

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Baxley, Chair
Senator Braynon, Vice Chair

MEETING DATE: Monday, December 9, 2019
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Baxley, Chair; Senator Braynon, Vice Chair; Senators Diaz, Passidomo, Powell, Rodriguez, and Stargel

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Board of Trustees of Florida SouthWestern State College			
1	Ciccarello, David (Fort Myers)	05/31/2021	Recommend Confirm Yeas 6 Nays 0
Board of Trustees of Florida State College at Jacksonville			
2	Brown, Jennifer (Jacksonville)	05/31/2022	Recommend Confirm Yeas 6 Nays 0
Board of Trustees of Miami-Dade College			
3	Leon, Benjamin III (Coral Gables)	05/31/2022	Temporarily Postponed
	Washington, T. Nicole (Miami Beach)	05/31/2023	Recommend Confirm Yeas 6 Nays 0
Board of Trustees of St. Johns River State College			
4	Conrad, Jan (St. Johns)	05/31/2022	Recommend Confirm Yeas 6 Nays 0
Governor's Mansion Commission			
5	Stoch, Linda (Palm Beach Gardens)	09/30/2020	Recommend Confirm Yeas 6 Nays 0
Board of Medicine			
6	Gupta, Shailesh (Pompano Beach)	10/31/2020	Recommend Confirm Yeas 6 Nays 0
Jacksonville Transportation Authority			
7	Buckland, Deborah H. (Atlantic Beach)	05/31/2023	Recommend Confirm Yeas 6 Nays 0

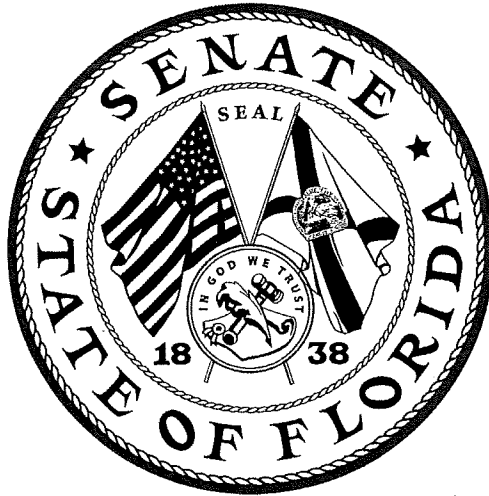
COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Monday, December 9, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SJR 176 Rodriguez	Single-subject Limitation for Constitution Revision Commission Proposals; Proposing an amendment to the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Constitution Revision Commission be limited to a single subject, etc. JU 11/05/2019 Favorable EE 12/09/2019 Favorable RC	Favorable Yeas 6 Nays 0
9	SJR 396 Rodriguez	Single-subject Limitation for Taxation and Budget Reform Commission; Proposing an amendment to the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Taxation and Budget Reform Commission be limited to a single subject, etc. JU 11/05/2019 Favorable EE 12/09/2019 Favorable RC	Favorable Yeas 6 Nays 0

Other Related Meeting Documents



Committee:
ETHICS AND ELECTIONS

Senator Baxley, Chair
Senator Braynon, Vice Chair

Meeting Packet
Monday, December 9, 2019
4:00—6:00 p.m.
Pat Thomas Committee Room, 412 Knott Building

The meeting materials for bills on the agenda are in the following order behind each tab:

If a Proposed Committee Substitute is being offered, materials precede the original bill in this order (a separate tab may be used for combined PCS and materials):

- o Bill Analysis for the PCS*
- o Filed amendments to the PCS*
- o Proposed Committee Substitute*
- o Miscellaneous information*

- Bill Analysis**
- Filed amendments to the bill**
- Bill**
- Amendments from previous committees**
- Miscellaneous information**

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COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
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Senator Braynon, Vice Chair

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Board of Trustees of Florida State College at Jacksonville			
2	Brown, Jennifer (Jacksonville)	05/31/2022	
Board of Trustees of Miami-Dade College			
3	Leon, Benjamin III (Coral Gables)	05/31/2022	
	Washington, T. Nicole (Miami Beach)	05/31/2023	
Board of Trustees of St. Johns River State College			
4	Conrad, Jan (St. Johns)	05/31/2022	
Governor's Mansion Commission			
5	Stoch, Linda (Palm Beach Gardens)	09/30/2020	
Board of Medicine			
6	Gupta, Shailesh (Pompano Beach)	10/31/2020	
Jacksonville Transportation Authority			
7	Buckland, Deborah H. (Atlantic Beach)	05/31/2023	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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		EE 12/09/2019	
		RC	

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Monday, December 9, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Ciccarello, David
 Term: 07/31/2019 – 05/31/2021

Appointed: 07/31/2019
 Prior Term:

City/County: Fort Myers/Lee

Office: Board of Trustees of Florida SouthWestern State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 11/4/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 10/16/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Attorney/Partner at Wilbur Smith, LLC

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 8 - Lee County Resident

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

2

A305B

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Brown, Jennifer

Appointed: 07/15/2019

Term: 07/15/2019 – 05/31/2022

Prior Term:

City/County: Jacksonville/Duval

Office: Board of Trustees of Florida State College at Jacksonville, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 11/6/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 10/16/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office	X		See Below
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Executive Director of Kipp Jacksonville

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 6 - Dr. Brown served in the U.S. Army Reserve, 2001-2009.
Number 8 - Duval County Resident
Number 16 - Dr. Brown disclosed that her employer, Kipp Jacksonville Schools, has a signed a college partnership memorandum of understanding with the Florida State College at Jacksonville.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Leon, Benjamin, III

Appointed: 03/21/2019

Term: Upon Senate Confirmation – 05/31/2022

Prior Term: 06/1/2018-05/31/2022

City/County: Coral Gables/Miami-Dade

Office: Board of Trustees of Miami-Dade College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 3/1/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 8/19/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Executive Vice Chairman, Leon Medical Centers

Attendance: Attended 7 of 22 meetings (32%) from June 1, 2018 through October 15, 2019.

