

FLORIDA TAXATION AND BUDGET REFORM COMMISSION

Volume 2 Page 104 - 201

IN RE:

Committee Meeting

DATE: April 24, 2008

TIME: Commenced at 1:11 p.m.
Concluded at 3:23 p.m.

LOCATION: Knott Bldg., Rm. 412
Tallahassee, FL

REPORTED BY: LISA D. FREEZE, RPR
Notary Public

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105

MEMBERS OF THE COMMITTEE:

Hoyt "Barney" Barnett

Martha W. Barnett

Allan Bense

R. Mark Bostick

Talbot "Sandy" D'Alemberte

Daniel Gelber

Mike Haridopolos

Mike Hogan

Julia Johnson

Bruce Kyle

Carlos Lacasa

Patricia Levesque

Richard Corcoran

Gwen Margolis

Roberto "Bobby" Martinez

Jacintha Mathis

John M. McKay

Robert "Bob" McKee

Lesley J. "Les" Miller, Jr.

Randy Miller

Jade Thomas Moore

Nancy J. Riley

Darryl E. Rouson

David Rivera

James "Jim" A. Scott

Susan Story

William Gregory "Greg" Turbeville

Kenneth "Ken" Wilkinson

Brian Yablonski

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

2 * * *

3 CHAIRMAN BENSE: Members, please take your

4 seats. This is the first call. We just finished

5 going through No. 5 here, the consideration of

6 Styling and Drafting. We've gone through that.

7 We will pick up -- just a second. We'll pick

8 up -- unless there are any motions out there,

9 anything going on? Commissioner Turbeville?

10 MR. TURBEVILLE: Thank you, Chairman.

11 Chairman, I'd like to move that we waive the rules

12 and place CS for CP40 on the agenda today. The

13 proposal was previously on an agenda, and there

14 was a vote, after which there was a

15 reconsideration to reconsider the proposal at the

16 next meeting, which is, under our rules,

17 appropriate and a valid motion.

18 And, at that meeting, I, as the presenter
19 of the proposal TP'd the proposal at that time
20 and now asking to waive the rules and place
21 that on the agenda today.

22 I have a similar motion on another
23 previously TP'd proposal as well. CP40, as you
24 might recall, deals with the public funding of
25 public and private providers. And we had

107

1 lengthy debate on that proposal.

2 CHAIRMAN BENSE: Okay, members. Commissioner

3 Turbeville has moved to waive the rules and to add

4 CP40 to the agenda. This is a nondebatable

5 motion. And if this -- members, if this motion

6 receives the required two-thirds votes that it

7 takes of members present, we will put this at the

8 end of the agenda. I want to stay in third

9 reading, for a lot of reasons, to keep order, most

10 importantly.

11 But this is nondebatable. I will tell you

12 I have read the rules closely, because I don't

13 think anyone on this Commission is unaware of

14 the fact that rumors have swirled about just
15 about every bill coming back up. So in my
16 visiting with Mr. Hixson, if something of this
17 nature came up, I again determined that it is a
18 nondebatable item. It requires two-thirds
19 votes to waive the rules.

20 And having stated that, call the roll,

21 Nancy.

22 MS. FRIER: Chair Bense.

23 CHAIRMAN BENNET: Yes.

24 MS. FRIER: Commissioner Barney Barnett.

25 MR. BARNETT: Yes.

108

1 MS. FRIER: Commissioner Martha Barnett.

2 MS. BARNETT: No.

3 MS. FRIER: Commissioner Bostick.

4 MR. BOSTICK: Yes.

5 MS. FRIER: Commissioner Corcoran.

6 MR. CORCORAN: Yes.

7 MS. FRIER: Commissioner D'Alemberte.

8 MR. D'ALEMBERTE: No.

9 MS. FRIER: Commissioner Hogan.

10 MR. HOGAN: Yes.

11 MS. FRIER: Commissioner Johnson.

12 MS. JOHNSON: Yes.

13 MS. FRIER: Commissioner Kyle.

14 MR. KYLE: Yes.

15 MS. FRIER: Commissioner Lacasa.

16 MR. LACASA: Yes.

17 MS. FRIER: Commissioner Levesque.

18 MS. LEVESQUE: Yes.

19 MS. FRIER: Commissioner Martinez.

20 MR. MARTINEZ: Yes.

21 MS. FRIER: Commissioner Mathis.

22 MS. MATHIS: Yes.

23 MS. FRIER: Commissioner McKay.

24 MR. MCKAY: Yes.

25 MS. FRIER: Commissioner McKee.

109

1 MR. MCKEE: No.

2 MS. FRIER: Commissioner Les Miller.

3 MR. LES MILLER: No.

4 MS. FRIER: Commissioner Randy Miller.

5 MR. RANDY MILLER: Yes.

6 MS. FRIER: Commissioner Moore.

7 MR. MOORE: No.

8 MS. FRIER: Commissioner Riley.

9 MS. RILEY: Yes.

10 MS. FRIER: Commissioner Rouson.

11 MR. ROUSON: I move we adjourn.

12 (Laughter.)

13 UNIDENTIFIED SPEAKER: Yes or no?

14 MS. FRIER: Commissioner Rouson?

15 MR. ROUSON: No.

16 MS. FRIER: Commissioner Story.

17 MS. STORY: Yes.

18 MS. FRIER: Commissioner Turbeville.

19 MR. TURBEVILLE: Yes.

20 MS. FRIER: Commissioner Wilkinson.

21 MR. WILKINSON: Yes.

22 MS. FRIER: Commissioner Yablonski.

23 MR. YABLONSKI: Yes.

24 MS. FRIER: Vice Chair Scott.

25 VICE CHAIR SCOTT: Yes.

110

1 CHAIRMAN BENSE: And by your vote, the motion

2 carries. The vote was 19 to six, let the records

3 reflect.

4 Commissioner Turbeville, you're

5 recognized.

6 MR. TURBEVILLE: Mr. Chairman, as previously
7 stated, this is another similar motion. This
8 measure was TP'd on the last agenda for our last
9 meeting. This is CP26. It relates to education
10 funding, requiring that 65 percent of education
11 funding be spent in the classroom. And I would
12 like to make a motion to waive the rules and place
13 CS for CP26 on the agenda.

14 CHAIRMAN BENSE: Members, once again, this is
15 a nondebatable motion.

16 MR. LES MILLER: Is it open for questions?

17 CHAIRMAN BENSE: Pardon? Is there a --

18 MR. LES MILLER: Is it open for questions?

19 CHAIRMAN BENSE: We're going to vote it up or

20 down. If we have questions or if you have

21 comments, as we get through the third reading

22 portion of today's work, we'll take it up

23 initially when we come back.

24 MR. LES MILLER: Mine is a procedure

25 question.

111

1 CHAIRMAN BENSE: I -- again, I would -- for

2 the fear of debate through questioning, I really
3 want to get straight to the vote.

4 Members, if this motion receives the
5 required two-thirds vote, it is my intention to
6 put the proposal as Item 9 on the agenda. The
7 previous one was Item No. 8.

8 Nancy, call the roll, please.

9 MS. FRIER: Chair Bense.

10 CHAIRMAN BENSE: Yes.

11 MS. FRIER: Commissioner Barney Barnett.

12 MR. BARNETT: Yes.

13 MS. FRIER: Commissioner Martha Barnett.

14 MS. BARNETT: No.

15 MS. FRIER: Commissioner Bostick.

16 MR. BOSTICK: Yes.

17 MS. FRIER: Commissioner Corcoran.

18 MR. CORCORAN: Yes.

19 MS. FRIER: Commissioner D'Alemberte.

20 MR. D'ALEMBERTE: No.

21 MS. FRIER: Commissioner Hogan.

22 MR. HOGAN: Yes.

23 MS. FRIER: Commissioner Johnson.

24 MS. JOHNSON: Yes.

25 MS. FRIER: Commissioner Kyle.

112

1 MR. KYLE: Yes.

2 MS. FRIER: Commissioner Lacasa.

3 MR. LACASA: Yes.

4 MS. FRIER: Commissioner Levesque.

5 MS. LEVESQUE: Yes.

6 MS. FRIER: Commissioner Martinez.

7 MR. MARTINEZ: Yes.

8 MS. FRIER: Commissioner Mathis.

9 MS. MATHIS: Yes.

10 MS. FRIER: Commissioner McKay.

11 MR. MCKAY: Yes.

12 MS. FRIER: Commissioner McKee.

13 MR. MCKEE: Yes.

14 MS. FRIER: Commissioner Les Miller.

15 MR. LES MILLER: No.

16 MS. FRIER: Commissioner Randy Miller.

17 MR. RANDY MILLER: Yes.

18 MS. FRIER: Commissioner Moore.

19 MR. MOORE: No.

20 MS. FRIER: Commissioner Riley.

21 MS. RILEY: Yes.

22 MS. FRIER: Commissioner Rouson.

23 MR. ROUSON: No.

24 MS. FRIER: Commissioner Story.

25 MS. STORY: Yes.

113

1 MS. FRIER: Commissioner Turbeville.

2 MR. TURBEVILLE: Yes.

3 MS. FRIER: Commissioner Wilkinson.

4 MR. WILKINSON: Yes.

5 MS. FRIER: Commissioner Yablonski.

6 MR. YABLONSKI: Yes.

7 MS. FRIER: Vice Chair Scott.

8 VICE CHAIR SCOTT: Yes.

9 CHAIRMAN BENSE: And by your vote the measure

10 passes, 20 to five. This will be placed on the

11 agenda as Item No. 9.

12 Also, members, in an abundance of caution,

13 I would like to have Nancy call the roll on the

14 withdrawal of CP18. This is just an abundance

15 of caution. I'm advised by our counsel that

16 there may be some doubt under our adopted rules

17 as to the withdrawal -- as to the motion to

18 withdraw, whether it requires a vote or

19 majority of two-thirds.

20 So just to be careful, since the

21 withdrawal does away with the proposal in its

22 entirety, it's the ruling of the Chair that

23 this would require a two-thirds vote. So

24 just -- again, this is Commissioner Miller's

25 proposal on the streamline sales tax. I think

114

1 it was unanimous, but I'd like to call the roll

2 just to be sure. A yes vote is to withdraw.

3 Call the roll, please, Nancy.

4 MS. FRIER: Chair Bense.

5 CHAIRMAN BENSE: Yes.

6 MS. FRIER: Commissioner Barney Barnett.

7 MR. BARNETT: Yes.

8 MS. FRIER: Commissioner Martha Barnett.

9 MS. BARNETT: I don't know if I can vote with

10 Barney. He's my brother.

11 (Laughter.)

12 Yes.

13 MS. FRIER: Commissioner Bostick.

14 MR. BOSTICK: Yes.

15 MS. FRIER: Commissioner Corcoran.

16 MR. CORCORAN: Yes.

17 MS. FRIER: Commissioner D'Alemberte.

18 MR. D'ALEMBERTE: I'll save Martha. No.

19 MS. FRIER: Commissioner Hogan.

20 MR. HOGAN: Yes.

21 MS. FRIER: Commissioner Johnson.

22 MS. JOHNSON: Yes.

23 MS. FRIER: Commissioner Kyle.

24 MR. KYLE: Yes.

25 MS. FRIER: Commissioner Lacasa.

1 MR. LACASA: No.

2 MS. FRIER: Commissioner Levesque.

3 MS. LEVESQUE: Yes.

4 MS. FRIER: Commissioner Martinez.

5 MR. MARTINEZ: Yes.

6 MS. FRIER: Commissioner Mathis.

7 MS. MATHIS: Yes.

8 MS. FRIER: Commissioner McKay.

9 MR. MCKAY: Yes.

10 MS. FRIER: Commissioner McKee.

11 MR. MCKEE: Yes.

12 MS. FRIER: Commissioner Les Miller.

13 MR. LES MILLER: No.

14 MS. FRIER: Commissioner Randy Miller.

15 MR. RANDY MILLER: Yes.

16 MS. FRIER: Commissioner Moore.

17 MR. MOORE: Yes.

18 MS. FRIER: Commissioner Riley.

19 MS. RILEY: Yes.

20 MS. FRIER: Commissioner Rouson.

21 MR. ROUSON: Yes.

22 MS. FRIER: Commissioner Story.

23 MS. STORY: Yes.

24 MS. FRIER: Commissioner Turbeville.

25 MR. TURBEVILLE: Yes.

116

1 MS. FRIER: Commissioner Wilkinson.

2 MR. WILKINSON: No.

3 MS. FRIER: Commissioner Yablonski.

4 MR. YABLONSKI: Yes.

5 MS. FRIER: Vice Chair Scott.

6 VICE CHAIR SCOTT: Yes.

7 CHAIRMAN BENSE: And the motion passes 21 to

8 four.

