that should have been that we
12 would have adopted something like a 50 percent
13 exemption that could have been across the board
14 for everybody up to \$500,000 and then had some
15 kind of increase based upon CPI or either the
16 mean values of homes here in the state of
17 Florida.

18 As a matter of fact, some people would
19 suggest, as I originally suggested, that there
20 be a declining percentage exemption. That for
21 the first hundred thousand dollars, it should
22 be 60 percent; for the second hundred thousand,
23 it should be 50 percent; for the next hundred
24 thousand, 40 percent, 30, 20, until it
25 actually, you know, finally diminished to

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1 nothing at, say, around six or \$700,000.

2 Now, there are those people who believe
3 that the percentage exemption should never ever
4 cap out at \$500,000. That's a political
5 decision. The reason why is for someone who

6 has a million dollar house or \$2 million house,
7 there are those who say we'll never pass
8 something that gives a 50 percent exemption to
9 a person who has a \$2 million house because
10 they automatically have a million dollar
11 exemption.

12 The answer to that is that, you know, what
13 are ad valorem taxes? Do they have any -- what
14 is the purpose of them? Well, they are
15 supposed to be a rational relationship between
16 ad valorem taxation and the amount of
17 governmental, local governmental services that
18 you receive. And that a house that costs about
19 250 or \$300,000 probably doesn't use or consume
20 any more ad valorem -- any more government
21 services than a house that's down the street or
22 that happens to be on the beach that is worth
23 1 million, 2 million, or \$3 million, so that
24 ad valorem taxation has simply become a wealth
25 tax in many respects.

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1 Be that as it may that the political
2 decision is that at some point in time the

3 percentage exemption diminishes to zero, say
4 after 500, 600, \$700,000 so that a person is
5 taxed full percentage, 20 mills on everything
6 greater than, for example, \$600,000. That's a
7 political decision.

8 It's certainly a decision that someone
9 looks at it and says as a fundamental
10 conservative Republican you ask yourself -- and
11 I don't mean to be talking to you in that
12 sense. But I am saying to you the question is
13 it's debatable as to whether or not the
14 percentage exemption should in fact diminish to
15 zero at some point in time.

16 The point that I make to you is that there
17 needs to be a rational relationship between the
18 percentage exemption and the amount of services
19 that somebody's receiving. But what I also say
20 to you -- what I also say to you is that the
21 decision was made in June of 2007 to go with
22 75 percent of the first \$200,000 and 15 percent
23 of the remaining \$300,000 up to \$500,000.

24 Just a few hours before that was
25 ultimately decided to do that, there were

1 strong discussions to go with a straight
2 50 percent exemption. Major discussions to go
3 with straight 50 percent exemption that would
4 overlap the existing Save Our Homes, not
5 duplicate, but, in fact, throw its benefit for
6 those people who are new homeowners.

7 Ultimately, that was not done. Now, why
8 was that constitutional amendment that passed
9 the Florida House and the Florida Senate, why
10 was it held unconstitutional. It had nothing
11 to do -- had nothing to do with the fundamental
12 basis, the merits of that. It had to do with
13 the fact that 2:00 o'clock in the morning we
14 forgot to change the ballot summary language so
15 that it coincided with and coordinated with the
16 actual merits, the language of the
17 constitutional amendment.

18 And when you read the decision by the
19 circuit court judge who struck it from the
20 ballot, the reason that he did that was because
21 the ballot summary language was misleading
22 compared to the actual language of the joint

23 resolution, the constitutional amendment. It
24 had nothing to do with the ultimate
25 constitutionality, the merits of the percentage

25

1 exemption.

2 I will just digress for one second to also
3 tell you that the court, the circuit court
4 judge, went ahead and affirmed the
5 constitutionality of the statutory rollback
6 that the Legislature did in the 2007 session,
7 or whenever we did that, but when we passed
8 that one. They all merge together.

9 And I can say to you that, you know, from
10 my own point of view, I was the person who
11 suggested to the speaker that a statutory
12 rollback was in fact constitutional. I had
13 gone and researched that issue. I went to him,
14 and I said, you know, that a rollback can be
15 done and can be controlled by the Legislature
16 because there was a general belief that the
17 Legislature had no authority to deal with the
18 millage rates and the ability to force local
19 governments to roll back. And there are a

20 couple of cases that had been decided in the
21 courts here in Florida that clearly indicated
22 that the Legislature had that authority.

23 And when the Legislature went ahead and
24 did that, of course, that was constitutionally
25 tested in that same case, because in that same

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1 circuit court case that struck the
2 constitutional amendment with the super
3 exemption from the ballot, the court affirmed
4 the Legislature's authority to do the statutory
5 rollback.

6 As a matter of fact, in the opinion that
7 was written by the circuit court judge, he
8 looked at cases, very same cases that I had
9 discussed with the speaker and used those very
10 same cases and said, we are compelled to the
11 conclusion that the Legislature has the
12 authority to do a statutory rollback. Now, to
13 get back to the fundamental issue here.

14 CHAIRMAN BENNE: Speaker, you are recognized.

15 VICE CHAIR SCOTT: I was just going to --

16 Representative, thank you, for being here

17 with us. I know you may or may not be aware,
18 but the Finance and Tax Committee is having
19 detailed discussions of a lot of the subject
20 matter and similar provisions including
21 Representative Lacasa and others, and we're
22 meeting again on the 25th to keep wrestling
23 with this subject matter. I wanted to make
24 sure you -- are you aware of that?

25 REPRESENTATIVE SIMMONS: I am aware, and I

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1 commend you for doing something about this,
2 because there is a solution. The solution is -- I
3 don't believe politically people will ever give up
4 Save Our Homes. They've got it. They are not
5 going to give it up. What you have to do is a
6 percentage exemption that just overlays right on
7 top of Save Our Homes. And it can be done.

8 It can be done very easily, and the House
9 did it in October of 2007. Because after it
10 was struck from the ballot, after it was
11 stricken from the ballot, there were those of
12 us who asked that we get back to this.

13 There was even one view that all we needed

14 to do was reenact with the proper ballot
15 language the super exemption that was passed in
16 June of 2007. Even though it should have been
17 50 percent or 40 percent or even 60, 50, 40,
18 whatever percent there would have been better.

19 There were those who said, let's just
20 simply reenact the super exemption from June of
21 2007. That wasn't done. There became this
22 difference of between the House and the Senate.
23 And for all the reasons, for whatever the
24 reasons were, you may recall that the House
25 went along with the idea of the 40 percent

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1 exemption laid on top of -- laid on top of the
2 Save Our Homes, so that you can go ahead and
3 simply have Save Our Homes.

4 And if you get the best of both worlds, is
5 what I call it, you can have -- you move into a
6 new house, \$400,000 house, think about this.
7 You don't have any Save Our Homes benefits.
8 You get under Florida law a \$25,000 exemption,
9 and you got a \$7,500 tax bill in most places,
10 many places.

11 Let's say some places it's 7,000, but
12 depending on the millage rate you've got about
13 a seven to a \$7,500 tax bill that you can't
14 afford, if you're an average person here in the
15 state of Florida.

16 CHAIRMAN BENSE: Representative, if we could,
17 we have members that have to catch planes. Can
18 you wrap -- maybe five minutes?

19 REPRESENTATIVE SIMMONS: Yes.

20 CHAIRMAN BENSE: Great.

21 REPRESENTATIVE SIMMONS: The end result is --
22 I submit that it is part of your duty -- your
23 duty, because you have a very important duty, is
24 to do something about this.

25 Now, maybe the Legislature will do it, but

29

1 you ought to do something about this. You
2 ought to create the equity that does not exist.
3 Because everybody who has ever looked at this
4 knows that we didn't solve the problem. The
5 Florida Legislature did not solve the problem
6 this last year.

7 Somebody needs to solve this problem. I

8 am now -- I talked to you about the fundamental
9 and equity. I talked to you about how it's
10 going to affect our economy. I am now going to
11 discuss with you the belief that what we have
12 done may very well, may be unconstitutional
13 under the privileges and immunities clause of
14 the federal constitution. Why?

15 Because we are treating people who are
16 here -- because the very thing that caused this
17 to be passed, which was this Amendment One to
18 be passed, which was the portability, is the
19 very Trojan horse that may cause it to be
20 unconstitutional without a percentage exemption
21 that creates equity between the haves and the
22 have nots.

23 If you are now a nonresident of the state
24 of Florida, you don't have any chance to ever
25 be treated like a person who is a resident of

30

1 Florida who has a homestead. That's one of the
2 reasons -- one of the existing -- one of the
3 reasons why that the Save Our Homes was held
4 constitutional, as far as I'm concerned, was

5 because it all trued up when you sold your
6 house, even if you were a long time homeowner,
7 you sold your house, you got a tax like
8 everybody else.

9 But now you are in a situation where
10 people who have Save Our Homes, due to
11 portability, have a permanent benefit over
12 nonresidents, and the fiscal impact, you know,
13 to this state to have to give back billions of
14 dollars to people like that who are
15 nonresidents, in the event this is held
16 unconstitutional, is another fundamental reason
17 that you need to do something about this.

18 The fiscal integrity of this state,
19 whether it's due to just the economy or whether
20 it's due to having to give back a bunch of
21 money to people who have been unjustly treated
22 as a result of this constitutional amendment, I
23 believe compels you to do something about this.

24 Thank you.

25 CHAIRMAN BENSE: Any questions of the

1 presenter?

2 MR. RANDY MILLER: Mr. Chairman?

3 CHAIRMAN BENSE: Commissioner Miller, you are
4 recognized.

5 MR. RANDY MILLER: I think your analysis is
6 right on point. We have been struggling with how
7 do you change the structure of the system. Now,
8 with Amendment One being passed, I think the
9 portability does complicate it, and I tend to
10 agree with what you said at the end about the
11 constitutionality of it.

12 Let me understand one thing, though. Your
13 proposal or the proposal that was only applied
14 to homestead property did not go across the
15 board with a fractional assessment to
16 nonhomestead property; is that correct?

17 REPRESENTATIVE SIMMONS: Mr. Chair?

18 CHAIRMAN BENSE: You are recognized.

19 REPRESENTATIVE SIMMONS: Yes. It only dealt
20 with that because -- and the only reason I dealt
21 with that -- I believe the percentage exemption
22 can apply to any kind of properties. It can apply
23 to second homes or anything like that or even
24 commercial property.