Attendance Notes: It was explained to committee staff that Mr. Leon is a very active and engaged Miami-Dade College Trustee. However, Mr. Leon is the Executive Vice Chair of Leon Medical Centers and business obligations and schedule conflicts have prevented him from attending numerous regular MDC, BOT's board meetings.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

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Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 8 - Miami-Dade County Resident
Number 15 - Mr. Leon is the Executive Vice Chairman of Leon Medical Centers, Inc., an HMO, regulated by the Agency for Health Care Administration.
Number 18 - Mr. Leon has served on the Miami-Dade College Board of Trustees since 3/7/2007. Mr. Leon served as the Co-Chair on the Transitional Team for the Department of Elder Affairs in 2006.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Washington, T. Nicole
 Term: 07/09/2019 – 05/31/2023
 City/County: Miami Beach/Miami-Dade
 Office: Board of Trustees of Miami-Dade College, Member
 Authority: 1001.61(1)(2), F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 07/09/2019
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/8/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 10/16/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Principal at Washington Education Strategies, LLC

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

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It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 8 - Miami-Dade County Resident
Number 17 - Ms. Washington is serving on the Board of Trustees, Florida A & M University, since 2015.
Number 18 - Ms. Washington served on the Constitutional Revision Commission, 2017 -2018.
Number 19 - Ms. Washington was the Associate Director of Governmental Relations for the State University System, Board of Governors, 2012-2013. Ms. Washington worked as an Analyst in the Executive Office of the Governor, 2011-2012.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Conrad, Jan

Appointed: 08/26/2019

Term: 08/26/2019 – 05/31/2022

Prior Term:

City/County: St. Johns/St. Johns

Office: Board of Trustees of St. Johns River State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 10/28/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 10/16/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Senior Vice President of Fidelity Bank/Ameris Bank

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

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Required to file Form 1 with the SOE's office.

Notes: Number 8 - St. Johns County Resident
Number 18 - Ms. Conrad served on the Clay County Development Authority, 2004-2012.

The Florida Senate
COMMITTEE MEETING PACKET TAB

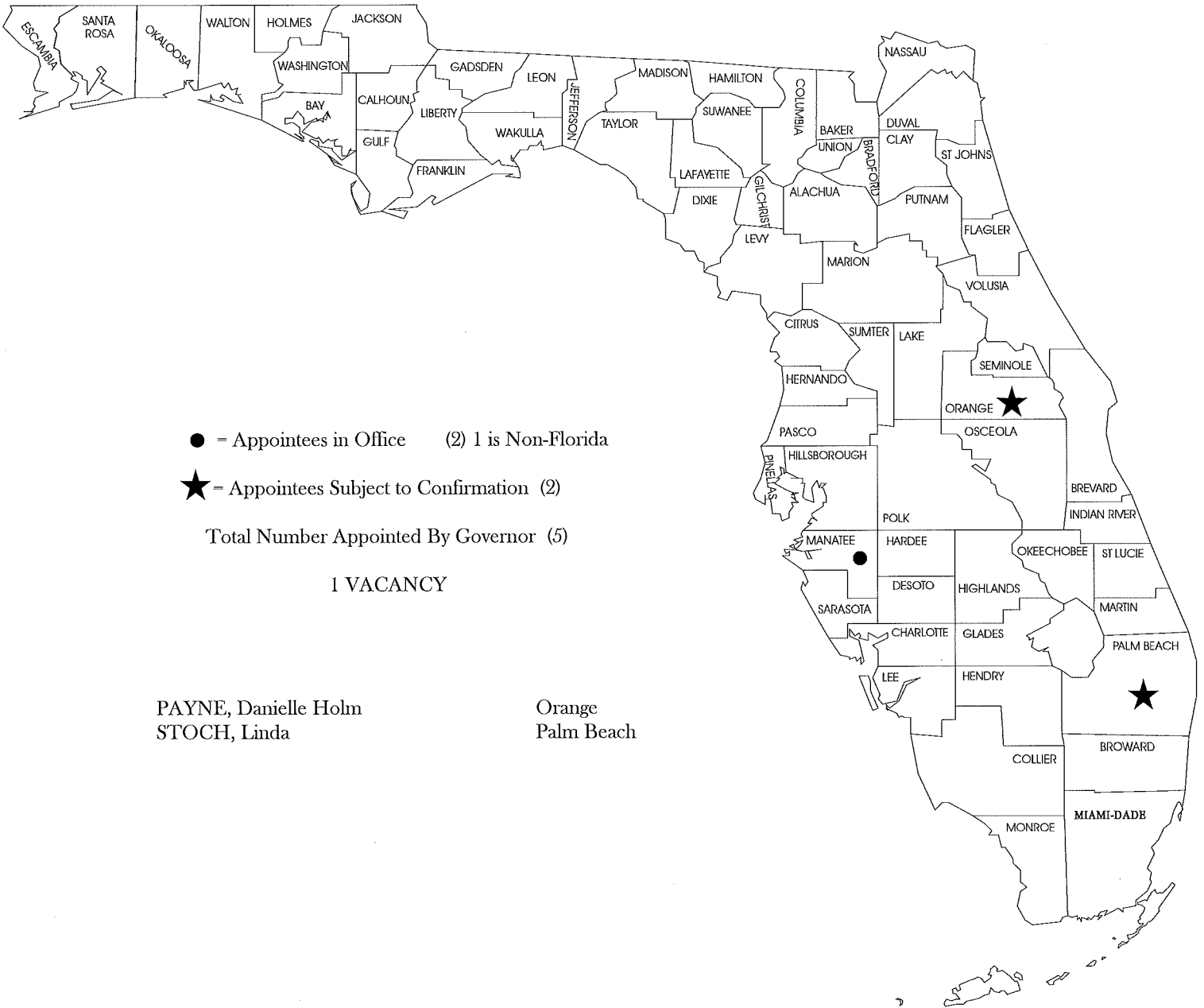
Ethics and Elections

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Governor's Mansion Commission



● = Appointees in Office (2) 1 is Non-Florida

★ = Appointees Subject to Confirmation (2)

Total Number Appointed By Governor (5)

1 VACANCY

PAYNE, Danielle Holm
STOCH, Linda

Orange
Palm Beach

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Stoch, Linda

Appointed: 07/11/2019

Term: 07/11/2019 – 09/30/2020

Prior Term:

City/County: Palm Beach Gardens/Palm Beach

Office: Governor's Mansion Commission, Member

Authority: 272.18, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 10/28/19
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 9/20/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation:

Compensation: Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: No member of the commission may hold any other state or local office during his or her tenure as a member of the commission.

The eight members of this commission include:

- Five members shall be private citizens appointed by the Governor and subject to confirmation by the Senate;
- The Secretary of the Department of Management Services or his or her designee;
- The Director of the Division of Recreation and Parks of the Department of Environmental Regulation; and
- An employee of the Department of State designated by the Secretary of State who has curatorial and museum expertise.

Additional Requirements: Terms are for four years for citizen members.

The spouse of the Governor or designated representative shall be an ex officio member with no voting rights except to break a tie vote.

Required to file Form 1 with the Commission on Ethics.