9 Okay. We're back on the equivalent third

10 reading, members. We're on No. 6, on the order
11 of appearance of the Taxation and Budget Reform
12 Commission proposed constitutional amendments
13 on the November 4, 2008, general election
14 ballot.

15 Members, this requires a majority vote for
16 passage and, Chairman Levesque, you're
17 recognized to explain the recommendation of
18 Style and Drafting.

19 MS. LEVESQUE: Thank you, Mr. Chairman. Does
20 everyone have the list in front of them? I'll

21 read it out to you. The recommended order is: CS
22 for CP4 by Margolis; the combined CS for CPs 15
23 and 16 by Yablonski; CS for CP2 by Commissioner
24 McKay; CS for CP6, 8, and 34 by Commissioners
25 Wilkinson, Scott, and Lacasa; CS for CP20 by

117

1 Levesque; CP35 by Government Services and
2 Commissioner Martinez. And now you can strike
3 through Item No. 7 since we've withdrawn that
4 particular issue.

5 Members, I just want to give you a little
6 bit of background. First, that there are two

7 amendments that are already on the ballot that
8 have already been numbered that will be before
9 our amendments on the ballot this November.

10 The first item on the ballot is a legislative
11 proposal that goes into article I of the
12 constitution and strikes language that has been
13 in there for a very long time, that prohibits
14 aliens from holding title to land. The second
15 item that's on the ballot in front of us is the
16 marriage -- that's called marriage -- the
17 Florida Marriage Protection Amendment.

18 And those are Proposals No. 1 and 2 that
19 have already been numbered for this fall, so
20 our first proposal will be -- unless the
21 Legislature sends something over before we do
22 on Friday, our first proposal will be Amendment
23 No. 3.

24 When the Style and Drafting Committee
25 looked at recommending an order, we had lots

118

1 and lots of debate and discussion on what's the
2 best order. I think there was general
3 consensus that if there was nothing on the

4 ballot in front of us, having something as

5 Amendment 1 would have much greater effect than

6 one of our proposals being Amendment 3. And so

7 we had -- we had discussion and debate on which

8 of our items do we put first.

9 We had recommendations to group -- to put

10 CP2 first. There were two members of Style and

11 Drafting Committee that really wanted CP2.

12 That was kind of one of our weightier issues,

13 as you can tell by the last discussion, to be

14 the first item on the ballot. We had other

15 recommendations by another member to group all
16 of the property tax items together and all of
17 the sales tax related items together and other
18 issues together.

19 And through all the discussions, we ended
20 up coming up with a recommendation that kind of
21 in some way met everyone's needs, and it just
22 so happens that the proposal that we have in
23 front of you is basically the proposed order of
24 passage. These are -- this is the order that
25 the Commission passed the items originally and

1 sent them to Style and Drafting, with the only
2 exception of CP16, Commissioner Yablonski's,
3 that would have been in a different order, but
4 when we combined them, they're -- 15, it's
5 basically the order that they passed the
6 Commission originally.

7 What's -- what is, I would say, nice about
8 this particular order is they still follow
9 logically a recommendation by another member
10 which, the first four items are property tax
11 items, the fifth item is an article I item, and

12 the sixth item is a sales tax item. So they
13 are basically grouped the way another
14 Commissioner had wanted, property tax items
15 together and others and sales tax. If CP18 had
16 not been withdrawn, there would have been two
17 sales tax items paired together.

18 It also kind of fits with a principle that
19 we started the Style and Drafting Committee
20 meeting with, which is try as much as possible
21 to put the items on the ballot in an order that
22 would -- I don't know if I would use the term,
23 be more sellable to the citizens, but lead with

24 some of those that are the least controversial
25 in that they would probably get a yes vote.

120

1 And this naturally falls in an order
2 where, the first item being Commissioner
3 Margolis's, that seemed to have the least
4 debate and controversy among our Commission
5 members. You know, protection and assessments,
6 if you harden your homes for potential
7 hurricane and windstorm damage, and we kind of
8 led with Items 1 and 2 that are fairly

9 noncontroversial.

10 So, for all those reasons, we make this

11 particular recommendation to the membership and

12 can answer any questions you may have.

13 CHAIRMAN BENSE: Commissioner Scott.

14 VICE CHAIR SCOTT: No, I don't have any

15 questions. I was going to move or second or

16 whatever.

17 CHAIRMAN BENSE: Any questions? Let me go

18 ahead and put a motion forward, then we can get to

19 the debate and question period. Commissioner

20 Levesque, do you have a motion?

21 MS. LEVESQUE: Yes, sir. I have a motion to
22 adopt the report and recommendations of the Style
23 and Drafting Committee for order and placement on
24 the ballot.

25 CHAIRMAN BENSE: Is there a second?

121

1 VICE CHAIR SCOTT: Second.

2 CHAIRMAN BENSE: Commissioner Scott seconds
3 it.

4 Okay. Are there any questions of how the
5 Styling and Drafting Committee came up with

6 this? It really wasn't rock, papers, scissors.

7 I mean, there was a lot of discussion as to how

8 we come up with this, and there was a lot of

9 debate as well.

10 Any members have any questions at all?

11 (No response.)

12 Is there debate on how we arrived at

13 that?

14 (No response.)

15 Okay. Seeing none, the motion by

16 Commissioner Levesque to adopt the report -- to

17 adopt the proposed recommended order of

18 appearance on the ballot of all of the
19 constitutional proposals, Nancy, call the roll.

20 MS. FRIER: Chair Bense.

21 CHAIRMAN BENSE: Yes.

22 MS. FRIER: Commissioner Barney Barnett.

23 MR. BARNETT: Yes.

24 MS. FRIER: Commissioner Martha Barnett.

25 MS. BARNETT: Yes.

122

1 MS. FRIER: Commissioner Bostick.

2 MR. BOSTICK: Yes.

3 (Brief cell phone interruption.)

4 MS. FRIER: Commissioner Corcoran.

5 MR. CORCORAN: Yes.

6 MS. FRIER: Commissioner D'Alemberte.

7 MR. D'ALEMBERTE: Yes.

8 MS. FRIER: Commissioner Hogan.

9 MR. HOGAN: Yes.

10 MS. FRIER: Commissioner Johnson.

11 MS. JOHNSON: Yes.

12 MS. FRIER: Commissioner Kyle.

13 MR. KYLE: Yes.

14 MS. FRIER: Commissioner Lacasa.

15 MR. LACASA: Yes.

16 MS. FRIER: Commissioner Levesque.

17 MS. LEVESQUE: Yes.

18 MS. FRIER: Commissioner Martinez.

19 MR. MARTINEZ: Yes.

20 MS. FRIER: Commissioner Mathis.

21 MS. MATHIS: Yes.

22 MS. FRIER: Commissioner McKay.

23 MR. MCKAY: Yes.

24 MS. FRIER: Commissioner McKee.

25 MR. MCKEE: Yes.

1 MS. FRIER: Commissioner Les Miller.

2 MR. LES MILLER: Yes.

3 MS. FRIER: Commissioner Randy Miller.

4 MR. RANDY MILLER: Yes.

5 MS. FRIER: Commissioner Moore.

6 MR. MOORE: Yes.

7 MS. FRIER: Commissioner Riley.

8 MS. RILEY: Yes.

9 MS. FRIER: Commissioner Rouson.

10 MR. ROUSON: Yes.

11 MS. FRIER: Commissioner Story.

12 MS. STORY: Yes.

13 MS. FRIER: Commissioner Turbeville.

14 MR. TURBEVILLE: Yes.

15 MS. FRIER: Commissioner Wilkinson.

16 MR. WILKINSON: Yes.

17 MS. FRIER: Commissioner Yablonski.

18 MR. YABLONSKI: Yes.

19 MS. FRIER: Vice Chair Scott.

20 VICE CHAIR SCOTT: Yes.

21 CHAIRMAN BENSE: And by your vote the

22 proposed recommended order of appearance on the

23 ballot is approved.

24 Next let's move on to No. 7, which is the

25 vote on the final passage of each

124

1 constitutional proposal in the order of

2 proposed appearance on the 2008 general

3 election ballot as recommended by the Styling

4 and Drafting Committee and approved by this

5 Commission. We'll take them up again in the

6 order of proposed appearance.

7 The first motion we'll take up is CS for

8 CP004 by Commissioner Margolis. I assume we

9 ask for a motion to take up this proposal.

10 MR. LACASA: So moved.

11 CHAIRMAN BENSE: Okay. Commissioner Lacasa

12 moved. Is there a second?

13 MR. WILKINSON: Second.

14 CHAIRMAN BENSE: Commissioner Wilkinson

15 seconds that we take up and pass Commissioner

16 Margolis's CP004, the committee substitute for it.

17 Are there questions?

18 (No response.)

19 Is there debate? Is there any debate?

20 (No response.)

21 This requires 17 votes. The question now

22 recurs on the final passage of CP -- CS/CP004

23 by Commissioner Margolis.

24 Nancy, please call the roll.

25 MS. FRIER: Chair Bense.

125

1 CHAIRMAN BENSE: Yes.

2 MS. FRIER: Commissioner Barney Barnett.

3 MR. BARNETT: Yes.

4 MS. FRIER: Commissioner Martha Barnett.

5 MS. BARNETT: Yes.

6 MS. FRIER: Commissioner Bostick.

7 MR. BOSTICK: Yes.

8 MS. FRIER: Commissioner Corcoran.

9 MR. CORCORAN: Yes.

10 MS. FRIER: Commissioner D'Alemberte.

11 MR. D'ALEMBERTE: No.

12 MS. FRIER: Commissioner Hogan.

13 MR. HOGAN: Yes.

14 MS. FRIER: Commissioner Johnson.

15 MS. JOHNSON: Yes.

16 MS. FRIER: Commissioner Kyle.

17 MR. KYLE: Yes.

18 MS. FRIER: Commissioner Lacasa.

19 MR. LACASA: Yes.

20 MS. FRIER: Commissioner Levesque.

21 MS. LEVESQUE: Yes.

22 MS. FRIER: Commissioner Martinez.

23 MR. MARTINEZ: Yes.

24 MS. FRIER: Commissioner Mathis.

25 MS. MATHIS: Yes.

126

1 MS. FRIER: Commissioner McKay.

2 MR. MCKAY: Yes.

3 MS. FRIER: Commissioner McKee.

4 MR. MCKEE: Yes.

5 MS. FRIER: Commissioner Les Miller.

6 MR. LES MILLER: Yes.

7 MS. FRIER: Commissioner Randy Miller.

8 MR. RANDY MILLER: Yes.

9 MS. FRIER: Commissioner Moore.

10 MR. MOORE: Yes.

11 MS. FRIER: Commissioner Riley.

12 MS. RILEY: Yes.

13 MS. FRIER: Commissioner Rouson.

14 MR. ROUSON: Yes.

15 MS. FRIER: Commissioner Story.

16 MS. STORY: Yes.

17 MS. FRIER: Commissioner Turbeville.

18 MR. TURBEVILLE: Yes.

19 MS. FRIER: Commissioner Wilkinson.

20 MR. WILKINSON: Yes.

21 MS. FRIER: Commissioner Yablonski.

22 MR. YABLONSKI: Yes.

23 MS. FRIER: Vice Chair Scott.

24 VICE CHAIR SCOTT: Yes.

25 CHAIRMAN BENSE: And by your vote committee

1 substitute for Constitutional Proposal 0004 by
2 Commissioner Margolis will go on the ballot. It's
3 approved, by a 24 to one margin.

4 Next we will take up the combined
5 committee substitutes for CPs 0015 and 0016 by
6 Commissioner Yablonski. Is there a motion to
7 take these up?

