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CONSTITUTION REVISION COMMISSION

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

2 CHAIRMAN BERUFF: Commissioners, we have a
3 quorum. If everybody would silence your cell
4 phones then we will reconvene five minutes
5 late. That is terrible for me.

6 A VOICE: Who is doing the invocation?

7 CHAIRMAN BERUFF: Commissioner Lester is
8 recognized to lead us this morning in the
9 invocation.

10 COMMISSIONER LESTER: Friends, let's
11 stand. Holy Father we gather, grateful for the
12 freedoms we enjoy and mindful of the
13 responsibilities we have to try to protect and
14 extend those freedoms. We are grateful for the
15 comradery we have, for being able to work
16 together as friends and build one another up
17 and encourage one another.

18 And Father, we especially want to thank
19 you for the hard work of the staff. They have
20 done such a tremendous job.

21 They are such a blessing to us in this
22 work and a blessing to the people of Florida,
23 and we want them to feel that appreciation. So
24 be with us and help us to work together in a
25 way that brings honor and glory to you. Amen.

1 CHAIRMAN BERUFF: Amen. Please follow me
2 in the Pledge of Allegiance.

3 I pledge allegiance to the flag of the
4 United States of America, to the Republic for
5 which it stands, one nation, under God,
6 indivisible with liberty and justice for all.

7 I am going to take what they call a moment
8 of personal privilege. As you know, we have
9 been here for two days, and if not for the
10 staff, we would never be able to accomplish
11 what we have accomplished. And I would like to
12 take this -- while everybody is fresh in the
13 morning and thank every one of them for their
14 efforts.

15 (Applause)

16 CHAIRMAN BERUFF: But I would like to go a
17 little further, because it is beyond our
18 immediate staff, it is the staff of the House
19 and the Senate who worked tirelessly and
20 overtime to make this process as seamless as it
21 has been for two days.

22 I can tell you I have spoken to these
23 people at 8:00 at night, on Sundays at 5:00 in
24 the afternoon, Saturdays, never, never have I
25 had anything but a pleasant experience, and

1 they have always responded to the needs of this
2 Commission.

3 Another round of applause, please.

4 (Applause)

5 CHAIRMAN BERUFF: We are going to start
6 with Proposal 55 this morning. Commissioner
7 Kruppenbacher is recognized on Proposal 55.

8 COMMISSIONER KRUPPENBACHER: Mr. Chairman,
9 55 is the Clerk of the Court Proposal. And
10 with respect to this body, since I left, had to
11 leave yesterday and obviously was delusional in
12 thinking my absence would have spur you to wrap
13 things up --

14 CHAIRMAN BERUFF: We tried.

15 COMMISSIONER KRUPPENBACHER: I am going to
16 set the stage for today. I withdraw the
17 proposal.

18 CHAIRMAN BERUFF: Thank you very much.
19 The Chair is going to temporarily postpone
20 P-97, P-54, P-94, P-3 and P-4; and we are going
21 to move to the first order of business this
22 morning is P-43.

23 Commissioner Donalds, if you would like to
24 introduce your proposal, thank you.

25 COMMISSIONER DONALDS: Thank you,

1 Mr. Chair. We are going to start off with a
2 good one this morning. Fellow Commissioners,
3 Proposal 43 started as a public proposal and it
4 is here today for your consideration. It is
5 the proposal that will establish term limits of
6 two terms, eight years for School Board members
7 as constitutional officers across the state of
8 Florida, in the same manner as our Florida
9 legislators are under eight-year term limits.

10 Term limits provide fresh faces and new
11 ideas to elected office. They reduce the
12 special interests influence and make room for
13 the citizen legislator as was the intent of our
14 founding fathers.

15 Long-time politicians become entrenched
16 with the status quo and develop a pride of
17 ownership in the bureaucracy that they help to
18 create and sustain.

19 We all know that the easiest way to get
20 elected is to already be elected. Incumbency
21 is difficult for ordinary citizens to overcome,
22 especially in Florida's districts, large ones
23 with county-wide seats. The incumbent's
24 ability to remain in office indefinitely
25 ensures that those with current experience

1 being subject to the school system are
2 virtually unable to effect the needed changes.

3 Term limits have overwhelming support with
4 the public. Unfortunately, very little support
5 with the elected politicians who would need to
6 put them in place. Many of these politicians
7 wouldn't even be in office if it weren't for
8 term limits that have ousted their
9 predecessors.

10 These ideas are popular at candidate
11 forums as you have all seen, but not at the
12 dais. We have seen local and congressional
13 politicians get elected and say that they are
14 going to term limit themselves, then when it
15 comes down to it they say just one more term.

16 Even the term limits in our Florida
17 Constitution that are currently there were put
18 there via citizens' initiative, not by elected
19 politicians. I think that we have all heard
20 the outcry from Floridians and the support that
21 this proposal has garnished.

22 A couple of polls that have been done in
23 the past weeks gave us 68 percent approval in
24 one poll, which I thought was kind of low, and
25 in the last few days, 82 percent in another

1 poll.

2 So certainly something that I believe
3 belongs in the Constitution along with the
4 other term limits that we see there and
5 something that has the support of Floridians,
6 and that they deserve to vote on in November.
7 So with that, I will be glad to take questions,
8 Mr. Chair.

9 CHAIRMAN BERUFF: Questions on Proposal
10 43? Questions on Proposal 43? This is the way
11 we should start the morning.

12 Then if Commissioner Donalds would
13 introduce Amendment 954874, please.

14 COMMISSIONER DONALDS: This amendment
15 takes away any retroactivity that was
16 previously in the proposal so that its
17 implementation will be the same as the
18 legislator's term limits were implemented years
19 ago.

20 So no service before this election and
21 vote in 2018 will count toward the term limit.
22 It is completely prospective if this amendment
23 is adopted.

24 CHAIRMAN BERUFF: Questions on amendment
25 954874? Debate on 954874?

1 Commissioner Plymale is recognized on
2 debate.

3 COMMISSIONER PLYMALE: Thank you, Chairman
4 Beruff, and thank you, Commissioner Donalds. I
5 rise in opposition to this for -- and I have
6 three reasons.

7 I think that term limits have had
8 ramifications and unintended consequences and
9 we have all seen those over the course of the
10 years, and I think there is enough passed in
11 1994. Many times very qualified potential
12 candidates just wait until the term limits are
13 over, and that is the way we -- we seem to be
14 seeing more and more of that. And then, but my
15 biggest contention here is why just School
16 Boards?

17 If we are going to have one policymaking
18 board at the local level, why not County
19 Commissioners, too? Why not our Constitutional
20 officers? I don't think it is -- I don't think
21 it is fair and right to just pick one
22 policymaking body. Thank you.

23 CHAIRMAN BERUFF: Commissioner Schifino is
24 recognized on debate.

25 COMMISSIONER SCHIFINO: It is debate, but

1 I don't understand what I am looking at on the
2 board as having anything to do with term
3 limits. Am I --

4 CHAIRMAN BERUFF: It is early.

5 COMMISSIONER SCHIFINO: No, I -- I was
6 perplexed, and it could be me. It is early,
7 not enough coffee yet. But could someone tell
8 me what that has to do with the -- the term
9 limit proposal? I don't see where it has
10 anything to do with it. Page 2.

11 CHAIRMAN BERUFF: Change the page. We are
12 having a problem with going to page 2. So if
13 everybody would go to their written back-up,
14 and if anybody needs one we will run one over
15 to you.

16 A VOICE: Okay. Flip the page.

17 COMMISSIONER SCHIFINO: Thank you.

18 CHAIRMAN BERUFF: Has everybody had a
19 chance to get to their page 2, and if not, we
20 will have one delivered to you pretty quickly?
21 We need copies of page 2 printed and delivered
22 to anybody that needs it.

23 Commissioner Donalds, would you like to
24 read it?

25 COMMISSIONER DONALDS: I would be happy

1 to. The change, the change language is lines
2 19 to 21 here. No service in a term of office
3 which commenced prior to November 6, 2018, will
4 be counted against the limitation imposed by
5 this amendment.

6 CHAIRMAN BERUFF: Further debate on
7 Amendment 954874? Then we will go to debate on
8 Proposal 43.

9 I am sorry? Oh, I am sorry, we have to
10 vote on the amendment. Okay. The Chair will
11 recognize all yea votes in support.

12 (Chorus of yea's.)