Notes:

The Florida Senate
COMMITTEE MEETING PACKET TAB

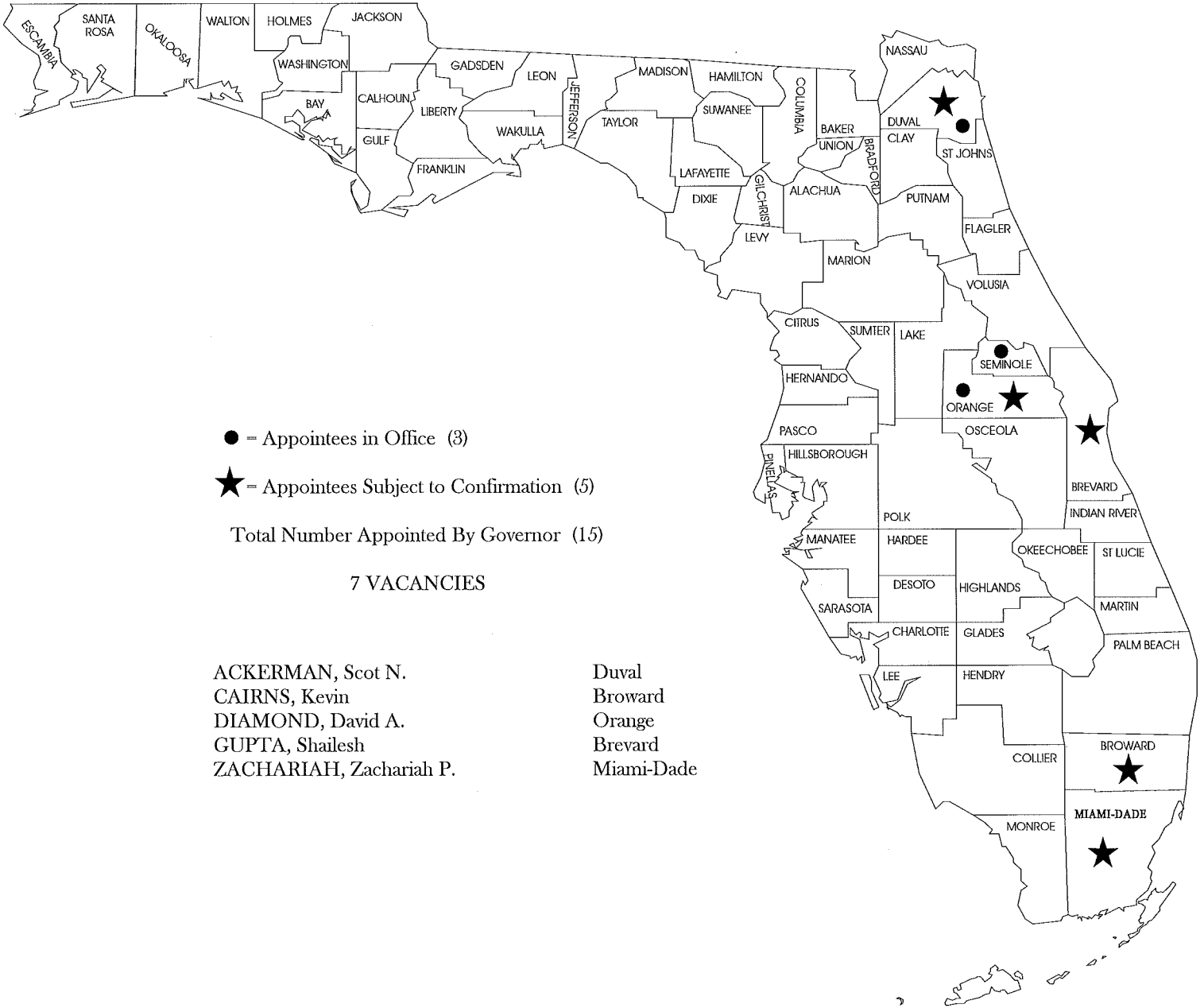
Ethics and Elections

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Medicine



- = Appointees in Office (3)
- ★ = Appointees Subject to Confirmation (5)

Total Number Appointed By Governor (15)

7 VACANCIES

ACKERMAN, Scot N.
 CAIRNS, Kevin
 DIAMOND, David A.
 GUPTA, Shailesh
 ZACHARIAH, Zachariah P.

Duval
 Broward
 Orange
 Brevard
 Miami-Dade

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gupta, Shailesh	Appointed: 08/20/2019
Term: 08/20/2019 – 10/31/2020	Prior Term:
City/County: Pompano Beach/Brevard	
Office: Board of Medicine, Member	
Authority: 458.307(1), F.S. & 20.43(3)(g)2, F.S.	
Reference(s): Committee on Ethics and Elections	

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 10/1/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 10/16/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Doctor at the Specialty Retina Center

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The 15-member board consists of Florida residents as follows: Twelve members who are licensed physicians in good standing in this state who have engaged in the active practice or teaching of medicine for at least four years prior to their appointment:

- One of whom is on the full-time faculty of a medical school in Florida;
- One of whom is in private practice and on the full-time staff of a teaching hospital in Florida; and
- At least one of whom is a graduate of a foreign medical school;

Three members who are not, and who have never been, licensed health care practitioners;

One member who is a health care risk manager

At least one member who is sixty years of age or older.

Additional Requirements: Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Physician

Number 19 - Dr. Gupta was a professor at the University of Florida, College of Medicine from 2001-2016.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

7

A2305B

MEETING DATE: Monday, December 9, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Buckland, Deborah H.

Appointed: 09/09/2019

Term: 09/09/2019 – 05/31/2023

Prior Term:

City/County: Atlantic Beach/Duval

Office: Jacksonville Transportation Authority, Member

Authority: 349.03(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 10/9/19
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 11/1/19
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Market President at BB&T Bank

Compensation: Reimbursed for travel or other expenses actually incurred in performance of their duties, pursuant to s. 112.061, F.S., as provided by law.

Requirements: The seven-member authority consists of persons who are residents and electors of the City of Jacksonville as follows:

- Three members who are appointed by the Governor;
- Three members who are appointed by the mayor of the City of Jacksonville and are subject to confirmation by the Jacksonville City Council; and
- One member who is the district secretary of the Department of Transportation serving the district that contains the City of Jacksonville (who is not required to be a resident of Jacksonville).

Additional Requirements: Terms are for four years and commence on June 1 of the year of appointment and for the balance of unexpired terms.

A member appointed for two consecutive full terms shall not be eligible for appointment for the next succeeding term.

As of July 1, 2012, required to file Form 1 with COE's office.

Notes: Number 8 - Governor's Appointment

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 176

INTRODUCER: Senator Rodriguez

SUBJECT: Single-subject Limitation for Constitution Revision Commission Proposals

DATE: December 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SJR 176 limits any amendment to the Constitution proposed by the Constitution Revision Commission to “one subject and matter connected therewith.” Under current law, each proposal of the Commission may embrace multiple subjects, and the Commission may even propose a singular revision of the entire Constitution.

As a joint resolution, this legislation must be agreed to by three-fifths of the membership of each house of the Legislature. Then, the constitutional amendment proposed in the resolution will be placed on the 2020 General Election ballot, and will take effect if approved by at least 60 percent of the votes cast on the measure. The next Constitution Revision Commission convenes in 2037, and thus, it would be the first Commission to be governed by the amendment.

