

FLORIDA TAXATION AND BUDGET REFORM COMMISSION

IN RE: Committee Meeting

DATE: July 20, 2007

TIME: Commenced at 1:07 p.m.

Concluded at 1:54 p.m.

LOCATION: Knott Bldg., Room 412

Tallahassee, FL

REPORTED BY: MICHELLE C. JONES, RPR, CRR, Notary

Public

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1 MEMBERS OF THE COMMITTEE:

2 Hoyt "Barney" Barnett
Martha W. Barnett
3 Allan Bense
Mark Bostick (Appearing via phone.)
4 Mike Hogan
Julia Johnson
5 Bruce Kyle
Carlos Lacasa
6 Patricia Levesque
Alan Levine
7 Roberto "Bobby" Martinez
Jacinta Mathis
8 Robert "Bob" McKee
Randy Miller
9 Lesley J. "Les" Miller, Jr.
Jade Thomas Moore
10 Nancy J. Riley
Darryl E. Rouson
11 Susan Story
Greg Turbeville (Appearing via phone.)
12 Kenneth "Ken" Wilkinson
Brian Yablonski

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

2 CHAIRMAN BENSE: Okay, members, the
3 meeting will come to order. And I know some
4 of you have planes you want to catch.
5 Susan, would you call the roll or Kathy call
6 the roll, please? Nancy, call the roll.

7 MS. FRIER: Okay, Commissioner Barney
8 Barnett.

9 MS. BARNETT: Here.

10 MS. FRIER: Commissioner Martha Barnett.

11 MS. BARNETT: Here.

12 MS. FRIER: Commissioner Bostick.

13 MR. BOSTICK: Here by phone.

14 MS. FRIER: Commissioner D'Alemberte.

15 (No response.)

16 MS. FRIER: Commissioner Haridopolos.

17 (No response.)

18 MS. FRIER: Commissioner Hogan.

19 MR. HOGAN: Here.

20 MS. FRIER: Commissioner Julia Johnson.

21 MS. JOHNSON: Here.

22 MS. FRIER: Commissioner Kyle.

23 (No response.)

24 MS. FRIER: Commissioner Lacasa.

25 MR. LACASA: Here.

1 MS. FRIER: Commissioner Levesque.
2 MS. LEVESQUE: Here.
3 MS. FRIER: Commissioner Levine.
4 MR. LEVINE: Here.
5 MS. FRIER: Commissioner Margolis.
6 (No response.)
7 MS. FRIER: Commissioner Martinez.
8 MR. MARTINEZ: Here.
9 MS. FRIER: Commissioner Mathis.
10 MS. MATHIS: Here.
11 MS. FRIER: Commissioner McKay.
12 (No response.)
13 MS. FRIER: Commissioner McKee.
14 MR. McKEE: Here.
15 MS. FRIER: Commissioner Les Miller.
16 MR. L. MILLER: Here.
17 MS. FRIER: Commissioner Randy Miller.
18 MR. R. MILLER: Here.
19 MS. FRIER: Commissioner Moore.
20 MR. MOORE: Here.
21 MS. FRIER: Commissioner Peterman.
22 (No response.)

23 MS. FRIER: Commissioner Riley.
24 MS. RILEY: Here.
25 MS. FRIER: Commissioner Rouson.

1 MR. ROUSON: Here.

2 MS. FRIER: Commissioner Sansom.

3 (No response.)

4 MS. FRIER: Commissioner Story.

5 MS. STORY: Here.

6 MS. FRIER: Commissioner Turbeville.

7 MR. TURBEVILLE: Here by phone.

8 MS. FRIER: Commissioner Wilkinson.

9 MR. WILKINSON: Here.

10 MS. FRIER: Commissioner Yablonski.

11 MR. YABLONSKI: Here.

12 MS. FRIER: Commissioner Scott.

13 MR. SCOTT: Here.

14 MS. FRIER: Mr. Chairman.

15 CHAIRMAN BENSE: Here. And let the
16 record reflect that there is a quorum for
17 today's meeting.

18 I'm going to skip a little bit. One of
19 our committee chairmen, Chairman Martinez,
20 has a plane he has to catch in about 50
21 minutes, so we're going to go ahead and let
22 him do his committee report and skip out.

23 So Commissioner Martinez, you're

24 recognized.

25 MR. MARTINEZ: Thank you very much. The

1 Government Services Committee met today for
2 about two hours. We had an excellent
3 meeting, got presentations from three
4 different groups. The first group included
5 the head of the Florida School Boards
6 Association Wayne Blanton and the head of
7 the Florida Association of District School
8 Superintendents Bill Montford.

9 They also had with them two
10 superintendents, one from Seminole County,
11 small school district, and one from
12 Hillsborough, large school district.

13 Essentially, and I want to be fair to
14 them, the record will best reflect what they
15 said, but their presentation focused
16 primarily on the difficulties the impact of
17 the class size amendment has had in the
18 schools. And what they recommended is that
19 although they're not in favor of repeating a
20 class size amendment, they do favor an
21 amendment to it, so that the application of
22 the class size limits will be done at the

23 school wide level, as opposed to at the

24 classroom wide level.

25 They felt that in addition to the fiscal

1 stress that the amendment is causing, it
2 becomes almost impossible in its application
3 at the school level.

4 So, that was one of the recommendations
5 they had. And I requested that they submit
6 any more recommendations than that one in
7 writing to us.

8 We also had a presentation from the
9 Collins Center through its executive vice
10 president, Mark Pritchett. And that was a
11 very interesting presentation on innovation
12 and efficiency in education. And they spoke
13 about different educational programs that
14 are currently in effect, including charter
15 schools, the McKay Scholarship Program, the
16 corporate tax credit, the voluntary preK and
17 others.