25 What I was trying to do was deal with a

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1 distinct issue and then if we could financially
2 afford it, certainly expand it into second
3 homes. And there were a lot of discussions
4 about expanding it into second homes, but the
5 idea that I had at the time was in fact to stop
6 this gross inequity that exists between the
7 long time and the new homeowners.

8 MR. RANDY MILLER: Mr. Chairman, one final
9 comment.

10 CHAIRMAN BENSE: You are recognized.

11 MR. RANDY MILLER: Your research of the
12 constitution was right on point. In 1980 when we
13 were debating increasing the homestead exemption
14 from 5,000 to 25,000, the fractional assessment
15 issue had been one of the other issues that was
16 being discussed. At that time, it was across the
17 board 65 percent.

18 So the drafters of that amendment said
19 that if we grant them a \$25,000 exemption,
20 anything later on a fractional basis would
21 not -- would kill the 25, so you are exactly

22 right in your analysis.

23 CHAIRMAN BENSE: Okay. Any more comments or
24 questions?

25 Thank you Representative Simmons.

33

1 REPRESENTATIVE SIMMONS: Thank you.

2 CHAIRMAN BENSE: I really appreciate you
3 coming up here.

4 We'll now consider the reconsideration of
5 CP0003 by Commissioner Les Miller relating to
6 starting dates for regular legislative
7 sessions. I think someone has -- and we have
8 officially moved to reconsider, so it's back on
9 the table.

10 Commissioner Miller, you are recognized on
11 your proposal.

12 MR. LES MILLER: Thank you, Mr. Chairman.
13 And let me thank Commissioner Martha Barnett for
14 moving to reconsider this proposal concerning the
15 moving of the commencement date for the beginning
16 day of session.

17 And, basically, what it says the proposed
18 amendment of the Florida Constitution requires

19 the Legislature to convene annually in the
20 regular session, and the original proposal said
21 on the second Tuesday of January. It says,
22 however, it also permits the Legislature to
23 establish alternative commencement dates, one
24 session at a time by law by supermajority vote
25 of the Legislature.

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1 And, if I remember, we accepted an
2 amendment by Commissioner McKay to change that
3 from January to February. I think that's
4 already been done, but I think it's already
5 been approved. That's what the proposal says.

6 At this point, it says have the session
7 start on the second Tuesday in February, and it
8 allows them to change that to have an
9 alternative commencement day one session at a
10 time by a supermajority vote.

11 CHAIRMAN BENSE: Are there questions to
12 sponsor of the proposal? Any questions? Debate?
13 Is there any debate?

14 Commissioner Scott, you are recognized in
15 debate.

16 VICE CHAIR SCOTT: Well, without belaboring
17 this, as we discussed this before, we recall the
18 history that for a long time, the Legislature met
19 in April and May, except during reapportionment
20 years when we had to keep moving back the meeting
21 in January so we could meet Federal Court and
22 Supreme Court constitutional requirements for
23 getting the plan done.

24 We then at this -- there were some
25 problems with April and May. We moved it back

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1 to, basically, March and April, like it is now.
2 For a couple of years, they tried February and
3 March, and the problems with that -- and these
4 are refreshed by the staff and the members who
5 have been around here for some time to do --
6 trying to do the budget was revenue estimating.

7 Even then, and, of course, the many years
8 the problems have been good ones because
9 revenue would be more than we thought it would
10 be. But it's clearly going the other way, at
11 least at the moment.

12 But regardless of whether it might be up

13 or down, if you are sitting in -- if the
14 Legislature is sitting here in February trying
15 to do the budget, and if those of you that have
16 watched it, they try to get this done, Speaker
17 Bense knows, out of committee and out of
18 everything by the fifth week so that there's
19 time to get it in, get it to conference, meet
20 these new advertising requirements of 72 hours.

21 So to try to do that six months in
22 advance, basically, was a very difficult
23 problem. And so it was, basically, moved back
24 to the current March and April. While with
25 Commissioner McKay's amendment, it was better

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1 than January, February, as it started out.

2 I would submit to you that that reason
3 alone would be enough not to try to move it
4 back. The second -- and other reasons are
5 trying to get ready for a session on
6 February 1st when people elected in November
7 and election years and then Christmas and
8 holidays and end of year, whatever, so it's
9 January before they really start doing

10 anything.

11 And to get bills introduced, referred,
12 which is a major job for leadership, referred
13 to committees, heard in committees, could well
14 mean that legislative product would not even be
15 anywhere in the first month of the session.

16 And, meanwhile, you are trying to do a budget
17 without even knowing what new laws the
18 Legislature might pass.

19 So all these reasons, I, with all due
20 respect to Senator Miller, can't support trying
21 to move it back to February and March.

22 CHAIRMAN BENSE: Further debate?

23 Commissioner Story, you are recognized to
24 debate.

25 MS. STORY: Thank you, Mr. Chairman, and it

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1 indirectly affects this, I guess, to go back to
2 processes. I don't have a problem with this
3 particular proposal except that I made the comment
4 earlier that I don't see this committee putting
5 ten, 15, 20 amendments on the ballot, and if there
6 is a second vote, if we see what passes and

7 there's a large number, I am okay with this.

8 However, if a vote today puts it on the
9 ballot, I think that might change my vote. So
10 I am a little concerned. I don't have a
11 problem with this, but I am concerned about the
12 process. And I am very much against this
13 commission having ten or 15 amendments on the
14 ballot.

15 CHAIRMAN BENSE: My response to that,
16 Commissioner Story, is the way we have the rules
17 written right now it has potential to go on the
18 ballot after your vote today.

19 Now, next up on our agenda is we are going
20 to talk about the number of roll call votes
21 needed to place an item on the ballot. We are
22 going to have some good discussion. I want to
23 hear from all members on how we go from a
24 proposal having passed out of the commission,
25 sent to styling and drafting and then out of

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1 styling and drafting back to the commission for
2 approval.

3 So we are going to have that debate after

4 this proposal here, but my advice to you would
5 be that the way our rules are currently
6 written, it would go to -- it would have
7 potential to go straight to the ballot.

8 MS. STORY: Thank you.

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

11 MR. LACASA: Thank you, Mr. Chair. And on
12 the bill -- I am looking at the amendment to the
13 bill as amended by Commissioner McKay, and I have
14 one concern.

15 It says in Section 3B that a regular
16 session of the Legislature shall convene
17 annually, annually is underlined, and then it
18 says a little further down on line 29 that the
19 Legislature may fix an alternative date by law
20 approving three-fifths vote of the membership,
21 fixing a date -- fixing an alternative date.

22 And even though at line 31 it says that
23 alternative date could be the next -- I'll read
24 it. Such law may fix only the date of the next
25 annual regular session. That does not in and

1 of itself suggest to me that this is a
2 requirement for a session each year, and my
3 concern here is, and maybe it's overstated,
4 that by three-fifths vote of the membership of
5 the Legislature they could fix a date that's
6 two years out. And I would be concerned with
7 that, not having an annual legislative session.

8 CHAIRMAN BENSE: Okay. Further debate?

9 Commissioner Miller, you are recognized in
10 debate.

11 MR. RANDY MILLER: Mr. Chair, I think I agree
12 with Commissioner Story if this is the only thing
13 that ever ends up on the ballot, I would be
14 reluctant to vote right now. I was wondering
15 maybe we could TP this until after we finish the
16 rule change to give us some comfort that it would
17 come back before the commission if we adopt the
18 rule changes.

19 CHAIRMAN BENSE: Commissioner Miller, your
20 thoughts?

21 MR. LES MILLER: I'm sorry. I was talking to
22 Commissioner Lacasa. Could you repeat that,
23 please.

24 CHAIRMAN BENSE: Commissioner Miller?

25 MR. RANDY MILLER: Basically, Commissioner

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1 Les Miller, I would suggest that we TP this right
2 now and take up rule changes so that it could come
3 back before the full commission on final adoption,
4 but right now as Chairman Bense has stated that if
5 we don't change the rule or if we vote on it right
6 now, it has the potential to go on right to the
7 ballot. And that gives me some concern when I
8 look at what our overall charge is here.

9 MR. LES MILLER: Mr. Chairman?

10 CHAIRMAN BENSE: You are recognized,
11 Commissioner Miller.

12 MR. LES MILLER: I will move to temporarily
13 pass it until after we discuss the rules.

14 Commissioner Miller, this might be the
15 only thing we put on the ballot.

16 CHAIRMAN BENSE: Okay. Without objection
17 show CP0003 temporarily postponed. Let's move on
18 to discussion about our rules.

19 If you will recall our last meeting,
20 commissioners, many of you were concerned about

21 when a bill clears this committee, it goes
22 before the commission and gets the 17 votes
23 from the commission that currently our rules
24 state -- that's still a pretty high mountain to
25 climb. And some of you have expressed concern

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1 about that, and we outlined to you at the
2 meeting that we would put some thought into it.
3 And I think that Mr. Goodlette is prepared to
4 make some recommendations.

5 But -- and I will tell you, Members, I
6 have personally -- whatever the majority of you
7 wants is fine with me. I have argued it in my
8 mind several ways, and one morning I wake up
9 and I think it's A and the next morning it's B.
10 So -- but I do think we need to be careful that
11 the final vote out of this commission as per
12 the constitution says it has to be by two
13 thirds.

14 I think based upon that, I think
15 Mr. Goodlette has some comments. And based
16 upon Mr. Goodlette's comments, let's have some
17 good discussion, unless someone has a different

18 method.

19 Mr. Goodlette, you are recognized.

20 MR. GOODLETTE: Thank you, Mr. Chairman and
21 Members. I will try to be brief, but what I would
22 like to do is summarize for you, as succinctly as
23 I can, conversations that I've had with various
24 members of the commission since the last
25 discussion about this issue. Then I would like --

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1 at the conclusion, I would like for Tom to make
2 the presentation of the two options that I really
3 would like to place before you to choose from the
4 menu today.

5 And that is as follows: I think it's
6 important to reflect the current rules without
7 any changes require, Rule 6.010, Rule 6.012 and
8 Rule 6.013 require three separate 17 votes.
9 That's the current rule. That's why we are
10 talking about making a change.

11 In summary, the change that we will
12 present to you today, the option, the menu, is
13 option number one would be two votes,
14 potentially two votes of the supermajority of

15 17 or the second option would be just one vote.
16 Clearly, just one vote of the supermajority of
17 the 17. And it's important to differentiate,
18 and I think it's important for to you to know.
19 And I want to digress and explain an overview,
20 if I may, of what is the role of style and
21 drafting in this process.