II. Present Situation:

Overview

The Florida Constitution requires that a Constitution Revision Commission be established every 20 years and that it have the authority to propose a revision of all or any part of the Florida Constitution. Accordingly, a Constitution Revision Commission may propose single-subject amendments, multi-subject amendments, or a revision of the entire Constitution.

Context – Proposed Amendments that Appeared on the 2018 General Election Ballot

Seven of the amendments on the 2018 General Election ballot were proposed by the Commission. And at least two of the Commission-proposed amendments were regarded by many as including two or more changes that were substantially unrelated; in other words, each of these

amendments were considered by many to involve the “bundling” of multiple subjects.¹ Accordingly, voters who wanted to vote for only one of the changes set forth in a given multi-subject amendment may have been frustrated by having to choose between voting for a change they did not desire (because it was paired with one they wanted) or having to vote against a change they desired (because it was paired with a change they did *not* like).²

Examples of Commission-proposed amendments that many regarded as multi-subject were amendment 9 and amendment 6. Amendment 9 combined a ban on oil-drilling in state seawaters with a ban on “vaping” in indoor workplaces. Amendment 6 combined what many regarded as three different subjects: a crime-victim-rights proposal, a prohibition on judges deferring to agencies’ interpretation of statutes or rules, and a 5-year increase in the mandatory retirement age for judges.

Constitution Revision Commission

Origin

The Florida Constitution was revised extensively in 1968 by way of three joint resolutions that were proposed during a Special Session of the Legislature. One of the resolutions included a provision requiring a Constitution Revision Commission to convene once every 20 years, beginning in 1977. Accordingly, three Commissions have convened: in 1977-1978, 1997-1998, and most recently in 2017-2018.³

Members

The Constitution requires that the Commission be comprised of 37 members, and it provides guidelines for the selection of these members. The Attorney General must serve on the Commission, and the rest of the members must be chosen by the Governor (15), Speaker of the House (9), President of the Senate (9), and the Chief Justice of the Florida Supreme Court (3). The Governor must appoint a chair from among the 37 members.⁴

Task, Procedures, and Authority

The Commission’s task is to examine the Constitution and decide which, if any, amendments to submit for voter approval. The amendments must be submitted to the Secretary of State at least 180 days before the next general election.⁵ In turn, the amendments must be submitted to the

¹ See, e.g., The News Service of Florida, *Constitutional Amendments? One subject only, please*, THE GAINESVILLE SUN (Nov. 23, 2018), <https://www.gainesville.com/news/20181123/constitutional-amendments-one-subject-only-please>.

² See Brendan Rivers and News Service of Florida Staff, *Bill Filed to Ban Bundled Amendments from Constitution Revision Commission*, WJCT FIRST COAST CONNECT (Nov. 26, 2018), <http://news.wjct.org/post/bill-filed-ban-bundled-amendments-constitution-revision-commission>; see generally, Editorial Board, *Florida’s constitutional amendments: Vote ‘yes’ on 4 and 11, ‘no’ on rest*, TALLAHASSEE DEMOCRAT (Oct. 7, 2018), <https://www.tallahassee.com/story/opinion/editorials/2018/10/07/floridas-amendments-yes-4-and-11-no-rest-our-opinion/1494375002/> (arguing that amendment 6 and amendment 9 each included a proposal worthy of approval, but should be voted against on account of at least one unworthy proposal in each); Kelley H. Armitage, *Constitution Revision Commissions Avoid Logrolling, Don’t They?*, 72 FLA. B.J. 62 (Nov. 1998) (arguing that the Constitution Revision Commission does not have sufficient safeguards against logrolling).

³ Constitution Revision Commission, *History*, <https://crc.law.fsu.edu/about/history.html> (last visited Oct. 28, 2019).

⁴ FLA. CONST. art. XI, s. 2.

⁵ FLA. CONST. art. XI, s. 2.

voters at the next general election held more than 90 days after submission to the Secretary of State. To become effective, an amendment must be approved by at least 60 percent of the votes cast on the measure.⁶

The constitutional provision giving rise to the Commission does little to prescribe how a Commission must go about its task. Indeed, it says only that the Commission must convene at the call of its chair, adopt rules of procedure, and “hold [an unspecified number of] public hearings.”⁷

The Single-Subject Requirement

Amendments that are Limited to One Subject

The Constitution authorizes five sources from which an amendment may originate: the Legislature, the Constitution Revision Commission, a citizen initiative, a constitutional convention, or the Taxation and Budget Reform Commission. Only amendments that originate by way of citizen initiative are limited to one subject. Accordingly, as the Florida Supreme Court stated in a case challenging a 2018 Commission-proposed amendment, the Constitution Revision Commission need not limit its proposals to one subject:

Unlike proposed amendments that originate through initiative petitions, amendments proposed by the CRC are not bound by the single-subject rule limiting amendments to one subject. . . . Moreover, the Florida Constitution expressly authorizes bundling, as it gives the CRC authority to revise the entire constitution or any part of it. The power to amend the whole constitution in one proposal necessarily includes the lesser power to amend parts of the constitution in one proposal.⁸

Policy Reasons for the Single-Subject Limitation on Amendments Originating as Initiatives

The Florida Supreme Court has repeatedly explained the purposes for the single-subject requirement, at least with regard to citizen-initiative amendments. In its decision in *Fine v. Firestone*, the Court stated that the single-subject limitation allows

the citizens to vote on singular changes in our government that are identified in the proposal and to avoid voters having to accept part of a proposal which they oppose in order to obtain a change which they support.⁹

⁶ FLA. CONST. art. XI, s. 5.

⁷ FLA. CONST. art. XI, s. 2.

⁸ *Detzner v. Anstead*, 256 So. 3d 820, 823-24 (Fla. 2018) (citation omitted); *see also*, *County of Volusia v. Detzner*, 253 So. 3d 507, 512 (Fla. 2018) (“Appellants have conceded, however, that CRC proposals are not bound by the single-subject requirement”); *Charter Review Commission of Orange Cty. v. Scott*, 647 So. 2d 835, 837 (Fla. 1994) (“Only proposals originating through a petition initiative are subject to the single-subject rule.”).

⁹ *Fine v. Firestone*, 448 So. 2d 984, 994 (Fla. 1984).

Moreover, the Court stated, the single-subject limitation protects the Constitution “against precipitous and spasmodic changes in the organic law.”¹⁰ Making a similar point in a later case, the Florida Supreme Court stated that the

single-subject requirement in article XI, section 3, mandates that the electorate’s attention be directed to a change regarding one specific subject of government to protect against multiple precipitous changes in our state constitution.¹¹

As to why this reasoning should not apply to prohibit multi-subject amendments that originate from other than a citizen initiative, such as the Constitution Revision Commission, the Court noted that the other methods of propounding a constitutional amendment “all afford an opportunity for public hearing and debate not only on the proposal itself but also in the drafting of any constitutional proposal.”¹² This is not true, the Court noted, of citizen initiatives.¹³

What “One Subject” Means

Over the years, the Florida Supreme Court has issued several opinions in which it explained what it means for an amendment to be limited to one subject.

