

Meeting Minutes
Finance and Taxation Committee
301 Senate Office Building
Tallahassee, Florida

Monday, February 25, 2008
1:00 p.m. – 6:00 p.m.

And

Tuesday, February 26, 2008
1:30 p.m. – 6:00 p.m.

Committee Members: *Susan Story, Chair; Barney Barnett, Martha Barnett, Julia Johnson, Bruce Kyle, Patricia Levesque, John McKay, Randy Miller, James Scott, Kenneth Wilkinson, Brian Yablonski*

Members Present: (February 25)

Susan Story, Chair
Barney Barnett
Martha Barnett
Dan Gelber, Ex-Oficio
Julia Johnson
Bruce Kyle
Patricia Levesque
John McKay
Randy Miller
James Scott
Ken Wilkinson
Brian Yablonski

Other TBRC Members Present:

Allan Bense, TBRC Chair
Carlos Lacasa
Robert McKee
Les Miller, Jr.
Jade Moore
Nancy Riley
Darryl Rouson

Chair Susan Story called the meeting to order at 1:05 p.m. and asked staff to call the roll. Staff announced a presence of a quorum, with all committee members present.

Chair Story welcomed the commission's newest member, Representative Dan Gelber, who replaces former Representative Frank Peterman, recently appointed Secretary of the Department of Juvenile Justice. She noted that Commissioner Gelber is a non-voting

member of the commission, but welcome to join in the discussions at any of the four standing committees' meetings.

After a brief review of the process for taking up measures, Chair Story noted that Commissioner John McKay had asked that the discussion for the engrossed amendment to Constitutional Proposal 0002 be completed before asking Commissioner Patricia Levesque if she wanted to take up her amendment (Amendment 12) to CP 0002. The reason for this request was that Amendment 12 would substantially change the basis of Commissioner McKay's original proposal. Chair Story agreed to Commissioner McKay's request and asked him to proceed with his presentation on the engrossed amendment to Constitutional Proposal 0002.

Commissioner McKay noted that there were two additional amendments to the engrossed amendment that he would like to take up. The two amendments to the engrossed amendment were taken up, and in separate voice votes, adopted by a unanimous vote. Commissioner McKay then gave a brief description of the engrossed amendment as amended. To accommodate Commissioner McKay's request to go ahead, Commissioner Levesque then asked to temporarily postpone the discussion on Amendment 12.

Chair Story told the committee that in response to Commissioner McKay's concerns about the findings of the TBRC economist, the Commission had engaged Dr. Henry Fishkind for a one-time review of the economic impacts of the engrossed amendment to CP 0002. Commission staff had instructed both Dr. Fishkind, and Dr. Antonio Villamil to perform an economic impact analysis of the engrossed amendment.

Dr. Fishkind and Dr. Villamil, assisted by Dr. Robert Cruz, each gave detailed presentations to the committee on their findings relative to the engrossed amendment to Constitutional Proposal 0002.

The committee then heard testimony from the following members of the public: Samuel Rogers (Independent Insurance Agents), Roger Stevens (Westminister Retirement facilities), Nancy Stephens (Florida Minerals and Chemical Council / Florida Manufacturers' Association), Penny Herman (Realtor), Trey Price (Florida Association of Realtors), Janegale Boyd (Florida Association of Homes and Services for the Aging), Bennett Napier (Florida Life Care Residents' Association), Jennifer Green (Florida Institute of CPAs), Gene Adams (Florida Coalition to Protect the Economy), Fred Costello (Mayor – Ormond Beach), Dick Pollard (taxpayer – Daytona Beach), Kabe Woods (taxpayer – Fort Walton Beach), David Daniel (Florida Chamber of Commerce) waived time in opposition to proposal, Jose Gonzalez (Associated Industries of Florida), Rick Murrell (CEO – Tropical Shipping), Terry Collier (family business owner – Port of Palm Beach), Dominic Calabro (Taxwatch), Kurt Wenner (Taxwatch), Winston Gardner (taxpayer, former legislator), Charlie Clary (small businessperson, Florida Association of the American Institute of Architects), Ben Parks (Florida Farm Bureau), and Pat McConnell (taxpayer).

Chair Story asked Commissioner Levesque if she wanted to take up Amendment 12 for consideration. Commissioner Levesque explained her amendment and the differences between Amendment 12 and the engrossed amendment, as amended, by Commissioner McKay. After questions and debate, the committee approved the amendment by a vote of 6-5.

The committee then took up CP 0002, as amended, as a committee substitute. The measure was approved by a unanimous (11 – 0) vote of the committee.

Chair Story next recognized Commissioner Carlos Lacasa to present the Constitutional Proposal 0021, with the previously adopted engrossed amendment, for consideration. Commissioner Lacasa gave a brief description of the engrossed amendment and then asked for approval of amendments 1 and 2 to the engrossed amendment. The amendments were discussed, members asked questions, and debate was held, on the two amendments. The committee took up, and adopted Amendment 1 to the engrossed amendment and Amendment 2 to the engrossed amendment in separate voice votes. Commissioner Lacasa then asked to withdraw Amendment 3 to the engrossed amendment from further consideration.