22 That's really the critical issue from my
23 judgment and my perspective looking at the
24 current rules and the proposed rules. And that
25 is this: The style and drafting Committee that

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1 the chairman appointed at the last or recent
2 committee meeting is their review is -- it has
3 not been appointed? I thought it had been.
4 It's been discussed.

5 The Style and Drafting Committee is a
6 technical review. And what they're reviewing
7 is they're reviewing the title and the ballot
8 summary to assure compliance with Section
9 101.61 of the Florida statutes, and that and
10 the case law relevant to that statutory
11 provision. So that the work of the Style and

12 Drafting Committee is purely technical to
13 ensure compliance with current law.

14 And the reason that that's important is
15 because if any measure that's approved by this
16 commission makes it to the ballot and it is
17 challenged by any person, any citizen, then the
18 court would review the title and ballot
19 summary, even though there's no automatic
20 review by the court, the court may be called
21 upon to review it if there's a challenge.

22 Someone's saying, for example, that the
23 title and the ballot summary is either not
24 clear and unambiguous, does not fairly inform
25 the voters of what's contained in the proposal

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1 or is misleading, for any reason. So the work
2 of the Style and Drafting Committee is
3 understandably technical but important. And I
4 think that -- I think that's an overlay here.

5 Now, the proposals -- the two options
6 before you today -- and as I say, Tom can get
7 into the detail of it. Let me summarize what I
8 will call option one. Option one would require

9 at the first hearing, I'll call it a first
10 hearing, 17 votes, supermajority votes.

11 Now, after that vote, the Style and
12 Drafting Committee would do its work, what I
13 just described. If the sponsor of that
14 proposal says I don't want style and drafting
15 to make any changes, then style and drafting
16 can make no changes. They can still review it
17 and come back and recommend changes be made,
18 but they can't make any changes, okay.

19 And that's an important distinction here.
20 I think that that places a very heavy burden on
21 the proponent of a proposal to make sure before
22 it gets voted on at that first hearing under
23 6.010 of your rules to be sure that the title
24 and the ballot summary will pass that
25 constitutional statutory test and the case law

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1 test that I just outlined. It's going to be
2 very important.

3 Tom has done an excellent job of putting
4 together titles of ballot summaries and working
5 with members to do that. But the reason for

6 the Style and Drafting Committee is really a
7 safety net, in my judgment, to make sure that
8 that is going to occur.

9 Now, so under proposal number one, it will
10 go to the first hearing, and it requires a 17
11 vote to pass. If it passes, it's then reviewed
12 by style and drafting. Styling and drafting
13 can make recommendations -- no substantive
14 change -- can make recommendations for a change
15 in language, but may only make those
16 recommendations.

17 By that, I mean, recommendations if the
18 sponsor says, I don't want any changes, no
19 matter what styling and drafting says. Because
20 this -- and the reason why a proponent may
21 choose to do that is because they don't want to
22 be subject to a 17 votes again.

23 They have already overcome that 17 vote,
24 and they just do not want to even have any
25 chance of another supermajority vote. So they

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1 can say if there's no change at the styling and
2 drafting, then there is no second vote under

3 proposal number one.

4 In other words, the first vote is the
5 final vote, because styling and drafting can
6 suggest where change is needed but the sponsor
7 said no and so there are no recommended
8 changes.

9 CHAIRMAN BENSE: If they do request styling
10 and drafting review it, then styling and drafting
11 would vote on the final product by a majority
12 vote.

13 MR. GOODLETTE: By majority vote.

14 CHAIRMAN BENSE: Then it goes back to the
15 commission for a 17 vote.

16 MR. GOODLETTE: If there are any changes,
17 that's number one.

18 Let me try to now put it before you what
19 the second option would be, and then I'm happy
20 to answer any questions.

21 The second option, option number two,
22 would at the 6.010, the first period, would
23 only require a majority vote, okay? It would
24 then go to style and drafting.

25 Now, understand that's going to increase

1 the labor of the Style and Drafting Committee
2 because every vote -- even a majority at the
3 first hearing goes to style and drafting.
4 Style and drafting then reviews it, the title
5 and ballot summary, it's still a technical
6 review. It's still to -- in order to try to
7 comply with the statutory and the case law.

8 But the sponsor cannot indicate in the
9 second proposal that the style and drafting
10 can't change it. The style and drafting under
11 the second proposal can make changes
12 notwithstanding the sponsor's feelings, okay?
13 And then it comes back for a second vote -- a
14 final vote is a better word, under the statute
15 of the constitution, which would require 17
16 votes, okay? So that's the difference.

17 I hope you understand -- what the goal in
18 the second proposal is that under no
19 circumstances would there be more than one 17
20 vote required, and that's for final passage.
21 And the reason for that, and I'll conclude, is
22 in the constitution itself. Article 11,

23 Section 6 that creates this commission has this
24 sentence in Subsection C.

25 An affirmative vote of two thirds of the

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1 full commission shall be necessary for any
2 revision of this constitution or any part of it
3 to be proposed by the commission. I believe,
4 and I'm confident that that means it has to be
5 a final vote of this commission, has to be by
6 two thirds, by the supermajority. I am happy
7 to answer any questions. I hope that has not
8 been too laborious.

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

11 VICE CHAIR SCOTT: Did I hear you say that
12 under option two there would just be a majority
13 vote the first time it came before the commission?

14 MR. GOODLETTE: Right.

15 VICE CHAIR SCOTT: Well, I would ask you to
16 think about -- I believe -- hearing some of the
17 members here, Commissioner Story and others, I
18 think that a third option or an amendment to that
19 option should be that you have one vote to show

20 that there's 17 votes of support before you go
21 forward with, you know, with the proposal.

22 Then it would go to style and drafting,
23 and style and drafting, regardless of what they
24 do, it has to be approved by another final vote
25 of the commission. So, in effect, it's like a

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1 committee report or committee recommendation.

2 And one of the concerns I have when you
3 say it's just technical and just ballot,
4 yesterday in the Finance and Tax Committee, it
5 was pointed out on one of the proposals that
6 the January 29th proposal had the language in
7 it that this exemption, really meaning the
8 whole homestead exemption was repealed on the
9 effective date of any amendment, et cetera.

10 So if something got passed with that kind
11 of problem, whereas -- what this says is if you
12 change the assessment -- so if we did any kind
13 of percentage like Representative Simmons was
14 talking, we would have to repeal that section.
15 The point I'm making is that kind of change
16 should be -- the style and drafting should

17 review everything.

18 I want them, whoever they are, to review
19 everything before our final vote. And so this
20 would say that, first of all, you get the vote
21 that there's 17 people that want to go forward
22 rather than just a majority on some issue,
23 whether it's any -- whatever it is. And then
24 it goes to style and drafting.

25 And in the end, I can picture us, like

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1 constitutional revision, we would come back
2 here on a day or two, or whatever, go over,
3 this is the package that we are going to
4 finally send. And maybe at that point, we may
5 say we no longer need number three because we
6 have done nine and ten, and they cover that, et
7 cetera. And we would have one final vote that
8 would transmit it.

9 Meanwhile, style and drafting wouldn't
10 have authority on their own to mess up
11 anybody's proposal. They can say we recommend
12 this version and here's the reasons. In the
13 final vote, the commission can approve it. So

14 to me, that's sort of what I see as a way to do
15 it rather than saying, okay, if we can get 12
16 out of 23 or something or we can get a majority
17 for 28 different things. But there is no way
18 they are going to get two thirds, so there's no
19 use going forward with all the work.

20 MR. GOODLETTE: May I just add?

21 CHAIRMAN BENSE: Sure.

22 MR. GOODLETTE: I think what I just heard you
23 say Senator -- Commissioner Scott, would be option
24 number one but without permitting the sponsor to
25 dictate that the style and drafting could not

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1 review and make any recommendations for change.

2 VICE CHAIR SCOTT: Why does this require
3 three votes?

4 MR. GOODLETTE: It doesn't. Option one still
5 only requires two votes. I should digress -- and
6 thanks for asking. Under what's being proposed
7 under either option one or two, that I just
8 articulated, the last vote under 6.013 only
9 requires a majority. To transmit it to the
10 secretary of state, we do not believe requires a

11 two-thirds vote. I don't think the constitution
12 requires the two-thirds vote there. I think you
13 can do that with just a majority vote.

14 And so under either one or two, the
15 proposal, there will not be that third
16 supermajority vote that the current rule
17 contemplates, 6.013 contemplates. We have
18 changed that in both options one and two, and I
19 should have made that clear.

20 VICE CHAIR SCOTT: Well, in any event, just
21 to clarify, I think that we should have a prefinal
22 vote of 17 votes on what proposals we're going to
23 send forward here, and then you can transmit it by
24 majority, maybe we can't get enough people,
25 whatever, I can see that.

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1 I just feel like that if some of the
2 members and I share the concerns that we don't
3 have -- if we end up with three next week, four
4 the week after and six the week after, and now
5 all of a sudden you say well, we got 20 of them
6 and maybe we need to rethink some of these to
7 see if we want to send them forward.

8 CHAIRMAN BENSE: So I think what you are
9 saying, Senator Scott, is the commission takes
10 the -- it takes 17 votes to pass it through the
11 commission. From there it goes to style and
12 drafting to get -- to be cleaned up, so to speak,
13 for the ballot. And then what I think you may be
14 saying is we hold them, every one of them after
15 styling and drafting.

16 And then at the end, when we have 20 or
17 five or three or six proposed constitutional
18 amendments that have cleared the 17 votes and
19 gone through styling and drafting, I think what
20 you are saying is we gather up here, and we
21 figure out well, boy, number one and seven are
22 exactly alike or they conflict or whatever.
23 And at that point in time we agree which ones
24 we want to send forward.

25 Is that kind of what you are saying?

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1 VICE CHAIR SCOTT: Yes.

2 MR. GOODLETTE: That's currently contemplated
3 that that element of coordination would be done by
4 the coordinating committee under your current

5 rules as a precursor to a final recommendation of
6 transmittal, which would require the majority
7 vote.

8 CHAIRMAN BENSE: Let's hear from some other
9 folks.

10 Commissioner McKay, you are recognized.

11 MR. MCKAY: I think Senator Scott is right on
12 the money with everything he has recommended. I
13 am a little confused by what Dudley just -- the
14 issue Dudley just raised, and if you'd help me
15 through this, Dudley. We pass ten items or ten
16 constitutional amendments.