18 They felt that the Legislature should
19 have the flexibility, going forward as we
20 look up towards the next 20 years, to be
21 able to enact laws that incorporate these
22 type of innovative programs, that include

23 school choice programs. And they felt that
24 the constitution should be amended so that
25 the limitations which might exist with

1 regards to the Bush vs. Holmes decision
2 doesn't limit the flexibility that the
3 Legislature might need going forward in
4 enacting these innovative educational
5 programs, which they thought were both
6 effective and also efficient and would save
7 the taxpayers money.

8 Lastly we had a presentation from Robert
9 Nabors, a former member of Constitutional
10 Adequacy Commission. And it was a very
11 important presentation, because -- it is
12 important that we all realize this: He felt
13 in his opinion -- and we may differ, but he
14 probably is right, that the 1998 amendment
15 dealing with high quality education
16 ultimately empowered the courts as a matter
17 of law to tell the legislators that they
18 should be appropriating more money in order
19 to assure that they are complying with the
20 constitutional mandate.

21 Now, I didn't think that would be
22 necessarily a wonderful idea in its

23 practicality, but he did believe that the
24 law as written and amended in '98 could be
25 ultimately construed that way.

1 I think it was important that our
2 committee members heard that.

3 That was a short summary of what was
4 presented. It was very interested and I'd
5 invite them back to address us in the
6 future.

7 Now, Mr. Chairman, our committee has
8 scheduled the following meetings in which
9 we'll be addressing additional topics: On
10 August 21, we're going to be addressing
11 community colleges and the state university
12 system; on August 17 we will be addressing
13 health care issues; on August 21, we will be
14 addressing public safety, prisons and law
15 enforcement; on September 10, we will be
16 addressing transportation; and then on
17 September 20, we will be addressing other
18 issues that we have not previously
19 discussed, including environment, water,
20 DCF, and et cetera.

21 And we're going to try to hold all of
22 those meetings, except for the ones that are

23 concurrent with the Tallahassee Commission
24 meeting, either in Orlando or Tampa, near
25 the airport, so that members can get to

1 those meetings a little bit easier than they
2 might be able to get to Tallahassee.

3 Thank you very much.

4 CHAIRMAN BENSE: Are there questions of
5 Chairman Martinez's report?

6 Members, I want to remind you that any
7 member can attend any committee meeting you
8 want, either by phone, in person. If there
9 is an issue coming up before any committee
10 that you would like to learn more about, you
11 have the right and privilege of attending
12 that meeting and participating and things
13 like that.

14 So having said that, thank you, Chairman
15 Martinez.

16 So let's go back to the original agenda.
17 Under Chairman's Remarks, I want to
18 introduce Nancy Frier. She's our new
19 administrative assistant. She just called
20 the roll.

21 She's been with us, she's had many years
22 of service as office manager for the

23 Tallavana Christian School in Havana,
24 Florida, comes highly recommended by our
25 chair -- our executive director, Susan

1 Skelton.

2 So welcome Nancy.

3 We also have a summer research intern,
4 Paul Soberon-Llort.

5 Paul, where are you?

6 Paul is busy digging in the archives and
7 learning about what previous commissions did
8 and things like that. So he's a bright
9 young man and thank you for volunteering
10 your time. We really do appreciate it.

11 Also, joining our staff as of this
12 morning, is Ann Gordon. Ann has extensive
13 experience. Ann stand up. She's right
14 there. Ann has extensive experience.
15 She'll be senior budgeting analyst, that was
16 her role with the Florida Legislature.
17 She's worked for the Florida House and other
18 agencies with -- I think the Senate, too.
19 You were with the Senate. That wasn't as
20 fun as the House, was it?

21 Ann is very bright and I have a great
22 deal of respect for her and I'm very happy

23 that she agreed. We visited yesterday, and
24 this morning she decided to come on board.
25 So look forward to working with you, Ann.

1 Having said that, let's continue with --
2 any questions? Let's continue with the
3 reports on committees. How about the
4 Planning and Budgetary Processes Committee?

5 MR. LACASA: Thank you, Mr. Chairman,
6 I'll be brief. We had two presentations
7 before our committee today, one from Cynthia
8 Kelly, staff director of the Senate Fiscal
9 Policy Committee and one from Dr. Jim
10 Zingale, executive director of Florida
11 Department of Revenue.

12 Ms. Kelly gave us information on how the
13 State budget is crafted every year,
14 including information about the estimating
15 conference process. We asked for specific
16 recommendations on revisions to the
17 constitution in connection with the
18 budgeting process of the state.

19 Ms. Kelly felt that there were no
20 changes necessary at this time. That the
21 system worked perfectly well.

22 Next with Dr. Jim Zingale, we got an

23 extensive and very interesting presentation
24 on demographics in the state, demographic
25 trends in the state, population moves and so

1 forth. And what that presentation basically
2 led us to is that we need to dig further
3 with the Office of Academic and Demographic
4 Research and overlay the information they
5 can provide us with the demographics that
6 Dr. Zingale provided.

7 He was cautious to point out that he's a
8 revenue collector not a projector, that's a
9 past life for him. So we will eagerly look
10 for the next meeting to schedule, hopefully
11 schedule the DR for the presentation.

12 That's it, Mr. Chairman.

13 CHAIRMAN BENSE: Any questions?
14 Mr. Zingale has been using that "I'm a
15 collector" line for a long time. I can't
16 pull a thing out of him. I know he has all
17 kinds of ideas.

18 Any questions?

19 Chairman Levine, Governmental Procedures
20 and Structure Committee. Do we have -- he
21 probably had to catch a plane. Anyone else
22 that was on that committee who attended that

23 committee, that might want to report?

24 Commissioner Levesque recognized.

25 MS. LEVESQUE: We started off with a

1 presentation from Ben Watkins, Director of
2 State Bonding, on debt affordability and
3 bonding affordability.

