

Tab 1	SB 702 by Lee ; (Similar to H 06041) Qualified Blind Trusts
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Tab 2	SJR 690 by Rodriguez ; (Compare to H 00053) Single Subject Limitation for Taxation and Budget Reform Commission
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Tab 3	SJR 274 by Baxley (CO-INTRODUCERS) Mayfield, Perry ; (Identical to H 00229) Limitation on Terms of Office for Members of a District School Board
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Tuesday, March 12, 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	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 702 Lee (Similar H 6041)	Qualified Blind Trusts; Repealing provisions relating to qualified blind trusts, etc. EE 03/12/2019 Favorable GO RC	Favorable Yeas 6 Nays 0
2	SJR 690 Rodriguez (Compare HJR 53)	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 03/04/2019 Favorable EE 03/12/2019 Favorable RC	Favorable Yeas 6 Nays 0
3	SJR 274 Baxley (Identical HJR 229)	Limitation on Terms of Office for Members of a District School Board; Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board, etc. EE 03/12/2019 Favorable ED RC	Favorable Yeas 4 Nays 3

Other Related Meeting Documents

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: SB 702

INTRODUCER: Senator Lee

SUBJECT: Qualified Blind Trusts

DATE: March 5, 2019

REVISED: 03/13/19

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Roberts	EE	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 702 repeals section 112.31425, Florida Statutes (F.S.). Under the statute that the bill repeals, the placement of assets and investments in a qualified blind trust by a public officer avoids conflicts of interest that might otherwise require that the interests be divested or that the public officer recuse himself or herself.

The bill repeals the statutory section that addresses qualified blind trusts, eliminating the operation and parameters of the described trust. Also repealed is the statutory determination that a public officer who holds a beneficial interest in a qualified blind trust does not have a statutorily prohibited conflict of interest with regard to matters pertaining to that interest.

The bill does not address the blind trust legal arrangement. It removes language that provides that a public officer holding a beneficial interest in a qualified blind trust is not required to report on his or her financial disclosure forms any source of income to the blind trust as a secondary source of income, but otherwise does not address requirements for financial disclosure reporting in the Florida Constitution¹ or elsewhere in chapter 112, F.S.²

II. Present Situation:

Enactment of Section 112.31425, F.S.

In 2013, the Legislature enacted a comprehensive ethics reform bill³ that included, among many other provisions, the creation of a statute⁴ that codifies a “qualified blind trust” as a mechanism

¹ FLA. CONST. art. II, s. 8.

² See ss. 112.3144 and 112.3145, F.S.

³ CS/SB 2 (2013 Reg. Session), Ch. 2013-36, s. 5, Laws of Fla.

⁴ Section 112.31425, F.S.

for addressing conflicts of interest issues. Before the 2013 legislation, there was no provision of the Florida Statutes addressing the use of blind trusts by public officers.

Florida's Nineteenth Statewide Grand Jury convened in 2010 to investigate public corruption and develop recommendations for strengthening current laws. Noting that other states and the federal government have authorized the use of blind trusts by public officers, the grand jury recommended that Florida public officials use blind trusts to avoid conflicts of interest. The grand jury concluded that the use of blind trusts eliminates the appearance of impropriety for the policy decisions of public officials.⁵ In its 2012 annual report, the Florida Commission on Ethics lent its support to the enactment of laws prescribing the use of blind trusts by Florida Cabinet members.⁶ The enactment of s. 112.31425, F.S., in 2013 incorporated the recommendations of the Nineteenth Statewide Grand Jury and the Florida Commission on Ethics. The law was modeled after its federal counterpart.

Qualified Blind Trusts

Florida's qualified blind trust statute contains a legislative finding "that if a public officer creates a trust and does not control the interests held by the trust, his or her official actions will not be influenced or appear to be influenced by private considerations."⁷ The statute prescribes that "if a public officer holds a beneficial interest in a qualified blind trust as described in this section, he or she does not have a conflict of interest prohibited under s. 112.313(3) or (7), F.S., or a voting conflict of interest under s. 112.3143, F.S., with regard to matters pertaining to that interest."⁸

Under the statute, a public officer may create a qualified blind trust if it meets the following requirements:

- The appointed trustee must be a bank, trust company, or other institutional fiduciary, or an attorney, certified public accountant, broker, or investment advisor;
- The individual responsible for managing the trust may not be –
 - the public officer's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin, or the spouse of any such person;
 - an elected or appointed public officer or a public employee;
 - a person appointed to serve in an agency by the public officer or by a public officer or public employee supervised by the public officer; or
 - a business associate or principal of the public officer;⁹
- Assets in the trust must be free of any restrictions on their transfer or sale and the trust may not contain investments or assets the transfer of which without the public officer's knowledge is improbable or impractical;¹⁰

⁵ See 19th Statewide Grand Jury, Case No. SC 09-1910, First Interim Report, *A Study of Public Corruption in Florida & Recommended Solutions* 69-70 (December 29, 2010).