17 CHAIRMAN BENSE: They get the 17 votes.

18 MR. MCKAY: Right, exactly.

19 Then how does that occur with this
20 coordinating committee, and who is on the
21 coordinating committee?

22 CHAIRMAN BENSE: I don't understand that
23 either.

24 MR. GOODLETTE: Again, under the current rule
25 it says the coordinating committee specifies the

1 ballot order of the constitutional proposals, and

2 that would only require a majority vote. That's
3 not the final vote of the commission that I
4 understood Senator Scott to be talking about. As
5 I understood what Senator Scott was talking about,
6 there would be a 17 vote -- that's the first
7 hearing.

8 MR. MCKAY: What you said that confused me,
9 which is perhaps easy to do, is if there were ten
10 issues that passed the first -- at what point does
11 the coordinating committee come into play?
12 Between the first and second vote or after the
13 second vote?

14 MR. GOODLETTE: After the second vote under
15 the current rules.

16 Tom, correct me if I'm wrong.

17 MR. MCKAY: I think the only thing necessary
18 to change the current rules to comply with what
19 Senator Scott suggested is that the last vote to
20 transmit to the secretary of state only require a
21 majority vote.

22 MR. GOODLETTE: That's correct.

23 MR. MCKAY: So the coordinating committee
24 would then hop in between the second vote, the

25 second supermajority vote and the majority vote to

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1 transmit to the secretary of state, correct?

2 MR. GOODLETTE: That's correct.

3 MR. MCKAY: And the coordinating committee
4 would recommend to this body that we only deal
5 with, hypothetically, of course, six -- we only
6 advance six of the ten issues to the secretary of
7 state. Could they do that?

8 MR. GOODLETTE: As it's currently
9 contemplated, they could not. They only order
10 up -- if there were 13, they would -- they would
11 specify in what order those 13 should appear on
12 the ballot, as it's transmitted to the secretary
13 of state.

14 MR. MCKAY: If I may, Mr. Chairman, who is on
15 the coordinating committee?

16 CHAIRMAN BENSE: I don't remember who is on
17 it.

18 MR. GOODLETTE: It was established early in
19 your deliberations, but I don't recall who they
20 are. We can get that information. I should have
21 been prepared to answer that.

22 MR. MCKAY: I think before we address -- I
23 think the coordinating committee could be very --
24 could be very important. And, certainly, those of
25 us that have been involved in an election before

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1 know that placement on the ballot is important,
2 and if the -- if the coordinating committee
3 happened to oppose one particular item that got
4 the -- if a majority of the coordinating committee
5 happened to oppose an item that received a
6 supermajority vote, then they could place it in a
7 -- a more disadvantaged -- that's not --

8 CHAIRMAN BENSE: Lower slot.

9 MR. MCKAY: -- lower slot. Thank you very
10 much. So that it's more apt that the voters would
11 reject that.

12 We all know as the voters go farther down
13 the ballot the less likely they are to vote
14 unless they are particularly motivated, so I'm
15 concerned about -- I am concerned about that
16 and wonder why we would delegate. And perhaps
17 this is for another discussion, Mr. Chairman,
18 why we would delegate that kind of authority as

19 opposed to say you filed yours first, you're
20 first, you filed yours 14th, you happen to be
21 the third one that passed, so --

22 CHAIRMAN BENSE: Okay.

23 MR. MCKAY: -- so you are third up. So at
24 some point, I think we ought to address that
25 issue.

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1 CHAIRMAN BENSE: Commissioner Scott.

2 VICE CHAIR SCOTT: Let me just ask, wouldn't
3 this still come back for the final vote of
4 commission because we are very democratic here?
5 We are not delegating something that one committee
6 can just sit and do. It will come back for final
7 transmittal, and if people didn't like what was
8 going on and maybe wanted to change the order and
9 have a good reason, it would all be -- it's not
10 just going to this committee and that's the end of
11 it.

12 MR. GOODLETTE: Done by majority vote.

13 CHAIRMAN BENSE: Right.

14 Commissioner Hogan.

15 MR. HOGAN: Thank you, Mr. Chairman.

16 Mr. Goodlette, when you were giving us the
17 instructions on the choices, I guess I should say,
18 on one and two, you mentioned that a commissioner
19 could pass it through to style and drafting and
20 recommend those changes.

21 If styling and drafting, upon review of
22 that legislation bill found there was some
23 problems, would they make a report to the full
24 commission or to the chairman, or just have to
25 be silent on them?

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1 MR. GOODLETTE: As I read -- as I would
2 construe the rule, yes, they could. They could
3 still advance it and say, you know, we are not
4 recommending any changes because the sponsor would
5 not agree to it. However, we believe that there
6 is a shortcoming in this measure.

7 MR. HOGAN: I want would that. That's what I
8 was curious about.

9 MR. GOODLETTE: I don't think there's
10 anything that precludes, the way either option one
11 and two is drafted, that from occurring. I don't
12 think there's anything that would prevent the

13 committee from so stating, notwithstanding the
14 fact, you know, it's just a report back, to what I
15 would call a report, back to the full commission
16 without a recommendation.

17 CHAIRMAN BENSE: Commissioner Barnett.

18 Martha Barnett.

19 MS. BARNETT: Thank you. I am confused, so
20 let me ask a couple questions and maybe make a
21 comment, Dudley, about this.

22 I think the process you described in
23 number one begins to get burdensome and raises
24 a potential for confusion along the way. My
25 sense is if you have a Style and Drafting

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1 Committee, its purpose is to, as you said, give
2 a very focused technical review of the ballot
3 language, the summary.

4 I would think it should also give a
5 technical review of the proposal itself. You
6 know, sometimes commas, the word a, and, the.
7 Or there could be unintended consequences that
8 when you really review it, as a scrivener that
9 the style and drafting should have the ability,

10 and, in fact, the responsibility, to make that
11 kind of technical review.

12 So -- and this is regardless of whether
13 the sponsor wants it or not. This is just the
14 job of that committee. So, to me, putting that
15 additional layer in there that the sponsor
16 doesn't want it, willing to roll the dice;
17 ultimately, this is going to be a proposal of
18 the commission, if it passes. And so I think
19 there's a point at which the sponsor probably,
20 after it's been adopted by the commission,
21 loses control of it. That would be one
22 thought.

23 Secondly, some of these proposals will
24 have more than one sponsor. You create the
25 specter of the sponsors having a different view

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1 on whether it wants to go to style and
2 drafting. If you have three, do you have to
3 get two of the three? Do you have to get
4 unanimous? It's just another detail that I am
5 not sure -- I think it creates more problems
6 than it solves.

7 The coordinating committee having the role
8 of ordering matters -- no, that's okay. He's
9 more interesting than me anyway.

10 Tom, do you want me stop? I want you to
11 hear.

12 CHAIRMAN BENSE: Continue on.

13 MR. GOODLETTE: Please. I just want to make
14 sure because Tom was whispering something in my
15 ear. I may have misstated something. Finish your
16 question.

17 MS. BARNETT: Whatever you call it, whether
18 it's style and drafting or the coordinating
19 committee, I think it is important to ultimately
20 have a committee. And commissions I have been on
21 in the past have done this. Once you have the
22 work of the commission, you know, the work product
23 of the commission available to the full
24 commission, you know, we may have five amendments.
25 We may have 25 various amendments.

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1 To package those in a way that the issues
2 are germane to each other that the -- and this
3 is where the ballot language becomes very

4 important. And so there's an overlap between
5 these two committees as you've got them
6 currently structured. You can package a number
7 of amendments that this commission comes up
8 with in one amendment because they're germane.
9 They relate to the same subject. They'll make
10 sense to the citizens if you put them together.

11 So just the fact that we may pass 25
12 amendments we may end up only having four or
13 five, six, seven that go on the ballot. And
14 that's an appropriate role for any committee,
15 whether it's style and drafting or coordinating
16 committee to say, all right. What goes
17 together, you know, how do we package these in
18 a way that we send them to the secretary of
19 state.

20 And I am not so sure they need to be
21 separate entities because the ballot language
22 will be directly impacted by what the
23 commission decides how it wants to package
24 these and put them on the ballot and including
25 the order they go on the ballot.

1 MR. GOODLETTE: I am now realizing and
2 appreciate what Tom was saying, and what I think I
3 misstated in response to your question
4 Commissioner McKay is that the -- under the
5 current rules as drafted and as proposed, the
6 coordinating committees ordering those up is after
7 the final vote of commission on everything that's
8 going to go up, not before.

9 MS. BARNETT: Excuse me, Mr. Chairman.

10 But the issue there, Dudley, becomes the
11 ballot language that goes to the secretary of
12 state.

13 MR. GOODLETTE: I understand. I just wanted
14 to clarify what I had misstated in response to
15 your question, which is what I think Tom was
16 trying to get my attention on. And I realized
17 what it was as I was listening to your question.

18 CHAIRMAN BENSE: Commissioner Barnett,
19 summarize, in your view, how you feel the process
20 should occur.

21 MS. BARNETT: Well, I think I certainly liked
22 option two, maybe option three better than option
23 one. The only issue is the number of times we

24 have a 17 -- that we have 17 votes. I mean,
25 that's a concern that's been raised, is how many

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1 times. Can there be mischief? If you vote 17 --
2 you get 17 votes today, does that mean you got to
3 keep them for the next two weeks and get them
4 again?

5 So to me, I think it -- I don't know the
6 answer to that. I really think you have to
7 have one. You clearly constitutionally have to
8 have a 17-person vote for final passage.
9 Whether it's a majority or 17 to get to that
10 point, I am probably open to what the will of
11 the majority of this group is.

12 But I do think whatever you have should go
13 to style and drafting for the kind of technical
14 and substantive review, not to change anything
15 the commission has done, but the review
16 necessary to meet the constitutional and
17 statutory requirements.

18 CHAIRMAN BENSE: Let's begin to whittle down
19 the issues. When you mention every proposal that
20 meets the 17 vote task and then goes to style and

21 drafting, you said it should not have to go to
22 style and drafting. When you said that, I saw a
23 lot of heads nodding. So let's talk about that.
24 Let's get one of the options off the board.
25 Are there -- is there anyone here who

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1 feels that after you've received your 17 votes
2 on your proposal that you should have the
3 option of bypassing the Styling and Drafting
4 Committee? Is there anyone here who feels
5 that's an option? Okay. So we've got one off
6 the table now.

7 So your proposed option one --

8 MR. RANDY MILLER: Mr. Chair?

9 CHAIRMAN BENSE: Commissioner Miller.

10 MR. RANDY MILLER: I would like to clarify
11 one of the options, and I am not sure which one,
12 would not require the first vote to be the 17.
13 And I think we are wasting time if you don't get
14 17 votes the first time up.