In these opinions, the Court has stated, the single-subject limitation is “functional and not locational.”¹⁴ In other words, the question is primarily one of what the amendment does, rather than a question of what part(s) of the Constitution it alters. As such, the single-subject limitation requires of each amendment a “natural and logical oneness of purpose.”¹⁵ Moreover, the single-subject limitation prohibits an amendment from

(1) engaging in “logrolling” or (2) “substantially altering or performing the functions of multiple aspects of government.” . . . The term logrolling refers to a practice whereby an amendment is proposed which contains unrelated provisions, some of which electors might wish to support, in order to get an otherwise disfavored provision passed.¹⁶

And although “no single proposal can substantially *alter* or *perform* the functions of multiple branches,” the single-subject limitation does not prohibit a proposal that would “*affect* several branches of government.”¹⁷ However, “how an initiative proposal *affects* other articles or sections of the constitution *is an appropriate factor* to be considered in determining whether there is more than one subject included in an initiative proposal.”¹⁸

¹⁰ *Id.* at 832 (quoting *Adams v. Gunter*, 238 So. 2d 824, 832 (Fla. 1970) (Thornal, J., concurring)).

¹¹ *In re Advisory Op. to the Atty Gen.—Save Our Everglades*, 636 So. 2d 1336, 1339 (Fla. 1994) (quoting *Fine v. Firestone*, 448 So. 2d 984, 988 (Fla. 1984)).

¹² *Id.* at 1339.

¹³ *Id.*

¹⁴ *Evans v. Firestone*, 457 So. 2d 1351, 1354 (Fla. 1984).

¹⁵ *Advisory Op. to Atty Gen. re Rights of Electricity Consumers regarding Solar Energy Choice (FIS)*, 188 So. 3d 822, 828 (Fla. 2016).

¹⁶ *Id.* at 827-28 (citations omitted).

¹⁷ *In re Advisory Op. to the Atty Gen.—Save Our Everglades*, 636 So. 2d 1336, 1339 (Fla. 1994) (emphasis in the original).

¹⁸ *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984) (emphasis added).

Below, a brief look at three Supreme Court opinions shows how the Court has applied these legal principles in deciding whether a particular citizen initiative had embraced more than one subject.

In a recent advisory opinion, the Court analyzed an amendment that would have guaranteed a

right for electricity consumers “to own or lease solar equipment installed on their property to generate electricity for their own use” while simultaneously ensuring that “State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do.”¹⁹

In the Court’s analysis of the amendment, it identified two basic “components”—the establishment of a right and a guarantee of the government’s authority to regulate that right. And the Court rejected the argument that these components embraced different subjects as a matter of law, stating instead that the components were “two sides of the same coin,” and were therefore “component parts or aspects of a single dominant plan or scheme,” and accordingly were, “naturally related and connected to the amendment’s oneness of purpose.”²⁰ The Court also noted that the amendment did not engage in impermissible logrolling, as it did not combine a popular measure with an unpopular measure in hopes of compelling sufficient support for the unpopular measure.²¹

In another advisory opinion, the Court examined an amendment proposed by citizen initiative that would have created a “trust to restore the Everglades funded by a fee on raw sugar.”²² The Court held that the amendment violated the single-subject rule because it “perform[ed] the functions of multiple branches of government.”²³ The amendment performed the legislative functions of imposing a levy, establishing a trust, and granting the trustees with power to set and redefine the boundaries of the “Everglades Ecosystem.” Additionally, the amendment “contemplate[d] the exercise of vast executive powers” by the trustees, including the “management, construction, and operation of water storage and sewer systems.”²⁴ Finally, the Court stated that the amendment would have performed a judicial function by essentially adjudicating that the sugar cane industry had polluted the Everglades and by imposing a judgment-like fee on that industry to cover cleanup costs.²⁵

In yet another opinion, issued in *Fine v. Firestone*, the Court disapproved of a proposed amendment that contained three subjects.²⁶ But the Court did so without specifying that the

¹⁹ *Advisory Op. to Atty Gen. re Rights of Electricity Consumers regarding Solar Energy Choice (FIS)*, 188 So. 3d 822, 828 (Fla. 2016) (quoting the language of the proposed amendment at issue, titled, “Rights of Electricity Consumers Regarding Solar Energy Choice”).

²⁰ *Id.* at 828.

²¹ *Id.*

²² *In re Advisory Op. to the Atty Gen.—Save Our Everglades*, 636 So. 2d 1336, 1337 (Fla. 1994).

²³ *Id.* at 1340.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Fine v. Firestone*, 448 So. 2d 984 (Fla. 1984).

subjects were related to the functions of various branches of government or that the amendment was an attempt at logrolling. Instead, the Court stated that the amendment

limits the way in which governmental entities can tax; it limits what government can provide in services which are paid for by the users of such services; and it changes how governments can finance the construction of capital improvements with revenue bonds that are paid for from revenue generated by the improvements.²⁷

Joint Resolution

A joint resolution by the Legislature is one of the ways in which an amendment to the Florida Constitution may originate.²⁸ Like a bill, it may begin in either house of the Legislature.

To pass Legislature and be submitted to the voters, a joint resolution must be agreed to by three-fifths of the membership of each house of the Legislature.²⁹ Unless expedited by the Legislature, the joint resolution is then submitted to the voters at the next general election. If the amendment proposed in the resolution is approved by at least 60 percent of the people voting on the measure, it becomes effective in the January following the election unless otherwise specified in the amendment or in the Constitution.³⁰

III. Effect of Proposed Changes:

The constitutional amendment proposed in the joint resolution, if approved by the voters at the general election in 2020, requires that any amendment proposed by a future Constitution Revision Commission be limited to “one subject and matter directly connected therewith.” Under current law, each proposal of the Commission may embrace multiple subjects, and the Commission may even propose a singular, comprehensive revision of the Constitution.

Because the wording of the single subject requirement for Commission proposals is identical to that used in the Constitution for citizen initiatives, the Supreme Court will likely presume that the single-subject requirements are the same.³¹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁷ *Id.* at 992 (Fla. 1984).

²⁸ FLA. CONST. art. XI. An amendment or revision may originate as a proposal by the Legislature, the Constitution Revision Commission, a Constitutional Convention, the Taxation and Budget Reform Commission, or the people directly, by way of an initiative.

²⁹ FLA. CONST. art. XI, s. 1.

³⁰ FLA. CONST. art. XI, s. 5.