⁶ Florida Commission on Ethics, *Annual Report to the Florida Legislature for Calendar Year 2012*.

⁷ Section 112.31425(1), F.S.

⁸ Section 112.31425(2), F.S.

⁹ Section 112.31425(6)(a), F.S.

¹⁰ Section 112.31425(6)(b), F.S.

- The trust agreement must –
 - state that its purpose is to remove from the grantor control and knowledge of investment of trust assets so that conflicts of the grantor’s interests are eliminated;
 - give the trustee complete discretion to manage the trust;
 - prohibit communication between the trustee and the public officer, or the person who has a beneficial interest in the trust, concerning the holdings or sources of income of the trust;
 - provide that the trust tax return is prepared by the trustee and that any information relating thereto is not disclosed to the public officer or to the person who has a beneficial interest;
 - permit the trustee to notify the public officer of the date of disposition and value at disposition of any original investment or interest in real property to the extent required by federal tax law; and
 - prohibit the trustee from disclosing to the public officer or the person who has a beneficial interest any information concerning replacement assets to the trust;¹¹ and
- The public officer must file with the Commission on Ethics within 5 business days after the trust agreement is executed a notice containing:
 - the date of execution of the agreement;
 - the name and address of the trustee;
 - acknowledgment by the trustee that he or she has agreed to serve as trustee;
 - a copy of the trust agreement or certification by the trustee that the trust meets all of the requirements of s. 112.31425, F.S.; and
 - a complete list of the assets placed in the trust that the public officer would be required to disclose pursuant to s. 112.3144, F.S., (Full and public disclosure of financial interests – Form 6) or s. 112.3145, F.S., (Disclosure of financial interests and clients represented before agencies – Form 1). s. 112.31425(6), F.S.¹²

A public officer may not attempt to influence or exercise any control over decisions regarding the management of assets in a qualified blind trust. Neither the public officer nor any person having a beneficial interest in the qualified blind trust may make any effort to obtain information with respect to the holdings of the trust.¹³ A public officer or the person who has a beneficial interest may not have any direct or indirect communication with the trustee with respect to the trust, with limited exceptions.¹⁴

A public officer must report the beneficial interest in the qualified blind trust and its value as an asset on his or her financial disclosure form, if the value is required to be disclosed. The public officer must also report the blind trust as a primary source of income on his or her financial disclosure forms and its amount, if the amount of income is required to be disclosed.¹⁵ If the trust is revoked or if the covered public official learns of any replacement assets that have been added to the trust, the public official must file an amendment to his or her most recent financial disclosure statement to disclose the previously unreported pro rata share of the trust’s interest in investments or income.¹⁶

¹¹ Section 112.31425(6)(c), F.S.

¹² Section 112.31425(6)(d), F.S.

¹³ Section 112.31425(3), F.S.

¹⁴ Section 112.31425(4), F.S.

¹⁵ Section 112.31425(5), F.S.

¹⁶ Section 112.31425(7), F.S.

A public officer holding a beneficial interest in a qualified blind trust is not required to report on his or her financial disclosure forms any source of income to the blind trust as a secondary source of income.¹⁷

Constitutional Challenge to Section 112.31425, F.S.

In 2014, the constitutionality of s. 112.31425, F.S., was challenged. The petitioner sought a declaratory judgment that because the statute allows public officers to file financial disclosure statements without disclosing the value of individual assets contained within qualified blind trusts, it violates the requirement of full and public financial disclosure found in Article II, section 8 of the Florida Constitution. Upon appeal from a circuit court judgment finding the statute constitutional, the First District Court of Appeal vacated the declaratory judgment entered by the court because the petitioner failed to present a justiciable controversy. During the period of litigation, no public officer had created or reported a qualified blind trust in any required financial disclosure.¹⁸