15 CHAIRMAN BENSE: Let's -- but that's the
16 second issue. Right now everyone feels every
17 proposal that passes this commission should go to

18 styling and drafting, absolutely. And I
19 wholeheartedly agree with Commissioner Barnett.

20 The product of this commission needs to
21 certainly not be a tainted product that doesn't
22 meet a court challenge. If it doesn't meet a
23 court challenge, it's not because we didn't
24 give it our best effort. I guess I should say
25 it that way.

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1 MR. GOODLETTE: I think the easiest way to
2 get to that result is looking at option one, and
3 just take out the provision that says that the
4 sponsor has to approve any changes.

5 CHAIRMAN BENSE: Right.

6 MR. GOODLETTE: Just take that out. That
7 notion totally disappears, and I think that
8 establishes -- what that doesn't accommodate is
9 the desire of some members to avoid a mandatory
10 second vote of 17. But that's what you're given,
11 and that's what you are getting. That's why I
12 tried to lay it out in two options.

13 CHAIRMAN BENSE: Let me ask you this
14 question, Mr. Goodlette. Let's say we get the 17

15 votes. It then goes to styling and drafting and
16 then it comes back to the commission. You are
17 telling me that the constitution says we don't
18 have to get another 17 votes?

19 MR. GOODLETTE: We do have to.

20 CHAIRMAN BENSE: We do have to?

21 MS. BARNETT: Yes.

22 CHAIRMAN BENSE: I thought that's what it
23 said. I thought you said earlier it does not.

24 MR. WILKINSON: Even if there's no changes?

25 MR. GOODLETTE: If there's no changes, then

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1 the first vote is tantamount to a final vote.

2 That's correct. I did say that because --

3 CHAIRMAN BENSE: So if there are no
4 changes --

5 MR. GOODLETTE: If there are no changes,
6 there's no need for a second vote.

7 CHAIRMAN BENSE: That's no commas, no
8 capitalization --

9 MR. GOODLETTE: No changes at all, none.
10 Then there is no need for that second vote.

11 CHAIRMAN BENSE: Commissioner Scott, you had

12 a comment?

13 VICE CHAIR SCOTT: I was just going to say
14 that's not what we want. What we want, I'm
15 hearing, is we want to have a final 17 vote on the
16 whole, on each one of them so we can determine for
17 sure what we want to send. I mean --

18 CHAIRMAN BENSE: We are not sure where we are
19 yet.

20 VICE CHAIR SCOTT: But that's what everybody
21 is shaking their head. I just -- option two, if
22 you just, you know, put the 17 vote requirement in
23 there to me was a better option.

24 CHAIRMAN BENSE: Okay.

25 Commissioner Turbeville, you've had your

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1 hand up. Sorry.

2 MR. TURBEVILLE: Yeah, I think I have the
3 same concerns that some of the others members do
4 about passing a number of amendments, and so my
5 question is under option two: Where is it
6 contemplated that we could possibly combine
7 amendments that are similar, that are germane, so
8 that we don't have such a large number of

9 amendments on the ballot for voters.

10 Because I am not concerned about multiple
11 of 17 votes. That doesn't concern me quite as
12 much as the ability not to have an option to
13 combine those various measures that should be
14 combined.

15 CHAIRMAN BENSE: Mr. Goodlette, I don't think
16 we've addressed that.

17 MR. GOODLETTE: I think under the current
18 rules that would be -- a combination of measures
19 would have to be done before the first hearing at
20 the first hearing of the commission. I mean, if
21 you got -- but the problem with that as a
22 practical matter is you don't have them all there
23 yet.

24 So you don't know what you are combining
25 unless you have -- and I guess that's an option

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1 we need to contemplate, based upon this
2 discussion, is not only the role of a
3 coordinating committee as we discussed here
4 this morning, but also how many measures are we
5 going to -- at some point in time if you

6 have -- I think one of the commissioners at the
7 last meeting said I may vote for this if it's
8 one of six, but I may not vote for this if it's
9 one of 16. And I think that's the question
10 that neither option one or two addresses.

11 MS. BARNETT: Mr. Chair?

12 CHAIRMAN BENSE: Okay. Commissioner Martha
13 Barnett.

14 MS. BARNETT: Let me try this as an option.

15 CHAIRMAN BENSE: Turn your mic on,
16 Commissioner.

17 MS. BARNETT: 17 are a majority, but let's
18 say a proposal that gets 17 votes or more of this
19 commission goes to style and drafting. Style and
20 drafting provides a technical review. Does not
21 make -- cannot make substantive changes; although,
22 the technical review is of the ballot language as
23 well as the language of the proposal. If there
24 are changes, those would be presented to the
25 commission and approved on a majority vote on the

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1 theory that these are technical changes as opposed
2 to substantive.

3 If they're substantive, style and drafting
4 has overstepped its bounds. Those proposals
5 then go to the coordinating committee or
6 whatever the committee is to put together in a
7 package because these have had 17 votes. They
8 have been reviewed for technical compliance.
9 Then they go to the additional committee that
10 decides how to package them and what order to
11 put them on to submit to the secretary of
12 state, and that requires a 17 vote of the
13 commission.

14 That would be your final vote, final
15 passage of the proposals that would then be
16 presented to the secretary of state.

17 CHAIRMAN BENSE: So then you do have that 17
18 vote, final vote?

19 MR. GOODLETTE: That's -- you know, my major
20 concern, obviously, Mr. Chairman is in complying
21 with Article 11, Section 6 of the Constitution.
22 And that requires the final vote, whatever is
23 submitted to the voters, has to be a
24 supermajority, 17 members voted favorably. At
25 what point in time that vote occurs is at the will

1 of the commissioners, but that is not contemplated
2 by the rules that you currently have adopted.

3 CHAIRMAN BENSE: Commissioner Barnett, to
4 summarize. You get your 17 votes. Then it goes
5 to styling and drafting, which, of course, will
6 only make technical changes. As you say, if
7 they're substantial changes, they have overstepped
8 their boundaries.

9 From there, they go to the coordinating
10 committee where they are sort of put in a pool,
11 in a holding tank for a while until we get all
12 of our proposals completed. And the
13 coordinating committee then recommends, of the
14 18 that are in there, seven to the full
15 commission to be sent to the secretary of
16 state, and it would take 17 votes of this full
17 commission -- no?

18 MS. BARNETT: No, no.

19 MR. GOODLETTE: Until the last step.

20 MS. BARNETT: No. Once they have been passed
21 by the commission, with the requisite number of
22 votes, I mean, we can debate whether that's

23 majority or not, but I think it should be 17 as I
24 reflect on it. Then the style and drafting
25 changes are a majority, then they go into holding

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1 pattern until we complete the work of the
2 commission.

3 All of those proposals then get packaged
4 into either one or more. Some could be
5 combined; some may be freestanding. The
6 coordinating committee would make that
7 determination and make a recommendation back to
8 the full commission. The full commission would
9 have to approve that by 17 votes, which is the
10 final vote. The recommendations of the
11 coordinating committee would be available for
12 amendment by the full commission.

13 I mean it's a committee recommendation,
14 whether that's a majority or not, I don't know,
15 but that would then become the final vote of
16 the commission on requisite 17 votes to put it
17 on the ballot. That's what -- I am thinking
18 and talking at the same time, which is
19 dangerous.

20 MR. GOODLETTE: May I just ask something? I
21 want to make sure I'm clear on what Commissioner
22 Barnett is saying, if I may, Mr. Chair.

23 My role should not be asking questions,
24 but I just want to make sure that what you said
25 that you also -- contemplates that each one of

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1 those that comes back would be voted upon
2 separately if combined or whatever by the
3 commission; is that what you're --

4 MS. BARNETT: Actually, let me try again. I
5 think this is a work in progress, and I am sure --

6 CHAIRMAN BENSE: That's what we are here
7 for today.

8 MS. BARNETT: Any proposal that gets 17 votes
9 of this commission will go to style and drafting.
10 Now some people, as a footnote, may want that to
11 be majority. We could debate that. I think it's
12 better to do 17. Because if you are going to do
13 the work, you ought to know that you've at least
14 got a basic minority -- basic majority.

15 Style and drafting, if it makes
16 recommendations, those recommendations probably

17 need to be approved by the commission, by
18 majority vote. I don't see that you need a
19 supermajority for a technical approval.

20 That's then a proposal that's sitting out
21 there, and when we finish the work of the
22 commission and we have one to 25 or 30
23 proposals, those will all be within the
24 jurisdiction of the coordinating committee
25 which will package those for presentation as

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1 they would be presented to the secretary of
2 state.

3 That comes back to the full commission,
4 and those, as a recommendation, they have to be
5 adopted by 17 votes, not individually on each
6 proposal but as they are packaged. Because
7 they now -- what were 25 could be seven
8 proposals to go on the ballot, and that has to
9 have the 17 votes of the full commission. And
10 that could be debated and amended by the full
11 commission, probably on majority vote, but it
12 would have to have the 17 votes. And that's
13 the constitutional vote.

14 MR. GOODLETTE: I understand. The only
15 concern I have about that, just for what it's
16 worth, is that 75-word limitation. When you start
17 to combine measures, if we don't have some waiver
18 of that 75-word limitation, then I think it's
19 going to make the challenge of that combining
20 pretty --

21 MS. BARNETT: May I, Mr. Chairman?

22 It is a problem, and, I mean, it is a
23 problem, but it can be done. I mean, last
24 Constitutional Revision Commission that's
25 exactly what was done. But it sometimes

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1 impacts the decision -- it can be done.

2 CHAIRMAN BENSE: Commissioner McKay, you had
3 some comments.

4 MR. MCKAY: My question, Commissioner
5 Barnett, subsequently answered, and that is the
6 voting en masse as the two-thirds vote that has to
7 be transmitted to the secretary of state.

8 I think that is a very wise thing to do
9 because there are going to be a number of
10 proposals mine, I think, TABOR of

11 Representative Hogan. I think there are going
12 to be a number that are very controversial, and
13 I don't think we want any of those that are
14 dealing with controversial matters, don't want
15 a weak link in the chain to be able to be
16 broken.

17 And so, if you have the one two-thirds
18 vote of this commission and then you take the
19 entire product together as recommended by the
20 coordinating committee or whatever we happen to
21 call it, you eliminate any opportunity for
22 those kinds of shenanigans or the picking off
23 of the weak link. So I think Commissioner
24 Barnett's proposal is quite wise.

25 CHAIRMAN BENSE: Okay. Commissioner

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1 Levesque, you had some thoughts.