³¹ See *e.g.*, *State v. Hackley*, 95 So. 3d 92, 95 (Fla. 2012); *State v. Hearn*, 961 So. 2d 211, 217 (Fla. 2007) (“We have held that where the Legislature uses the exact same words or phrases in two different statutes, we may assume it intended the same meaning to apply.”).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State, Division of Elections, provided the following information regarding the cost of advertising the proposed amendment contained in the resolution:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish[] twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county. The Division is also responsible for translating the amendments into Spanish. The statewide average cost to advertise constitutional amendments, in English and Spanish, in newspapers for the 2018 election cycle was \$92.93 per English word of the originating document.

Using 2018 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the 2020 general election could be

\$29,737.60, at a minimum. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known. ...³²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution amends Article XI, section 2 of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³² Email from Brittany Dover, Director of Legislative Affairs, Florida Department of State (Oct. 30, 2019) (on file with the Senate Committee on Judiciary).

By Senator Rodriguez

37-00406-20

2020176__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 2 of Article XI of the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Constitution Revision Commission be limited to a single subject.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 2 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI

AMENDMENTS

SECTION 2. Revision commission.—

(a) Within thirty days before the convening of the 2037 ~~2017~~ regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
 - (2) fifteen members selected by the governor;
 - (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
 - (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.
- (b) The governor shall designate one member of the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

37-00406-20

2020176__

commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part thereof ~~of it~~.

(d) Any proposal of a revision of this constitution, or any part thereof, filed by the constitution revision commission with the custodian of state records must embrace but one subject and matter directly connected therewith.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE XI, SECTION 2

ESTABLISHING SINGLE-SUBJECT LIMITATION FOR CONSTITUTION REVISION COMMISSION PROPOSALS.—Proposing an amendment to the State Constitution to require that any proposal of a revision of the State Constitution, or any part thereof, filed by the Constitution Revision Commission with the custodian of state records for placement on the ballot be limited to a single subject and matter directly connected to such subject.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Vice Chair*
Appropriations Subcommittee on Agriculture,
Environment and General Government
Ethics and Elections
Rules

SENATOR JOSE JAVIER RODRIGUEZ

37th District

November 07, 2019

Chair Baxley
Committee on Ethics and Elections
404 S. Monroe Street
Tallahassee, FL 32399-1100
Sent via email to Baxley.Dennis@flsenate.gov

Chair Baxley,

I respectfully request that you place SJR 176: Single-subject Limitation for Constitution Revision Commission Proposals on the agenda of the Committee on Ethics and Elections at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink, appearing to read "JR", written over a circular stamp.

Senator José Javier Rodríguez
District 37

CC:

Dawn Roberts, Staff Director
Diane Vause, Administrative Assistant
Debbie Dennis, Legislative Assistant to Senator Baxley

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 854-0365
- 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/09/2019
Meeting Date

SB176
Bill Number (if applicable)

Topic SINGLE-SUBJECT LIMITATION FOR CONSTITUTION REVISION COMMISSION
Amendment Barcode (if applicable)

Name CESAR GRAJALES

Job Title COALITIONS DIRECTOR

Address 200 W COLLEGE AVE
Street

Phone 786.260.9283

TALLAHASSEE FL 32301
City State Zip

Email cgrajales@belibree.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AMERICANS FOR PROSPERITY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 396

INTRODUCER: Senator Rodriguez

SUBJECT: Single-subject Limitation for Taxation and Budget Reform Commission

DATE: December 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SJR 396 limits any amendment to the Constitution proposed by the Taxation and Budget Reform Commission to “one subject and matter connected therewith.”

As a joint resolution, this legislation must be agreed to by three-fifths of the membership of each house of the Legislature. Then, the constitutional amendment proposed in the resolution will be placed on the 2020 General Election ballot, and will take effect if approved by at least 60 percent of the votes cast on the measure. The next Taxation and Budget Reform Commission convenes in 2027, and thus it would be the first Commission to be governed by the amendment.

II. Present Situation:

Overview

The Florida Constitution requires that a Taxation and Budget Reform Commission be established once every 20 years and that it have the authority to propose a revision of the “Constitution or any part of it dealing with taxation or the state budgetary process.” Although the Commission’s proposals are limited to this area of law, each proposal may nonetheless embrace multiple subjects within this area.

Taxation and Budget Reform Commission

Origin

In 1988, this state's voters approved a constitutional amendment that was proposed by the Legislature to create the Taxation and Budget Reform Commission.¹ The amendment specified that the Commission must convene for the first time in 2007, and once every 20 years afterward.²

Members

The Constitution requires that the Commission be comprised of 25 voting members and 4 non-voting "ex-officio" members. The 25 voting members must be appointed by the Governor (11), the Speaker of the House (7), and the Senate President (7). The 4 non-voting members must be chosen by the Speaker (2) and the Senate President (2) from the members of their respective houses; one of the two choices from each house must be from the minority party. At its initial meeting, the commissioners must elect a commissioner who is not also a legislator to serve as chair.

Task, Procedures, and Authority

The Commission is tasked with examining this state's budgetary process, revenue needs, and expenditure processes.³ Upon examining these matters, the Commission must issue a report of the results of its review, and propose any recommended statutory changes to the Legislature. The Commission may also propose "a revision of this constitution or any part of it dealing with taxation and the state budgetary process."⁴

The constitutional provision giving rise to the Commission does little to prescribe how a Commission must go about its task. It says only that the Commission must elect a chair at its initial meeting, convene for further meetings at the call of the chair, adopt rules of procedure, and "hold [an unspecified number of] public hearings, as it deems necessary to carry out its responsibilities."⁵

The Single-Subject Requirement

Amendments that are Limited to One Subject

The Constitution authorizes five sources from which an amendment may originate: the Legislature, the Constitution Revision Commission, a citizen initiative, a constitutional convention, or the Taxation and Budget Reform Commission. As the Florida Supreme Court has repeatedly stated, "the citizen initiative is the only method that is constrained by the single-subject requirement."⁶

¹ See HJR 1616 (1988).

² *Id.*

³ FLA. CONST. art. XI, s. 6(d).

⁴ FLA. CONST. art. XI, s. 6(e).

⁵ FLA. CONST. art. XI, s. 2.

⁶ *Advisory Op. to Atty. Gen. ex rel. Amendment to Bar Government from Treating People Differently Based on Race in Public Educ.*, 778 So. 2d 888 (Fla. 2000); see also, *Charter Review Commission of Orange Cty. v. Scott*, 647 So. 2d 835, 837 (Fla. 1994) ("Only proposals originating through a petition initiative are subject to the single-subject rule.").