4 Then we had a presentation by Mr. Nabors
5 who served the Constitution Revision
6 Commission, giving us kind of a historical
7 context for some of the provisions in the
8 Constitution. He was going to get to some
9 of those adequacies I think and presented in
10 Chairman Martinez's committee, but ran out
11 of time.

12 Debby Kearney, who is the current
13 general counsel of the Department of
14 Education, gave us an overview of kind of
15 the differences between Federal constitution
16 and State constitution and why we have so
17 many more things in the State constitution.

18 Tom Cibula started walking us through
19 some issues that we had identified prior to
20 our committee meeting and we just began
21 discussions on a handful of those items.

22 CHAIRMAN BENSE: You did better than

23 Levine did.

24 Any questions of Commissioner Levesque?

25 Any questions? Okay.

1 Finally, Chair Story, the Financial
2 Taxation Committee.

3 MS. STORY: Thank you, Mr. Chairman. We
4 also had presentations from the same folks
5 that did the Planning and Budgetary
6 Processes. Dr. Zingale gave us a very nice
7 break down of revenue streams for the State
8 of Florida. It did not include property
9 taxes, as that was deemed more local.

10 We looked at general revenue, versus
11 all the ear marked revenue, versus the
12 federal funds, grants. We were able to go
13 through the primary -- the relative
14 percentages of revenue from general revenue,
15 had a great outline looking at 2005. 2006
16 is the last year of actuals. Again, he did
17 a great job.

18 We have asked that we get that same
19 data, the same format, for 20 year
20 projections looking at the revenue streams.
21 We also asked that we be able to add the
22 property tax projections on those same ones.

23 We also looked at -- had a discussion
24 about appropriations outside of the general
25 appropriations budget. We also had

1 discussion about the demographic assumptions
2 that go into both the revenue projections as
3 well as budgeting implications of not just
4 age changes but also ethnicity changes in
5 the State.

6 Then Cynthia Kelly gave us a good
7 presentation on budgeting structure.

8 We then, as a committee, have decided
9 that in addition to utilizing the expertise
10 of professionalism of the State staff, that
11 we thought it would be helpful to hire an
12 outside firm or an organization to give us a
13 look at the tax structure of Florida, the 20
14 year projections and the sufficiencies of
15 the tax structure of Florida as it relates
16 also to the ability to meet governmental
17 spending, expenditure requirements.

18 We have gone through a list of the scope
19 of what we would like for the committee to
20 do. I can go through that now, or you can
21 review the minutes of our meeting.

22 We have laid out a pretty detailed scope

23 of work we would like this group to do. In
24 addition we would like it to be done in the
25 next three months, so that it is done before

1 we start homeland recommendations on our Tax
2 and Finance Committee.

3 We also went through the process of how
4 to select that firm. We do not have to go
5 through the formal RFP process, but we do
6 want to make sure we go through the State's
7 vetted list and that we look at any
8 companies that are capable of doing the
9 required scope of work the way we outlined
10 it. Susan Skelton, her staff are going to
11 provide us with that list.

12 In addition to that, we decided that
13 with the predominant work, as far as the
14 education on the big picture, revenue
15 streams, expenditure projections, and any
16 gaps in how we'll meet those gaps, but
17 understanding that several members of our
18 committee, as well as the commission have
19 interest in major areas in the tax and
20 finance area.

21 We brainstormed a list of areas that we
22 thought we needed specific education and

23 option analysis on, that members of our
24 committee would take the lead on. And we
25 would also open that up to other members of

1 the Commission.

2 When we brainstormed that list, we said
3 in addition to the general education that
4 we're getting on tax and financial spending,
5 that we -- there is a big interest in
6 looking at the area of property tax,
7 specifically portability; highest and best
8 use; just value; fairness in equity and
9 assessment requirements. The issue of
10 required local efforts as it relates
11 particularly to education, funding and
12 spending; the assumptions that go into the
13 demographic analysis and how those relate to
14 expenditures and revenue streams in the
15 future. The entire look at the sales tax
16 base. Should it be expanded, what are the
17 components, who are the projections in each
18 area of the components? We need a total
19 look at that.

20 And in addition to the collections
21 process, what are the strengths of the
22 collections process, what are we leveraging,

23 what are we not leveraging?

24 The issue of conservation financing

25 funding as we are doing more and more in

1 conservation in the state and land
2 practices.

3 So we had an initial volunteering of
4 people in the Tax and Finance Committee.
5 The charge is not to develop
6 recommendations. The charge at this point
7 is to go out, get information, come back to
8 our full committee and educate us in-depth
9 on these areas, as well as the range of
10 options, what has been discussed in the
11 public arena, what has been debated as to
12 options, just so our committee gets more
13 information in these particular areas.

14 Chairman Bense noted that, number 1,
15 there may be other commission members that
16 want to work with these committee members to
17 look into the education -- the educational
18 needs, research needs we need. He also
19 clearly said that there may be other topics
20 that we would want to entertain with this
21 type of look, where we are basically saying
22 while the committees are doing the work,

23 that we are looking at committee and
24 commission members to be assigned to bring
25 further education and information to us.

1 We also agreed that we needed weekly
2 conference calls, in addition to
3 face-to-face meetings. And we are exploring
4 the technology of Susan Skelton, her staff,
5 of a service that we can do Powerpoint and
6 conferencing on the Internet. So that it
7 would preclude the use of this much travel,
8 so we can get more participation as we go to
9 much more frequent meetings.

10 That's what we did, Chairman Bense.

11 CHAIRMAN BENSE: Okay. Are there any
12 questions about Chairman Story's committee
13 meeting? Many of you were there.

14 Okay. Since there are no questions, we
15 will move on.

16 Is there any unfinished business out
17 there? Anything to take care of?

18 New business. With respect to the
19 schedules for committees, just a heads up, I
20 want to remind you, you can meet weekly, you
21 can meet every other day if you want to as a
22 committee. It's up to the committee chair.