2 MS. LEVESQUE: Thank you, Mr. Chairman.

3 I agree with the process, for the most
4 part, that Commissioner Barnett has set up. I
5 had one question about once the amendments are
6 combined by the coordinating committee, if
7 there is any combination should there be

8 another style and drafting review then of the
9 new ballot summary of three or four things that
10 are combined?

11 MS. BARNETT: There would have to be that
12 review to comply with the 75 words.

13 CHAIRMAN BENSE: But, again, we're looking at
14 technical issues, not substantive issues.

15 MS. LEVESQUE: The only other comment I would
16 have is I think we're all a bunch of volunteers,
17 but also I think come to the table with our
18 reputations here and our life experiences. And if
19 any amendment passes 17 votes of this commission,
20 which is a high hurdle, after that first round of
21 voting, every member of this commission should be
22 supportive of that proposal, whether or not you
23 voted for or against it.

24 Once a measure passes and gets 17 votes,
25 it's something that's now a commission product.

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1 And then all of the other steps through style
2 and drafting and through the combination of the
3 coordinating committee are really attempts to
4 make it technically bulletproof from a court's

5 perspective and packaged in a way that may make
6 it easier for voters to understand or have a
7 decent number for them to grasp the substance
8 of.

9 So even that last 17 vote, I think, is not
10 a vote on the substance of what's in the
11 provisions. They've passed a 17 vote hurdle.
12 It's more now a -- it's more now a vote of is
13 this a good way to package it before the
14 voters.

15 And so as long as we all go into it
16 knowing there is a 17-vote hurdle for the
17 substance of the measure and then everything
18 else that comes after that is -- is really
19 looking at making the ballot summary strong,
20 making the packaging good.

21 I think we come before in pretty good
22 faith here. Because I too wouldn't want a
23 measure to be stricken later when it had passed
24 that big hurdle at the beginning, and that's
25 the whole point, is getting consensus on that

1 first 17 votes.

2 CHAIRMAN BENSE: Commissioner Lacasa, you
3 have been patient.

4 MR. LACASA: Thank you, Mr. Chairman.

5 I can't help feeling like I am seeing one
6 of those machines that that guy developed that
7 has a ball and it knocks over dominoes and
8 something else happens down the line with this
9 kind of procedure. It's getting a little
10 Byzantine for me.

11 Having said that, I have a question and a
12 comment. I would support option two. I think
13 the first vote should be majority vote, and the
14 final vote to be supermajority vote. I think
15 that the quality of the work that we have from
16 our staff would not make that regime too
17 burdensome on the Styling and Drafting
18 Committee, even if they to had to review 20
19 proposals.

20 Theoretically, all of that vetting has
21 been done through the committee process
22 already, and this is just a final review. So I
23 would support a majority vote on that first
24 consideration by the full commission and then

25 getting into the style and drafting.

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1 I have a serious concern about my
2 colleague's proposal that we vote en masse out
3 of the coordinating committee all of the
4 proposals in a final 17, with a final
5 supermajority. Wouldn't that supermajority,
6 required in the constitution, have to apply to
7 individual proposals in order to be valid?

8 CHAIRMAN BENSE: Good question.

9 Mr. Goodlette?

10 MR. GOODLETTE: Yes, in my judgment, it
11 would. Any measure.

12 MR. LACASA: If we vote en masse on a package
13 of say 20 measures --

14 MS. LEVESQUE: Mr. Chairman?

15 MS. BARNETT: If the coordinating committee
16 had ten proposals, you would have to vote on --

17 CHAIRMAN BENSE: Put your mic on.

18 MS. BARNETT: If the coordinating committee
19 had ten proposals, you would -- if the
20 coordinating committee had ten proposals, as an
21 example, you would have to vote individually on

22 each of those ten proposals.

23 MR. GOODLETTE: Yes.

24 MR. LACASA: Second supermajority.

25 MS. BARNETT: Right. But they would be --

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1 they would have already received either a majority
2 or supermajority, whatever this group decides.

3 But if they have been combined, however they have
4 been combined, they may not be; but if they have
5 been, you would vote on them individually as a
6 combined package.

7 MR. LACASA: Follow-up, Mr. Chairman?

8 CHAIRMAN BENSE: You are recognized, Mr.
9 Lacasa.

10 MR. LACASA: Thank you, Mr. Chairman.

11 With respect to the issue of combining
12 proposals, if we had a supermajority vote, the
13 proposals go to style and drafting. They come
14 out of style and drafting with a majority vote,
15 come back to the commission. As I understand
16 what you just said, Commissioner Barnett, there
17 would be another supermajority vote on each
18 individual proposal. Then there would be a

19 coordinating committee --

20 MS. BARNETT: No.

21 MR. LACASA: There would not be second
22 supermajority? I apologize. I am very confused.

23 CHAIRMAN BENSE: Commissioner Barnett, why
24 don't you run through your scenario, briefly and
25 quickly?

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1 MS. BARNETT: All right. Proposals that
2 receive -- proposals that receive 17 votes of the
3 commission, although, could be a majority,
4 Commissioner Lacasa; but 17 votes of the
5 commission would go to style and drafting, which
6 would make technical changes to the ballot --
7 proposed ballot language and the substance.

8 That would be presented to the commission
9 for -- accept the report of the committee by a
10 majority vote. Those would then be given to
11 the coordinating committee until the commission
12 had finished reviewing all of the proposals
13 that had -- all the constitutional proposals is
14 what we are talking about now, not legislative,
15 constitutional proposals.

16 That coordinating committee's
17 responsibility would be to package the various
18 proposals into one or more proposed amendments
19 to the constitution. That would require --
20 potentially require a second review by style
21 and drafting of the ballot language that the
22 coordinating committee would either ask style
23 and drafting to do or do itself.

24 Those proposals which -- can contain one
25 or more of the constitutional amendments that

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1 have been voted on individually by the full
2 commission would then be presented to the full
3 commission for a vote to send the proposal or
4 proposals to the secretary of state and that
5 would be the final constitutional vote which
6 would require 17 votes.

7 CHAIRMAN BENSE: Okay.

8 MR. GOODLETTE: Of each one separately.

9 MS. BARNETT: Of each proposal or proposals
10 separately.

11 A proposal may contain one, two, ten of
12 the individual constitutional proposals that

13 have already been voted on. It may just be
14 one, but the final vote -- it would be on the
15 proposal as combined. But there would be
16 individual votes on each proposal.

17 CHAIRMAN BENSE: Okay. We have that down.

18 Commissioner Rouson, you have not been
19 recognized yet. You are recognized.

20 MR. ROUSON: I want to thank you and just
21 state that I passed the test. I had drawn that
22 diagram that Commissioner Barnett just did, and,
23 you know, I remember back to when we first
24 started. And everyone went around the room and
25 kind of introduced themselves and talked about

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1 their backgrounds and their experiences in
2 government.

3 And I felt like I wasn't up to the task,
4 given that I had not served on certain
5 legislative bodies and some things. And I knew
6 they would come just like this when we were
7 debating these kinds of rules, but thank you
8 Commissioner Barnett. You have answered my
9 question, and I drew the diagram right.

10 CHAIRMAN BENSE: Commissioner Story, you have
11 not spoken yet. You are recognized.

12 MS. STORY: Just a question.

13 Commissioner Barnett, let me make sure I
14 understand. I think you said this but -- if --
15 I clearly understand that if proposals are
16 combined, there would be a second supermajority
17 vote. But what if there is a proposal that
18 ends up looking like it did the first time
19 through, would that get a second vote also or
20 only if it's been changed?

21 MS. BARNETT: Mr. Chairman?

22 CHAIRMAN BENSE: You're recognized.

23 MS. BARNETT: As I would contemplate it,
24 whatever comes back from the coordinating
25 committee, whether it's a proposal that -- let's

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1 say they have six proposed amendments, amendment
2 number one, is a stand-alone issue. TABER, just
3 pull something out that's really complicated, and
4 it's a stand-alone issue. It would still have to
5 be voted on by this commission because it is now
6 the proposal to the secretary of state.

7 MS. STORY: Follow-up, Mr. Chairman?

8 CHAIRMAN BENSE: You are recognized.

9 MS. STORY: Thank you. That clarifies.

10 Now, going back to my main concern, and I
11 am fine with either process we want to go with.
12 But I need to know before I vote this round
13 because some things that I don't have a problem
14 with that sound good, I may go ahead and vote.
15 If I know that that may show up at the end and
16 there's not a second chance to prioritize, I
17 would probably vote no a lot more.

18 So I am hearing you say there is a second
19 vote before it's sent in the final packaging
20 even if let's say, if you'll excuse me,
21 Commissioner Miller, if this passes today and
22 there's nothing similar to it and it's not
23 repackaged and it goes through, there is a
24 second chance to vote on that if there are 20
25 proposals versus if there are six. There would

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1 be a second chance to vote on that proposal; is
2 that correct? Am I saying that correctly?

3 MS. BARNETT: I think you would have a

4 second -- if that was a stand-alone -- if that
5 came out as a stand-alone proposal from the
6 coordinating committee, it has to come back to
7 this committee for a vote, of supermajority vote.

8 If it was packaged in with a group of
9 other constitutional proposals and you decided
10 at that point you didn't want that, you didn't
11 want to vote on Senator Miller's, you would
12 have to amend -- move to amend the
13 recommendation, I believe, of the coordinating
14 committee to take that out. But I think it
15 would be difficult at that point.

16 I think once the commission votes on
17 something and gets 17 votes, it's going to
18 be -- you'll have another shot at it, but it's
19 going to be difficult, I believe, to do that.

20 MS. STORY: Mr. Chairman, I would just
21 like -- philosophically, I am fine with that. I
22 am really okay, but I just would like -- as a
23 commission, I would like us to understand that
24 first vote, in essence, could be the final vote.

25 And that very potentially, as you started

1 this conversation, it could go on the ballot.

2 So if we have a concern about something
3 that we don't have a problem with, but it's not
4 a priority for us, then our vote will -- we
5 need to -- I'm hearing you say -- please
6 correct me if I say this wrong. This is very
7 important to me.

8 That this first vote could send that
9 straight to the ballot, to not send it to the
10 ballot could be very difficult because you
11 would have to amend the final package to not
12 have it there.

13 CHAIRMAN BENSE: Is that correct,
14 Commissioner Barnett?

15 MS. BARNETT: That's the way I would
16 interpret what we are talking about now, you know.

17 CHAIRMAN BENSE: I assumed that after it
18 leaves the coordinating committee then it goes for
19 one more supermajority vote before the commission
20 before it goes to the ballot. I thought that's
21 what you said, and I think that's --

22 MS. STORY: But that's not what I just heard.
23 What I just heard is: When it comes out that it

24 will go through unless it's amended to not go
25 through from the coordinating committee. I heard

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1 something very different.