13 CHAIRMAN BERUFF: All those against,
14 signify by saying nay. The yea's have it,
15 clearly. Now we will go to debate on Proposal
16 43.

17 Mr. Smith rises in debate. Thank you.

18 COMMISSIONER SMITH: Thank you, Mr. Chair.
19 I guess my theme today would have been, you
20 know, let the people vote. People have been
21 discussing this, let the people vote. But the
22 concern I have of this is a point that was made
23 earlier. Term limits has far ramifications
24 that I don't think voters truly understand.

25 It is one of those things that sound good,

1 everybody wants to throw the bums out, and
2 everyone thinks about that and if you put term
3 limits in front of people, oh, yes, it is
4 great, throw them out.

5 But the public doesn't, I don't think,
6 fully understand, and I think it is hard to
7 explain everything that goes along with those
8 term limits. The empowerment of the lobbyists,
9 the empowerment of the staff, the unfairness to
10 a community.

11 Because if a community wants someone in
12 that office, term limits are every two years,
13 term limits are every four years. We have term
14 limits, people go vote, they don't want them,
15 they throw them out.

16 But it is in essence disenfranchising
17 voters because if they have a School Board
18 member that they think has been great and has
19 been on the Board for 20 years and you think
20 that is too long, well, you know what, the
21 voters who vote for them make that decision
22 every couple of years.

23 But just, I struggle with this because you
24 want people to be able to vote, if that is what
25 they want, that is what they want; but I don't

1 think people truly understand the
2 ramifications. And you think we had a long
3 discussion yesterday about lobbyists and how,
4 you know, lobbyists run their stuff.

5 Term limits is really, is really, really
6 good for lobbyists, it empowers lobbyists, it
7 creates more and more lobbyists. I mean, I
8 don't think the public truly understands the
9 ramifications of term limits.

10 It sounds good, it is something that
11 sounds good. It is that big piece of chocolate
12 cake that looks great, but there is a whole lot
13 that goes along with it. And so I struggle
14 with if we put this back out there without the
15 public truly understanding.

16 CHAIRMAN BERUFF: Further debate on 43? I
17 was waiting for that.

18 Commissioner Joyner is recognized.

19 COMMISSIONER JOYNER: Good morning,
20 Mr. Chair. Thank you, and I -- I agree with
21 Commissioner Smith. It -- sometimes people
22 don't know what is best for them, and they
23 think that term limits are terrible, but this
24 is -- that is the one thing that empowers
25 lobbyists and staff. They are the ones with

1 the institutional knowledge, they are the ones
2 who know best how to get what they want.

3 And new people come in and they are
4 ineffective because the folks who control it
5 continue to control it. You need some
6 seniority, you can't, you know, I came in in
7 2000, 43 of us, 33 new folks, and you know the
8 old saying about somebody has got to show you
9 where the bathroom is.

10 Well, they had to show us everything about
11 this place, and it took time to get up to
12 speed. And then at the point where we best
13 mastered what it was that we were elected to
14 do, it was time for us to go. And if you -- I
15 hear and see what happens, and know that the
16 power stays with those who are here forever,
17 the lobbyists, they know the system.

18 The new ones come in, they have no, no
19 institutional knowledge of anything.
20 Consequently I know that at home when I got
21 back I was questioned about my votes.

22 I had to justify to the electorate why I
23 took a position for or against something, and
24 in a few instances there was -- I had
25 opponents. I had an opportunity to justify

1 what I had done. I felt that I had
2 sufficiently and effectively represented the
3 people, and so I was reelected. But they had a
4 choice of limiting my term by not re-electing
5 me. And it is one, it is -- there are
6 unintended consequences of you don't really
7 know unless you have walked in those shoes.

8 I haven't been local. I haven't been
9 where every time you move somebody stops you
10 everywhere you go. And I think at the level
11 that we are, at the School Board level where
12 the rubber meets the road, School Board members
13 are confronted and seen and known by their
14 constituents everywhere they go.

15 And it just, that is the best place where
16 we shouldn't have term limits, because if you
17 mess up they will get you out. They will limit
18 your term. We don't need to do it.

19 We need to let the people do it, because
20 even though it sounds good as Senator Smith
21 said, throw the bums out, there are
22 consequences to doing that of which the general
23 public is not really aware of until something
24 happens later, and said, oh, my God, well, if
25 Erica had stayed in it wouldn't have happened.

1 So think about the fact that the unknown
2 that you don't know about does, in fact,
3 happen. We -- we should let the people limit
4 the terms of those who have been elected.

5 There are consequences and we are seeing
6 some of them, and I would hope that you would
7 not take this measure, especially at this
8 level, because School Board members are really
9 held accountable by the people who elect them
10 because they see them every day.

11 Our School Board meetings are packed. I
12 watch them on television when I can, but they
13 get great write-up and they get great
14 attendance; and the people meet with their
15 School Board members in Hillsborough County. I
16 don't know what -- I would assume that the
17 community does this everywhere because the
18 school is the focal point of education for our
19 kids, and we should have the opportunity as the
20 electorate to limit the terms of those whom we
21 feel are not doing the job that we elected them
22 to do.

23 And this to me takes away the power of the
24 people to do it by election as opposed to those
25 of us here in this ivory tower thinking that we

1 know best. So I will not be supporting this
2 particular proposal.

3 CHAIRMAN BERUFF: Commissioner Nunez is
4 recognized.

5 COMMISSIONER NUNEZ: Thank you,
6 Mr. Chairman, and I truly wasn't going to
7 debate, famous last words, right? But I just
8 felt strongly enough based on some of the
9 previous debate to speak out in favor of this
10 proposal. I am a poster child of term limits,
11 Commissioner Sprowls is the poster child of
12 term limits.

13 It works. Were it not for term limits
14 someone like me or someone like Commissioner
15 Sprowls or Commissioner Diaz or even Senator
16 Joyner or Senator Smith, would perhaps have not
17 had the opportunity to serve. And so I
18 discount the notion that term limits is a bad
19 thing.

20 I discount the notion that the public
21 doesn't know what they are talking about when
22 they support overwhelmingly term limits. It is
23 one or the other. The public either knows what
24 they are talking about on one issue, certainly
25 they have to know what they are talking about

1 on the other issue. So I firmly believe that
2 the public is right in demanding term limits.

3 I can tell you having just finished up my
4 eighth year in the Legislature, yes, you
5 obviously do learn as you go along and you
6 spend time getting to understand the issues,
7 the process, the players in the process. But I
8 can tell you, I am fully ready to go back home.

9 I am ready to take a break, and I am
10 looking forward to the new crop of individuals
11 that are going to walk through those doors in
12 November and bring fresh ideas and new
13 perspective. And I think it is a very
14 important thing for our political process,
15 whether it is at the School Board, in
16 Tallahassee or even in Washington. And I would
17 encourage those up in D.C. to consider this,
18 because it is a great proposal and I fully
19 support Commissioner Donalds.

20 CHAIRMAN BERUFF: Commissioner Heuchan is
21 recognized.

22 COMMISSIONER HEUCHAN: Good morning, thank
23 you, Mr. Chairman. I rise to support this
24 proposal also. And like a lot of these things
25 this week, these have been value propositions

1 and that was mentioned, I think, by
2 Commissioner Martinez and many other people.

3 What Commissioner Smith said and what
4 Commissioner Joyner said about lobbyists is
5 true, but it is also true that -- that as
6 people become elected, the incumbency and the
7 power of incumbency has a profound impact on
8 the lobbying community and the donor community.

9 I will also tell you that as much as
10 Commissioner Nunez and Commissioner Sprowls and
11 some of the other people that she mentioned are
12 beneficiaries of term limits, there are also,
13 Speaker Nunez is a -- the opposite of a
14 beneficiary of term limits because she has to
15 leave.

16 And if we could choose to have Jeanette
17 Nunez or Chris Sprowls or Chris Smith or
18 Arthenia Joyner sit in their seats forever, I
19 would vote for that, because I know these
20 people.

21 Right? Who wouldn't vote for that. But,
22 well, and President Gaetz. Let me --

23 COMMISSIONER GAETZ: You lost another one.

24 CHAIRMAN BERUFF: Point of order. You got
25 to include them all.

1 COMMISSIONER HEUCHAN: It is always a
2 danger when you start listing people. Attorney
3 General Bondi, you know, Chris Nocco for
4 Sheriff, I am endorsing all of these people for
5 lifetime, lifetime membership in whatever they
6 want to do.