23 The last thing I want is for us to be
24 criticized for not having looked at as many
25 issues as we can within the time frame we

1 have to work in. So I try my best to attend
2 all conference calls, as many committee
3 meetings as I can, will continue to do that.
4 But be sure to coordinate though with Susan
5 Skelton if you want to have a committee
6 meeting, you need to -- we have time frames,
7 notifications, things like that. So be sure
8 to work with Susan, Director Skelton on when
9 you want to have those meetings.

10 Next, we passed out a proposed public
11 hearing schedule for travels around the
12 State. You -- we have suggested that we --
13 well, you see it, Jackson on September 20;
14 Tampa on the 4th of October; Orlando the 5th
15 of October; Fort Myers the 10th, Miami the
16 11th; Fort Lauderdale the 12th and Fort
17 Walton Beach on the 19th. That covers sort
18 of the larger broader parts of the state.

19 The Fort Lauderdale area, and I can't
20 take credit, but chairman -- Commissioner
21 Scott was lobbying to have more meetings in
22 southeast Florida, because there are a lot

23 of people in southeast Florida, clearly.

24 So this not cast in stone. We can look

25 at it for a while longer. We're in --

1 that's two months from now, September 20
2 meeting. We would like to get your feedback
3 on it.

4 Is there anyone that despises this
5 concept of where we're going to meet?

6 Let's talk about first of all the where.
7 Does anyone wish to add more locations on
8 there at all?

9 Commissioner McKee.

10 MR. McKEE: Mr. Chairman, if we're
11 looking to meet any particular demographic
12 to have present at our meetings, I would
13 suggest perhaps we could host one in the
14 Village. If turnout is an issue, I can --

15 CHAIRMAN BENSE: We'll get there.

16 MR. McKEE: I can assure you, about 1000
17 people --

18 CHAIRMAN BENSE: That's pretty close.
19 How far is that from Orlando? It's an hour
20 away from Orlando.

21 MR. McKEE: Forty-five minutes.

22 CHAIRMAN BENSE: Forty-five minutes

23 away. Let's take that under advisement
24 right now. I do know that there is a huge
25 population there, what, fifty, sixty

1 thousand people there.

2 MR. McKEE: I watched, as we all have,
3 some of the other tax related public
4 meetings around the State this past year and
5 the turn out was far from exceptional.

6 CHAIRMAN BENSE: I'm not worried about
7 turnout in the Village.

8 MR. McKEE: Thank you.

9 CHAIRMAN BENSE: We'll take that under
10 advisement, if that's okay with the other
11 members.

12 What about times? These dates? Does
13 anyone have problems with these dates?
14 Commissioner Hogan? We're doing
15 Jacksonville.

16 MR. HOGAN: I saw that first off too.
17 Very happy with that.

18 The Fort Myers, Miami and Fort
19 Lauderdale, they're not really that close
20 together. Is there a reason why Fort Myers
21 is lumped in there?

22 CHAIRMAN BENSE: Well, originally we

23 were going to do one in north Dade County as
24 I recall, we only had two. Technically to
25 meet in Fort Myers, you jump on 75, get on

1 the -- take the Alligator --

2 MR. HOGAN: How many hours?

3 CHAIRMAN BENSE: About two hours.

4 Something like that. Is that right, you
5 all?

6 MR. LACASA: Yeah.

7 CHAIRMAN BENSE: About two and a half
8 hours. Come on, you can do it.

9 MR. HOGAN: Windshield time.

10 CHAIRMAN BENSE: It's all four lane
11 highway.

12 MR. HOGAN: Is there a toll road over
13 there?

14 CHAIRMAN BENSE: If you don't leave at
15 3:00. That 3:00 to 6:00 traffic on I-75
16 around Naples is pretty bad.

17 Fort Myers to Miami, basically. You
18 have to go through Naples to get to I-75.
19 Do you have a problem, Commissioner Scott?

20 MR. SCOTT: No.

21 CHAIRMAN BENSE: Commissioner Rouson.

22 MR. ROUSON: Thank you very much. I

23 thought about Gainesville as an option. I
24 was thinking that the University of Florida
25 has a tax program there that might be

1 something good for the students as well as
2 the professors as well as other residents in
3 that area. I don't know whether or not that
4 was something --

5 CHAIRMAN BENSE: Are there comments?
6 Are there comments on that? How about if we
7 do as we did with the Village? Take that
8 under advisement and see if we can't squeeze
9 it in there.

10 Commissioner Mathis.

11 MR. MATHIS: Chairman, I wanted to know
12 if we had considered having some of these
13 public hearings in more rural areas. I
14 think we've covered the more urban areas in
15 our state very well. And don't hold this
16 against me, but Pensacola, which I think has
17 a totally different feel, and maybe there
18 are some other one or two rural areas that
19 we may want to bring this issue.

20 CHAIRMAN BENSE: Well, Fort Walton -- I
21 live in Panama City, so I kind of thought
22 you go off in both communities there to

23 cover -- you'll get Washington, Holmes
24 County, they'll all go to Fort Walton Beach
25 for that meeting. But there are -- you

1 know, when you look at Columbia County,
2 probably, down in central Florida, Henry
3 County, those -- Highlands County, those are
4 sort of left out. And how about if we take
5 that under advisement as well, if that's
6 acceptable to everybody.

7 Commissioner Story?

8 MS. STORY: One thing I would recommend,
9 I like the point of rural, the rural areas
10 of critical economic concern, the three
11 major rural regions in the state have
12 meetings now. It might be that we can find
13 out Enterprise, Florida and once a year or
14 twice a year they actually meet together in
15 the three rural areas, northeast, north
16 central and the southern central part.

17 So it may be to coordinate a meeting
18 like that where we could have a hearing, we
19 could really get rural input from several of
20 the rural areas without going to one
21 location.