8 MR. LACASA: So moved.

9 CHAIRMAN BENSE: Commissioner Lacasa moves.

10 Commissioner Hogan seconds that we take up CPs 15

11 and 16. Are there questions? Are there questions

12 on the issues?

13 (No response.)

14 Is there debate? Is there debate? Any

15 debate?

16 (No response.)

17 Okay. Seeing none, the question recurs on

18 final passage of CS for CPs 15 and 16 by

19 Commissioner Yablonski.

20 Nancy, please call the roll.

21 MS. FRIER: Chair Bense.

22 CHAIRMAN BENSE: Yes.

23 MS. FRIER: Commissioner Barney Barnett.

24 MR. BARNETT: Yes.

25 MS. FRIER: Commissioner Martha Barnett.

128

1 MS. BARNETT: Yes.

2 MS. FRIER: Commissioner Bostick.

3 MR. BOSTICK: Yes.

4 MS. FRIER: Commissioner Corcoran.

5 MR. CORCORAN: Yes.

6 MS. FRIER: Commissioner D'Alemberte.

7 MR. D'ALEMBERTE: No.

8 MS. FRIER: Commissioner Hogan.

9 MR. HOGAN: Yes.

10 MS. FRIER: Commissioner Johnson.

11 MS. JOHNSON: Yes.

12 MS. FRIER: Commissioner Kyle.

13 MR. KYLE: Yes.

14 MS. FRIER: Commissioner Lacasa.

15 MR. LACASA: Yes.

16 MS. FRIER: Commissioner Levesque.

17 MS. LEVESQUE: Yes.

18 MS. FRIER: Commissioner Martinez.

19 MR. MARTINEZ: Yes.

20 MS. FRIER: Commissioner Mathis.

21 MS. MATHIS: Yes.

22 MS. FRIER: Commissioner McKay.

23 MR. MCKAY: Yes.

24 MS. FRIER: Commissioner McKee.

25 MR. MCKEE: Yes.

129

1 MS. FRIER: Commissioner Les Miller.

2 MR. LES MILLER: Yes.

3 MS. FRIER: Commissioner Randy Miller.

4 MR. RANDY MILLER: Yes.

5 MS. FRIER: Commissioner Moore.

6 MR. MOORE: Yes.

7 MS. FRIER: Commissioner Riley.

8 MS. RILEY: Yes.

9 MS. FRIER: Commissioner Rouson.

10 MR. ROUSON: Yes.

11 MS. FRIER: Commissioner Story.

12 MS. STORY: Yes.

13 MS. FRIER: Commissioner Turbeville.

14 MR. TURBEVILLE: Yes.

15 MS. FRIER: Commissioner Wilkinson.

16 MR. WILKINSON: Yes.

17 MS. FRIER: Commissioner Yablonski.

18 MR. YABLONSKI: Yes.

19 MS. FRIER: Vice Chair Scott.

20 VICE CHAIR SCOTT: Yes.

21 CHAIRMAN BENSE: And by your 24 to one vote,

22 CS for CPs 15 and 16 will go on the November

23 ballot. It's approved.

24 Next, committee substitute for

25 constitutional Proposal No. 0002 by

130

1 Commissioner McKay. Is there motion that we

2 take this issue up?

3 MR. MCKAY: So move.

4 MR. LES MILLER: Second.

5 CHAIRMAN BENSE: Commissioner McKay moves and

6 Commissioner Les Miller seconds. Okay. Are there

7 questions, debate? We could move in between

8 discussion; we can move in between questions.

9 Debate? Commissioner Randy Miller, you're

10 recognized in debate, or questions.

11 MR. RANDY MILLER: Actually, a question.

12 After CP02 was adopted, did we have our economist

13 rerun anything through the REMI, or did

14 Dr. Fishkind do any other evaluation?

15 CHAIRMAN BENSE: Yes, we did. We have.

16 MR. RANDY MILLER: Yes, we did?

17 CHAIRMAN BENSE: Yes. They ran some

18 additional numbers.

19 MR. RANDY MILLER: Okay. Do we have those?

20 CHAIRMAN BENSE: They are posted on the

21 website.

22 MR. RANDY MILLER: Well, I mean, they're no

23 good to us on the website here.

24 CHAIRMAN BENSE: But we also have them

25 here -- we have them here? We have them with us

131

1 here today. So pass them out.

2 MR. RANDY MILLER: Please do.

3 MR. MCKAY: Mr. Chairman?

4 CHAIRMAN BENSE: Commissioner McKay.

5 MR. MCKAY: If I could, for Commissioner

6 Miller's enlightenment, I spent much of yesterday

7 with Dr. Fishkind and -- to -- we were meeting

8 with a number of parties to try and get them to

9 support this proposal.

10 And to paraphrase Dr. Fishkind, he said,

11 with virtually the stroke of a pen or the
12 support of the people that this ballot or this
13 ballot initiative will create approximately
14 \$80 billion of wealth in Florida. It will spur
15 our retail sales; it will accelerate the
16 recovery of the housing industry because it
17 will work to make it more easy for people to be
18 able to qualify for mortgages with less
19 difficulty once the residential inventory's
20 absorbed, then the construction industry will
21 kick back in. It will -- the benefits of that

22 will filter throughout the -- throughout the

23 retail sales industry.

24 And, finally, he said, just by an act of

25 Providence, this will -- the effect of CP002

132

1 will coincide with the statewide and nationwide

2 economic recovery.

3 So his benefits that he forecast orally

4 were greater than any forecast here today,

5 because we have the benefit of another few

6 weeks or months of economic or -- economic

7 evaluation.

8 You ought to be happier with that.

9 CHAIRMAN BENSE: Okay. Has everyone received

10 a copy of the updated analysis? Commissioner

11 Miller, you have some comments? You're

12 recognized.

13 MR. RANDY MILLER: Yes, sir, I do. Thank

14 you, Chairman Bense.

15 While I have great respect for

16 Dr. Fishkind, I think his information in his

17 study is diametrically opposed to

18 Dr. Villamil's study. Dr. Villamil's study

19 shows that in 2010 we lose 32,000 jobs. The
20 average for the next nine, ten years is an
21 average loss of new jobs, 32,000 jobs in the
22 State of Florida.

23 We just have -- Mr. Chair and members, we
24 have two professionals who are -- well, you
25 know, both well qualified to render opinions,

133

1 but I got tell you that Dr. Villamil's
2 evaluation was run through the REMI model,
3 which is the model that the State of Florida
4 uses on any revenue initiative evaluated by the

5 Legislature or anyone else. That is what the
6 revenue estimating conference uses. We can't
7 say that it's not -- it's not an unknown model.

8 On the other hand, Dr. Fishkind's model is
9 his own. We don't know exactly what's in it or
10 how, you know, how valid his conclusions would
11 be. But I've got to tell you, I am concerned
12 that we're about to do something and put it in
13 our constitution that's going to wreck our
14 economy.

15 You cannot deny that switching from a

16 stable tax source for the school system to

17 place it at the whims of a consumption tax is

18 foolhardy. Look at what we're looking at

19 today. We are looking at a Legislature having

20 trouble to cut \$5 billion out of an inflated

21 budget that grew that way over the last five

22 years.

23 Now you're going to hand them an automatic

24 9-billion-dollar hole that they're going to

25 have to -- according to what's in this

134

1 document -- attempt to hold education,

2 K through 12, harmless. We know that's going
3 to happen.

4 Then we tell them how to go about filling
5 this hole. And we're debating how much of it
6 is going to be sales tax. One cent, only going
7 to raise about half of it. If we eliminate
8 every business exemption on the books, that's
9 only about 2.3. Where else are we going to go
10 to get this money? Are we going to expect them
11 to cut services, like we're having to do today
12 and are having such a difficult time that

13 they're thinking about dipping into the rainy
14 day fund? I mean, the rainy day fund has to be
15 paid back in five years. You know that.
16 20 percent a year. I don't see our economy
17 turning around that quick.
18 This is just not a well-founded proposal.
19 I have said that time and time again. I want
20 to tell you, I'm the first to say, the emperor
21 has no clothes. This is a bad, bad proposal.
22 And the economic data from Dr. Villamil
23 supports that, and I just can't -- I cannot
24 vote for this.

25 This is wrong-headed. I think it --

135

1 ultimately, it places -- I know it places

2 K through 12 in jeopardy, and I know it will be

3 place the university system in jeopardy and

4 then state government.

5 And there are those of you that might want

6 to do that, because this will start the beast.

7 This will kill off government. And I can tell

8 you when I started in state government when I

9 16 years old, right across the street at the

10 Collins building. The State of Florida paid my
11 way through college. And I'm telling you,
12 gentlemen, I am a Floridian, and I am concerned
13 about this state.

14 I do know how the revenue laws and the
15 interactions work. I've worked at it for 35
16 years. And I can tell you, you don't want to
17 do this. You don't want to put us on this
18 collision course. This is not something that
19 you can easily back out of. We're talking
20 about changing the constitution of the State of
21 Florida. Thank God for the services tax. The

22 last time it was just statutory, and we could

23 back it up real quick, which we did. We did it

24 in six months.

25 You put it in the constitution, this is

136

1 wrong-headed. This is wrong, wrong, wrong.

2 Thank you, Mr. Chairman.

3 CHAIRMAN BENSE: Absolutely. Debate?

4 VICE CHAIR SCOTT: Mr. Chairman?

5 CHAIRMAN BENSE: Commissioner Scott, you're

6 recognized in debate.

19 (Laughter.)

20 But we did hear all of this, you know,

21 time and again. We heard Mr. Villamil; we've

22 heard Mr. Fishkind. We've had all kinds of

23 information. So this is like, you know, we

24 could debate this all day. But we're here for

25 the final passage.

137

1 Now, look, what this proposal is about,

2 it's not a services tax. We went through all

3 of that. That was all sorted out. It doesn't

4 do anything to say that there's a services tax
5 or put it in the constitution. And I know
6 Mr. Miller knows that. But I know that he's
7 also very -- feels very passionately about this
8 issue.

9 What it does, it says that -- property tax
10 relief. That's the first thrust of this, as we
11 know. Twenty-five, 30 percent, maybe more in
12 some areas. I'm now hearing in some areas up
13 to 48 percent potentially tax relief for
14 everyone. And not just -- not just homesteads
15 and not just business, but business, small

16 business, all of the people who buy second
17 homes, the people we want to attract from other
18 parts of the United States to be in Florida and
19 to buy property down here -- and from Europe
20 and other parts of the world. That's what
21 we're all about.

22 The first thrust, I know all of you know
23 this on the Commission, and so we're mainly
24 talking to you here versus an audience, but
25 that's the first thrust.

1 The second thrust of this is to hold
2 education harmless and to require that the
3 Legislature come up with state revenues to hold
4 education harmless. And it gives them all the
5 options. It gives them budget reductions. If
6 the economy should get a lot better, they can
7 reduce or not spend. It gives them every
8 option that they -- that they need to be able
9 to deal with this. And so those are the two
10 main thrusts of this.

11 To speculate that what may or may not
12 happen in two years and how they do this, we

13 want to leave that up to them. I've been
14 listening patiently to the idea that somehow
15 this Commission should prescribe exactly down
16 to the last dollar how someone would come up
17 with something. That's not what -- they don't
18 really mean that. I don't think -- I mean, if I
19 were in the Legislature still, I sure wouldn't
20 want someone telling me how to do it.

21 So, I guess, long story short, what
22 we're -- the one thing I would say is what is
23 bad now, I don't know about the rest of the

24 state so much, but in south Florida, I mean,

25 the economy is just -- you say this would wreck

139

1 the economy.

2 Commissioner, the economy is just not

3 doing that well. And one of the reasons is

4 that property is not selling, and when property

5 doesn't sell, think what happens. Everything

6 from furniture companies -- I've said this

7 before -- laying off employees and closing,

8 title companies, construction workers can't --

9 there's -- it's not happening anymore. It's

10 not happening in Florida, like even at a modest
11 pace.

12 So what we're about is to -- we went all
13 over the state. Everyone -- a lot of the
14 people we heard want a property tax relief. So
15 we're trying to do something significant here.