7 CHAIRMAN BERUFF: Commissioner, it is a
8 little late.

9 COMMISSIONER HEUCHAN: As one of the
10 non-elected people, the few in this body, I
11 would tell you that it would be great if we
12 could pick and choose just to have the good
13 people stay. But we can't, and that is why I
14 am going to be very happy to push my green
15 button for you and this good idea.

16 CHAIRMAN BERUFF: Further debate on
17 Proposal 43? Close debate. Please open up the
18 board for a vote -- oh, I am sorry. I thought,
19 you know, there is sometimes when you just
20 don't, in sales you just shut up sometimes.

21 Commissioner Donalds, please close on your
22 proposal. I apologize, Mr. Secretary, to call
23 you up here early.

24 COMMISSIONER DONALDS: Thank you,
25 Mr. Chair. I just want to quickly respond to a

1 couple of things. First of all, Commissioner
2 Plymale, I appreciate your comments, why do
3 this for this one and not others.

4 I would be happy to entertain a late-filed
5 amendment for any offices that you would like
6 to add that we could put term limits on,
7 because I do support term limits at every level
8 of government. Obviously, education is my
9 focus and as a School Board member I can
10 confidently say.

11 In response to one of the comments made by
12 Commissioner Joyner, I would challenge you to
13 find staff that is more powerful than the
14 school district staff in this state.

15 Despite there not being term limits on
16 School Boards, school district staff has great
17 control over the School Boards and their
18 decision-making.

19 People do know what is best for them, and
20 that is why they support term limits in such
21 huge measure, basically at every level of
22 government. And Commissioner Smith said
23 something as well, voters may not understand
24 the ramifications of term limits. I think they
25 actually do, because they compare our state

1 Legislature with Congress, and they can see
2 very clearly the difference between having term
3 limits and not having term limits, which is
4 just why they voted to term limit their
5 congressional representatives, unfortunately
6 that was not upheld.

7 I think we can absolutely give the people
8 what they want, do something that does belong
9 in the Constitution based on the precedent of
10 term limits already there, and confidently help
11 our school districts, help the people that they
12 represent by allowing them every eight years to
13 select new fresh ideas from qualified pools of
14 candidates, and put people in office that will
15 serve the students and the parents of their
16 communities. So thank you for your support.

17 CHAIRMAN BERUFF: Thank you. Please open
18 the board. Commissioners, please vote.
19 Commissioners, please vote. Please close the
20 board and announce the tally.

21 THE SECRETARY: Twenty-seven yea's, six
22 nay's, Mr. Chair.

23 CHAIRMAN BERUFF: The motion is adopted as
24 amended and committed to Style and Drafting.
25 Thank you.

1 Proposal 44. Commissioner Washington,
2 would you please introduce your proposal?

3 COMMISSIONER WASHINGTON: Good morning.
4 So Proposal 44 amends Article IX, Section 7 of
5 the Constitution to require a super majority
6 vote of the Legislature to increase tuition and
7 the University Boards of Trustees and the Board
8 of Governors to increase any fees.

9 I actually have an amendment as I will get
10 to which strikes the tuition proposal because
11 it is my understanding that that was actually
12 covered in the House, in the Joint Resolution
13 that recently passed the Legislature.

14 The Proposal, the purpose of this proposal
15 is to ensure that Florida universities remain
16 affordable for students. So we have supported
17 a number of value-based proposals, and this
18 proposal falls in that category.

19 It sends a message that Florida actually
20 values college affordability. I support this
21 proposal because it is about students who
22 choose to further their education through going
23 to a college or going to a university.
24 National conversations about the cost of
25 college and student debt have caused many to

1 question the value of higher education, and may
2 have limited access to these institutions.

3 In the last ten years the average tuition
4 at a public four-year university has increased
5 almost \$300 a year, which is greatly outpacing
6 family median income.

7 In Florida we are the exception, not the
8 rule, because of great leadership of our
9 Governor and our legislators, I gotcha, Nunez,
10 again, Florida has been able to maintain or
11 keep tuition and fees lower over the last
12 number of years and we are actually ranked 49th
13 nationally for the cost of universities.

14 And this has had a positive impact on
15 students, obviously, who are paying for this,
16 but also on their parents and grandparents or
17 anybody who chooses to invest in a Florida
18 Prepaid Scholarship. Florida Prepaid, the cost
19 of the monthly premiums actually have decreased
20 50 percent because we have maintained this low
21 cost of tuition.

22 Most importantly, I would say through the
23 investment of State funding, legislators get
24 two shout-outs today, for performance funding,
25 our outcomes show that our university

1 performance continues to improve. The quality
2 of our universities is not going down.

3 So fees are -- I will get to the amendment
4 which actually strikes a tuition piece and
5 talks about fees, but really, this amendment I
6 feel is important because it addresses and
7 sends a message to all of our parents and
8 students that college in Florida is affordable
9 and that we are committed to maintaining that
10 affordability.

11 CHAIRMAN BERUFF: Questions on 44?

12 Commissioner Newsome is recognized.

13 COMMISSIONER NEWSOME: Commissioner, I
14 first want to thank you for doing this. This
15 is awesome. I am usually in support of this.
16 I think it is wonderful for our students. One
17 question I have though, as the parent of a
18 college student, does this apply just for
19 in-state tuition?

20 The reason I ask is because I believe that
21 some of our universities, in particular one or
22 two that I am thinking of, have what appears to
23 be a huge number of out-of-state students
24 coming. And so to the extent that we are
25 keeping these tuitions low for in-state

1 students whose parents pay taxes and whose
2 parents are here, I think that is phenomenal;
3 but I hope that we are not doing the same thing
4 or my question is, are we doing the same thing
5 for out-of-state students?

6 COMMISSIONER WASHINGTON: Thank you.

7 CHAIRMAN BERUFF: Commissioner Washington.

8 COMMISSIONER WASHINGTON: Thank you,
9 thanks, Commissioner Newsome. So my proposal
10 actually does not change any of the current
11 structures for approval processes. It only
12 raises the threshold of the vote required to do
13 that. So whatever is actually done currently
14 is allowed to continue in the way that -- in
15 the manner that it does.

16 It just requires a higher threshold, so a
17 super majority of, if it is a fee that is
18 imposed by the local Board of Trustees, it
19 would be the majority of that body. If it is
20 then required to be approved by the Board of
21 Governors it would require a super majority of
22 both of those bodies.

23 But I am not 100 percent sure what the --
24 who sets the fees for university students. I
25 mean, for out-of-state students, but my

1 proposal does not change any of the approval
2 structure.

3 CHAIRMAN BERUFF: Questions on 44? No
4 questions, let's proceed. Would you introduce
5 amendment 953356, Commissioner Washington.

6 COMMISSIONER WASHINGTON: Thank you,
7 Mr. Chair. As I mentioned, this amendment
8 removes tuition, and it is my understanding
9 that this is covered in the Legislative Joint
10 Resolution 7001, that passed this last month.

11 The amendment also clarifies that for the
12 purposes of this session, section, tuition is
13 not considered a fee which ensures that the
14 Legislature maintains full tuition-setting
15 authority.

16 CHAIRMAN BERUFF: Questions on 953356?
17 Debate on 953356?

18 Commissioner Solari is recognized.

19 COMMISSIONER SOLARI: I am going to vote
20 no on this, and not that this proposal, itself,
21 is necessarily bad, but I am seeing a trend
22 here, especially -- and I hadn't thought about
23 with this proposal until it was brought up that
24 the tuition would be covered by the -- by the
25 ballot initiative that was promoted by the

1 Legislature.

2 In a number of ways we have added to the
3 cost of things to the State of Florida, and
4 individually, say Marsy's Law will add costs,
5 we don't know how much. But this will add
6 costs to the State Legislature. We don't know
7 how much.

8 And I am not saying any of those are good
9 or bad, but we also have something on the
10 ballot which will limit -- well, which will
11 take away a little slice of ad valorem taxes
12 locally.

13 What I am afraid will happen, which has
14 happened in similar states, is we are going to
15 lock ourselves in to an ability to fund things.
16 We are going to have a recession sometime in
17 the future, and we are not going to have -- be
18 able to respond to it because we are locking
19 ourselves in financially in so ways, so many
20 different ways.

21 I will just use the example of this
22 session of the Legislature. The Legislature
23 was going, it was moving towards setting a
24 budget and suddenly we had Parkland and
25 suddenly we had something which was going to

1 add, I believe, perhaps hundreds of millions of
2 dollars to the budget.