Policy Reasons for the Single-Subject Limitation on Amendments Originating as Initiatives

The Florida Supreme Court has also repeatedly explained the purposes for the single-subject requirement, at least with regard to citizen-initiative amendments. In its decision in *Fine v. Firestone*, the Court stated that the single-subject limitation allows

the citizens to vote on singular changes in our government that are identified in the proposal and to avoid voters having to accept part of a proposal which they oppose in order to obtain a change which they support.⁷

Moreover, the Court stated, the single-subject limitation protects the Constitution “against precipitous and spasmodic changes in the organic law.”⁸ Making a similar point in a later case, the Florida Supreme Court stated that the

single-subject requirement in article XI, section 3, mandates that the electorate’s attention be directed to a change regarding one specific subject of government to protect against multiple precipitous changes in our state constitution.⁹

As to why this reasoning should not apply to prohibit multi-subject amendments that originate from other than a citizen initiative, such as the Taxation and Budget Reform Commission, the Court noted that the other methods of propounding a constitutional amendment “all afford an opportunity for public hearing and debate not only on the proposal itself but also in the drafting of any constitutional proposal.”¹⁰ This is not true, the Court noted, of citizen initiatives.¹¹

What “One Subject” Means

Over the years, the Florida Supreme Court has issued several opinions in which it explained what it means for an amendment to be limited to one subject.

In these opinions, the Court has stated, the single-subject limitation is “functional and not locational.”¹² In other words, the question is primarily one of what the amendment does, rather than a question of what part(s) of the Constitution it alters. As such, the single-subject limitation requires of each amendment a “natural and logical oneness of purpose.”¹³ Moreover, the single-subject limitation prohibits an amendment from

(1) engaging in “logrolling” or (2) “substantially altering or performing the functions of multiple aspects of government.” . . . The term logrolling refers to a practice whereby an amendment is proposed which contains unrelated provisions,

⁷ *Fine v. Firestone*, 448 So. 2d 984, 994 (Fla. 1984).

⁸ *Id.* at 832 (quoting *Adams v. Gunter*, 238 So. 2d 824, 832 (Fla. 1970) (Thornal, J., concurring)).

⁹ *In re Advisory Op. to the Atty Gen.—Save Our Everglades*, 636 So. 2d 1336, 1339 (Fla. 1994) (quoting *Fine v. Firestone*, 448 So. 2d 984, 988 (Fla. 1984)).

¹⁰ *See Id.* at 1339.

¹¹ *Id.*

¹² *Evans v. Firestone*, 457 So. 2d 1351, 1354 (Fla. 1984).

¹³ *Advisory Op. to Atty Gen. re Rights of Electricity Consumers regarding Solar Energy Choice (FIS)*, 188 So. 3d 822, 828 (Fla. 2016).

some of which electors might wish to support, in order to get an otherwise disfavored provision passed.¹⁴

And although “no single proposal can substantially *alter* or *perform* the functions of multiple branches,” the single-subject limitation does not prohibit a proposal that would “*affect* several branches of government.”¹⁵ However, “how an initiative proposal *affects* other articles or sections of the constitution *is an appropriate factor* to be considered in determining whether there is more than one subject included in an initiative proposal.”¹⁶

A brief look at three Supreme Court opinions will help illuminate the Court’s understanding of these legal principles, and therefore of what “one subject” means.

In a recent advisory opinion, the Court analyzed an amendment that would have guaranteed a

right for electricity consumers “to own or lease solar equipment installed on their property to generate electricity for their own use” while simultaneously ensuring that “State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do.”¹⁷

In the Court’s analysis of the amendment, it identified two basic “components”—the establishment of a right and a guarantee of the government’s authority to regulate that right. And the Court rejected the argument that these components embraced different subjects as a matter of law, stating instead that the components were “two sides of the same coin,” and were therefore “component parts or aspects of a single dominant plan or scheme,” and accordingly were “naturally related and connected to the amendment’s oneness of purpose.”¹⁸ The Court also noted that the amendment did not engage in impermissible logrolling, as it did not combine a popular measure with an unpopular measure in hopes of compelling sufficient support for the unpopular measure.¹⁹

In another advisory opinion, the Court examined an amendment proposed by citizen initiative that would have created a “trust to restore the Everglades funded by a fee on raw sugar.”²⁰ The Court held that the amendment violated the single-subject rule because it “perform[ed] the functions of multiple branches of government.”²¹ The amendment performed the legislative functions of imposing a levy, establishing a trust, and granting the trustees with power to set and redefine the boundaries of the “Everglades Ecosystem.” Additionally, the amendment “contemplate[d] the exercise of vast executive powers” by the trustees, including the

¹⁴ *Id.* at 827-28 (citations omitted).

¹⁵ *In re Advisory Op. to the Atty Gen.—Save Our Everglades*, 636 So. 2d 1336, 1339 (Fla. 1994) (emphasis in the original).

¹⁶ *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984) (emphasis added).

¹⁷ *Advisory Op. to Atty Gen. re Rights of Electricity Consumers regarding Solar Energy Choice (FIS)*, 188 So. 3d 822, 828 (Fla. 2016) (quoting the language of the proposed amendment at issue, titled, “Rights of Electricity Consumers Regarding Solar Energy Choice”).

¹⁸ *Id.* at 828.

¹⁹ *Id.*

²⁰ *In re Advisory Op. to the Atty Gen.—Save Our Everglades*, 636 So. 2d 1336, 1337 (Fla. 1994).

²¹ *Id.* at 1340.

“management, construction, and operation of water storage and sewer systems.”²² Finally, the Court stated that the amendment would have performed a judicial function by essentially adjudicating that the sugar cane industry had polluted the Everglades and by imposing a judgment-like fee on that industry to cover cleanup costs.²³

In yet another opinion, issued in *Fine v. Firestone*, the Court disapproved of a proposed amendment that contained three subjects.²⁴ But the Court did so without specifying that the subjects were related to the functions of various branches of government or that the amendment was an attempt at logrolling. Instead, the Court stated that the amendment

limits the way in which governmental entities can tax; it limits what government can provide in services which are paid for by the users of such services; and it changes how governments can finance the construction of capital improvements with revenue bonds that are paid for from revenue generated by the improvements.²⁵

Joint Resolution

A joint resolution by the Legislature is one of the ways in which an amendment to the Florida Constitution may originate.²⁶ Like a bill, it may begin in either house of the Legislature.

To pass the Legislature and be submitted to the voters, a joint resolution must be agreed to by three-fifths of the membership of each house of the Legislature.²⁷ Unless expedited by the Legislature, the joint resolution is then submitted to the voters at the next general election. If the amendment proposed in the resolution is approved by at least 60 percent of the people voting on the measure, it becomes effective in the January following the election unless otherwise specified in the amendment or in the Constitution.²⁸

III. Effect of Proposed Changes:

The constitutional amendment proposed in the joint resolution, if approved by the voters at the general election in 2020, requires that any amendment proposed by a future Taxation and Budget Reform Commission be limited to “one subject and matter connected therewith.”

Because the wording of the single subject requirement for Commission proposals is identical to that used in the Constitution for citizen initiatives, the Supreme Court will likely presume that the single-subject requirements are the same.²⁹

²² *Id.*

²³ *Id.*

²⁴ *Fine v. Firestone*, 448 So. 2d 984 (Fla. 1984).