16 And as an aside, I know I've said this
17 perhaps, but there are people sitting, looking
18 at Florida in Europe, in England and other
19 places, where they're saying, you know, I'd
20 really like to invest over there. The euro is

21 worth almost double what the dollar is, which
22 means I can buy stuff for 50 percent, but I'm
23 not going to do it.

24 I know one person that's done a lot of
25 developing in south Florida. They told him,

140

1 look, go to Tennessee, go to -- go to South
2 Carolina, go to Georgia and get some projects
3 and we'll buy them. We'll tell you right now;
4 we'll give you a letter of intent; we'll buy
5 all of them. But in Florida, if you're not a
6 homesteader, you have to pay the full load. If

7 you're in business in Florida, you pay an
8 extraordinary load.

9 So that's what -- I guess I feel pretty
10 passionately that we need to do something. And
11 it's so easy to do nothing, and just go along
12 and hope that things, somehow things are going
13 to change and get better. We don't -- we don't
14 think that's our job. And this is a very
15 significant thing that this Commission can do.
16 And I sure hope that you approve it.

17 CHAIRMAN BENSE: Commissioner Turbeville, I

18 think you have a traveling amendment with this --

19 it's a timely filed amendment. Do you have some

20 suggestions on that?

21 MR. TURBEVILLE: Thank you, chairman. I just

22 wanted to briefly outline the proposal for the

23 members, because I completely agree with

24 Commissioner Scott. We have to do something. And

25 before the Commission there were two different

141

1 ideas: One that was more tax reform, and it's the

2 tax swap. And then there was another proposal by

3 Carlos Lacasa that mirrored a lot of what the

4 Legislature did last year that dealt with the --
5 and provided a superexemption for new and
6 first-time home buyers, and also it provided a
7 5 percent cap for nonhomestead property.

8 That's the amendment that I filed today,
9 and it was phased in over four years. I'm
10 going to withdraw the amendment because I have
11 immense respect for senator -- Senate President
12 McKay and his efforts over the year to try to
13 reform the tax code. And I think this
14 Commission really needs to have an up or down

15 vote on his proposal. He's worked long and
16 hard, and I don't want to complicate the debate
17 by having another complicated proposal at this
18 time.

19 CHAIRMAN BENSE: Without objection, show the
20 amendment withdrawn.

21 Further debate? Further debate?
22 Commissioner Riley, you're recognized in
23 debate.

24 MS. RILEY: Thank you. While the Retail
25 Federation and realtors have worked hand in hand

1 on many issues over many years, I'm going to have
2 to disagree with Commissioner Miller on his
3 assumption of what this proposal will do.

4 Traveling around the state, we heard,
5 everywhere we went, please do something about
6 my property taxes. There was not another issue
7 that was brought forward. Over and over and
8 over again. And while we hesitated to take on
9 this issue, it was very clear to us that they
10 were counting on us.

11 And I won't repeat everything that

12 Commissioner Scott said because he said it very
13 well. Whether it's foreign buyers or people
14 moving in from other states, they're looking
15 for us to do something on our property taxes.

16 But I kind of think of this as saving our
17 school system, because with the current
18 devaluation of real estate, and the many homes
19 that are off the tax roll due to foreclosures,
20 where they're not being able to collect the
21 taxes. I think we owe it to our children to
22 find another stable source of revenue for our
23 schools. I think it appropriate to take it off

24 of the property taxes. And I think this will

25 force the Legislature to address where they are

143

1 going to get the money. So I support this

2 bill.

3 CHAIRMAN BENSE: Further discussion?

4 Commissioner Hogan, you're recognized.

5 MR. HOGAN: Thank you, Mr. Chairman. I voted

6 for this just a few weeks ago. And during the

7 debate, it was my understanding that the swap

8 could occur 100 percent through sales tax

9 increases. Upon further review and after serving
10 on the Style and Drafting Committee, it's brightly
11 clear to me that there's only an increase of up to
12 1 percent on sales. That's not going to cover
13 the -- the hole, the gaping hole that Commissioner
14 Miller talked about just a few minutes ago.

15 And then there was some pecking order I
16 thought had some hierarchy to it, but obviously
17 it doesn't. It's just options. And there is
18 an option, option D, it says other revenues
19 identified or created by the Legislature.
20 During the debate on this issue, we were

21 explained -- it was explained by the author of

22 the bill that that could be other sales tax.

23 And to me that's a bait and switch, because in

24 item B we say, 1 percent sales tax. In the

25 ballot summary, it says 1 percent.

144

1 And then there's case law that cites that

2 this would be considered superfluous language

3 in that in item D it states, other revenues

4 identified and created by the Legislature. But

5 item D is specific, saying 1 percent point to

6 the sales tax.

7 You wouldn't need to say anything about

8 that, if there's other revenues and the

9 percentage could rise to 2 or 3 percent. And,

10 therefore, I believe that the public is going

11 to think when if the Legislature realizes they

12 can't capture this additional revenue to make

13 the swap without increasing sales tax, they're

14 going to have to go to the general revenue to

15 fill the hole, and then pass a 1 cent sales tax

16 on, say, health care or transportation. And I

17 don't believe that will pass constitutional

18 muster.

19 And for those reasons, I'm going to be

20 opposed to the bill.

21 CHAIRMAN BENSE: Commissioner Lacasa, you're

22 recognized.

23 MR. LACASA: I'm going to support the bill,

24 obviously. I'm happy that it has a 5 percent cap

25 on the rate of growth of taxable value of real

145

1 estate in Florida. In the long term, that's going

2 to represent a huge boom to the real estate market

3 here. It's going to be a benefit to commercial
4 properties and residential properties,
5 particularly those residential properties that
6 don't enjoy homestead exemption today.

7 I have always found it curious that the
8 Legislature through the required local effort
9 process found a back door to taxing real estate
10 in Florida. And I've always felt, particularly
11 in the case of small, rural communities,
12 property-poor rural, you know, communities,
13 that the RLE was quite vicious, because they
14 simply could not support the school system the

15 same way that rich coastal communities could.

16 I believe that the -- the revenue issue

17 that the Legislature will have to deal with if

18 this were to pass and they had to come up with

19 \$9 billion in two years, they will manage.

20 Because in the last -- I remember when I came

21 out of the Legislature in 2002, my last budget

22 was about \$52 billion. The budget last year

23 was \$70 billion. I've been out of the

24 Legislature, what, six years? That's

25 \$20 billion in six years. That's about

1 40 percent higher than the budget I left in
2 2002. The money's there; absolutely, the
3 money's there.

4 And I'm not concerned about the swap. I'm
5 very concerned about not putting something out
6 today. I'm very concerned about a year's worth
7 of work falling on deaf ears; that is, the
8 pleas of the public falling on deaf ears and a
9 year's worth of work falling on nothing. I
10 think we need to let the people of Florida
11 decide this issue for themselves. They know

12 what the stakes are. They know what the stakes
13 are. And they also know what the benefits of
14 this legislation are. So I hope you will
15 support the bill.

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

18 MR. LES MILLER: Thank you. Mr. Chairman,
19 members, you know, when we travel this state, and
20 people were -- no matter where we went -- were
21 telling us we needed to do something about
22 property taxes, the economy was not really as bad

23 as it is now. We weren't paying almost \$4 a
24 gallon for gas. We weren't paying the enormous
25 amount of money for food that's hitting us now to

147

1 the point that some of our stores are starting to
2 ration rice.

3 We weren't looking at a higher education
4 system, particularly the ones like I work with
5 could very well be cutting \$50 million from a
6 higher education system, just when we're trying
7 to make Florida and our higher education system
8 some of the best in the country to educate our

9 children to be the best that they can be.

10 We were told that they wanted a break in

11 property taxes. This particular entity, the

12 particular proposal is doing just that.

13 Now, I'm not the one in my legislative

14 career before I got here favored sales tax

15 increases. But even talking to those people

16 where I come from in east Tampa, from the

17 portion of the state, they understand, believe

18 it or not, some of you might not think, but

19 they understand what a sales tax increase is,

20 and they're favoring it, because they know that
21 if something does not happen in the state, it's
22 going to get worse on them.

23 The education system is going to go to the
24 devil. They can't afford to drive to work.
25 They're going to lose their jobs. They're

148

1 going to lose their home. And is that the
2 American dream? I don't think so. I don't
3 think that's what it's supposed to be.

4 We voted on this a couple weeks ago, to
5 pass it out. And one particular elected

6 official went on the warpath, trying to say
7 what was going to happen in this state. I
8 might be getting ready to make some of my
9 former colleagues mad, but they can't do
10 nothing to me.

11 What about the means of putting figures up
12 the sky, basically saying this is going to do
13 this, this is going to do this, this is going
14 to do that. Any economist can come in here and
15 say, this is going to work, this is not going
16 to work. It's going to be particularly up to

17 us to make that decision.

18 That particular senator also said, at the
19 beginning of the session, that they were going
20 to look at tax exemptions and committee chair.

21 They have approximately one week left. There
22 are no more committee meetings in the Senate,
23 and that particular senator has not called his
24 committee to look at that. That's absolutely
25 wrong. You're going to say you're going to do

149

1 something, you're an elected official; you took
2 an oath; do what you said you're going to do.

3 We have got to do something. We as a
4 Commission have got to do something, what the
5 constitution directed us to do. We have -- in
6 certain instances, I don't think we've done
7 that. But this is the one thing that I think
8 we have the opportunity to look at a budget and
9 taxation in this particular proposal.

10 The people want it. They were looking to
11 us to make that difference. And this, whether
12 you like it, part of it, or don't like a part
13 of it, I don't like every bit, every piece of

14 it. But it does something to help the people
15 of this state.

16 This economy is not going to get any
17 better. We hope that it does not get any
18 worse, but it appears that it is. And this
19 will let the people -- the people are smart.
20 They know what they're voting for. Let the
21 people decide what they want to do.

22 Those of you who appear you're going to
23 change your vote on this, I wish you wouldn't.
24 I wish you would give the people an opportunity
25 to vote whether they want to cut their property

1 taxes, raise sales taxes, have exemptions

2 looked at. I'm going to ask you not to do

3 that. I'm going to ask you to pass this, and

4 let it go to the ballot. And let the people of

5 the state make the decision as to what they

6 want to do with their dollars and their lives.

7 I can guarantee you, regardless if you're

8 living in south Florida, central Florida, north

9 Florida, whether you're making a million

10 dollars a year or you're barely making ends

11 meet, people are suffering, and this will give
12 them some relief. That's the important part of
13 that.

14 CHAIRMAN BENSE: Commissioner Rouson, you're
15 recognized in debate.

16 MR. ROUSON: Thank you very much,
17 Mr. Chairman. And let me reiterate what you said,
18 Mr. Chairman. We have had a very orderly and very
19 transparent process. We have met over almost 400
20 days, 13 and a half months, since March of '07.
21 And you said it's important that we maintain
22 integrity and trust, integrity of our work, our

23 mission, and trust of the people when we accepted
24 the oath to be commissioners.

25 And not everybody got what they wanted.

151

1 It's the nature of the process. And what I'm
2 hearing today, with all due respect to
3 Commissioner Randy Miller and to Commissioner
4 Mike Hogan, gentlemen for whom I do have
5 respect, reminds me of buyer's remorse and to
6 some extent sour grapes.

7 This proposal, which is numbered 0002,

8 reason why got on it, as it was introduced and
9 asked Commissioner McKay if he would accept me
10 as the first sponsor was because I sniffed it.
11 I smelled it, and to me it represented one of
12 the first pieces of bold and creative
13 leadership that could come out of this
14 Commission that would respond to what the
15 people have asked us to do, and that is create
16 reform, create change that would be felt upon
17 its passage and at the same time find at all
18 costs ways to maintain education funding, and
19 if possible increase it, without doing any harm

20 to it.

21 And what this does do is it gives options

22 to the Legislature. I think that we've -- we

23 should respect the process. And I would urge

24 Commissioner Hogan and Commissioner Miller to

25 consider what we've been through and what we

152

1 have done.

2 And to me there's another proposal that we

3 may take up that is not so clearly within the

4 defined mission and charge. That disappoints

5 me. But we have a chairman who allows people
6 to be heard and the opportunity to make motions
7 within the rules. And I'm learning a lot in
8 the last ten days about rules, about process.