Blind Trust Provisions for Federal Public Officials

There is no federal statute which requires federal public officials to place assets into a blind trust upon election or while serving. However, the Ethics in Government Act of 1978 formally established “qualified blind trusts” that may be created by federal public officials on their own initiative to avoid potential conflict issues or to ease reporting burdens.¹⁹ Qualified blind trusts simplify disclosure, which requires identification of the blind trust and overall income from it, as opposed to identification and income of all individual underlying assets and transactions.²⁰

A member of Congress must disclose in his or her financial disclosure report the category of value of the total cash value of his or her interest in a qualified blind trust.²¹ A member of Congress need not report the holdings of or the source of income from any of the holdings of a qualified blind trust, but must report the category of value of the amount of income received by him or her, his or her spouse, or any dependent child from the qualified blind trust.²²

The requirements and limitations of a qualified blind trust under federal law are similar to Florida’s statute,²³ but with stricter oversight and enforcement provisions. The proposed blind trust instrument and the proposed trustee must be approved by the federal public official’s supervising ethics office.²⁴ In addition, the U.S. Attorney General may bring a civil action in United States district court against any individual who knowingly and willfully violates prohibitions against disclosure or solicitation of information. The court in which such an action is brought may assess a civil penalty in any amount up to \$10,000. The Attorney General may

¹⁷ Section 112.31425(5), F.S.

¹⁸ *Apthorp v. Detzner*, 162 So. 3d 236 (Fla. 1st DCA 2015).

¹⁹ Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824.

²⁰ 5 U.S.C. app. s. 102(f).

²¹ 5 U.S.C. app. s. 102(a)(8).

²² 5 U.S.C. app. s. 102(f)(2).

²³ Section 112.31425, F.S.

²⁴ 5 U.S.C. app. s. 102(f)(3).

also bring a civil action in United States district court against any individual who negligently violates prohibitions against disclosure or solicitation of information. In such case, a civil penalty may be assessed up to \$5,000.²⁵

III. Effect of Proposed Changes:

The bill eliminates a statutorily prescribed mechanism for resolving conflicts of interest a public officer could otherwise face because of his or her income or interests in investments and property. Under the statute that the bill repeals, placing such assets and investments in a qualified blind trust would avoid a requirement that the interests be divested or that the public officer recuse himself or herself.

The bill repeals the statutory section that addresses qualified blind trusts, eliminating the operation and parameters of the described trust. Also repealed is the statutory determination that a public officer who holds a beneficial interest in a qualified blind trust does not have a conflict of interest prohibited under section 112.313(3) or (7), F.S., (doing business with one's agency and conflicting employment or contractual relationship) or a voting conflict of interest under section 112.3143, F.S., with regard to matters pertaining to that interest.

The repeal of section 112.31425, F.S., removes language that requires a public officer who holds a beneficial interest in a qualified blind trust to:

- File a notice setting forth the following with the Commission on Ethics within 5 business days after the qualified blind trust agreement is executed:
 - the date the agreement was executed;
 - the name and address of the trustee;
 - an acknowledgment by the trustee that he or she has agreed to serve as trustee;
 - a copy of the trust agreement or a certification by the trustee that the trust meets all of the requirements of section 112.31425, F.S. (qualified blind trusts); and
 - a complete list of assets placed in the trust that the public officer would be required to disclose in a full and public disclosure of financial interests (CE Form 6) or a disclosure of financial interests (CE Form 1);
- Report the beneficial interest in the qualified blind trust and its value as an asset on his or her financial disclosure forms and report the blind trust as a primary source of income and the amount of that income on his or her financial disclosure forms; and
- File an amendment to his or her most recent financial disclosure statement, if the trust is revoked or if the covered public official learns of any replacement assets that have been added to the trust, to disclose the previously unreported pro rata share of the trust's interest in investments or income.

The bill does not address the blind trust legal arrangement. The bill also does not address requirements for financial disclosure reporting. Section 8, Art. II of the Florida Constitution, requiring full and public disclosure of financial interests to mean reporting net worth and identifying each asset and liability in excess of \$1,000 and its value; section 112.3144, F.S., specifying the requirements for full and public disclosure of financial interests (CE Form 6); and

²⁵ 5 U.S.C. app. s. 102(f)(6).

section 112.3145, F.S., specifying the requirements for disclosure of financial interests (CE Form 1) are not affected by the bill.

The repeal of s. 112.31425, F.S., however, removes language that provides that a public officer holding a beneficial interest in a qualified blind trust is not required to report on his or her financial disclosure forms any source of income to the blind trust as a secondary source of income.