3 Well, if we go forward the way we are
4 going, in five years if we have a recession
5 let's say after two, and we go through a long
6 recession, the Legislature is going to be more
7 and more strapped, and then if we go through a
8 budget cycle just like we did and we have an
9 event, whether it is a Parkland type or some
10 other thing that we have to respond to, we are
11 going to find ourselves locked in. And that is
12 my greatest fear with the direction we are
13 going through with all of these super
14 majorities. So that will be the basis of my
15 reasoning for voting no.

16 Thank you.

17 CHAIRMAN BERUFF: Any further debate on
18 953356? Seeing none, all those in favor of
19 amendment 953356 signify by saying yea.

20 (Chorus of yea's.)

21 CHAIRMAN BERUFF: All those against, nay?
22 The yea's have it. Debate on 44?

23 Commissioner Lee is recognized.

24 COMMISSIONER LEE: Well, thank you,
25 Mr. Chair, and let me begin by just saying that

1 given the legislative session has just ended
2 and this kind of came in at us fast, I have
3 been trying to stay about a half a day ahead of
4 where we are here, and typically, I say that
5 because I would love to have had this
6 conversation ahead of time.

7 I think that is kind of the best way to
8 talk to your colleagues sometimes is off the
9 record and not on the record, and try to
10 resolve some of your questions and
11 what-have-you. But in debate, you know, I have
12 watched the trends here in Florida to
13 Commissioner Newsome's point, and I am really
14 troubled by, you know, how to -- how to handle
15 this particular measure, because on the one
16 hand aspirationally I believe strongly in what
17 you are trying to do, and that is send a
18 message that we want to keep university tuition
19 as low as possible.

20 But in the way we have gone about it
21 between the prior amendment by Commissioner
22 Karlinsky and now this amendment, we are almost
23 ensuring that the way we are going to keep --
24 the way we are going to keep -- well, we could
25 reach a crisis point where the Board of

1 Governors sees the necessity to raise tuition
2 or fees, but in all likelihood what is going to
3 happen is they are going to keep sending the
4 Bill to the Legislature and the fallacy of not
5 market pricing your institutions, which, you
6 know, I think we should be looking at here in
7 the state, is that you then have to go to the
8 Legislature for hundreds and hundreds of
9 millions of dollars of general revenue to
10 backfill the deficits in the state university,
11 and that is what has taken place over the last
12 several years.

13 And it will continue to take place because
14 just to keep tuition low, artificially low,
15 perhaps from a market standpoint, and fees low
16 does not mean that the cost of producing or
17 providing that service or that degree isn't
18 going up.

19 And the only way to reduce that delta is
20 to force the Legislature to fund higher
21 education, which is an important thing for us
22 to be doing, no doubt. But it reduces the
23 number of options that the Legislature has,
24 because now you have to have a super majority
25 vote of the Board of Governors in order to

1 re-price your university system.

2 And so I think while we often take great
3 pride in the fact that we have kept university
4 tuition flat, and coming out of this recession
5 that has certainly been a laudable goal, there
6 is a point at which you can't do that, unless
7 as we have been doing this in an increasing
8 fashion, we plow all of this money back in
9 through general revenue, which takes away from
10 public education, health and human services,
11 all the other things.

12 You know, if you had your druthers you
13 would probably try to figure out a way to
14 create a system where, where whether it is a
15 hunting license, a fishing license, or in-state
16 tuition or whatever, that the fees and costs
17 associated with that matched up with the cost
18 of producing that service.

19 The tax collectors have issues with that,
20 the clerks have issues with that, all -- and
21 trying to reprice these fees is going to become
22 increasingly difficult, just in the interest of
23 being fair to the organization that is trying
24 to administer this service and are losing
25 their -- losing a lot of money and can't go to

1 the Legislature for backfill because they don't
2 have that high prioritization from the
3 Legislature.

4 I also would just kind of point out and I
5 was in the same boat you are in. When you do
6 these proposals sometimes you feel like you
7 have kicked the top off an ant hill and you
8 have picked about as big a fight as you can
9 pick, and I felt that way yesterday.

10 A lot of people talked about why don't we
11 do something with horses and what-have-you, and
12 I would really like to see us deal as much with
13 the community college system which is, we have
14 63 percent of the young people, of the people
15 that come out of high school go to the state
16 college system.

17 And over 50 percent of those who go into
18 the state university come out of the state
19 college system, and we have cut the bridge
20 between high school and the state university
21 system in a place where -- where the
22 individuals that are so much more heavily
23 impacted and so much more likely to fall
24 through the cracks actually get their
25 education.

1 Not just coming out of high school, but
2 for retraining and workforce development
3 purposes, which is something I know President
4 Gaetz has worked really hard on. So, you know,
5 I guess I am in this awkward position of having
6 to support this proposal today, but I am very
7 troubled by the fact that a lot of these
8 proposals are sending Bills back to the
9 Legislature to fund out of general revenue and
10 not giving us the flexibility to have some of
11 these fees and costs that are -- that are
12 under-priced for the services that are being
13 delivered across the board, and tying the hands
14 of the Legislature and these independent boards
15 to make recommendations to -- to adjust these
16 fees and costs over time so that it doesn't
17 become a burden on the entire tax system, on
18 the entire tax base for people that don't
19 choose to use those services. And so, I just
20 want to put those points on the record, Mr.
21 Chairman.

22 I guess in an abundance of caution I will
23 support this, but I am troubled at the
24 direction that we are going with all of these.

25 CHAIRMAN BERUFF: Commissioner

1 Kruppenbacher is recognized.

2 COMMISSIONER KRUPPENBACHER: A question
3 for Commissioner Washington. Can you just
4 clarify for me exactly what we are about to
5 vote on?

6 CHAIRMAN BERUFF: Commissioner Washington.

7 COMMISSIONER WASHINGTON: A proposal --

8 CHAIRMAN BERUFF: Debate with a question.

9 COMMISSIONER WASHINGTON: Yes, debate with
10 a question. The proposal as amended only
11 pertains to fees. So it is only the fees such
12 as activity and service fees, financial aid,
13 technology fees that are imposed on students.

14 It would require a super majority vote of
15 the local Board of Trustees of the University
16 to increase those fees, or a super majority
17 vote of the Board of Governors if also required
18 to authorize that fee.

19 CHAIRMAN BERUFF: Commissioner
20 Kruppenbacher.

21 COMMISSIONER KRUPPENBACHER: Thank you,
22 that is what I thought, but I kind of got
23 sidetracked listening to the prior comments. I
24 am going to support this, I thank you, because
25 I closely watched, been involved and

1 represented a couple of universities. And I
2 think if our Legislature would pay attention to
3 the details of the operation of universities,
4 the way in which they have the K-12 system, you
5 would find there is massive amount of money
6 within the university system that can be better
7 allocated and better used.

8 You need only walk amongst some of these
9 campuses and realize there is new building
10 after new building and most of which are not
11 used more than 50 percent of the time, right.
12 So I think this boils down to driving a
13 message, let's start getting more efficient,
14 and to me it is empowering the local Board of
15 Trustees to have to stand up and be accounted
16 for.

17 Candidly, I would almost rather it wasn't
18 the Board of Trustees since none of them ever
19 like to say no to their University President,
20 because everybody enjoys all the perks that go
21 with the -- on those boards. But at the end of
22 the day we are pricing -- and we are at a
23 dangerous threshold of pricing higher education
24 out of the reach of young people, including
25 young people who come from middle upper income

1 families, right? And the return on investment
2 is getting more and more disproportionate to
3 where one has to question what we are doing.

4 So I see this, Commissioner, as a great
5 move in the right direction, and I think
6 putting it on the ballot will give -- I go back
7 to values, a message that I believe it will
8 pass and I believe it is a message that it is
9 time for the universities to be as accountable
10 for dollars as we have made the K-12 system
11 become accountable for dollars. Thank you.

12 CHAIRMAN BERUFF: Further debate,
13 Commissioner Cerio is recognized.

14 COMMISSIONER CERIO: Thank you, Mr.
15 Chairman. As I think everyone here knows, we
16 have a great state university system in
17 Florida. Many regard us as having one of the
18 top ten state university systems -- sorry,
19 state university systems in the country. Top
20 ten, a couple of our universities have been
21 named best value in the -- in the country and
22 that is, that is something to be proud of.