9 I said to one of my colleagues today, I
10 just have to understand that I can't kick in
11 every door and that because a friend might not
12 vote with you today doesn't mean he won't vote
13 with you tomorrow.

14 But some votes are significant, some
15 stands important, some things you have to do
16 for principle and not retaliation or vendetta

17 because something you want -- wanted didn't get
18 done. And I think this piece of legislation
19 will be one of the most significant we can do
20 as a Tax and Budget Reform Commission.

21 I urge you, respect the process and push
22 this out like we all agreed to do on the
23 record. Thank you.

24 CHAIRMAN BENSE: Okay. Commissioner Story,
25 you're recognized.

153

1 MS. STORY: Thank you, Mr. Chairman. We need

2 property tax relief. And I don't know if there's
3 anybody on this Commission who doesn't agree with
4 that. And we've had lots of proposals we've
5 debated, and I think we need property tax relief.

6 And Commissioner Rouson talks about the
7 earlier vote we had, and I did vote for this
8 the first time. But if you go back to February
9 and March, I have always been concerned about
10 services tax. And in fact, when the first
11 proposal came through, my words are on record
12 that I think a services tax will destroy small
13 businesses in this state.

14 And I think -- I know that 90 percent of
15 the businesses in this state have less than 20
16 employees, and two out of every three have less
17 than five. And if a large company like mine
18 can have their own HR department and most of
19 you hear small companies have to go buy these
20 services, my impression was, when we added the
21 amendment, that services tax would not be a
22 good option for the swap.

23 I have read all the clips that this staff
24 has sent out. I have read quotes from many of

25 the Commissioners on this Commission. And I

154

1 have watched the Legislature struggle with the

2 reduced sales taxes in this state and how

3 they're going to fund Medicaid and education.

4 And if I could be assured that there would not

5 be a services tax that would destroy small

6 businesses, then I could support this.

7 But this has nothing to do with bargaining

8 for votes. There's -- I don't have any

9 proposals out here. This comes down to me for

10 principle, a principle I've held since

11 February. I wish we -- I would love to have
12 property tax relief, but I am very concerned
13 that it's one thing to have relief; it's
14 another thing to not have a job because the
15 company I work for can't afford to pay all the
16 taxes that come with buying services, because I
17 work for somebody.

18 The core of this state are start-up
19 companies. We don't recruit. We don't have a
20 lot of corporate headquarters. We're starting
21 all these companies. A lot of them don't pay a

22 lot of property taxes, but if they have to
23 start paying for legal services, accounting
24 services, my concern -- this is very difficult
25 for me because I understand both arguments.

155

1 And I think great points are made on both
2 sides.

3 And if I knew that a services tax wouldn't
4 be put on these small businesses, I could
5 support it, but right now, having tried to
6 educate myself -- the difference in a few weeks
7 ago and now is I have actually gone out and

8 read from both sides, and tried to make myself

9 feel comfortable for this, and that's the

10 reason for my vote.

11 CHAIRMAN BENSE: Commissioner Miller, again

12 for discussion.

13 MR. RANDY MILLER: Well, I just want to

14 clarify a couple things, since someone is

15 concerned I didn't get anything in this. There is

16 something in this for business. It is the

17 5 percent cap on assessment increases. But, if

18 you had allowed -- and I know we can't,

19 Mr. Chairman, this is no criticism of you.

20 There are people in this room that stood

21 up and said they thought this was a good idea

22 when it was first brought up. They now would

23 like to tell you, if they could, and I'm

24 talking about the teachers' union, I'm talking

25 about the school boards association, I'm

156

1 talking about the superintendents, would all

2 tell you that they are concerned that that

3 \$9 billion will not be the -- made up by the

4 Legislature.

5 They're all -- all the business groups in
6 here. After we've all read and said, looked at
7 the data, we must listen. And I want to defend
8 Senator Haridopolos. He is not here. He is
9 over doing the people's work. But he's telling
10 you as quite possibly the Senate president that
11 would have to deal with this, he doesn't know
12 how to do it. He said, don't do this to us.
13 This will wreck us. We cannot deal with this.

14 Please, let's respect the people that are
15 in office that know that they're going to have

16 to inherit this. I'm going to shut up now,

17 Senator McKay. I said my say on this. I think

18 it's bad policy. And with that, I'll shut up.

19 CHAIRMAN BENSE: Further debate?

20 Commissioner Barnett, you're recognized.

21 MS. BARNETT: Thank you, Mr. Chairman. I'm

22 not going to debate the issue per se, but I would

23 like to comment on Commissioner Story's concerns

24 about the services tax.

25 And I have had a number of calls in the

157

1 last couple of weeks from people asking me why

2 I am supporting a services tax. Now, as most
3 of you know, I do support that, so -- I have
4 since 1987. But they were asking specifically
5 with regard to this particular proposal. And
6 what I have said is, the Commission considered
7 including the services tax in the proposal, and
8 rejected it, that there is nothing in this
9 proposal that changes the law with regard to
10 taxing services at all. It doesn't address it.

11 The law as it exists today, unless the
12 Legislature does something, will be the same

13 law. If this passes, it will be the same law.

14 The Legislature has the authority today to tax

15 services. They have chosen not to, with some

16 limited exceptions, but this proposal does not

17 directly deal with the services tax.

18 The fears people have is that in order to

19 make up the revenue that -- the \$9 billion in

20 ad valorem revenue, the fear is that the

21 Legislature will have to begin to consider

22 services tax. But that's an indirect impact

23 and not a direct impact.

24 CHAIRMAN BENSE: Further debate?

25 Commissioner Wilkinson, you're recognized in

158

1 debate.

2 MR. WILKINSON: Just briefly. I agree with
3 just about everything that's been said for those
4 in support of this proposal. I agree that I don't
5 see it as a services tax. Doesn't mean it
6 couldn't get there down the road if that's what
7 they had to do. But it's not mandating anything
8 in that respect.

9 Of course, as the father of Save Our Homes

10 and proud of it, and a lot of the people who
11 aren't would tell me, well, you know, why can't
12 you have a cap for non Save Our Homes
13 properties?

14 This does that. It's 5 percent cap. And
15 couple that with an average across the state,
16 every property tax bill, minimum 25 percent
17 reduction. This will be a tremendous economic
18 stimulant. It will benefit small business as
19 much or more than anybody, I feel.

20 So it's -- you know, we talk about for the
21 last year this Commission has heard from the

22 taxpayers. I've heard from the taxpayers on
23 the street for the last 28 years. This is
24 something we need. And I'm very pleased that I
25 have an opportunity to vote yes on it.

159

1 CHAIRMAN BENSE: Further debate?

2 Commissioner Johnson, you're recognized.

3 MS. JOHNSON: Thank you, Mr. Chair. I've
4 listened to the arguments, the debate today, as
5 well as to the people that we've heard from as
6 we've been on the road, and some of our

7 policymakers that are dealing with the issues as
8 we speak.

9 One of the things I remain mindful of is
10 the fact that we're a body that meets every 20
11 years, and that as we think about these
12 policies, we think about, yes, the impact that
13 it may have today and, yes, the economic
14 stimulus that it might cause today. We also
15 have to look at the long term.

16 And as I look at that and analyze the
17 factors that we've been -- that have been put
18 before us, as relates to sales tax, and there's

19 been some conversation around the fact that

20 that's not a stable revenue source. Well, our

21 economists told us that as we trend out it is

22 becoming as reliable if not more reliable than

23 property tax. And if we listen to our

24 economies [sic] and the demographers who talk

25 about our changing economy and the broadening

160

1 working class and middle class, the place where

2 I believe they need the most relief is in the

3 area of property tax.

4 When we talk about a tax on wealth and
5 providing real opportunity and real economic
6 benefits for the state and its citizens, I
7 think to the extent that we can provide relief
8 in that respect, that we have done a great
9 service to the citizens, not just today, but
10 the citizens tomorrow.

11 And it's for those reasons that I will
12 support the initiative. It's not a perfect
13 initiative, but it's a good initiative. I
14 think it's responsive to the needs today, and
15 it's also responsive to the growing working

16 class, middle class. It is not just about
17 being able to pay the mortgage; it's about
18 being able to pay the taxes.

19 And I hear my colleagues and commissioners
20 talk about the foreign investors and others
21 and, while I think that's wonderful, my real
22 focus is the people that live here and work
23 every day.

24 And we've all talked about this being a
25 long process, and we're all ready to go home.

1 The operative word is home and giving people a
2 place that they can live and stay and help us
3 grow this economy.

4 So for those reasons, as we look forward
5 again 20 years into the future, I believe that
6 this is a good proposal and that we should move
7 it forward.

8 CHAIRMAN BENSE: Further debate?

9 Commissioner Martinez, you're recognized.

10 MR. MARTINEZ: Mr. Chairman, thank you.

11 When I voted for this several weeks ago, I
12 stated that I was not aware of any ideal tax or

13 tax package, and still not. This is far from a
14 perfect proposal. However, I do believe that
15 we have an obligation to give the people the
16 best possible option available.

17 When I was named to this Commission, I had
18 people stop me on the street and say: Finally
19 your Commission is going to meet. We're going
20 to have a wise decision, and you're going to
21 give us the right answer.

22 Well, I knew full well that there wasn't
23 going to be a right answer per se, but we were

24 going to do the best we could.

25 And I think that what has come out here

162

1 with CP2 is the best possible option, the

2 wisest alternative that we can present to the

3 people to let them decide for themselves.

4 These words might be a little harsh, so

5 I -- if they interpret that way, I apologize.

6 I don't -- if we don't vote this out, I don't

7 think we will just disappoint the people, I

8 think we will fail the people. I think the

9 people want to have an opportunity to vote for

10 a property tax reduction. And although this is
11 far from perfect, it is the best and wisest
12 proposal that we can present to the people. So
13 for that reason, I support it. And I support
14 it strongly, without reservation, regardless of
15 its imperfections.

16 CHAIRMAN BENSE: Further debate?

17 (No response.)

18 We'll let Commissioner McKay close.

19 MR. MCKAY: If I can close.

20 CHAIRMAN BENSE: He will. I want to make

21 just a few remarks. And I will tell you that the
22 proposal I voted on, I guess, three or four weeks
23 ago, as I outlined earlier on my ruling on
24 substantive or technical, I was basically voting
25 on the same thing now that I thought I was voting

163

1 on then. I know it's not a perfect product.

2 In my eight years in the Legislature I
3 never flipped on a vote, and I'm not going to
4 start now. I can tell you, I never walked on a
5 vote in my eight years in the Legislature, and
6 I'm not going to start doing it now.

7 And we traveled the state. And I went to

8 all but one of the public hearings. And I

9 listened in on probably 75 percent of those 125

10 Commission meetings by phone or in person.

11 And, clearly, the people of Florida want

12 reform. They want property tax reform. And

13 I'm all for let the people vote.

14 And I will tell you, if some of the

15 terrible things that happen, i.e., a service

16 tax come into play, my prime company will be

17 the -- if it does happen, we're in the

18 construction business. That was a nightmare in
19 '86. I will -- it will clearly harm me and
20 make our life miserable.

21 But irrespective of that, I don't think
22 we'll get to that point, number one. I think
23 the state -- the revenues that are generated by
24 the decrease in taxes will be one of the
25 greatest statements to Florida.

164

1 In my part of the world, we have an east
2 side of town and a west side of town. The west
3 side is the beaches, the more affluent areas.

4 The east side is where I grew up. It's the
5 poorer area. And it hasn't changed in 40
6 years. And I have a piece of property over
7 there, and a couple weeks ago, I looked at my
8 tax bill and how much the total tax bill was
9 and what the Required Local Effort was. Our
10 property taxes will go down 46 percent on that
11 piece of property.

12 And this is not in a rich area of town.

13 These are poor folks that live there. And all
14 of those folks are going to be spending a lot

15 of money with that tax savings. I'm not sure
16 what they'll do with it. Some may save. Even
17 if they save, that's more money in banks so
18 bank can loan money. Or if they spend it, that
19 really perks up the economy.

20 So, for those reasons and more, I can talk
21 about consumption tax or whatever; but most
22 importantly, I want to let the people vote.