The bill will take effect on January 1, 2020.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 112.31425 of the Florida Statutes.

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.

By Senator Lee

20-01111A-19

2019702__

1 A bill to be entitled
2 An act relating to qualified blind trusts; repealing
3 s. 112.31425, F.S., relating to qualified blind
4 trusts; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Section 112.31425, Florida Statutes, is
9 repealed.

10 Section 2. This act shall take effect January 1, 2020.



The Florida Senate

Committee Agenda Request

To: Senator Dennis Baxley, Chair
Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: February 15, 2019

I respectfully request that **Senate Bill # 702**, relating to Qualified Blind Trusts, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

Senator Tom Lee
Florida Senate, District 20

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 690

INTRODUCER: Senator Rodriguez

SUBJECT: Single Subject Limitation for Taxation and Budget Reform Commission

DATE: March 7, 2019

REVISED: _____

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

I. Summary:

SJR 690 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 Att’y 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 Att’y 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

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. 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 (internal citations omitted).

¹⁵ *In re Advisory Op. to the Att’y 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 Att’y 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 Att’y 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 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 out of 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. At this time, no amendments have achieved ballot position for the 2020 election by either joint resolution of the Florida Legislature or by the initiative petition process.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 (Feb. 25, 2019) (on file with the Senate Committee on Judiciary).

By Senator Rodriguez

37-01098-19

2019690__

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

37-01098-19

2019690__

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

37-01098-19

2019690__

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.

APPEARANCE RECORD

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

3-12-19

Meeting Date

SB 690

Bill Number (if applicable)

Topic Single Subject Limit

Amendment Barcode (if applicable)

Name Dr. Sally Butzin

Job Title Volunteer w/ LWVFL

Address 1628 Woodgate Way

Phone 850-728-1097

Street

Tallahassee FL 32308

Email sally.butzin@gmail.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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

APPEARANCE RECORD

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

3/12/19

SB 690

Meeting Date

Bill Number (if applicable)

Topic Single Subject Limitation for Taxation + Budget Reform Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Director of Coalitions

Address Street Phone

City State Zip Email

Speaking: [] For [] Against [] Information

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

Representing Americans For Prosperity

Appearing at request of Chair: [] Yes [x] No Lobbyist registered with Legislature: [x] 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.

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S-001 (10/14/14)

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 274

INTRODUCER: Senator Baxley

SUBJECT: Limitation on Terms of Office for Members of a District School Board

DATE: March 6, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	Favorable
2.			ED	
3.			RC	

I. Summary:

SJR 274 proposes that district school board members be subject to an 8-year consecutive service term limitation. The language mirrors the current “eight is enough” term limit that applies to Cabinet members and legislators. The provision would operate prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be “termed-out” would be in November 2028.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose.

II. Present Situation:

Term Limits

The Florida Constitution provides that a person holding any of the following offices may not have his or her name on the ballot for reelection if the person has served, or but for resignation would have served, in an office for eight consecutive years:

- State Senator;
- State Representative;
- Lieutenant Governor;
- Florida Cabinet member;
- U.S. Representative from Florida; or
- U.S. Senator from Florida.¹

¹ Art. VI, s. 4(b), FLA. CONST.

The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on its congressional members.²

The term limits provision was proposed by citizen initiative and passed at the 1992 general election by a greater than 3-to-1 margin (approved by over 76% of electors voting on the measure).³ The amendment applied *prospectively*; service prior to the 1992 election did not count toward the eight-year restriction. Thus, the term limits amendment did not begin to have a direct impact until the 2000 election cycle.

Florida School Boards

There are currently about 358 school board members across the 67 districts in Florida.⁴ There is no provision in the Florida Constitution or Florida Statutes that limits the term of school board members.

Section 4(a) of Article IX of the Florida Constitution provides that:

Each county shall constitute a school district ... In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.⁵

III. Effect of Proposed Changes:

SJR 274 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in that office for 8 consecutive years. The language mirrors the current constitutional limits that apply to Cabinet members and state legislators. The proposed amendment would operate prospectively beginning with the 2020 general election, unless the Legislature authorizes it to be voted at an earlier special election; thus, the earliest any currently serving school board member could be "termed-out" likely would be at the 2028 general election.

² See, *U.S. Term Limits, Inc. v. Thornton*, 115 S. Ct. 1842 (1995).