23 And, you know, with all due respect to
24 Commissioner Solari, I do not see how this
25 proposal could raise costs. We are trying to

1 reign costs in.

2 You know, I had the privilege of serving
3 on the Board of Governors with Commissioner
4 Stewart and with Commissioner Jordon, and we
5 are mindful. I wish I could say that what
6 Commissioner Kruppenbacher said is untrue as
7 far as, you know, it is very easy to be caught
8 up in the desires and goals of our universities
9 and our whole system, and I think sometimes
10 there are temptations to take votes that aren't
11 very healthy and it is not fair to the students
12 and parents. I -- I have seen it.

13 I got my start in politics and policy when
14 I was fortunate enough to be appointed to the
15 old Board of Regents by Governor Chiles, and we
16 were in a budget crunch. It was 1992. I
17 remember this very, very well. We talked about
18 what happens when there is a budget crisis.

19 Well, at that time there was a hiring
20 freeze imposed. My memory is a little fuzzy,
21 but I believe Governor Chiles and the
22 Legislature decided not to raise tuition. As a
23 state university system on the Board of Regents
24 we voted to freeze enrollment, universities cut
25 classes and in the midst of all of this one

1 university worked with -- or sort of browbeat
2 its student government and they raised, voted
3 to raise activity and service fees. Because it
4 was a very ingenious device but they wanted to
5 fund renovations to an athletic facility using
6 activity and service fees.

7 It was like, it was a very odd, but
8 ingenious approach, and the point was not at
9 that time we are cutting classes, we are
10 freezing enrollment, and I and one other regent
11 took the position, why are you doing this at
12 this time of all times? But nevertheless, that
13 course of action happened, that vote was taken,
14 you know, we lost, and I just want to stress
15 that point.

16 This is -- we are not saying that you
17 cannot raise fees, we are just saying it
18 requires a higher voting threshold, and there
19 are, there is still temptations to make really
20 bad and selfish decisions because you want the
21 new shiny object or the great building or the
22 great facility, when maybe that is not the
23 right time. And I think the Boards of Trustees
24 and the Board of Governors, we want to be good
25 stewards.

1 I don't want to always say no to things,
2 but we want to make sure that we are making the
3 right decision and I don't think that making it
4 harder to raise fees as well as tuition to
5 impose a higher burden on students and
6 sometimes their parents is necessarily a bad
7 idea. I have seen -- I have seen it happen
8 when unfortunate decisions are made and it is
9 just -- votes are taken to raise fees when they
10 absolutely should not be because of the other,
11 what is going on in the budget climate at the
12 time. So I am voting in favor of this good
13 Proposal.

14 Thank you.

15 CHAIRMAN BERUFF: Further debate on 44?
16 Commissioner Gaetz is recognized.

17 COMMISSIONER GAETZ: Thank you very much.
18 I rise to associate myself with the comments of
19 Commissioner Lee. This -- this measure which
20 I, which I will vote for with great
21 reservations and the amendment which I support
22 with reservations, has nothing to do with
23 controlling costs.

24 It has everything to do with shifting the
25 burden for paying the bill, and generally

1 speaking when you steal from Peter to pay Paul
2 you can usually count on Paul's support; and
3 that is what we have here. We have a
4 circumstance in which there are people,
5 certainly like our State Board of Education and
6 our -- all of the State Boards of Trustees that
7 exist on all of our state universities who are
8 careful, who are good stewards.

9 But the fact is that when you don't price
10 your product based on its value in the market
11 and instead you use, you know, you vote to hold
12 fees the way in place that they are, which is
13 good for our customers. If you hold tuition in
14 the place that it is, which is good for our
15 customers, and I have supported those -- those
16 holds on tuition and fees, and I support the
17 Governor and what he did. I think it was the
18 right thing to do coming out of a recession, it
19 helped us billed our educational system.

20 But make no mistake about it. That
21 doesn't mean that you control the cost.
22 Controlling the cost requires a different set
23 of actions, which some of our Boards of
24 Trustees take, which are our Board of Education
25 takes but which sometimes people don't take.

1 And what happens is they hire lobbyists,
2 nothing wrong with that, it is a free country,
3 the lobbyists come to the Legislature, and they
4 ask for a whole bunch of money for those very
5 fine educational institutions, then, you know,
6 all of us who have been if the Legislature have
7 cast votes in one way or another for those fine
8 institutions, especially if they are in our
9 districts. And the money then comes from
10 somewhere else in the budget and it comes from
11 the taxpayers.

12 So this is a shifting of the burden of
13 education from those who use the service to
14 everybody else who has to rely upon, not only
15 educational services but the other services
16 that are funded by the budget.

17 If I were on a state board, if I were on
18 an educational board I would do the same thing
19 as I did when I was on the School Board, and
20 that is never vote to increase fees and never
21 vote to increase taxes. And then turn around
22 and come to the Legislature and say don't you
23 care about education.

24 I was on both sides of that transaction,
25 and I understand that both sides are sincere,

1 but this has nothing to do with cost and it has
2 everything to do with shifting responsibility
3 for an educational system which we should be
4 proud of and have every right to be proud of,
5 but we ought to be honest, that this is not
6 about cost, this is about shifting the burden
7 of cost.

8 CHAIRMAN BERUFF: Further debate on 44 as
9 amended?

10 Commissioner Kruppenbacher is recognized.

11 COMMISSIONER KRUPPENBACHER: I just want
12 to ask, did Thomas Jefferson think about that
13 when you talked with him about it? I am trying
14 to figure out, with all due respect, how this
15 is doing anything other than requiring the
16 boards, the Board of Trustees who are appointed
17 to be that much more responsible and
18 accountable. I am not connecting the shift.

19 CHAIRMAN BERUFF: Commissioner Gaetz on
20 debate.

21 COMMISSIONER GAETZ: Thank you, Mr.
22 Chairman. I agree with you. It does -- it
23 does obligate those who serve on these boards
24 to generate a super majority in order to raise
25 fees. But if they don't generate a super

1 majority or don't even try to, or don't even
2 want to, and I would be one of those who
3 wouldn't want to, that doesn't stop them from
4 then hiring a lobbyist, nothing wrong with
5 that, coming to the Legislature and saying we
6 still want to incur the costs, we just want
7 someone else to pay for it, because I didn't
8 want to -- to price my product according to its
9 high value.

10 Having said all of that, Commissioner, I
11 certainly intend to vote for the proposal. All
12 I am saying is, let us not delude ourselves
13 that we are holding down the cost of higher
14 education. Instead we are -- we are sending
15 the bill for higher education to a different
16 set of policymakers. That is all I am saying.

17 CHAIRMAN BERUFF: Commissioner Jordan is
18 recognized.

19 COMMISSIONER JORDAN: Thank you,
20 Mr. Chair. Much like Commissioner
21 Kruppenbacher, I have trouble following that
22 logic, because as it stands now they need to
23 acquire a majority. So it still takes
24 negotiation at the Board of Trustee level or
25 the Board of Governors level or else they will

1 do exactly what you are saying.

2 So this is -- this change I don't think is
3 as dramatic as you and Commissioner Lee are
4 attempting to make it, because this is already
5 happening in these Boards of Trustees and
6 Boards of Governor, and I served with
7 Commissioner Cerio and Commissioner Stewart and
8 we are very mindful of that, and I serve on a
9 private university board where we struggle with
10 the same thing every Board meeting and every
11 spring when we decide about raising tuition.
12 And it is a tough, tough thing, because the
13 cost, as everyone has said, in higher ed, is
14 continuing to accelerate.

15 The problem is you can't keep passing that
16 off to students because we are going to start
17 having a middle class and even upper middle
18 classes, one of the Commissioners said earlier,
19 I think it was Commissioner Kruppenbacher, that
20 are not going to be able to afford an education
21 in our country.

22 So this is going to force Boards of
23 Trustees and the Board of Governors to think a
24 little bit harder before they pass along the
25 costs to the people who are using the system,

1 because it is very easy just to say, let's
2 increase fees, the kids won't notice 300 to
3 400, but in some families that makes a
4 difference.

5 And I think being more thoughtful and
6 being more mindful and having to reach a super
7 majority threshold is a good thing, and I
8 applaud you, Commissioner Washington, for
9 bringing this forward and I will support it,
10 especially as a member of the Board of
11 Governors.