23 And I know a lot of my friends are clearly
24 against me on this. That's the way it is. I
25 respect both sides, but I'll keep my vote that

1 I made three weeks ago. And I'll turn it over
2 to Commissioner McKay to close.

3 MR. MCKAY: Thank you, Mr. Chairman. First,
4 let me address the concerns of Commissioner Story.
5 The original proposal that Bob Nabors crafted for
6 us, Commissioner Story, would have put exclusions,
7 which are commonly but incorrectly called
8 services, because it's a much broader topic than
9 that, in front of the Legislature.

10 This is a compromised pro -- and just as
11 Commissioner Barnett -- Martha Barnett supports

12 that, I do too, because there are many services
13 that are not the things you're addressing that,
14 if you talk to Mr. and Ms. Smith and Mr. and
15 Ms. Jones, they'll think, why aren't those
16 things taxed? Why aren't folks who can afford
17 limousines, ought to be paying a sales tax on
18 limousines. But that's not what the strength
19 of my belief and Martha's belief, that's not
20 what's in front of us, and this is not a
21 services tax.

22 So anybody that's -- that has used that
23 argument, I think has been -- has been

24 attempting to provide misleading arguments, and

25 that's -- that's wrong.

166

1 I'd like to share with you-all a story

2 that the governor shared with me yesterday. He

3 told me that he was picking up his baggage at

4 an airport down in southeast Florida, and he

5 said the baggage handler came up to him, not

6 knowing exactly how this Commission works, I

7 assume, and he said, I sure hope they pass --

8 and I don't know if he meant they, the

9 Legislature or this Commission or the

10 governor -- pass that reduction in property

11 taxes and tax swap.

12 And the governor said, why? Would that

13 help you with your house? He said, well, I

14 don't own one. He said, well, then, why you do

15 you want it to pass? He said, because I'd like

16 to own one, and I can't afford to.

17 Property taxes in this state, as we have

18 all heard, have gone through the roof. And

19 it's not only helping that -- hurting that

20 gentleman that I just referenced, it's hurting

21 the second home industry. Second homes. It's
22 hurting every business in the state.

23 That has occurred because we've got an
24 antiquated tax system. We have increasingly
25 relied on property taxes to fund our schools,

167

1 and while that may have been a good idea in the
2 past, that isn't good now. And it's not
3 because Dr. Baker told us that because we're
4 getting older and we're getting poorer, we
5 can't rely on property tax to fund schools in

6 the future. That is folly to continue down

7 that road.

8 We're here every 20 years. Maybe none of

9 us will be here in 20 years, but our successors

10 will be. And we don't want them to be going

11 down the same road that we're having to go

12 through. We're supposed to provide them a

13 more -- supposed to provide Floridians an

14 opportunity to have a more stable tax system.

15 And that's what this proposal does. It's

16 ill-suited to meet our -- the current system is

17 ill-suited to meet our needs for the next 20

18 years.

19 Dr. Fishkind has told us that the

20 \$8 billion cut will create \$80 billion in

21 wealth. He said the timing is excellent and

22 coincides perfectly with the projected economic

23 recovery.

24 It holds education harmless. We've got to

25 do something to hold education harmless and

168

1 this -- we've got to make sure they're taken

2 care of in the future, because the -- this very

3 year, in this economic downturn, the
4 Legislature is once again raising Required
5 Local Effort \$350 million. They're putting
6 that on the backs of the small taxpayer as well
7 as the large taxpayer, and it's keeping that
8 baggage handler from buying a house, and that's
9 wrong.

10 This is a tax cut for Floridians.

11 Dr. Fishkind and I'm sure Dr. Villamil will
12 agree that 22 percent of the sale taxes is
13 exported to nonFloridians. So this is not only
14 a property tax cut, the economist will tell

15 you, this is a tax cut for all Floridians, and
16 yet you're still holding education harmless.

17 This is an opportunity to give Floridians
18 the opportunity -- this is our opportunity to
19 give Floridians the opportunity to improve and
20 modernize their tax system. We've got a
21 responsibility to give them that opportunity so
22 that Floridians can have the services and
23 education system that they expect and they
24 demand.

25 And I ask you to vote with me and with the

1 co-sponsors, Senator -- Commissioner Lacasa and
2 Levesque, and Rouson and Les Miller and
3 Wilkinson and Kyle and Riley and Corcoran and
4 Martinez in giving the people a chance. Please
5 do that.

6 CHAIRMAN BENSE: Okay, members, we'll now
7 vote on a motion to take up CP2 in a final passage
8 for placement on the ballot.

9 Nancy, please call the roll.

10 MS. FRIER: Chair Bense.

11 CHAIRMAN BENSE: Yes.

12 MS. FRIER: Commissioner Barney Barnett.

13 MR. BARNETT: No.

14 MS. FRIER: Commissioner Martha Barnett.

15 MS. BARNETT: Yes.

16 MS. FRIER: Commissioner Bostick.

17 MR. BOSTICK: No.

18 MS. FRIER: Commissioner Corcoran.

19 MR. CORCORAN: Yes.

20 MS. FRIER: Commissioner D'Alemberte.

21 MR. D'ALEMBERTE: Yes.

22 MS. FRIER: Commissioner Hogan.

23 MR. HOGAN: No.

24 MS. FRIER: Commissioner Johnson.

25 MS. JOHNSON: Yes.

170

1 MS. FRIER: Commissioner Kyle.

2 MR. KYLE: Yes.

3 MS. FRIER: Commissioner Lacasa.

4 MR. LACASA: Yes.

5 MS. FRIER: Commissioner Levesque.

6 MS. LEVESQUE: Yes.

7 MS. FRIER: Commissioner Martinez.

8 MR. MARTINEZ: Yes.

9 MS. FRIER: Commissioner Mathis.

10 MS. MATHIS: Yes.

11 MS. FRIER: Commissioner McKay.

12 MR. MCKAY: Yes.

13 MS. FRIER: Commissioner McKee.

14 MR. MCKEE: Yes.

15 MS. FRIER: Commissioner Les Miller.

16 MR. LES MILLER: Yes.

17 MS. FRIER: Commissioner Randy Miller.

18 MR. RANDY MILLER: No.

19 MS. FRIER: Commissioner Moore.

20 MR. MOORE: Yes.

21 MS. FRIER: Commissioner Riley.

22 MS. RILEY: Yes.

23 MS. FRIER: Commissioner Rouson.

24 MR. ROUSON: Yes.

25 MS. FRIER: Commissioner Story.

171

1 MS. STORY: No.

2 MS. FRIER: Commissioner Turbeville.

3 MR. TURBEVILLE: No.

4 MS. FRIER: Commissioner Wilkinson.

5 MR. WILKINSON: Yes.

6 MS. FRIER: Commissioner Yablonski.

7 MR. YABLONSKI: No.

8 MS. FRIER: Vice Chair Scott.

9 VICE CHAIR SCOTT: Yes.

10 CHAIRMAN BENSE: And by your vote, the motion

11 carries by a 19 to seven margin. Okay. It'll be

12 on the ballot.

13 Let's move and take up committee

14 substitute for Constitutional Proposal 006,

15 008, and 34 by Commissioner Wilkinson, Scott,

16 and Lacasa, and the F and T Committee.

17 Do we have a motion to take up the working

18 waterfront bill?

19 MR. TURBEVILLE: So moved.

20 CHAIRMAN BENSE: Commissioner Turbeville

21 moves. Is there a second?

22 MR. MOORE: I'll second it.

23 CHAIRMAN BENSE: Commissioner Moore seconds

24 that we take up CS for CP006, 8 and 34.

25 Do we have all the members here? Because

172

1 we can move pretty quick through the rest of

2 these, folks. So if you can just hang in

3 there, we'll take a break after that. Members,
4 if you can hang in here, we need the votes on
5 these next -- it'll take just a few minutes.
6 These are not controversial issues, but we got
7 to get 17 votes.

8 Okay. There's a motion by Commissioner
9 Turbeville, second by Commissioner Moore, to
10 take up and vote on -- discuss and vote whether
11 to put CP6, 8, 34 on the ballot to be voted on.

12 Are there questions?

13 (No response.)

14 Is there discussion?

15 (No response.)

16 The question recurs on final passage then

17 of CPs 6, 8, and 34.

18 Nancy, call the roll, please.

19 MS. FRIER: Chair Bense.

20 CHAIRMAN BENSE: Yes.

21 MS. FRIER: Commissioner Barney Barnett.

22 MR. BARNETT: Yes.

23 MS. FRIER: Commissioner Martha Barnett.

24 (No response.)

25 CHAIRMAN BENSE: Commissioner Barnett?

1 MR. MARTINEZ: She may have taken a personal
2 privilege.

3 CHAIRMAN BENSE: Okay. Keep going.

4 MS. FRIER: Commissioner Bostick.

5 MR. BOSTICK: Yes.

6 MS. FRIER: Commissioner Corcoran.

7 MR. CORCORAN: Yes.

8 MS. FRIER: Commissioner D'Alemberte.

9 MR. D'ALEMBERTE: No.

10 MS. FRIER: Commissioner Hogan.

11 MR. HOGAN: Yes.

12 MS. FRIER: Commissioner Johnson.

13 MS. JOHNSON: Yes.

14 MS. FRIER: Commissioner Kyle.

15 MR. KYLE: Yes.

16 MS. FRIER: Commissioner Lacasa.

17 (No response.)

18 MS. FRIER: Commissioner Levesque.

19 MS. LEVESQUE: Yes.

20 MS. FRIER: Commissioner Martinez.

21 MR. MARTINEZ: Yes.

22 MS. FRIER: Commissioner Mathis.

23 MS. MATHIS: Yes.

24 MS. FRIER: Commissioner McKay.

25 MR. MCKAY: Yes.

174

1 MS. FRIER: Commissioner McKee.

2 MR. MCKEE: Yes.

3 MS. FRIER: Commissioner Les Miller.

4 MR. LES MILLER: Yes.

5 MS. FRIER: Commissioner Randy Miller.

6 MR. RANDY MILLER: Yes.

7 MS. FRIER: Commissioner Moore.

8 MR. MOORE: Yes.

9 MS. FRIER: Commissioner Riley.

10 MS. RILEY: Yes.

11 MS. FRIER: Commissioner Rouson.

12 MR. ROUSON: Yes.

13 MS. FRIER: Commissioner Story.

14 MS. STORY: Yes.

15 MS. FRIER: Commissioner Turbeville.

16 MR. TURBEVILLE: Yes.

17 MS. FRIER: Commissioner Wilkinson.

18 MR. WILKINSON: Yes.

19 MS. FRIER: Commissioner Yablonski.

20 MR. YABLONSKI: Yes.

21 MS. FRIER: Vice Chair Scott.

22 VICE CHAIR SCOTT: Yes.

23 CHAIRMAN BENSE: And by your vote the

24 committee substitute for Constitutional proposal

25 6, 8, and 34 passes, by a 22 to one vote tally.

175

1 Next we'll move on to committee substitute

2 for Constitutional Proposal 20 by Commissioner

3 Levesque.

4 MS. BARNETT: Mr. Chairman?

5 CHAIRMAN BENSE: Yes?

6 MS. BARNETT: Could I be recorded as voting

7 in favor of that?

8 CHAIRMAN BENSE: Absolutely.

9 MS. BARNETT: Thank you.

10 CHAIRMAN BENSE: Anyone that might have been

11 out?

12 VICE CHAIR SCOTT: I think Lacasa was out. I

13 don't know where he went. I think he might be

14 coming back. Yeah, here he comes.

15 MR. LACASA: Yes.

16 CHAIRMAN BENSE: And Commissioner Lacasa

17 votes yes. Is that everyone?

18 MS. FRIER: Yes, sir.

19 CHAIRMAN BENSE: 24 to one.

20 Okay. Again, we're moving now to take up

21 committee substitute for Constitutional

22 Proposal 20 by Commissioner Levesque. Is there

23 a motion that we take this up for final

24 passage?

25 MR. MARTINEZ: So move.

176

1 CHAIRMAN BENSE: Your motion. Commissioner

2 Martinez moves. Is there a second?

3 MR. HOGAN: Second.

4 CHAIRMAN BENSE: Commissioner Hogan seconds

5 it. Are there questions on the proposal? Are

6 there questions on the proposal?

7 (No response.)