³ See Florida Division of Elections website at <http://dos.elections.myflorida.com/initiatives/> (Year=1992; Ballot proposal #9) (last visited March 6, 2019). For more information on the 1992 term-limit constitutional amendment, see <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1> (last visited March 6, 2019).

⁴ The Florida School Boards Association, *State of the Association, Vol. 3* at p.1 (2017-18 Annual Report), available at: <http://fsba.org/wp-content/uploads/2018/11/annual-report-201718.pdf> (last visited March 6, 2019). For a list of all Florida school boards and a link to the corresponding school boards website see: <http://fsba.org/membership/school-boards/> (last visited March 6, 2019).

⁵ Fla. Const. Art. IX s. 4(b).

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that purpose. The joint resolution would apply upon approval of the voters — at least 60% of those voting on the measure.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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 either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the identical House Bill. Using the Division's 2018 general election estimate of \$120.31 per word, this 318-word amendment should cost just over **\$38,250**.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Articles IX and XII 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.



255644

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Powell) recommended the following:

Senate Amendment

Delete lines 34 - 53
and insert:
resignation would have served, in that office for twelve
consecutive years.

ARTICLE XII

SCHEDULE

Limitation on terms of office for members of a district
school board.-This section and the amendment to Section 4 of



255644

11 Article IX imposing limits on the terms of office for members of
12 a district school board shall take effect on the date they are
13 approved by the electorate, but no service in a term of office
14 which commenced before November 3, 2020, will be counted toward
15 the limitation imposed by this amendment.

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

18 CONSTITUTIONAL AMENDMENT

19 ARTICLE IX, SECTION 4

20 ARTICLE XII

21 LIMITATION ON TERMS OF OFFICE FOR MEMBERS OF A DISTRICT
22 SCHOOL BOARD.—Proposing an amendment to the State Constitution
23 to limit terms for school board members by prohibiting incumbent
24 members who have held the office for the preceding twelve years

By Senator Baxley

12-00554-19

2019274__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution to limit the terms of office for a member of a district school board.

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

That the following amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution are 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 IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance

Page 1 of 2

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

12-00554-19

2019274__

joint educational programs.

(c) A person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for eight consecutive years.

ARTICLE XII

SCHEDULE

Limitation on terms of office for members of a district school board.—This section and the amendment to Section 4 of Article IX imposing limits on the terms of office for members of a district school board shall take effect on the date they are approved by the electorate, but no service in a term of office which commenced before November 3, 2020, will be counted toward the limitation imposed by this amendment.

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

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 4

ARTICLE XII

LIMITATION ON TERMS OF OFFICE FOR MEMBERS OF A DISTRICT SCHOOL BOARD.—Proposing an amendment to the State Constitution to limit terms for school board members by prohibiting incumbent members who have held the office for the preceding eight years from appearing on a ballot for reelection to that office and to specify that the amendment only applies to terms of office beginning on or after November 3, 2020.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

274

Meeting Date

Bill Number (if applicable)

255674

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Nick Tombarlideo

Job Title Executive Director

Address 812 Henderson Cb #201

Phone 648-704-0968

Street Albion City FL 32940

Email

Speaking: For Against Information

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

Representing US Term Limits

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

SB274
Bill Number (if applicable)

255444
Amendment Barcode (if applicable)

Topic School Board Term Limits

Name Bob White

Job Title Chairman

Address 512 Southern Hills Ct.
Street

Phone 321-403-4441

Melbourne FL 32940
City State Zip

Email rwhite345@btmail

Speaking: For Against Information

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

Representing Republican Liberty Caucus of Florida

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-12-19

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

SSR 274

Meeting Date

Bill Number (if applicable)

#255644

Amendment Barcode (if applicable)

Topic SCHOOL BOARD Term Limits

Name JOHN HOLLIMAN

Job Title LEGISLATIVE AFFAIRS

Address PO Box 2349

Phone 352-200-1530

Street

BUSKIN

FL

33513

Email john.holliman@john.holliman.com

City

State

Zip

Speaking: For Against Information

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

Representing LIBERTY FIRST NETWORK

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19
Meeting Date

SB 274
Bill Number (if applicable)

255644 (Powell)
Amendment Barcode (if applicable)

Topic 12 year term limits

Name Shawn Frost

Job Title Dir of Advocacy

Address 1103 Hays Street
Street

Phone 850 462 5155

Tallahassee FL 32301
City State Zip

Email admin@SchoolChoiceMovement.org

Speaking: For Against Information

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

Representing School Choice Movement

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

274

Bill Number (if applicable)

255644

Amendment Barcode (if applicable)

Topic Term Limits Amendment

Name Shayna Lopez-Rivas

Job Title Retail Supervisor

Address Protected by statute

Street

Tallahassee FL

City

State

Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing Myself

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.