12 CHAIRMAN BERUFF: Further debate on 44 as
13 amended?

14 Commissioner Lee is recognized.

15 COMMISSIONER LEE: Thank you, Mr. Chair,
16 and I won't belabor. I just want to make sure
17 that Commissioner Jordan and the others know
18 that the comments that are being made by
19 President Gaetz and myself are, in fact, a
20 complete thought.

21 The pressures that will be put on the
22 difficulty, the challenges that the university
23 system will have in responding to those higher
24 costs and the -- the temptation to not have to
25 support that, but find another way to fill the

1 gap is going to result in them coming back to
2 the Legislature.

3 But there is a value, no doubt, in, you
4 know, what Commissioner Lester, it was referred
5 to and we all heard it before, starving the
6 beast, making sure that the university system
7 in fact, itself, is accountable and not making
8 it too easy.

9 But the reason that what President Gaetz
10 and I are saying is, is what needs to be added
11 to that is the better way holistically to deal
12 with this is to market price your product; and
13 then to the extent that the problem that
14 Commissioner Kruppenbacher and Commissioner
15 Jordan appropriately make, and that is the
16 price is too high, the Legislature comes back
17 in and expands both its needs and merit-based
18 scholarship programs, which we have done as
19 part of the backfill.

20 We move up to full funding Florida
21 Academic Scholars under the Bright Futures
22 Program, and the Medallion Scholars to backfill
23 and support that higher cost, but only for the
24 folks who have earned it and who need it, the
25 people that we are talking about here in this

1 room.

2 So it is -- you have to kind of look at
3 this holistically and I just, you know, want to
4 make sure that you understood that we are not
5 just kind of looking at this through the prism
6 of one perspective. We do know there are needs
7 and merit-based scholarship programs out there
8 that if properly funded, along with Bright
9 Futures can ameliorate the problems that we are
10 observing in this amendment.

11 THE CHAIR: Commissioner Beruff.

12 CHAIRMAN BERUFF: Thank you. I am going
13 to join that group of people in saying I really
14 wasn't going to talk, but since I did serve on
15 a State College board for eight years, I do
16 recognize that the staff and the Board of
17 Trustees, in many instances, unfortunately,
18 want the latest and greatest, and when there is
19 really no need for it.

20 So example, when I got on the board we
21 were ready to build a \$42 million library with
22 a 120,000 square feet for a college that quite
23 frankly that was completely oversized, and in a
24 time when i-Pads were coming into, into
25 conscious, where libraries were changing. You

1 just don't need the same type of facility that
2 you needed 20 years ago. So by the time we
3 were finished we ended up with a beautiful
4 library for \$17 million.

5 That is a \$25 million swing, okay. So we,
6 unfortunately some of the Board of Trustee
7 members who served too long get sold
8 unfortunately by the staff that they are
9 surrounded by. So I think another check and
10 balance with a super majority, which is all we
11 are talking about here. If it is a crisis, if
12 we need it, I think the right people will make
13 the right decision.

14 Thank you, and, of course, I will support
15 this Bill.

16 CHAIRMAN BERUFF: Further debate?
17 Commissioner Washington, you are recognized to
18 close.

19 COMMISSIONER WASHINGTON: Thank you,
20 Chair. I thank all of you for this debate. I
21 think that fundamentally we all agree that
22 there is an issue with the cost of college.
23 That is actually not what I am debating right
24 now.

25 What I am debating right now as an

1 individual of this body is that in order to
2 increase a fee that are already imposed, the
3 fees are already in statute, just the only
4 thing that I am doing is raising the bar on
5 increasing that fee.

6 I am -- I actually serve on the Board of
7 Trustees for Florida A & M University. I know,
8 I am not, Commissioner Kruppenbacher, a yes
9 vote, and guess what? My President knows that.
10 He knows that in order to do anything on that
11 university there has to be a set of principles
12 that we have to thoroughly vet before I become
13 a yes. You have to convince me to be a yes. I
14 am never an automatic yes. I like to read, I
15 do my research, I make my own decisions.

16 For this it takes that level of threshold
17 for not only me, but now eight other of my
18 Board members, to get that vote, to increase
19 that fee, if that is what we need. If it is
20 what we need, guess what, I am going to do it.

21 I am never going to say I am not going to
22 put my university at risk in order to do -- in
23 order to hold the fee if that is the one thing
24 that we need; I am not going to do that. But I
25 do have fiduciary responsibility and if it is

1 in the best interest of the university I want
2 to make sure that my President has been able to
3 convince myself and a majority, super majority
4 of the Board that this is what we need.

5 To Commissioner Lee's point, the reason
6 the Florida college system is not actually
7 addressed in this is because they are not a
8 constitutional authority. So that is -- which
9 I will address, obviously, in a later proposal,
10 but thank you for that. That is why they are
11 not in here. They currently don't exist in the
12 Constitution.

13 Regarding Commissioner Gaetz, university
14 lobbyists are always going to lobby for more
15 money, regardless of how much they get, how
16 much the tuition has increased, I mean, that is
17 part of what they do.

18 So I don't think that this actually
19 prohibits or inhibits or makes -- changes the
20 playing field one way or another. So just in
21 closing, I think Florida is -- we are number
22 one in higher education, according to the U.S.
23 News and World Report for the second year in a
24 row.

25 Why did we get that? A large part of that

1 is because we have maintained college
2 affordability and high quality. So this
3 proposal, just in closing, I am going to be
4 quick, just goes a long way to ensuring that
5 Florida continues to grow and thrive and that
6 will not do so on the backs of its students,
7 that it will continue to prioritize higher
8 education access and affordability in this
9 state and that we continue to broaden and
10 cultivate our talent base.

11 Thank you. I encourage your support.

12 CHAIRMAN BERUFF: Thank you. Please open
13 the board for a vote on 44 as amended.
14 Commissioners, please vote. Please close the
15 board and announce the tally.

16 THE SECRETARY: Twenty-nine yea's, four
17 nay's, Mr. Chair.

18 CHAIRMAN BERUFF: The motion as amended is
19 committed to Style and Drafting Committee.
20 Thank you. We are going to temporarily
21 postpone 45 and take up Proposal 71.

22 Commissioner Donalds, please introduce
23 your proposal.

24 COMMISSIONER DONALDS: Thank you, Mr.
25 Chairman. When we were appointed to this

1 Commission it was very clear to me that we
2 needed to address the constitutional challenges
3 that have obstructed the Florida Legislature's
4 efforts to enact progressive, innovative and
5 beneficial education policies that will empower
6 parents and expand educational choices for our
7 students.

8 Because Florida's Constitution contains so
9 much language about education, courts have
10 misinterpreted the wording in this document to
11 achieve a desired end in cases brought by the
12 educational establishment to maintain the
13 status quo in our public education system.

14 As you all know, I composed a number of
15 amendments which I believe reflect the intent
16 and the sentiment of Florida voters, parents,
17 grandparents and citizens who, in an
18 increasingly bi-partisan way, believe that one
19 size does not fit all in education.

20 Floridians desire the ultimate local
21 control in this arena. The control that
22 parents deserves to choose the academic
23 environment that best fits their child's unique
24 needs, gifts and interests, regardless of their
25 family's background, income or zip code.

1 Ideally the people's representatives,
2 through our legislative process, would have the
3 ability to implement education programs and
4 establish public schools as the needs of the
5 people may require, which language is actually
6 in our Constitution, or as innovations present
7 themselves in other states or even in other
8 countries.

9 Florida already has several
10 state-authorized public schools that have not
11 been constitutionally challenged, including the
12 School for the Deaf and Blind, lab schools, our
13 state universities and Florida Virtual School.

14 Proposal 71 amends Article IX, Section
15 4(b), to allow the Legislature flexibility to
16 create alternate processes to authorize the
17 establishment of public schools within our
18 state.

19 The goal of this amendment, to be clear,
20 is to clarify the intent of the constitutional
21 language that was misinterpreted by the First
22 DCA in the case of *Duval County School Board*
23 *versus the State Board of Education*. This is
24 in regards to the Florida Schools of Excellence
25 Commission, which was an independent

1 state-level entity, with the ability to
2 authorize charter schools throughout the state
3 of Florida, passed under Governor Jeb Bush.

4 Currently 43 states have charter schools.
5 Of those, 34 have a statewide charter
6 authorizer, similar to the Schools of
7 Excellence Commission. Many also have other
8 types of authorizers. The existence of
9 multiple authorizers is the best practice
10 because it provides competition in the arena of
11 school authorization and oversight.