8 Is there a debate on the proposal? Is

9 there a debate on the proposal?

10 (No response.)

11 Okay. The question recurs on the final

12 passage then of committee substitute for

13 CP0020.

14 Nancy, please call the roll.

15 MS. FRIER: Chair Bense.

16 CHAIRMAN BENSE: Yes.

17 MS. FRIER: Commissioner Barney Barnett.

18 MR. BARNETT: Yes.

19 MS. FRIER: Commissioner Martha Barnett.

20 MS. BARNETT: No.

21 MS. FRIER: Commissioner Bostick.

22 MR. BOSTICK: Yes.

23 MS. FRIER: Commissioner Corcoran.

24 MR. CORCORAN: Yes.

25 MS. FRIER: Commissioner D'Alemberte.

177

1 MR. D'ALEMBERTE: No.

2 MS. FRIER: Commissioner Hogan.

3 MR. HOGAN: Yes.

4 MS. FRIER: Commissioner Johnson.

5 MS. JOHNSON: Yes.

6 MS. FRIER: Commissioner Kyle.

7 MR. KYLE: Yes.

8 MS. FRIER: Commissioner Lacasa.

9 MR. LACASA: No.

10 MS. FRIER: Commissioner Levesque.

11 MS. LEVESQUE: Yes.

12 MS. FRIER: Commissioner Martinez.

13 MR. MARTINEZ: Yes.

14 MS. FRIER: Commissioner Mathis.

15 MS. MATHIS: Yes.

16 MS. FRIER: Commissioner McKay.

17 MR. MCKAY: No.

18 MS. FRIER: Commissioner McKee.

19 MR. MCKEE: Yes.

20 MS. FRIER: Commissioner Les Miller.

21 MR. LES MILLER: No.

22 MS. FRIER: Commissioner Randy Miller.

23 MR. RANDY MILLER: Yes.

24 MS. FRIER: Commissioner Moore.

25 MR. MOORE: No.

178

1 MS. FRIER: Commissioner Riley.

2 MS. RILEY: Yes.

3 MS. FRIER: Commissioner Rouson.

4 MR. ROUSON: Yes.

5 MS. FRIER: Commissioner Story.

6 MS. STORY: Yes.

7 MS. FRIER: Commissioner Turbeville.

8 MR. TURBEVILLE: Yes.

9 MS. FRIER: Commissioner Wilkinson.

10 MR. WILKINSON: Yes.

11 MS. FRIER: Commissioner Yablonski.

12 MR. YABLONSKI: Yes.

13 MS. FRIER: Vice Chair Scott.

14 VICE CHAIR SCOTT: No.

15 CHAIRMAN BENSE: Okay. By your vote, the

16 proposal passes by an 18 to seven vote. It will

17 be ordered up on the ballot.

18 Now we'll take up CP35 by the Governmental

19 Services Committee and Commissioner Martinez.

20 Is there a motion that we take up CP35?

21 MR. TURBEVILLE: So move.

22 CHAIRMAN BENSE: Commissioner Turbeville

23 moves.

24 MR. HOGAN: Second.

25 CHAIRMAN BENSE: Commissioner Hogan seconds.

179

1 Are there questions? Any further questions on the

2 issue -- on the motion?

3 (No response.)

4 Any debate on the proposal?

5 (No response.)

6 Seeing none, the question recurs on final

7 passage of CP35.

8 Nancy, please call the roll.

9 MS. FRIER: Chair Bense.

10 CHAIRMAN BENSE: Yes.

11 MS. FRIER: Commissioner Barney Barnett.

12 MR. BARNETT: Yes.

13 MS. FRIER: Commissioner Martha Barnett.

14 MS. BARNETT: Yes.

15 MS. FRIER: Commissioner Bostick.

16 MR. BOSTICK: Yes.

17 MS. FRIER: Commissioner Corcoran.

18 MR. CORCORAN: No.

19 MS. FRIER: Commissioner D'Alemberte.

20 MR. D'ALEMBERTE: Yes.

21 MS. FRIER: Commissioner Hogan.

22 MR. HOGAN: Yes.

23 MS. FRIER: Commissioner Johnson.

24 MS. JOHNSON: Yes.

25 MS. FRIER: Commissioner Kyle.

180

1 MR. KYLE: No.

2 MS. FRIER: Commissioner Lacasa.

3 MR. LACASA: Yes.

4 MS. FRIER: Commissioner Levesque.

5 MS. LEVESQUE: Yes.

6 MS. FRIER: Commissioner Martinez.

7 MR. MARTINEZ: Yes.

8 MS. FRIER: Commissioner Mathis.

9 (No response.)

10 MS. FRIER: Commissioner --

11 MS. MATHIS: Yes. I'm sorry.

12 MS. FRIER: Commissioner McKay.

13 MR. MCKAY: Yes.

14 MS. FRIER: Commissioner McKee.

15 MR. MCKEE: Yes.

16 MS. FRIER: Commissioner Les Miller.

17 MR. LES MILLER: Yes.

18 MS. FRIER: Commissioner Randy Miller.

19 MR. RANDY MILLER: Yes.

20 MS. FRIER: Commissioner Moore.

21 MR. MOORE: Yes.

22 MS. FRIER: Commissioner Riley.

23 MS. RILEY: Yes.

24 MS. FRIER: Commissioner Rouson.

25 MR. ROUSON: Yes.

181

1 MS. FRIER: Commissioner Story.

2 MS. STORY: Yes.

3 MS. FRIER: Commissioner Turbeville.

4 MR. TURBEVILLE: Yes.

5 MS. FRIER: Commissioner Wilkinson.

6 MR. WILKINSON: Yes.

7 MS. FRIER: Commissioner Yablonski.

8 MR. YABLONSKI: Yes.

9 MS. FRIER: Vice Chair Scott.

10 VICE CHAIR SCOTT: Yes.

11 CHAIRMAN BENSE: And by your vote the

12 proposal passes by a 23 to two margin. And those

13 are the six that were on the recommended order.

14 Members, we're going to take a break for

15 about 15 minutes, and we'll move on to Item

16 No. 8. I think you've been passed out CP40 and

17 CP -- what's the other one? And CP26. And

18 we'll take those up when we come back.

19 (Brief recess was taken.)

20 CHAIRMAN BENSE: Members, if you'll please

21 take your seats. You've got one minute. Okay,

22 members, I think everyone is back.

23 Earlier today there was a motion to waive

24 the rules and take up CP40 and CP26 in the

25 equivalent of a second reading. So, members,

182

1 we will move to take up CP40. I think

2 Commissioner Moore -- you have a motion?

3 MR. MOORE: Yes. I'd like to ask some

4 procedural questions and also to object. The

5 agenda that was sent out did not include these

6 items, and therefore we have not had the ability

7 to file amendments to them nor have we had the
8 ability to hear public testimony.

9 So I would like an order on the point,
10 since we couldn't discuss it earlier when we
11 added them to the agenda, as to whether or not
12 there will be timely notice.

13 In addition to that, how can we involve
14 the Style and Drafting Committee in considering
15 whatever we come up with and making it
16 appropriate?

17 So I would object to the consideration of
18 these items.

19 CHAIRMAN BENSE: Okay. We have a point of
20 order. To the point. To the point. Commissioner
21 Martinez to the point.

22 MR. MARTINEZ: Mr. Chairman, with regards to
23 not having notice that this item be considered
24 today, when we met last week -- and, frankly, I'm
25 forgetting what day it was, but whenever it was

183

1 last week, and when it was moved to
2 reconsideration by Commissioner Randy Miller, I
3 believe that then Commissioner Turbeville

4 indicated that it was being TP'd and it would be
5 addressed at this meeting.

6 So by the actions we took last week, this
7 proposal, CP40, the one we voted on and that
8 did not pass, but then Commissioner Miller
9 moved to reconsider, last week we had notice
10 that it would be coming up at this meeting this
11 week.

12 CHAIRMAN BENSE: Okay. To the point.
13 Commissioner Moore.

14 MR. MOORE: You had stated in a number of
15 public forums, including the Commission, that the

16 purpose of today's meeting was to undertake items

17 that had been agreed to by the Styling and

18 Drafting Committee, and that they were available

19 for final vote. These -- neither of these items

20 is in that shape.

21 CHAIRMAN BENSE: Okay. Commissioner Moore,

22 my answer to that would be, when I put the agenda

23 out, I did not anticipate entirely what else might

24 come up. I can't help it if the rules are waived

25 to place something on the agenda. And there were

1 17 votes to waive the rules and place something on

2 the agenda. That sort of trumps what I said.

3 Commissioner Gelber, you're recognized.

4 MR. GELBER: Thank you. Next time I won't

5 leave for any period of time.

6 (Laughter.)

7 My question has to be also, not simply to

8 that rule, but also to what extent Chapter 286

9 of the Florida Statutes would require that

10 reasonable notice be given of our meetings.

11 In an advisory opinion of the attorney

12 general of February 6th of 1996, a discussion

24 agenda, whether or not people should have known

25 what was going to happen, the agenda clearly --

185

1 if Mr. Martinez is correct -- if it was going

2 to be on it could have been on the agenda, and

3 the room has very few people in it. And I

4 would just simply note that the record reflect

5 that the last time this measure came up where

6 there was notice, although many people were

7 there for other issues, there were many groups

8 that wanted to speak on this same issue, and

9 they were all there.

10 And I don't know that -- I think it's

11 pretty clear that they -- none of them had any

12 idea of what would be happening here today,

13 because many of the groups -- I don't know if

14 the Catholic Conference is here, but others

15 who -- there were groups that spoke on both

16 sides of the issue are not here right now, so

17 obviously, as anybody can say that it should

18 have been obvious, but it wasn't obvious to

19 people who were very committed to getting their

20 voice to be heard on this issue at a time when

21 it's being considered, and they're not here

22 right now.

23 CHAIRMAN BENSE: Okay. Mr. Goodlette, did

24 you want to address the point? Or did you have a

25 point of order, Commissioner Gelber? Or was it to

186

1 get in the records?

2 MR. GELBER: To put on the record, and also

3 for the point that's been raised by Mr. Moore.

4 CHAIRMAN BENSE: Commissioner Barnett.

5 MS. BARNETT: Mr. Chair, I agree with the

6 point that Commissioner Moore has raised, for

7 several reasons. One is, throughout our process,
8 I believe the Commission has bent over backwards
9 to provide commissioners and the public an
10 opportunity to be heard. And I think that is
11 consistent with the direction in the constitution,
12 and I applaud you and the fellow members of the
13 Commission for that.

14 These items are not on the agenda today.

15 One of them was controversial. There were a
16 lot of people who spoke to it, and there will
17 be a lot of people who would like to speak to

18 it if we take it up today or in the future.

19 The other, I believe by Commissioner

20 Turbeville, while it was heard in committee,

21 the full Commission never had the benefit of a

22 debate or discussion of the 65 percent funding

23 and the classroom issue. I personally was not

24 on either of the committees that dealt with

25 that, and so I haven't had the benefit of any

187

1 of the debate and the discussion on that. This

2 is an important issue.

3 And we are now in a situation where people

4 who might be concerned about that might want to
5 inform the Commission, not only don't know
6 about it, but our rules provide that we're not
7 taking public testimony today. And I think
8 that this runs counter to the process that has
9 defined this Commission.

10 I am not adverse to the Commission
11 considering these two matters, but I do not
12 believe it's appropriate to do so today. I
13 believe if the Commission wants to hear them,
14 we should give -- we should consist -- be

15 consistent with what we have done for the last
16 year or so, and we should give notice and an
17 opportunity to be heard.

18 These are very important issues. They
19 could substantially impact our work product,
20 and I think that they deserve, and each of us
21 is entitled, to have an opportunity for fair
22 discussion and debate about them with full
23 input from people who are interested in it.

24 So if we're going to hear them, I would
25 suggest that we schedule another meeting, that

1 we notice them, and that we finish our duty
2 with the same spirit and attention to process
3 that we began it with and that we've honored
4 throughout the process.

5 CHAIRMAN BENSE: Commissioner Kyle.

6 MR. KYLE: Thank you, Mr. Chairman. I'm of
7 the opinion they are properly noticed. To the
8 point, our agenda has another section, section 10,
9 Other Business Before the Commission. The rules
10 provide for us to waive the rules to change our
11 agenda, and I think it's properly noticed, given

12 the catchall number for 10.