22 CHAIRMAN BENSE: Very, very good point.

23 We'll take Gainesville, the Village and
24 rural areas under advisement.
25 So we have a minimum of seven trips

1 scheduled already, and we'll take a look at
2 the other ones. And Susan Skelton and I
3 will review it.

4 Yes, sir, Chairman Lacasa.

5 MR. LACASA: Would it be possible to
6 swap Fort Lauderdale dates with Fort Myers?
7 In other words, put Fort Myers on Friday and
8 Fort Lauderdale on Wednesday? Because of
9 travel time and going into the weekend.

10 CHAIRMAN BENSE: I don't have any --
11 does anyone have a problem with that?

12 We'll swap them.

13 MR. LACASA: Thank you.

14 MR. R. MILLER: What was the swap?

15 CHAIRMAN BENSE: Fort Lauderdale goes to
16 Wednesday, Fort Myers goes to Friday. Is
17 that correct? Chairman Lacasa, is that
18 correct?

19 MR. R. MILLER: Fort Myers is on Friday?

20 CHAIRMAN BENSE: Yes.

21 MR. R. MILLER: We'll have to fly to
22 Atlanta to get back to Tallahassee from Fort

23 Myers?

24 CHAIRMAN BENSE: That's a problem,

25 Chairman Lacasa. You can't fly -- to fly to

1 Fort Myers, you've got to go to Atlanta.

2 MR. LACASA: Okay, not a problem.

3 CHAIRMAN BENSE: I did not think about
4 that, and it will be a problem. There are
5 direct flights from Miami to Fort Lauderdale
6 to Tallahassee. A lot of folks are from
7 this part of the world. So we'll flip it
8 back.

9 Any more comments on travel? And we
10 will leave those three dates that we talked
11 about that are mentioned. We'll take it
12 under advisement.

13 MR. R. MILLER: Mr. Chair, as far as --
14 starting off with the Jacksonville meeting,
15 what time of day do you expect to get
16 started, and what is the expected length?

17 CHAIRMAN BENSE: Let's talk about that.
18 Let's talk about that. We've all been to
19 public meetings before, public hearings, a
20 lot us have. Do we want to do it after
21 work, so people don't have to miss work to
22 go to these meetings, or can we do it at

23 lunchtime? What's your thoughts? Let's
24 debate it. Chairman Scott.
25 MR. SCOTT: I don't think -- I don't

1 think that you can do Fort Lauderdale on a
2 Friday night, unless you're going to have it
3 out on the beach at the bars.

4 CHAIRMAN BENSE: Good point.

5 MR. SCOTT: I mean, seriously. I mean,
6 Friday night is not necessarily -- even
7 Fridays are a little tough for these public
8 hearings. But if you have to, do it in the
9 morning down there. But the others it's
10 totally flexible with me, I mean as far as
11 the --

12 CHAIRMAN BENSE: Noon time, mid
13 afternoon meetings, or -- because that does
14 get you back the same day. If we meet at
15 night at 7:00 and it runs until 10:00 or
16 11:00, it's a bit difficult for you to get
17 back that day. Or you can spend the night
18 in that city and fly back in the morning.

19 Chairman Hogan -- Commissioner Hogan.

20 MR. HOGAN: I can tell you Jacksonville
21 folks like them at night. They even require
22 city council to continue the meetings in the

23 evenings, a few city councils where that's
24 done. Of course we're serving the whole
25 northeast Florida region, so we'll be

1 serving Lake City and Gainesville right now,
2 unless that's considered St. Augustine.

3 I don't think you're going to find a
4 perfect time, you do it in the day or the
5 evening, we'll probably get some kind of
6 complaint. But Jacksonville I do know that
7 citizens like the afternoon, so they can get
8 off work --

9 CHAIRMAN BENSE: Why don't we try to
10 split them up. Why don't we have some
11 during the day and some in the evening.
12 That way we can appeal to everyone.
13 Obviously more senior citizens are going to
14 attend the daytime meetings easier and might
15 prefer a daytime meeting rather than an
16 evening meeting.

17 So why don't we just split them up and
18 we'll figure out how we'll apportion them
19 between Susan and I, if that's acceptable to
20 the members of the commission.

21 Okay, because you're right, Jacksonville
22 does like the night meetings.

23 Moving on, discussion of the procedure
24 for introduction of proposals of the
25 commission.

1 We're to the point now where our
2 committees are fully engaged. And just to
3 rehash sort of a game plan that we came up
4 with to get to May 8, this month and next
5 month continue to gather information, listen
6 to experts, Jim Zingales of the world, et
7 cetera, to learn more about what we have.
8 And then in September and October, obviously
9 we travel to get feedback from people. But
10 let's talk about how we propose -- how I
11 envision an issue moving its way through
12 this commission.

13 Let's just take an example of
14 Commissioner Yablonski's conservation issue.
15 I'm not sure what the details of it are, but
16 he has an issue that deals with conservation
17 easements, that deals with taxation in some
18 way or fashion, or how we fund them. My
19 vision of how that issue would bubble up and
20 move forward is Commissioner Yablonski would
21 more or less sponsor that proposal. Much
22 like a bill in Legislature, a bill is

23 assigned a bill number. I think we assign
24 these proposals, we give these proposals a
25 number. If there are two or three members

1 that have the same proposals, hopefully I
2 can encourage them to get together and work
3 on one joint proposal.

4 Let's just take portability, for
5 example. We all know Ken, Commissioner
6 Wilkinson, is going to have something on
7 portability, there may be others that want
8 something on portability. Hopefully we can
9 get them together to have one proposal that
10 moves forward.

11 But back on to Commissioner Yablonski's
12 conservation easement, at some point in time
13 Commissioner Yablonski would present that
14 proposal to the relevant committee, much
15 like you would present a bill to a
16 committee. And if you've done your homework
17 in terms of research, econometric models or
18 whatever it might take to help persuade
19 members of that committee to be in favor of
20 your issue, I think that the committees then
21 take up that issue and they would vote it up
22 are down.