12 Competition, as many of us know and
13 believe, improves the quality of the
14 supervision and partnership that authorizers
15 provide, creates an environment where
16 authorizers focus on the performance of their
17 school's portfolio.

18 Admittedly, this is something different
19 for Florida. It creates a lot of debate, but
20 it is not something different across our
21 country and it absolutely is the best practice
22 in states that allow charter schools.

23 As presented, the Proposal explicitly
24 states that the Constitution should not prevent
25 the Legislature from responding to the needs of

1 the people of Florida and enacting beneficial
2 programs through the establishment of free
3 public schools.

4 However, I have filed a delete-all
5 amendment which I believe addresses the
6 underlying issue in a preferable manner, but
7 both the proposal and the delete-all amendment
8 achieve the exact same outcome.

9 With that, Mr. Chairman, I will be happy
10 to answer questions.

11 CHAIRMAN BERUFF: Questions on P-71?
12 Commissioner Washington is recognized.

13 COMMISSIONER WASHINGTON: Thank you,
14 Commissioner Donalds. Thank you, Chair.

15 Commissioner Donalds, in this, and I will
16 try to stick to the original, even though the
17 delete-all does exactly the same. Does this
18 proposal open or provide flexibility to
19 authorized alternate school districts as well
20 as schools?

21 CHAIRMAN BERUFF: Commissioner Donalds.

22 COMMISSIONER DONALDS: Thank you. It does
23 not allow the establishment of alternate school
24 districts. School districts are defined in the
25 Constitution as being one within each county.

1 This proposal would not change that.

2 CHAIRMAN BERUFF: Commissioner Washington.

3 COMMISSIONER WASHINGTON: Thank you. In
4 this proposal to the -- to the governance
5 structure, if you are authorizing the
6 Legislature to provide alternate schools, what
7 do you perceive the governing structure and
8 accountability structure for those alternative
9 schools?

10 CHAIRMAN BERUFF: Commissioner Donalds.

11 COMMISSIONER DONALDS: I would expect that
12 take the Legislature would define what the
13 governance structure would be. If I am
14 speaking to where this came from, the Schools
15 of Excellence Commission acted as the District
16 School Board for charter schools that they
17 authorized. So in the same manner that the
18 District School Board oversees charter schools
19 which are overseen by a governing board within
20 themselves, the Schools of Excellence
21 Commission in that situation acted as the
22 District School Board, overseeing the charter
23 school's governing board and the operations of
24 that charter school.

25 That is done through legislation. This,

1 if passed, would actually not change the
2 current situation at all. It would be up to
3 the Legislature to define that governance
4 structure which is appropriately left to their
5 authority.

6 CHAIRMAN BERUFF: Commissioner Lester on
7 questions.

8 COMMISSIONER LESTER: Commissioner
9 Donalds, could you just expand a little bit
10 more on what the problem is that you are trying
11 to solve with this?

12 CHAIRMAN BERUFF: Commissioner Donalds.

13 COMMISSIONER DONALDS: Thank you. The
14 best practice in charter school establishment
15 across the country has been shown to be having
16 multiple choices for those new schools coming
17 in to say who they are going to partner with
18 long term, to oversee them. And we want those
19 oversight boards to be accountable to the
20 taxpayers, because these are taxpayer-funded
21 schools.

22 Right now in Florida, because of the
23 interpretation of the language in the
24 Constitution, the courts have said the only
25 entity that can oversee charter schools are

1 District School Boards. We have seen in some
2 cases where District School Boards do not want
3 to be charter authorizers.

4 They deny charter applications that are
5 aligned with Florida law. We see those go to
6 the State Board of Education and be overturned.
7 At this point, even when an application is
8 overturned, a decision at the local board is
9 overturned by the State Board, the State Board
10 says they are following the law, they should be
11 able to open a school.

12 The only choice to oversee that school on
13 an ongoing basis is that District School Board.
14 So the State Board of Education sends that
15 charter school application back to the District
16 School Board. They have to contract with that
17 school and have an ongoing relationship with
18 that school.

19 The organization, the National Association
20 for Charter School Authorizers recently did a
21 study about quality charter school authorizing.
22 It was a three-year study and they named five
23 stellar authorizers across the country.

24 Now, despite Florida having the most
25 charter schools of any state and some of the

1 largest authorizers of any state, we have no
2 authorizers named in that quality authorizer
3 study. I would argue that, one, that is
4 because there is no competition in that arena.
5 There is no -- the district has no incentive to
6 make sure that their portfolio of charter
7 schools are the highest quality portfolio.

8 And despite the fact that they receive
9 five percent of the per student allocation from
10 their charter schools, we are not seeing them
11 utilizing that five percent to really increase
12 the quality of the schools that they oversee.

13 Florida has had the top in the country
14 number of first-year charter schools close, and
15 what that tells us that they shouldn't have
16 been authorized in the first place.

17 So what we want to see is not necessarily
18 an expansion of the charter school sector, but
19 an increase in quality in the charter school
20 sector by better authorizing and better ongoing
21 oversight. So this does not change the current
22 situation.

23 District School Boards will still be --
24 have the opportunity to authorize schools and
25 partner with those schools for that five

1 percent fee on an ongoing basis to service
2 those schools and try to help them be
3 successful, but it gives those charter schools
4 an alternative to say, you know what, if this
5 district is not going to utilize that five
6 percent to service the charter school well and
7 be a good partner to help them succeed, they
8 will have an alternative, hopefully, if
9 legislation is put in place, to partner with a
10 different entity that the Legislature can put
11 in place.

12 Now, let me just say this: The
13 Legislature in other states has decided on a
14 myriad of entities to be high quality
15 authorizers. In the study that I mentioned,
16 the five top authorizers in the country are
17 D.C. Public Charter School Board; the Thomas B.
18 Fordham Foundation in Ohio; the Metropolitan
19 Massachusetts Board of Education; Metropolitan
20 Nashville Public Schools and SUNY, the State
21 University in New York, all different.

22 You have non-profit, a state University, a
23 state board of education, a local school
24 district and a charter board; but what they
25 have in common is that they are not the only

1 place that those schools can go to get
2 authorization in that state.

3 CHAIRMAN BERUFF: Commissioner Martinez is
4 recognized on a question.

5 COMMISSIONER MARTINEZ: Yes, thank you.
6 Thank you, Mr. Chair. Commissioner Donalds,
7 thank you for introducing this. I was hoping
8 actually you wouldn't TP 45, which I support.

9 This one I have a question for you. So as
10 I understand it, you envision that the
11 Legislature would have the flexibility to set
12 up like a statewide chartering authorizing
13 commission that an individual charter school
14 would contract with. Would that commission
15 then report to the State Board of Education?

16 COMMISSIONER WASHINGTON: Mr. Chair.

17 CHAIRMAN BERUFF: Yes, please.

18 COMMISSIONER WASHINGTON: That would be up
19 to the Legislature to decide. The reason why I
20 didn't define specifically that a statewide
21 charter authorizing board should be created,
22 which I could have done; the State Board of
23 Education is created in the Constitution. The
24 Board of Governors are created in the
25 Constitution. I could have said we are going

1 to create a state authorizing board.

2 It is because in looking at what a quality
3 authorizer is across the country, I have found
4 that it is not always a state board. It could
5 be a state university, like the State
6 University of New York, which is one of the top
7 authorizers in the country.

8 It could be a metropolitan area, as the
9 Metropolitan Nashville Public Schools are one
10 of the top authorizers in the country. I want
11 to leave that to the Legislature to decide what
12 is going to work for Florida based on their
13 thorough vetting of the issue to see what is
14 going to be the top quality solution.

15 COMMISSIONER MARTINEZ: A follow-up
16 question, Mr. Chair.

17 CHAIRMAN BERUFF: Commissioner Martinez.

18 COMMISSIONER MARTINEZ: Thank you,
19 Mr. Chair. Well, what do you think? Do you
20 think as I am -- I understand what I think you
21 are trying to accomplish, which is to give
22 somebody who wants to organize a charter school
23 greater flexibility, so instead of going to the
24 School Board they can deal with another agency
25 established by the Legislature.

1 But don't you think, and I believe you
2 have experience both in the School Board level
3 and in charter schools, don't you think that at
4 the end of the day it would be good public
5 policy for that entity created by the
6 Legislature, who ultimately report to the State
7 Board of Education, otherwise you would have
8 two tracts, two vertical tracts dealing with
9 the K through 12 education system?