13 As well as the bill that was reconsidered,

14 we have taken extensive testimony on that bill;

15 and I don't think there's anything further that

16 would need to be said on it from the public. I

17 think everybody already knows on the Commission

18 where they're at on that issue.

19 And as far as the second -- the second

20 item, again, having traveled the state and

21 received numerous e-mails and everything, many

22 of these issues were filed and we received -- I

23 don't know about anyone else, but I received

24 tons of e-mails on almost every bill, letters
25 on almost every bill; and again, I think it is

189

1 an issue and an item that everybody knows where
2 they're at on this. And again, I think it is
3 properly noticed under subsection 10 of the
4 agenda.

5 And to the point, I think there's proper
6 notice. Anyone that's interested in anything
7 else that could have come up could have been
8 here, and I think should have been here. So I

9 think we should take it up today and deal with
10 it accordingly.

11 CHAIRMAN BENSE: Commissioner Turbeville, to
12 the point.

13 MR. TURBEVILLE: I just want to concur on
14 Commissioner Kyle and Commissioner Martinez's
15 comments. Both of these proposals are on the
16 second reading. They were heard and there was
17 extensive debate in committee. I know there are
18 other proposals that are before us, and we voted
19 out that some of us haven't had extensive debate
20 because we didn't serve on certain committees. So

21 I'm aware of that.

22 But since those proposals are on the

23 second reading, they are available under our

24 rules, and I completely agree with Commissioner

25 Kyle that having other business before the

190

1 Commission opens these issues that could be

2 before us.

3 And also to the point, at the last meeting

4 when I did TP those proposals I did do so and

5 state that I was TP'ing them for today. That

6 was at that meeting. And I think most of the
7 members who were listening to the comments
8 specifically are aware that we were going to
9 address these issues at future meetings.

10 CHAIRMAN BENSE: Commissioner Corcoran.

11 MR. CORCORAN: Yeah, just -- I'm not sure my
12 mic works. But I'd like to echo what Commissioner
13 Kyle and Commissioner Turbeville just said.

14 First of all, under section 10, clearly --

15 CHAIRMAN BENSE: Commissioner Corcoran, let's
16 find a mic that works for you. There you go.

17 MR. CORCORAN: Commissioner Barnett's messing

18 with my microphone.

19 But I'd just like to say that in notice --

20 in section 10 it is noticed, as Commissioner

21 Kyle and Commissioner Turbeville said. Second

22 of all, when Commissioner Miller did a motion

23 to reconsider, the rule said, if you do a

24 motion to reconsider, it can only be taken up

25 at that meeting and -- which was at issue. And

191

1 so then Commissioner Turbeville did a motion to

2 TP the bill, which -- and explicitly said that

3 it would be -- he would address it next time.

4 And then doing that TP on 40, he said the same

5 thing with 26, that he would -- he would

6 address that at the next meeting.

7 In addition to that, CP40 has been

8 debated, all the public testimony has been

9 given, every single person had the opportunity

10 to give all the public testimony they wanted.

11 The Chair asked if there was anyone that would

12 like to say anything or comment. It was

13 properly noticed, and we had testimony from

14 everybody on 40 and it was exhausted.

15 And had the vote been different on 40, it
16 would have been before us today. And it
17 wouldn't have been debated, and there would be
18 no more public testimony. We would have just
19 voted up or down on it.

20 But there was a motion to reconsider, but
21 all the testimony has been given. And now
22 we're just simply reconsidering that vote, and
23 it's before us today to see if we're going to
24 vote for it or vote against it today on -- and
25 both of those items, I think 40 was on our

1 agenda at least three times. And so anybody
2 could have submitted anything that was on our
3 active agenda for three meetings and TP'd.

4 26 was on at least twice, possibly three
5 times, and anyone could have submitted anything
6 over the course of the last six weeks. I think
7 we've had every single possible opportunity
8 before us.

9 And finally, we waived the rules to take
10 it in this particular position, which is what
11 we're allowed to do.

12 CHAIRMAN BENSE: Okay. Commissioner Rouson,

13 I believe you have a motion.

14 MR. ROUSON: I move that we adjourn.

15 UNIDENTIFIED SPEAKER: Second.

16 CHAIRMAN BENSE: Okay. Commissioner Rouson

17 moves that we adjourn. That's a nondebatable

18 motion, requires a majority vote. All in favor of

19 adjournment say aye.

20 (Aye.)

21 Opposed no.

22 (No.)

23 Motion fails.

24 Okay. We're on the point. To the point.

25 Could you restate the point for us,

193

1 Commissioner Moore?

2 MR. MOORE: Well, it was simply that you have

3 the power to set the agenda. You set the agenda;

4 You knew full well everything that people have

5 said about the agenda, and you chose not to put

6 this item on the agenda. The members of the

7 Commission then came in and by a two-thirds vote,

8 without debate, added these two items back on the

9 agenda.

10 And I'm simply objecting to the fact that
11 you didn't notice through any public meeting
12 that we're going to take this stuff up, not
13 because it's not available to us, but because
14 you say the purpose of today's meeting was to
15 take final action on the proposals.

16 Now, I've got a ton of amendments to
17 No. 40, which will have to be entertained as
18 late-filed amendments. There are plenty of
19 people here that would like to speak to these

20 items. The reason I didn't prepare for these
21 is because I read the agenda, and the agenda
22 did not have this item on it.

23 CHAIRMAN BENSE: Okay. Anyone else to the
24 point? Anyone else to the point?

25 (No response.)

194

1 The chair rules that the -- the rules
2 clearly state that the rules can be waived with
3 a 17-member vote. Seventeen or more members
4 voted to waive the rules earlier today to take
5 up CP40 and CP26.

6 In addition, I -- and I'm mindful of the
7 concerns of Commissioner Barnett and yourself.

8 In addition, Commissioner Kyle brought up a
9 point that I had not thought about, and that is
10 there is a section called Other Business on the
11 agenda, which is important to me.

12 Having said that, I rule the point is not
13 well taken.

14 Okay. We are back on CP40.

15 MR. LES MILLER: Mr. Chairman?

16 CHAIRMAN BENSE: Commissioner Miller, you're

17 recognized.

18 MR. LES MILLER: Can I make a motion?

19 CHAIRMAN BENSE: State the nature of the

20 motion.

21 MR. LES MILLER: I make a motion that we

22 temporarily pass CP40 and CP26 and call an

23 additional meeting for Monday, April 27th. That

24 will allow members an opportunity to review these,

25 make amendments to the two proposals, and an

195

1 opportunity to allow the people to have the

2 opportunity to come testify before this Commission

3 on those particular --

4 CHAIRMAN BENSE: Okay. There's a motion on

5 the floor.

6 MS. MATHIS: Second.

7 CHAIRMAN BENSE: And there's a second.

8 Members, let's have a vote on whether we

9 do not vote on these -- that we temporarily

10 postpone 40 and 26 and take them up on Monday,

11 April 28th. All in favor of the motion say

12 aye.

13 (Aye.)

14 Opposed no.

15 (No.)

16 The motion fails.

17 MR. MOORE: Division.

18 CHAIRMAN BENSE: Pardon?

19 MR. MOORE: I just called division.

20 CHAIRMAN BENSE: Oh, okay.

21 MS. MATHIS: Call the roll?

22 CHAIRMAN BENSE: Oh, you want a roll call

23 vote?

24 MR. MOORE: Yes.

25 CHAIRMAN BENSE: Oh, okay.

1 Call the roll, please, Nancy.

2 MS. FRIER: Chair Bense.

3 CHAIRMAN BENSE: No.

4 MS. FRIER: Commissioner Barney Barnett.

5 MR. BARNETT: No.

6 MS. FRIER: Commissioner Martha Barnett.

7 MS. BARNETT: Yes.

8 MS. FRIER: Commissioner Bostick.

9 MR. BOSTICK: No.

10 MS. FRIER: Commissioner Corcoran.

11 MR. CORCORAN: No.

12 MS. FRIER: Commissioner D'Alemberte.

13 MR. D'ALEMBERTE: Yes.

14 MS. FRIER: Commissioner Hogan.

15 MR. HOGAN: No.

16 MS. FRIER: Commissioner Johnson.

17 MS. JOHNSON: No.

18 MS. FRIER: Commissioner Kyle.

19 MR. KYLE: No.

20 MS. FRIER: Commissioner Lacasa.

21 MR. LACASA: No.

22 MS. FRIER: Commissioner Levesque.

23 MS. LEVESQUE: No.

24 MS. FRIER: Commissioner Martinez.

25 MR. MARTINEZ: No.

197

1 MS. FRIER: Commissioner Mathis.

2 MS. MATHIS: Yes.

3 MS. FRIER: Commissioner McKay.

4 MR. MCKAY: No.

5 MS. FRIER: Commissioner McKee.

6 MR. MCKEE: Yes.

7 MS. FRIER: Commissioner Les Miller.

8 MR. LES MILLER: Yes.

9 MS. FRIER: Commissioner Randy Miller.

10 MR. RANDY MILLER: No.

11 MS. FRIER: Commissioner Moore.

12 MR. MOORE: Yes.

13 MS. FRIER: Commissioner Riley.

14 MS. RILEY: No.

15 MS. FRIER: Commissioner Rouson.

16 MR. ROUSON: Yes.

17 MS. FRIER: Commissioner Story.

18 MS. STORY: No.

19 MS. FRIER: Commissioner Turbeville.

20 MR. TURBEVILLE: No.

21 MS. FRIER: Commissioner Wilkinson.

22 MR. WILKINSON: No.

23 MS. FRIER: Commissioner Yablonski.

24 MR. YABLONSKI: No.

25 MS. FRIER: Vice Chair Scott.

198

1 VICE CHAIR SCOTT: No.

2 CHAIRMAN BENSE: And -- what is the count

3 there? The motion does not pass.

4 MS. FRIER: Seven to 18.

5 CHAIRMAN BENSE: Does not pass. What was it?

6 MS. FRIER: Seven to 18.

7 CHAIRMAN BENSE: Eight voted yes, 17 voted

8 no.

9 MS. FRIER: No.

10 CHAIRMAN BENSE: Oh, okay. Eighteen? Seven

11 voted yes; 18 voted no.

12 Okay. We're back on CP40. Commissioner

13 Levesque, you're recognized to present your

14 proposal.

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

16 Members, this is a proposal that we debated for

17 many hours a couple weeks ago. Basically, it
18 addresses the Florida Supreme Court decision in
19 Bush v. Holmes by ensuring that the Legislature
20 has the ability to provide for education programs.
21 At a minimum, they have to provide for the public
22 education system but not exclusively. So they
23 have the ability to do charter schools and
24 scholarships for kids at private schools and
25 virtual education and other things that may not be

199

1 in the direct purview of the public education

2 system.

3 CHAIRMAN BENSE: Okay. Commissioner Levesque
4 having presented her proposal, members, I'm going
5 to take about a five-minute recess here if you
6 don't mind.

7 (Brief recess was taken.)

8 CHAIRMAN BENSE: Members, please pay
9 attention, if you would. I'm very mindful of --
10 of making sure that members have time to prepare
11 amendments. I'm very mindful of the fact that
12 we've set two days aside for this meeting. I'm
13 inclined, members, to take up CP40 and 26 tomorrow

14 morning. That gives people the whole night
15 tonight to prepare amendments.

16 Now, with respect to public participation
17 on 40, we've had plenty of participation on 40,
18 quite frankly. There has been none on 26. I
19 suggest that we set an hour aside, 30 minutes
20 each side, to hear public testimony tomorrow on
21 26, 30 minutes a side, so we have taken public
22 testimony at that point in time.

23 So are there any objections to that?

24 (No.)

25 Seeing none, Commissioner Bostick moves we

200

1 rise. And we'll meet tomorrow morning at 10

2 o'clock a.m. -- or at 8:30 a.m. Sorry.

3 8:30 a.m.

4 (The proceedings adjourned at 3:23 PM)

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CERTIFICATE OF REPORTER

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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 24th

19 day of April, 2008.

20

21

22

23

LISA D. FREEZE, RPR, NOTARY PUBLIC

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