23 If a majority of the members of that
24 committee want to send that bill, recommend
25 that bill to the commission, the full

1 commission, then Chairman -- Commissioner
2 Yablonski moves forward to the next level,
3 to the commission.

4 I envision during the months of
5 September, October, November, December,
6 committees in addition to gathering
7 information, you're going to be seeing
8 individual proposals from commissioners.
9 And I would suspect at some point in time
10 those special interest groups that are out
11 there will probably be lobbying with members
12 of the commission to be the mother of their
13 -- the sponsor of their proposal.

14 And I think this is a fair way to move
15 issues through, because I do want to make
16 sure they get heard and modified. I think
17 these proposals should be in writing, much
18 like a bill is in writing. And during the
19 committee process, if someone would like to
20 make a change to that proposal, I don't
21 think it should be a verbal change, I think
22 it should be reduced to writing, so we know

23 exactly what we're voting on as far along

24 this process as we can.

25 Again, assume that bill is recommended

1 to the commission favorably, then the
2 commission -- and my visions are in January,
3 February and March, maybe as late as April,
4 we are taking up these issues and we vote
5 them up or down. That's where it takes the
6 2/3 vote to actually vote up or down the
7 proposal.

8 So, having said that -- and I'm not sure
9 if today we would want to get into the
10 individual nuances of how you could amend
11 the bill and, you know, is it timely or not
12 timely, all of those issues, but as a
13 concept of how we move forward, those are my
14 ideas. They're not cast in stone, and I
15 bring them up for you to discuss and debate.

16 Chairman -- Commissioner Barnett, you're
17 recognized.

18 MS. BARNETT: I generally like that
19 approach. I think model it after a
20 legislative process is one people are
21 familiar with and it will be very helpful.

22 Two comments. I think it would be

23 appropriate for us to ask our staff to try
24 to draft up some language so that it's
25 clearly articulated what the process is.

1 And the second comment is I believe our
2 current rules contemplate the full
3 commission could take up a matter that a
4 committee votes considered and recommended
5 that it not be approved. The full
6 commission could still take that up.

7 CHAIRMAN BENSE: That's correct. That's
8 correct. Commissioner -- Chairman Lacasa,
9 you're recognized.

10 MR. LACASA: Thank you, Mr. Chairman. I
11 sincerely appreciate your approach to this
12 and I'm very happy you were able to address
13 it today, because the things are starting to
14 bubble up, no question about it.

15 I have two questions, sir: First, with
16 respect to drafting specific proposals, will
17 we have staff available to us?

18 CHAIRMAN BENSE: Yes.

19 MR. LACASA: So, we would feed them
20 information. Much as we would be drafting
21 an --

22 CHAIRMAN BENSE: Yes, exactly.

23 MR. LACASA: And with respect to the
24 financial impact analysis associated with
25 these proposals, who would we get for that?

1 CHAIRMAN BENSE: That would be -- let's
2 say it's a very, very complicated issue that
3 would require experts, independent experts,
4 like a Deloitte & Touche. While you would
5 request that of staff, frankly as Chair I
6 think I should make that call, in terms of
7 who we should hire. Because I don't think
8 we need to have 10 different people hiring
9 different consultants. I think it needs to
10 be funneled through one person. And I'll be
11 fair about it. But I do think we need to
12 keep a handle on it.

13 That's how I envision. We will use as
14 much staff as we can and staff hopefully
15 will utilize the work that the House and
16 Senate and Governor's office have done.

17 OWB has -- for example on portability,
18 OWB has a wealth of information on numbers
19 and they could do the \$300,000, \$400,000,
20 \$500,000 number as well.

21 So I would like to see us utilize what's
22 out there, without having to pay for it, but

23 there are some independent analysis that I
24 think needs to be done outside of the
25 legislative process.

1 MR. LACASA: It would be my hope,
2 Mr. Chairman, that we could use as much of
3 the legislative stuff as possible and
4 administrative staff as possible. The
5 staff, that's all they do.

6 My last question, with respect to the
7 Sunshine Law, while I completely agree with
8 you that there are members that are going to
9 want to cosponsor similar member's measures,
10 it becomes very, very tenuous when we try to
11 coordinate those efforts, given that we have
12 the Sunshine Law.

13 I would like some guidance from counsel
14 or the Chair on that issue.

15 CHAIRMAN BENSE: I think you would go
16 through Susan Skelton. She is your clear
17 answer. If you want -- again, you cannot
18 talk to another member about any issue that
19 will come before this commission, so I think
20 you would use Susan Skelton as a sounding
21 board, so to speak. That would be my
22 recommendation.

23 Commissioner Miller.

24 MR. MILLER: Mr. Chairman, I understand
25 where you're going with this, the amendment

1 process and things.

2 I was just talking to Commissioner
3 Barnett and she's been around for -- I
4 shouldn't say it a while, but we've talked
5 about the rules. And the rules in a way
6 address the anticipation of having these
7 proposals. I would suggest that staff puts
8 together the proposals, with the process of
9 how we do these. And in the proposal, how
10 we do the process.

11 You've been around, you know the process
12 can get sometimes very convoluted. They
13 have some bumps in the road. And that we
14 vote on those should be also included in our
15 rules. I think they must be included in our
16 rules. If we're going to have a process on
17 how we're going to do proposals, it should
18 be within the rules.

19 I think we're going to then have to vote
20 on the process, and then vote on it to go
21 further.

22 So, I think that that's the proper way.

23 CHAIRMAN BENSE: I think that's what
24 Commissioner Barnett recommended.
25 MS. BARNETT: Yes.

1 CHAIRMAN BENSE: And I agree.

2 Chairman -- Commissioner Hogan, you're
3 recognized.

4 MR. HOGAN: Thank you, Chairman. Just a
5 quick question, because you know we served
6 in the House before and we were restricted
7 to three bills. So is it three ideas that
8 we're going to be restricted? Or are we
9 going to use the Senate's rules and just as
10 many ideas as they we would like to propose?