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S-001 (10/14/14)

APPEARANCE RECORD

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

3-12-19

SJR 274

Meeting Date

Bill Number (if applicable)

Topic Term limits for school board members

Amendment Barcode (if applicable)

Name Dr. Sally Butzin

Job Title Volunteer w/ LWVFL

Address 1628 Woodgate Way

Phone 850-728-1097

Street

Tallahassee FL 32308

Email sally.butzin@gmail.com

City

State

Zip

Speaking: [] For [x] Against [] Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

SB 274
Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Bob White

Job Title Chairman

Address 512 Southern Hills Ct.
Street

Phone 321-403-4441

Melbourne FL 32940
City State Zip

Email rwhite345@hotmail.com

Speaking: For Against Information

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

Representing Republican Liberty Caucus of Florida

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
APPEARANCE RECORD

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

March 12, 2019
Meeting Date

274
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Dir of Advocacy

Address 1103 Hays Street
Street

Phone 850 462 5155

Tallahassee FL 32301
City State Zip

Email admin@schoolchoicemovement.org

Speaking: For Against Information

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

Representing School Choice Movement

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
APPEARANCE RECORD

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

3/12/19
Meeting Date

SB 274
Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida AFL-CIO

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-12-19

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

SB0274

Meeting Date

Bill Number (if applicable)

Topic Limitation on Terms of Office (SB)

Amendment Barcode (if applicable)

Name Doug Deters

Job Title Teacher

Address 61 Reeding Ridge Dr. West

Phone 904-536-1174

Street

Jax

FL

33335

Email coachdeters@gmail.com

City

State

Zip

Speaking: [] For [x] Against [] Information

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

Representing Self

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/2019

Meeting Date

SB 274

Bill Number (if applicable)

Topic TEAM LIMITS FOR SCHOOL BOARD

Amendment Barcode (if applicable)

Name RENNA LEE PAIVA

Job Title GUIDANCE COUNSELOR

Address 2467 BAYWOOD CT.
Street

Phone 904-778-5844

ORANGE PARK, FL 32065
City State Zip

Email RENNALEE.PAIVA@MYORCAFLA.NET

Speaking: For Against Information

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

Representing CLAY COUNTY EDUCATION ASSOCIATION

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

APPEARANCE RECORD

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

03-12-19

Meeting Date

274

Bill Number (if applicable)

Topic Term Limits for School Board Members

Amendment Barcode (if applicable)

Name Matthew Estevez

Job Title Teacher

Address 7241 Bergamo Way #201

Phone (954) 632-3316

Street

Fort Myers

FL

33966

Email MatthewJEstevez@gmail.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3-12-19

SJR 274

Meeting Date

Bill Number (if applicable)

Topic SCHOOL BOARD TERM LIMITS

Amendment Barcode (if applicable)

Name JOHN HALLMAN

Job Title LEGISLATIVE AFFAIRS

Address BOX 2349

Phone 352-200-1530

Street

BUSWAZH FL 33513

Email john.hallman@flsenate.gov

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing LIBERTY FIRST NETWORK

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] 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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

274

Bill Number (if applicable)

Topic Term Limits

Amendment Barcode (if applicable)

Name Shayna Lopez-Rivas

Job Title Retail Supervisor

Address Protected by Statute

Phone _____

Street

Tallahassee, FL

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Myself

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

274

Bill Number (if applicable)

Topic SCHOOL BOARD Term Limits

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 1118-B THOMASVILLE Rd

Phone 850-508-5492

Tallahassee, Fla. 32303

Email cdoolin@nettally.com

Speaking: For [] Against [x] Information []

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

Representing Small School District Council Consortium

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [x] 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

APPEARANCE RECORD

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

3/12

Meeting Date

SJR
274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Nick Tomboulides

Job Title Executive Director

Address 812 Hudson Cdb #201

Phone 546-704-2466

Nelbourn FL 32090

Email NTomboulides@k12fl.net

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing US Term Limits

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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SR 274
Bill Number (if applicable)

Meeting Date

Amendment Barcode (if applicable)