²⁵ *Id.* at 992 (Fla. 1984).

²⁶ FLA. CONST. art. XI. An amendment or revision may originate as a proposal by the Legislature, the Constitution Revision Commission, a Constitutional Convention, the Taxation and Budget Reform Commission, or the people directly, by way of an initiative.

²⁷ FLA. CONST. art. XI, s. 1.

²⁸ FLA. CONST. art. XI, s. 5.

²⁹ See e.g., *State v. Hackley*, 95 So. 3d 92, 95 (Fla. 2012); *State v. Hearn*, 961 So. 2d 211, 217 (Fla. 2007) (“We have held that where the Legislature uses the exact same words or phrases in two different statutes, we may assume it intended the same meaning to apply.”).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State, Division of Elections, provided the following information regarding the cost of advertising the proposed amendment contained in the resolution:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish[] twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county. The Division is also responsible for translating the amendments into Spanish. The statewide average cost to advertise constitutional amendments, in English and Spanish, in newspapers for the 2018 election cycle was \$92.93 per English word of the originating document.

Using 2018 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the 2020 general election could be \$58,174.18, at a minimum. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known. ...³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution amends Article XI, section 6 of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁰ Email from Brittany Dover, Director of Legislative Affairs, Florida Department of State (Oct. 30, 2019) (on file with the Senate Committee on Judiciary).

By Senator Rodriguez

37-00407-20

2020396__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article XI of the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Taxation and Budget Reform Commission be limited to a single subject.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI

AMENDMENTS

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority

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party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chair and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chair. An affirmative vote of two thirds of the full commission shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 strategic decisionmaking process.

60 (e) The commission shall hold public hearings as it deems
61 necessary to carry out its responsibilities under this section.
62 The commission shall issue a report of the results of the review
63 carried out, and propose to the legislature any recommended
64 statutory changes related to the taxation or budgetary laws of
65 the state. Not later than one hundred eighty days prior to the
66 general election in the second year following the year in which
67 the commission is established, the commission shall file with
68 the custodian of state records its proposal, if any, of a
69 revision of this constitution or any part of it dealing with
70 taxation or the state budgetary process. Any proposal of a
71 revision of this constitution, or any part thereof, filed by the
72 commission with the custodian of state records must embrace but
73 one subject and matter directly connected therewith.

74 BE IT FURTHER RESOLVED that the following statement be
75 placed on the ballot:

76 CONSTITUTIONAL AMENDMENT

77 ARTICLE XI, SECTION 6

78 ESTABLISHING SINGLE-SUBJECT LIMITATION FOR TAXATION AND
79 BUDGET REFORM COMMISSION PROPOSALS.—Proposing an amendment to
80 the State Constitution to require that any proposal of a
81 revision to the State Constitution, or any part thereof, filed
82 by the Taxation and Budget Reform Commission with the custodian
83 of state records for placement on the ballot be limited to a
84 single subject and matter directly connected to such subject.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Vice Chair*
Appropriations Subcommittee on Agriculture,
Environment and General Government
Ethics and Elections
Rules

SENATOR JOSE JAVIER RODRIGUEZ

37th District

November 07, 2019

Chair Baxley
Committee on Ethics and Elections
404 S. Monroe Street
Tallahassee, FL 32399-1100
Sent via email to Baxley.Dennis@flsenate.gov

Chair Baxley,

I respectfully request that you place SJR 396: Single-subject Limitation for Taxation and Budget Reform Commission on the agenda of the Committee on Ethics and Elections at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink, appearing to read "JR", written over a white background.

Senator José Javier Rodríguez
District 37

CC:

Dawn Roberts, Staff Director
Diane Vause, Administrative Assistant
Debbie Dennis, Legislative Assistant to Senator Baxley

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 854-0365
- 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Agriculture,
Environment, and General Government, *Vice Chair*
Appropriations
Ethics and Elections
Finance and Tax

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR BOBBY POWELL
30th District

MEMORANDUM

To: Ethics & Elections (Chair & Staff)
From: Senator Bobby Powell, Jr.
Subject: Committee Absence for 12/9/19
Date: December 9, 2019

As of late Friday afternoon, my staff made me aware of a prior engagement scheduled on my work calendar that conflicts with the scheduled committee meeting this afternoon. Since I am unable to re-schedule I will not be present at this afternoon's committee. Please excuse my absence and relay pertinent information to my legislative staff.

Signed,

A handwritten signature in black ink, appearing to read "Bobby Powell, Jr.", written over a horizontal line.

Bobby Powell, Jr.

REPLY TO:

- 2715 North Australian Avenue, Suite 105, West Palm Beach, Florida 33407 (561) 650-6880
- 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

CourtSmart Tag Report

Room: KN 412 Case No.:
Caption: Senate Ethics and Elections Committee

Type:
Judge:

Started: 12/9/2019 4:01:30 PM
Ends: 12/9/2019 4:08:10 PM Length: 00:06:41

4:01:28 PM Meeting Called to order
4:01:35 PM Roll Call - Quorum is present
4:01:53 PM Senator Powell is excused
4:02:07 PM Comments from Chair
4:02:10 PM Tabs 1-7 Confirmation Hearing for Appointments
4:02:23 PM Chair asks for any questions re appointees
4:02:46 PM Motion by Senator Diaz to temporarily postpone Tab 3a
4:03:04 PM Senator Diaz
4:03:24 PM Chair
4:03:28 PM Tab 3a is temporarily postponed
4:03:45 PM Any questions on Tabs 1-7? None
4:03:57 PM Appearance Cards? None
4:03:58 PM Senator Braynon moves to recommend confirmation of appointees on Tabs 1, 2, 3b, and 4-7. Tab 3a will be temporarily postponed.
4:04:14 PM Roll Call on Tab 1-7 except 3a - confirmation is recommended favorably
4:04:45 PM Tab 8 - SJR 176 Single-subject Limitation for Constitution Revision Commissions Proposals by Senator Rodriguez
4:05:05 PM Questions? None
4:05:07 PM Appearance?
4:05:18 PM Cesar Grajales, Americans for Prosperity, waives in support
4:05:31 PM Debate? None
4:05:35 PM Senator Rodriguez waives to close
4:05:41 PM Roll Call on SB 176 - Favorable
4:06:19 PM Tab 9 - SJR 396 Single-subject Limitation for Taxation and Budget Reform Commission by Senator Rodriguez
4:06:52 PM Questions? None
4:06:58 PM Appearance? None
4:07:03 PM Debate? None
4:07:08 PM Senator Rodriguez waives close
4:07:17 PM Roll Call on SJR 396 - Favorable
4:07:37 PM Chair
4:07:45 PM Any other business? None
4:07:50 PM Senator Braynon moves to adjourn. Meeting is adjourned.