11 CHAIRMAN BENSE: Commissioner Miller
12 said you're not going to meet in the Senate
13 building, you can have as many as you want.

14 No, let's talk about that for just a
15 minute. It's part of my discussion and it
16 comes at an appropriate time. At some point
17 we have to take a look at how many proposed
18 constitutional limits this commission wants
19 to generate. Do we want to -- do we want to
20 put 30 items on the ballot? And I think we
21 do. I could be wrong. Or do we want to
22 keep it to two or three? And obviously,

23 getting to 2/3 votes initially are going to
24 be tough anyway, any issue. It's going to
25 be very difficult. I think because there

1 are a lot of free thinkers around here and
2 none of us are slouches on this commission.
3 So we need to be -- and I will tell you, I
4 will confess, I'm not trying to set the
5 record for the number of times we amend the
6 Constitution here through this commission.
7 Don't interpret that as nothing is going to
8 happen, I'm just saying I want to make sure
9 we're careful.

10 Also members, it's a 60 percent
11 threshold. Even if it gets through this
12 commission, it's 60 percent threshold to go
13 past the people. That's a pretty sporty
14 threshold too.

15 So, I'm not sure -- I think we need to
16 be careful and I would advise committee
17 chairs to be careful of how much time you
18 spend on an issue that ain't going to make
19 it, you know. I mean, there are some that
20 are just -- you know, you have to push hard
21 to get the 60 percent. I don't want to
22 stifle, don't interpret that as saying I

23 don't want anything to come up that's
24 controversial, I just want to make you
25 mindful of the fact that I think we need to

1 be careful about cluttering up and having
2 too many issues up there.

3 For example, if we have seven or eight
4 separate property tax proposals that come on
5 the ballot, at some point folks are going to
6 say look, if these all pass, what's the
7 fiscal impact? So I'm going to vote against
8 them all. I'm just saying we need to be
9 very careful of that.

10 And my instincts tell me, as we hit in
11 the February, March, April period, things
12 are going to get pretty warm around here.
13 And we're going to be hearing from a lot of
14 our friends that you haven't heard from in a
15 long time. They're going to be calling you
16 up, you know, buddy, oh buddy, old pal,
17 remember me. So that's the way the --
18 that's nature of this commission.

19 So, be cognizant of if you do have
20 issues you want to push, you know -- and
21 frankly, folks, it should be difficult to
22 pass an issue. It should be difficult to

23 amend the Constitution of Florida.

24 So, I don't want to stifle you, but I

25 want to make sure, you know, that we follow

1 the rules.

2 And we're going to hear some issues from
3 the public I would anticipate, September and
4 October, that we're going to say man, that's
5 a good idea. We need to -- we need to push
6 that one.

7 So, Commissioner Miller.

8 MR. R. MILLER: Mr. Chairman, just a
9 point of clarification now. When you talk
10 about a proposal being similar to a bill,
11 you know we have a Style and Drafting
12 Committee. You're not talking about the
13 final language to be placed on the ballot,
14 you're talking about the concept that would
15 come through, with enough detail in it to
16 understand how it will impact the tax system
17 or the budgeting system of the state. And
18 then you as the chairman would be the person
19 who would assign it to the appropriate
20 committee; is that correct?

21 CHAIRMAN BENSE: I would think so.

22 Unless there is an objection. I don't know.

23 I don't know.

24 MR. R. MILLER: I would think that would
25 be appropriate.

1 CHAIRMAN BENSE: Commissioner Barnett?

2 MS. BARNETT: I'm not sure I understand
3 completely what Randy is asking you. I
4 believe that at some point early in the
5 process, language in the proposed amendment
6 is critical. And you know, the difference
7 between an "a" and a "the" --

8 CHAIRMAN BENSE: Oh, yes.

9 MS. BARNETT: -- is a very important
10 difference. And so Style and Drafting
11 certainly can clean up and make sure the
12 language is consistent and that the
13 amendment itself, which may contain several
14 different proposals, you know, is
15 technically and accurately correct. But I
16 think it's the burden of the commissioner or
17 the committee to actually have the language
18 that we're going to consider. Because
19 otherwise --

20 CHAIRMAN BENSE: Oh, yes.

21 MS. BARNETT: -- you may be voting on
22 something conceptually, but when put into

23 words is different than -- a different
24 impact.

25 CHAIRMAN BENSE: In my feedback from

1 some of the previous TBRC commissions and
2 revision are that the final product was a
3 little bit different than what some had
4 envisioned it would be, either in terms of
5 recommendations, or what ultimately went on
6 the ballot. So I would think we want to
7 make sure that what goes on the ballot is in
8 fact what is intended to go on the ballot.

9 I think -- let me clarify this,
10 Commissioner, at what point in time are you
11 suggesting that the Style and Drafting
12 Committee get involved? Is it initially,
13 when the commission member has the idea or
14 thought, or is it after that person has
15 drafted a proposal and say it's gone through
16 the committee process, perhaps Style and
17 Drafting kind of cleans it up in between
18 committee and commission, or is it after
19 it's voted out by the commission, before we
20 actually put it on the ballot, if that's
21 when you envision the Style and Drafting
22 Committee moving forward? What are your

23 thoughts?

24 MS. BARNETT: Well, certainly starting
25 from the back end. You know, if it's going

1 to go on the ballot, that is the primary
2 responsibility of Style and Drafting, to
3 make sure that that language not only
4 reflects what the commission actually
5 passed, but then meets all the technical
6 requirements of the constitution, the
7 statute. So that I think that is a primary
8 responsibility.