2 CHAIRMAN BENSE: Commissioner Story's concern
3 is while she kind of sorta likes Commissioner
4 Miller's proposal, if there are 21 amendments out
5 there, you know, we don't need to perhaps put 21
6 on there. She may only want to put five or four.
7 Therefore, she may not vote the second time
8 around. Am I --

9 MS. STORY: Yes, sir, that's my concern. And
10 I'm okay if we decide we are not going to do that.
11 I just need to know now, because I am probably not
12 going to vote for it now.

13 MS. BARNETT: Under this scenario,
14 Commissioner Miller -- sorry to pick you on
15 Commissioner Miller.

16 MR. LES MILLER: I am picked on a lot.

17 MS. BARNETT: Commissioner Miller's proposal
18 is either going to come back -- if it passed out
19 of the commission, it will come back as an
20 individual freestanding proposal for us or it will

21 come back combined with other proposals. And
22 you'll have an opportunity to vote on it again,
23 but it's likely that it would be combined unless
24 we only have two or three proposals.

25 It's at least possible it will be combined

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1 and then the burden will be on people who want
2 to revisit that to try to amend it up out and
3 bring it, say -- see if it can get 17 votes.

4 CHAIRMAN BENSE: Commissioner Scott.

5 VICE CHAIR SCOTT: Look, I really think,
6 again, Martha and I and some others on
7 constitutional -- we don't need to come back,
8 Martha, I don't think, for a majority vote after
9 style and drafting. We have less than 90 days to
10 finish this whole thing.

11 So what I think that we should do is you
12 should require 17 votes, that way you know you
13 got the will, and then it would go to style and
14 drafting and coordinating. And they are going
15 to be working with the proponents, and anyone
16 that has a big problem is going to have the
17 final say to appeal to the full commission.

18 We don't want to combine -- the other
19 thing that may happen unless we can get this 75
20 word, which is questionable, at least on the
21 Senate side, waived, is that you may have to
22 separate to meet the 75 word and all of that.
23 And you are going to have to trust -- and I for
24 one in my career, anybody that knows, I may be
25 the worst substantive opponent on something,

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1 but once it's the will of the majority, just
2 like an election in this country, that's it.

3 We're all going to be working to make sure
4 that the intent of the proposal and everything
5 is preserved. So I think you are going to have
6 to let us go to style and drafting,
7 coordinating, and, in the end, you will have a
8 final vote of 17 votes for everything combined
9 or separated or individual or whatever. And if
10 we leave it like that, then we come up here for
11 a day or two or whatever and we deal with all
12 of them. And if someone's got a problem or
13 wants to amend it to get the 17 votes, they can
14 talk about that.

15 CHAIRMAN BENSE: Commissioner Wilkinson.

16 MR. WILKINSON: I kind of want to be sure
17 that I hope what I'm hearing is if an issue gets
18 17 votes, goes to the style and drafting, nothing
19 changes, that it doesn't have to come back and get
20 another 17 votes. That's like double jeopardy or
21 something.

22 CHAIRMAN BENSE: Yes, it does. Because of
23 the way the constitution is -- the language was
24 drafted.

25 MR. WILKINSON: Martha, if you want to pick

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1 on me that's okay, because I'm used to it.

2 CHAIRMAN BENSE: Commissioner Riley, you have
3 not spoken. You are recognized.

4 MS. RILEY: I am trying to follow the
5 proposal the way it is. I think what we are back
6 to is the way it currently exists, am I not
7 correct?

8 CHAIRMAN BENSE: Closer.

9 MS. RILEY: It looks like that original
10 proposal that we have dated January 30th, 2008, is
11 what we have come around to. We have come back to

12 this, we need the 17 votes. I think the big
13 difference was whether we were going to need a
14 majority vote or supermajority vote. I think we
15 have come back to saying, we are going to need two
16 supermajority votes, one in the beginning and one
17 in the end. And from what I see, this is exactly
18 what we pass to do.

19 CHAIRMAN BENSE: Commission Turbeville.

20 MR. TURBEVILLE: I think the difference
21 between the current rules and the option that
22 Commissioner Barnett has discussed is having the
23 coordinating committee, giving them the ability to
24 combine some of the measures that's not currently
25 contemplated in the current rules, and that kind

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1 of segways into my question.

2 Is there -- does the coordinating
3 committee have the ability to exclude one of
4 the proposals that receives 17 votes the first
5 time around? So I've seen the answer's no.

6 Every proposal that receives 17 votes
7 would come out of the coordinating committee in
8 some way, shape, or form, either combined or

9 stand-alone; is that correct?

10 CHAIRMAN BENSE: Yes. For another 17 vote
11 final approval.

12 MR. TURBEVILLE: Correct.

13 CHAIRMAN BENSE: Here is how I want to finish
14 this up today. While we are getting closer and
15 closer to clarity, I would like for Commissioner
16 Barnett and Mr. Goodlette and Mr. Cibula to work
17 on putting in layman's terms what we have
18 discussed today because I seem to think there's
19 some common ground here amongst all of us on the
20 process.

21 And I would like for Mr. Cibula and
22 Goodlette, once that product is completed to
23 submit it to each individual member of this
24 commission and visit with each individual
25 member of this commission. And let's find out

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1 if there are problems or if we're way off on
2 these issues. Unless there's -- is there
3 anyone that has a problem with that
4 methodology?

5 Commissioner Johnson, you are recognized.

6 MS. JOHNSON: I just have a question. We
7 will have a proposal to vote on today, and I want
8 to better understand if we're using the current
9 process, perhaps you can reiterate for me again
10 what that process is. Does it require two
11 supermajority votes under the same standard of
12 review?

13 Now, I've heard some members say you vote
14 once. When it comes backs, if it stays the
15 same, it should be somewhat ministerial. I
16 want to know if when it comes back do I have
17 the opportunity to say well, I liked it but not
18 that much.

19 So could you speak to that issue?

20 MR. GOODLETTE: Yes, I can. Under the
21 current rule, as I started out, the current rule,
22 that has not been amended that you adopted early
23 in this proceeding, requires three separate 17
24 votes, three. So the answer to your question is:
25 Yes.

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1 VICE CHAIR SCOTT: What is the third one?

2 MR. GOODLETTE: Under the current rule, the

3 third one is to transmit, but I've already
4 indicated to you earlier that in any event, we do
5 not think that that's necessary.

6 VICE CHAIR SCOTT: It can be combined with
7 the last 17.

8 MR. GOODLETTE: The question was under the
9 current rule.

10 VICE CHAIR SCOTT: So you could do that all
11 at once, wouldn't have to be a third vote.

12 MR. GOODLETTE: The question I was answering,
13 Senator Scott, is current rule. That was what
14 Commissioner Johnson's question was, and I was
15 answering her question.

16 MS. JOHNSON: If I could --

17 CHAIRMAN BENSE: Commission Johnson, you are
18 recognized.

19 MS. JOHNSON: So then following up on that to
20 Commissioner Story's point, we would have the
21 opportunity to vote something out, and then it
22 will come back to us under the current process if
23 we vote this out today to vote on it again. And
24 we are not prejudicing ourselves in any way.

25 Thank you.

1 CHAIRMAN BENSE: In fact, Commissioner Scott
2 had a very good point. Once Mr. Goodlette and
3 Commissioner Barnett have drafted this language,
4 we transmit it to each individual member, if you
5 have questions, let's just leave it like this,
6 instead of them having to make 25 phone calls. If
7 you have a question about it, I would suggest you
8 call Mr. Goodlette to have your questions
9 resolved.

10 MR. GOODLETTE: I am sorry if we caused -- if
11 I caused more confusion than clarity today. I
12 think these issues needed to be --

13 CHAIRMAN BENSE: It was a good healthy
14 debate.

15 Commissioner Story, you are recognized.

16 MS. STORY: As a matter of process, getting
17 back to what Commissioner Johnson said, though, we
18 already voted on Commissioner Yablonski's. And I
19 think the question that Commissioner Johnson asked
20 was great.

21 If we vote today, are the ones we've
22 addressed under the current process going to be

23 treated that way and then subsequent ones, if
24 we adopted the new process, be treated under
25 the other way, or do we go back and grandfather

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1 the ones we've already done?

2 I appreciate you asking that question
3 because that was my question also.

4 CHAIRMAN BENSE: I don't think the process as
5 Commissioner Barnett has proposed alters the way
6 we have passed Commissioner Yablonski's bill.
7 Still, the next stop is going to be style and
8 drafting anyway. Now, had he -- had his proposal
9 been adopted by a majority vote and we request a
10 supermajority vote, then that would be a problem.

11 But I think since he had both majority and
12 supermajority vote on his proposal, his next
13 logical stop is style and drafting.

14 MR. GOODLETTE: Perhaps -- I think in answer
15 to your question and to give you the comfort that
16 I think the commissioner may be looking for. I
17 think there has to be in whatever we submit to you
18 in the form of revision to these rules, some
19 savings clause to ensure that those bills that are

20 proposals that have already proceeded to a certain
21 point are going to be treated the same as those
22 that go from that point forward, and I think we
23 can do that.

24 If you look at the rule in front of you,
25 that was drafted by Mr. Cibula, I think it

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1 contemplates that in 6.017 but since we're not
2 asking you to vote on that today. But I think
3 that, in his wisdom, in the drafting that was
4 before you, we had already contemplated the
5 ability to make sure that all proposals at the
6 end of the day would have been treated the
7 same.

8 Now, how that affects your vote on
9 Commissioner Miller's proposal today, it may be
10 that by the time it was drafted -- I think it
11 would be fair for Tom to answer.

12 CHAIRMAN BENSE: Is everyone sort of in
13 agreement that this is the path we want to travel
14 down, having Commissioner Barnett and
15 Mr. Goodlette draft something in layman's terms
16 that we can all look at and then have feedback?

17 Is there anyone that objects to that?

18 So we're going to move forward along those
19 lines.

20 Mr. Cibula, what are you going to talk
21 about today?

22 MR. CIBULA: Well, I have a couple comments,
23 if it's the will of the commission. I think I
24 could explain why the proposed rules were drafted
25 the way they were, but I don't want to belabor the

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1 point. But I just would want to remind the
2 commission --

3 CHAIRMAN BENSE: I think it might be
4 belaboring the point. Nothing personal, but I
5 think we've done our due diligence in making sure
6 we understand the process.