Mr. Nick Nikkinnen, Hernando County Property Appraiser, gave testimony on the proposal. After committee members asked questions of the sponsor and held a brief debate, the committee voted to recommend the Committee Substitute for Constitutional Proposal 0021 by a unanimous vote of 10 – 0.

Chair Story recognized Commissioner Levesque to explain Constitutional Proposal 0050. Commissioner Levesque gave a brief description of the proposal. Chair Story noted that Commissioner Brian Yablonski had a late-filed amendment to the proposal.

The committee voted, without objection, to allow the introduction of the late-filed amendment. Chair Story then called on Commissioner Yablonski to explain the amendment, which would institute a 5% cap on assessment increases for all property. The amendment was adopted unanimously by voice vote. Commissioner Levesque answered questions from committee members on the proposal.

The following persons offered public testimony on CP 0050: Trey Price (Florida Association of Realtors), Janegale Boyd (Florida Association of Homes and Services for the Aging), Kabe Woods (taxpayer – Fort Walton Beach), and Nancy Stephens (Florida Minerals and Chemical Council / Florida Manufacturers' Association).

After a brief debate by members of the committee, Constitutional Proposal 0050, as amended, was recommended favorably by a unanimous vote of 10 – 0.

Commissioner Randy Miller was recognized to explain Statutory Recommendation 0049. He noted that he needed to take up a late-filed amendment to clarify language in the underlying recommendation. The committee voted, without objection, to allow the introduction of the late-filed amendment. Commissioner Miller then explained the

amendment, which was adopted by unanimous voice vote. After the committee asked questions about the proposal, the Chair asked if any members of the public wished to provide testimony. No one asked to be heard. The committee then debated the measure, and recommended to send it forward, as a committee substitute, by a unanimous vote of 10 – 0.

The committee recessed at 5:55 p.m. and Chair Story announced that the committee would reconvene at 1:30 p.m. on Tuesday, February 26, to take up the remaining items on the agenda.

Members Present (February 26, 2008):

Susan Story, Chair
Barney Barnett
Martha Barnett
Bruce Kyle
Patricia Levesque
Randy Miller
Kenneth Wilkinson

Other TBRC Members Present:

Robert McKee
Les Miller, Jr.
Jade Moore
Nancy Riley
Darryl Rouson

Chair Susan Story called the meeting to order at 1:30 p.m. on Tuesday, February 26, 2008.

Chair Story called on Commissioner Randy Miller to present Constitutional Proposal 0035 by the Governmental Services Committee. Commissioner Miller gave a brief description of the proposal and discussed an issue that he had prepared an amendment to correct. After a brief discussion period, the committee adopted the amendment by voice vote. The committee then heard public testimony from Janegale Boyd, representing herself as a current and former member of two different community college boards. After hearing Ms. Boyd's testimony, and further debate by the committee, Commissioner Miller asked to reconsider the vote by which the amendment passed. On reconsideration, Commissioner Miller withdrew the amendment from consideration. The committee expressed concerns about the proposal, but wanted to express support for funding for community colleges. After further discussion, the committee voted to send the proposal forward, but asked staff to work with Commissioner Roberto Martinez, Chair of the Governmental Services Committee, to correct problems and imperfections in the current draft prior to bringing the proposal to the full TBRC for consideration. The committee voted 7-0 to recommend the proposal forward.

Commissioner Randy Miller then asked the committee to reconsider the vote by which CS/SR 0049 was recommended forward on February 25 for purposes of further amending the committee substitute. The committee agreed, without objection, to reconsider the measure. Commissioner Miller then asked to introduce a late-filed amendment to the committee substitute. The committee voted, without objection, to introduce the late-filed amendment for consideration. Commissioner Miller explained the amendment. After questions and a brief debate by committee members, the amendment was adopted by voice vote and the committee approved the new Committee Substitute for Statutory Recommendation 0049 by a vote of 6-1.

Chair Story recognized Commissioner Martha Barnett to take up Constitutional Proposal 0048. Commissioner Barnett indicated that in light of the committee's actions on the day before, she would withdraw CP 0048 from further consideration.

Chair Story then recognized Commissioner Randy Miller to explain the Committee Substitute for Statutory Recommendation 0036 by the Governmental Services Committee. Commissioner Miller gave a brief description of the measure and the committee asked questions regarding the recommendation.

The committee heard public testimony from the following persons: Bob Burleson (Florida Transportation Builders Association), Howard Glassman (Florida MPO Council), Doug Callaway (Floridians for Better Transportation), and Jose Gonzalez (Associated Industries of Florida).

After debate on the measure, the committee recommended to send CS/SR 0036 forward by a vote of 5-2.

Chair Story made brief remarks thanking the members for their dedication and service on the committee. She indicated that it was not her intent to call any further meetings of the committee unless new proposals were referred by the TBRC Chair.

There being no further business to come before the committee, the meeting was adjourned at 2:35 p.m.