Topic Schoolboard Term Limits

Name Max Ragno

Job Title Student

Address 2195 W. Tennessee Street

Phone 561-350-2552

Tallahassee FL 32304
City State Zip

Email Maxthomasragno@gmail.com

Speaking: For Against Information

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

Representing ~~Student~~ Concerned Citizen

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SJR274

Bill Number (if applicable)

Topic SJR274 - Term limits

Amendment Barcode (if applicable)

Name Austin Sisk

Job Title _____

Address 4408 S Military Trail, Unit 5

Phone _____

Street

Boynton Beach FL 33436

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

274

Meeting Date

Bill Number (if applicable)

Topic School board term limits

Amendment Barcode (if applicable)

Name Lorena Grizzle

Job Title Teacher

Address 377 3rd St NW

Phone 727 686-1757

Street

Largo

FL

33770

Email lgrizzle@outlook.com

City

State

Zip

Speaking: For Against Information

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

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19
Meeting Date

274
Bill Number (if applicable)

Topic Term Limits

Amendment Barcode (if applicable)

Name Jim Fend

Job Title _____

Address 1625 Marcello Dr.
Street

Phone 3175906488

Melbourne FL
City State

32934
Zip

Email jpfend@gmail.com

Speaking: For Against Information

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

Representing _____

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3.12.19

Meeting Date

274

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Aaron Carmella

Job Title

Address 625 Grove St N

Phone 727.204.8622

Street

St Petersburg FL 33701

City

State

Zip

Email Aaron.Carmella@gmail.com

Speaking: [] For [] Against [] Information

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

Representing Self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19 Meeting Date

SB 274 Bill Number (if applicable)

Topic Term Limits for School Boards

Amendment Barcode (if applicable)

Name Aimee Smith

Job Title Teacher

Address 5017 Central Ave

Phone 863-300-1276

Street

Bowling Green FL 33834

City

State

Zip

Email aimeecsmith@gmail.com

Speaking: [] For [] Against [] Information

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

Representing Self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

274

Bill Number (if applicable)

Topic Term Limits for School Board Members

Amendment Barcode (if applicable)

Name Shaye Sutherland

Job Title Teacher

Address 4550 Mystic Blue Way

Phone 9526931354

Street

Fort Myers

FL

33966

City

State

Zip

Email Scsutherland12@gmail.com

Speaking: [] For [] Against [] Information

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

Representing Self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 274

Bill Number (if applicable)

Topic Limitations on Terms Sch

Amendment Barcode (if applicable)

Name Cheryl Brown

Job Title 330 Milland Ct

Address Educator

Phone

Street

Orange Pk FL 32065

City

State

Zip

Email

Speaking: For Against Information

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

Representing self

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19
Meeting Date

274
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brett Farrell

Job Title Electrician

Address 7018 SW 46th Ave
Street

Phone 352-615-4986

Gainesville FL 32608
City State Zip

Email _____

Speaking: For Against Information

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

Representing self

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-2019
Meeting Date

SJR 274
Bill Number (if applicable)

Topic Limitation on Terms of Office Amendment Barcode (if applicable)

Name Thomas N. Gibson

Job Title _____

Address 2782 Melvin Road

Phone (904) 236-0358

Jacksonville FL 32210
City State Zip

Email Tnathgibson

Speaking: For Against Information

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

Representing myself

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

274

Meeting Date _____

Bill Number (if applicable) _____

Topic Term Limits

Amendment Barcode (if applicable) _____

Name BRAD DECORTE

Job Title TEACHER

Address 2657 RIDGE LANE

Phone 727-599-9034

PALM HARBOR FL 34684
City State Zip

Email bdecorte75@gmail.com

Speaking: For Against Information

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

Representing SELF

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.

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CourtSmart Tag Report

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

Type:
Judge:

Started: 3/12/2019 4:01:49 PM
Ends: 3/12/2019 5:00:56 PM Length: 00:59:08

4:01:47 PM Meeting called to order
4:01:54 PM Roll Call
4:02:05 PM Opening Remarks by Chair
4:02:53 PM Tab 3 - SJR 274 by Senator Baxley, Limitation of Terms of Office for Members of a District School Board
4:02:59 PM Vice Chair Braynon in chair
4:04:59 PM Questions?
4:05:09 PM Senator Powell
4:05:30 PM Senator Baxley
4:06:08 PM Senator Powell
4:06:18 PM Senator Baxley
4:07:14 PM Senator Powell
4:07:18 PM Senator Baxley
4:08:01 PM Amendment 255644 by Senator Powell
4:09:27 PM Questions? None
4:09:32 PM Appearance Cards on amendment.
4:09:39 PM Nick Tomberlides, Executive Director, US Termlimits
4:12:21 PM Bob White, Chairman, Republican Liberty Caucus of Florida speaks in support
4:14:10 PM John Hallman, Legislative Affairs, Liberty First Network, speaking against
4:15:47 PM Shawn Frost, Director of Advocacy, School Choice Movement, speaking against
4:16:58 PM Senator Braynon
4:17:59 PM Shawn Frost, Director of Advocacy, School Choice Movement
4:18:28 PM Chair
4:19:13 PM Shayna Lopez-Rivas, Retail Supervisor, representating self, speaking in opposition
4:19:54 PM Senator Powell
4:21:44 PM Shayna Lopez-Rivas
4:21:48 PM Senator Powell
4:22:19 PM Senator Powell
4:22:24 PM Debate on amendment?
4:22:30 PM Senator Stargel
4:22:51 PM Debate?
4:23:02 PM Senator Braynon
4:23:35 PM Senator Powell to close on amendment
4:23:59 PM Senator Powell withdraws amendment
4:24:05 PM Back on bill
4:24:12 PM Questions?
4:24:26 PM Dr. Sally Butzin, Volunteer, League of Women Voters, speaking in opposition
4:24:52 PM Chair
4:25:40 PM Bob White, Chairman, Republican Liberty Caucus of Florida, speaking for the bill
4:26:54 PM Shawn Frost, support
4:27:19 PM Dr. Rich Templin, Florida AFL-CIO, speaking in opposition
4:31:48 PM Doug Deters, Teacher, speaking for self and against the bill
4:33:49 PM Renna Lee Paiva, Guidance Counselor, Clay County Education Association, opposes bill
4:33:59 PM Matthew Estevez, waives in opposition
4:34:55 PM John Hallman, waives in support
4:35:03 PM Shayna Lopez-Revis support
4:35:07 PM Chris Doolin, Consultant, Small School District Council Consortium, speaking against bill
4:38:06 PM Nick Tomboulides, Executive Director, US Term Limits, speaking for the bill
4:40:44 PM Max Ragno, student, speaking against bill
4:41:45 PM Austin Sekel, Boyton Beach, speaking for the bill
4:42:59 PM Lorena Grizzle, Teacher, waives speaking, in opposition
4:43:19 PM Jim Fend, waives speaking, in support
4:43:26 PM Araon Carmella, waives speaking, in opposition

4:43:31 PM Aimee Smith, Teacher, waives speaking, in opposition
4:43:36 PM Shaye Sutherland, Teacher, oppose
4:43:47 PM Cheryl Brown, waives speaking, in opposition
4:43:54 PM Brad Farrell, Electrician, waives speaking, in opposition
4:44:01 PM Thomas N. Gibson, waives speaking, in opposition
4:44:10 PM Brad DeCorte, Teacher, waives speaking, in opposition
4:44:21 PM Debate?
4:44:29 PM Senator Powell
4:45:45 PM Senator Baxley to close
4:46:35 PM Roll call - SJR 274 - Favorable
4:48:57 PM Senator Baxley back in Chair
4:49:16 PM Tab 1 - SB 702 by Senator Lee - Qualified Blind Trusts
4:51:39 PM Questions?
4:52:40 PM Senator Powell
4:53:04 PM Senator Lee
4:54:45 PM Senator Rodriguez
4:55:00 PM Senator Lee
4:55:53 PM Appearance? None
4:56:03 PM Debate?
4:56:06 PM Senator Braynon
4:56:18 PM Chair
4:56:19 PM Senator Lee to close
4:56:53 PM Senator Lee closes
4:56:54 PM Roll Call SB 702 - Favorable
4:57:22 PM Tab 2 - SJR 690 by Senator Rodriguez, Single Subject Limitation for Taxation and Budget Reform
Commission
4:58:25 PM Questions? None
4:58:57 PM Appearance?
4:59:07 PM Dr. Sally Butzin, Volunteer w/ League of Women Voters of FL, waives in support
4:59:27 PM Demetrius Minor, Director of Coalitions, Americans for Prosperity, waive in support
4:59:52 PM Senator Rodriguez waives close
5:00:01 PM Roll Call SJR 260 - Favorable
5:00:22 PM Remarks by Chair
5:00:36 PM Business? None
5:00:42 PM Senator Powell moves to adjourn