7 Okay. It's 12:00 o'clock.

8 Commissioner Miller.

9 MR. RANDY MILLER: When will we bring this
10 back? The next full meeting of the commission on
11 the 26th?

12 CHAIRMAN BENSE: Yes. I am not suggesting,
13 Commissioner Miller, that you continue to TP your

14 bill, but I think until we get these rules
15 passed -- do you wish to continue to TP your bill,
16 the proposal?

17 MR. LES MILLER: Well --

18 CHAIRMAN BENSE: It's your call.

19 MR. LES MILLER: Is it going to make any
20 difference? I don't think it really matters.
21 It's either going to get 17 votes or not going to
22 get 17 votes, whether it's here today or next
23 Tuesday or the last day of the meeting. I don't
24 really think it's going to make that much of a
25 difference, but if that's what you want,

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1 Mr. Chairman.

2 CHAIRMAN BENSE: No, no, no. I think my
3 concern is you have a member, that until these new
4 rules are passed, might have concerns about voting
5 for your proposal.

6 MR. LES MILLER: I think even having new
7 rules, the way Commissioner Barnett explained, you
8 are still going to have some concerns because you
9 still have to have 17 votes, and it's still going
10 to come back and have 17 votes again.

11 I don't think it makes a difference
12 whether it's today or after the rules are
13 adopted or we take up this proposal after the
14 rules.

15 CHAIRMAN BENSE: It's your call.

16 MR. LES MILLER: If it's the will of this
17 commission that we wait until after the rules are
18 adopted, I will abide by the rules and the wishes
19 of this commission, and I will wait until after
20 those rules are adopted. If that's what the
21 majority want to do, I will do it.

22 CHAIRMAN BENSE: Let's bring the proposal
23 back up, if that's what you wish.

24 MR. LES MILLER: Let's do it.

25 CHAIRMAN BENSE: Okay. Without objection,

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1 let's move on to Commissioner Les Miller's
2 Proposal No. CP0003. You are you recognized on
3 your proposal.

4 MR. LES MILLER: I think we have had -- some
5 members have debated and asked questions. If we
6 want to go back into debate, we can do that, but
7 if you don't mind, I would like to close.

8 CHAIRMAN BENSE: Are there questions or any
9 debate?

10 You are recognized to close,
11 Commissioner Miller.

12 MR. LES MILLER: Thank you, Mr. Chairman.
13 Don't worry about Les Miller getting beat up. I
14 was beat up for 14 years. I have the suits to
15 prove it, with tire tracks.

16 Let me close and be brief as I possibly
17 can on this. To answer one of the questions
18 that the Legislature passed on 9/29, we would
19 be able to change, affix a date and have
20 meetings every other year. If you go back to
21 line 25, it starts off by saying regular
22 session of the Legislature shall convene
23 annually. So I think that that covers the
24 Legislature must meet annually according to
25 these particular rules. And with the

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1 amendment, it says the second Tuesday in
2 January.

3 To address some of the other questions,
4 when I came to the Legislature in 1993, I think

5 we were meeting in February. We met February
6 and March, and I was elected November. And by
7 the time session started that February, I had
8 all of my bills filed. I had a staff in place,
9 had an office in place, and we had a training
10 of members of the Legislature well before the
11 February start date, and members were ready to
12 roll.

13 So I think that the fact of members not
14 being ready after the election in November,
15 doesn't hold credence because I was elected,
16 and I think we even had a training session --
17 and we don't even do that anymore -- if I
18 recall right, that prepared members of the
19 Legislature to be ready for that particular
20 date in February.

21 I have not had any staff members of the
22 Legislature call me or even go to any of you or
23 staff members that said they have concerns
24 about moving this to February. I have had some
25 phone calls from local government saying that

1 they thought this was important to them because

2 the way the process happens now.

3 When the budget is passed in May and by
4 the time it gets to governor's office and his
5 staff reviews that, and by the time the
6 governor signs that, they only have a couple
7 weeks before the fiscal year starts in July.

8 Because you are talking about the bill
9 passing in May, and it has to go through -- by
10 our staff here in the Legislature, and then it
11 has to be prepared and go to the governor. By
12 the time that happens, the governor does not
13 get this bill in the budget sometimes until
14 May -- sometimes first part of June.

15 And by the time the governor goes through
16 the line item veto and prepares that, it's
17 passed sometime in June, middle of June. They
18 have two weeks before they know what's going
19 on, and that's the same thing that holds true
20 also for our agencies.

21 At least this gives them a certain period
22 of time, a month more to get those things in
23 place, if a bill is passed on time.

24 Understand, I can only recall one time when I

25 was in the Legislature that we passed a bill on

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1 Thursday.

2 Every year I was in the Legislature, we
3 passed a bill the last day of session. It was
4 that 72 cooling off period, and it always hit
5 the desk on Tuesday and we took it up on
6 Friday. I think one time when I was in the
7 Legislature it hit the desk on Monday, and we
8 passed it on Thursday but it was still that
9 time period. It always is the last day of
10 session that we pass this.

11 Now, I've heard, well, the governor has to
12 have it to us by a certain period of time. If
13 you move it to up that one day, it puts us in a
14 bind with the governor having to have it in
15 place and the revenue estimating conference.
16 Remember, the revenue estimating conference
17 also meets earlier on besides March.

18 You still will get that particular revenue
19 estimate in March, but we still get one
20 earlier. And if I recall right, in 1996 when
21 we had a new governor elected in 1997, the

22 budget was already put in place by that
23 previous administration being the Chiles/MacKay
24 administration.

25 Governor Bush accepted the budget that was

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1 put forth by that administration, and he put
2 forth a supplemental budget. The same thing
3 happened when Governor Crist took over. The
4 budget was put in place by that administration.
5 I think Governor Crist submitted his
6 supplemental budget.

7 The same thing can happen with this
8 governor or any other governor because it's
9 only going to happen every four years. And if
10 we have a change in governors, that governor
11 will more than likely accept that governor's
12 budget and also submit a supplemental budget.
13 Also, remember the governor's budget is only a
14 recommendation. The Legislature writes the
15 budget. Legislature writes the budget.

16 So I really don't see how we're going to
17 have any problems with moving that date up.
18 The only thing I can see it doing is helping

19 agencies, helping local government. And if we
20 run into a time period we have to go over that
21 60 days to get the budget in place, it also
22 gives a time frame that we are not rushing or
23 they would be rushing.

24 But you are not putting it under the gun
25 where you are going past May, getting closer

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1 and closer to the beginning of the fiscal year,
2 and agencies and local governments are really,
3 really put in a hardship. We are talking about
4 some changes.

5 We are talking about budget crises. Local
6 governments are now in the process of having to
7 make some major cuts. They are going to have
8 to look at what's coming up in the next fiscal
9 year and fiscal years beyond, and I think this
10 is really going to help agencies. It's going
11 to help local governments and really going to
12 help the state.

13 I ask you to please consider a favorable
14 vote on this, and let's get busy giving
15 everyone an opportunity to work a little bit

16 harder but get it done a little bit earlier so
17 we can put some things in place much better.

18 With that, Mr. Chairman, I close.

19 CHAIRMAN BENSE: Commissioner Miller having
20 closed on his proposal, the question occurs on
21 passage of the proposal, and the secretary will
22 call the roll, please.

23 MS. FRIER: Chair Bense.

24 CHAIRMAN BENSE: Yes.

25 MS. FRIER: Commissioner Barney Barnett.

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1 MR. BARNETT: Yes.

2 MS. FRIER: Commissioner Martha Barnett.

3 MS. BARNETT: No.

4 MS. FRIER: Commissioner D'Alemberte.

5 MR. D'ALEMBERTE: Yes.

6 MS. FRIER: Commissioner Hogan.

7 MR. HOGAN: No.

8 MS. FRIER: Commissioner Johnson.

9 MS. JOHNSON: Yes.

10 MS. FRIER: Commissioner Lacasa.

11 MR. LACASA: No.

12 MS. FRIER: Commissioner Levesque.

13 MS. LEVESQUE: Yes.
14 MS. FRIER: Commissioner McKay.
15 MR. MCKAY: Yes.
16 MS. FRIER: Commissioner McKee.
17 MR. MCKEE: No.
18 MS. FRIER: Commissioner Les Miller.
19 MR. LES MILLER: Yes.
20 MS. FRIER: Commissioner Randy Miller.
21 MR. RANDY MILLER: Yes.
22 MS. FRIER: Commissioner Moore.
23 MR. MOORE: Yes.
24 MS. FRIER: Commissioner Riley.
25 MS. RILEY: Yes.

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1 MS. FRIER: Commissioner Rouson.
2 MR. ROUSON: Yes.
3 MS. FRIER: Commissioner Story.
4 MS. STORY: No.
5 MS. FRIER: Commissioner Turbeville.
6 MR. TURBEVILLE: Yes.
7 MS. FRIER: Commissioner Wilkinson.
8 MR. WILKINSON: Yes.
9 MS. FRIER: Vice Chair Scott.

10 VICE CHAIR SCOTT: No.

11 CHAIRMAN BENSE: By your vote, the proposal
12 does not pass.

13 Okay. Any other business to come before
14 the commission today? Any other business? I
15 know we have planes to catch, and, members,
16 thanks for your participation in committee
17 meetings this week. We have about ten or 11
18 weeks left to go. The pace will continue to be
19 pretty fast.

20 Commissioner Barnett, you are recognized.

21 MS. BARNETT: I am sorry, Mr. Chairman, our
22 next meetings are February 25th and 26th. We have
23 all day meetings on the 25th and 26th. I would
24 like to invite the commission members, the staff,
25 anybody else who would like to come out to my home

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1 that evening, that Monday night, for a casual
2 cookout and dinner.

3 CHAIRMAN BENSE: Including the media?

4 MS. BARNETT: Anybody. They are certainly
5 welcome. We would enjoy having you-all. My
6 husband, Rick, and I would enjoy having you out

7 for fellowship and hospitality, and we will talk
8 about everything except the work of the
9 commission.

10 But I just wanted to let you know that in
11 case it affected your travel plans at all that
12 we would love to have a chance to get everybody
13 together for some, hopefully, good food and
14 good company.

15 CHAIRMAN BENSE: Okay. Anything else?

16 Commissioner Rouson moves we rise.

17 (The proceedings concluded at 12:05 PM)

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CERTIFICATE OF REPORTER

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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 13th

19 day of February, 2008.

20

21

22

23 _____
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