9 At the other end of initiating a
10 proposal, I think that's something that our
11 staff can do, working with individual
12 committees and commissioners.

13 Whether Style and Drafting gets involved
14 before the full commission has taken a vote
15 on it or not, I'd want to hear some
16 discussion about. But I would suspect that
17 its role would be more limited to actually
18 the language for the -- either the
19 Legislature, if it's a statutory change, or
20 the constitution.

21 CHAIRMAN BENSE: That was my concept of
22 the Style and Drafting Committee.

1 look at it, or does it go straight to the
2 ballot? What I worry about, getting a
3 Ping-Pong going, where it leaves Style and
4 Drafting, comes back to the commission and
5 commission members say no, that's not what
6 was intended, but I think the commission
7 should have last say, so let's debate that
8 for a minute.

9 Commissioner Barnett.

10 MS. BARNETT: I think that it's very
11 important that the document that ultimately
12 gets presented, particularly for
13 constitution purposes, and I feel the same
14 about statutory, is that the commission take
15 a final vote on that document in the words
16 that are actually going to go on the ballot.

17 CHAIRMAN BENSE: I'm fine with that.

18 MS. BARNETT: So at some point the
19 commission needs to say this is --

20 CHAIRMAN BENSE: This is --

21 MS. BARNETT: And you've got the
22 appropriate number of votes.

23 MR. LACASA: Mr. Chairman.

24 CHAIRMAN BENSE: Chairman Lacasa.

25 MR. LACASA: That's very similar to a

1 second and third reading process that the
2 Legislature --

3 CHAIRMAN BENSE: The only difference is
4 with respect to the Style and Drafting
5 Committee, they're coming in after it's
6 still on the third reading and pass, and
7 then it goes to the Governor and whatnot.
8 In this case, we're submitting it to one
9 more committee and then back to the body
10 itself.

11 So, again, you all think about that.
12 Again, I don't think we have to put that in
13 writing in stone right now, but I think
14 that's a fair way for us to make -- we don't
15 want to get sued, I don't think the Supreme
16 Court can tinker with things that we come up
17 with, but people can file some suits.

18 MR. WILKINSON: Mr. Chairman.

19 CHAIRMAN BENSE: Chairman Wilkinson.

20 MR. WILKINSON: I think some issues are
21 further along than others, so it would be
22 more an individual basis, probably, how it

23 gets through.

24 I'm going to have to apologize --

25 CHAIRMAN BENSE: We're about done.

1 MR. WILKINSON: -- I had prior plans.

2 CHAIRMAN BENSE: We're about done.

3 MR. LEVINE: The only --

4 CHAIRMAN BENSE: Chairman Levine, I'm
5 sorry, you're welcome to join us down here,
6 if you want. What time did you get here?

7 MR. LEVINE: It's kind of nice being in
8 the back row.

9 The only concern I would have about
10 having it go to Style and Drafting and then
11 not come back here, is one could make an
12 argument, technically, that the commission
13 never voted on that language. And it would
14 be unconstitutional. So there might be
15 legal reasons why it really should come back
16 here.

17 CHAIRMAN BENSE: I'm inclined to head
18 that way. I just want to make sure that you
19 folks have thought about it. Because I
20 think now is the time to think about that.
21 We don't want to come up with that, solve
22 that problem in January or February.

23 Commissioner Scott?

24 MR. SCOTT: I think you're totally on
25 the right track. And I think Style and

1 Drafting, the way we did it on
2 constitutional revision, was, you know, you
3 got -- you can see that you had the support
4 to do something on the commission, and then
5 they went over it with a fine -- looked it
6 over, this is what we had to do to make that
7 change and this is the way it should be
8 worded and then it came back for final final
9 vote for it to go to the -- I think that's
10 something that we will deal with when we get
11 along.

12 I think that what you need for
13 proposals, doesn't have to be because we
14 don't have the staff or the time to do like
15 in the Legislature, where there is 3000
16 bills filed or 800 and every one of them is
17 sort of done by bill drafting letter
18 perfect. I think if you go with a concept
19 to amend the Constitution, you know, to do
20 so and so, and then we find out maybe, I
21 don't want to say half of the ones that are
22 proposed don't really have enough support to

23 get into that level.

24 So I think it's just going to be a

25 judgment thing as you go along, how many you

1 get and the concepts. And then before
2 they're voted very far along, they get
3 drafted properly, like Martha says. And
4 they're -- you've got the -- you know,
5 everything is set forth. So I think that
6 will work.

7 CHAIRMAN BENSE: We will come up with a
8 proposal in the next couple of weeks, as
9 Commissioner Barnett recommended, in terms
10 of procedurally how we go forward, from this
11 step forward. But I'm envisioning
12 something, generally speaking, about like
13 what we talked about today. Feel free to
14 change it, modify it, do whatever you want
15 to do with that.

16 Any more issues? Are we -- everyone
17 have a good feel now for how the process
18 moves along and -- and I think it also
19 should help the public figure out how we
20 operate and find a good sponsor and things
21 like.

22 Any more items to come before this

23 commission?

24 Good, then Commissioner Barnett moves we

25 adjourn.

1 (Proceedings concluded at 1:54 p.m.)
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REPORTER'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF LEON)

I, MICHELLE C. JONES, Registered
Professional Reporter, certify that the foregoing
proceedings were taken before me at the time and
place therein designated; that my shorthand notes
were thereafter translated under my supervision;
and the foregoing pages numbered 1 through 52 are
a true and correct record of the aforesaid
proceedings.

I further certify that I am not a
relative, employee, attorney or counsel of any of
the parties, nor am I a relative or employee of
any of the parties' attorney or counsel connected
with the action, nor am I financially interested
in the action.

DATED this 2nd day of August, 2007.

23

MICHELLE C. JONES, RPR, CRR
Notary Public

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