10 CHAIRMAN BERUFF: Commissioner Donalds.

11 COMMISSIONER DONALDS: Thank you. The
12 Schools of Excellence Commission, if I am
13 correct, did report to the State Board of
14 Education. So as it was set up previously that
15 is the case. However, I don't want to
16 legislate this and say what I think.

17 What I would tell you I absolutely would
18 not support, is any legislation that did not
19 make this accountable to the people and the
20 taxpayers, and that is what I think some of the
21 fear is, that there will be too distant a
22 relationship between the governing boards of
23 charter schools which are not elected, and
24 elected individuals or appointed individuals
25 that we trust for our fiduciary

1 responsibilities with our tax dollars.

2 I think what the Legislature will do and
3 needs to do is ensure that taxpayer
4 accountability to, whether it be the State
5 Board or the Legislature in some manner.

6 CHAIRMAN BERUFF: Commissioner Washington.

7 COMMISSIONER WASHINGTON: Actually, I have
8 a question based off of your comment just now.
9 I think what Commissioner Martinez and I are
10 both trying are to get to is who the authorizer
11 ultimately accountable to, and you say to the
12 people. But is -- in what form does that take
13 if it is not the current structure with the
14 State Board and the District School Board?

15 Are you envisioning a separate elected
16 board of charter authorizers? I mean, like it
17 is just a little bit hard to wrap my head
18 around.

19 CHAIRMAN BERUFF: Commissioner Donalds.

20 COMMISSIONER DONALDS: Thank you, and I
21 find it so interesting because on some very
22 detailed proposals on this floor, people say
23 this is too much like legislation, and when we
24 do something that leaves it completely up to
25 the Legislature we want to debate what the

1 legislation is going to look like.

2 I would hesitate to legislate through this
3 process. I don't want to define what that
4 oversight looks like, that is for the people
5 who vote for their Representatives every two
6 years in the House, every four years in the
7 Senate, and the Governor to decide.

8 Nothing will happen if those three
9 entities do not agree for something to happen
10 with this. So what we saw them do in the past,
11 what I can tell you they did in the past is to
12 create a board that is under the State Board of
13 Education. That is what many other states have
14 done as well.

15 Even if they were to decide that a
16 university, for instance, which was an issue
17 that came up a couple of years ago in the
18 Legislature that perhaps they would establish a
19 charter school kind of consulting area of FSU,
20 I would expect that authorizer, if you will, to
21 be reporting back to either the State Board of
22 Education in some way.

23 However, those are all decisions to be
24 left up to the Legislature that have to be
25 debated, vetted, work-shopped and agreed upon

1 by all three branches of government before they
2 are put into place. So I think we will have
3 plenty of opportunity to provide feedback on
4 that in the position that all of us are in, if
5 and when that were to occur.

6 CHAIRMAN KARLINSKY: Chair Beruff.

7 CHAIRMAN BERUFF: Commissioner Donalds, as
8 I roll through my birthdays faster than I like,
9 I get a little bit more cynical. So to me your
10 proposal is -- I am going to support for
11 another reason.

12 When the only authority is a competitor in
13 the same game, the competitor is at a
14 disadvantage. So in the counties where the
15 district is the one who is the overseer of the
16 charter school, it does not behoove them to
17 make the charter schools look good or help them
18 very much, because at the end of the day it may
19 make them not look so good.

20 So another authority that would be the
21 overseer of choice in my opinion, do you share
22 that opinion?

23 CHAIRMAN KARLINSKY: Commissioner Donalds.

24 COMMISSIONER DONALDS: Thank you,
25 Mr. Chair. I do share that opinion, and it is

1 something that is also borne out by data. We
2 have not seen quality charter authorizing in
3 Florida, as evidenced by the fact that they are
4 not mentioned in the NACSA Report, and I can
5 also give some very specific examples of a lack
6 of oversight.

7 But Florida charter schools, I will have
8 you know, are more likely to earn a grade of A,
9 and also more likely to earn a grade of F in
10 district schools. Quality authorizing can
11 ensure that poorly-performing charter schools
12 are closed.

13 That is what NACSA is looking at for
14 charter authorizers, and I -- and then also
15 that operators that do not have the vision,
16 plan and capacity to operate a high quality
17 charter are never approved or opened. The -- I
18 mentioned before about those that are closed in
19 the first year of operations.

20 Also there is no way right now for the
21 State to hold the districts accountable for
22 quality authorizing. So I mentioned that the
23 districts get this five percent from the per
24 student funding and they are supposed to use
25 that to service the charter schools that are

1 under their purview.

2 As someone who has been very involved in
3 the district charter school, I can tell you
4 that that five percent doesn't go very far, at
5 least as far as the services that come back to
6 us from the district. In fact, I think
7 oftentimes dealing with the district costs us
8 more money in attorneys and back and forth than
9 we would like.

10 However, we heard in committee some, some
11 district school boards come in and say, well,
12 these charter school, this charter school is
13 doing so poorly in our district, they have such
14 bad graduation rates. Well, what are you doing
15 to either help that charter school perform or
16 why haven't you gone and tried to close the
17 charter school?

18 We want a board, an authorizing board or
19 an authorizer that is going to look at our
20 portfolio of schools as a whole, and want all
21 schools to succeed. And unfortunately because
22 of the competition that some charter schools
23 provide in their districts, and there are
24 districts that embrace the choices that charter
25 schools bring in.

1 Don't -- I won't make that blanket
2 statement, but there are also districts that
3 are not friendly to be authorizers and being
4 partnered with these schools; and that is why
5 there should be an alternative.

6 Thank you for the question.

7 CHAIRMAN KARLINSKY: Further questions?
8 Commissioner Washington.

9 COMMISSIONER WASHINGTON: I agree,
10 Commissioner Donalds, that the charter
11 authorizer issue is a very big one. My
12 question for you is, does this proposal open us
13 up to other options besides charters?

14 CHAIRMAN KARLINSKY: Commissioner Donalds.

15 COMMISSIONER DONALDS: Thank you,
16 Mr. Chair. It does. Because it does say
17 public schools. And so there are perhaps types
18 of schools that we haven't even envisioned yet.
19 When I first brought the proposal it said the
20 word "charter" because even I am not thinking
21 necessarily 20 years ahead.

22 Commissioner Levesque brought a very good
23 amendment to change the word to "public
24 schools" because we don't know what innovations
25 are to occur in education over the next 20

1 years or over the next generation. The problem
2 we have in Florida is that our Constitution has
3 been interpreted to hogtie our Legislature so
4 that whatever innovations may come forward they
5 are not able to act on those as our elected
6 representative.

7 CHAIRMAN KARLINSKY: Further questions,
8 Commissioner Joyner.

9 COMMISSIONER JOYNER: You mentioned
10 litigation. What is the status of the
11 litigation that you said that the Court had
12 misinterpreted, and so I would like to know the
13 status of that litigation.

14 CHAIRMAN KARLINSKY: Commissioner Donalds.

15 COMMISSIONER DONALDS: It is -- it is
16 closed. *Duval County versus the state Board of*
17 *Education*, the issue at hand was the Schools of
18 Excellence Commission and that was closed down
19 as a result of the litigation.

20 CHAIRMAN KARLINSKY: Commissioner Joyner.

21 COMMISSIONER JOYNER: Yes, so what was the
22 final ruling in the case?

23 COMMISSIONER DONALDS: The --

24 CHAIRMAN KARLINSKY: Commissioner Donalds.

25 COMMISSIONER DONALDS: Thank you. The

1 ruling in the case was that the State could not
2 authorize the Schools of Excellence Commission
3 to authorize public schools that are located
4 within school districts because those had to be
5 operated, controlled and supervised by local
6 District School Boards.

7 CHAIRMAN BERUFF: Commissioner Joyner.

8 COMMISSIONER JOYNER: So this proposal is
9 an attempt to get around the ruling of the
10 court to have public school authorizers
11 independent of local school boards, is that
12 correct?

13 COMMISSIONER DONALDS: Yes.

14 COMMISSIONER JOYNER: So local taxpayers
15 will have to fund schools that do not answer to
16 them or to the locally-elected School Board and
17 they will be accountable to some -- that would
18 be accountable to some board that comes about
19 as a result of the Legislature acting?

20 CHAIRMAN BERUFF: Commissioner Donalds.

21 COMMISSIONER DONALDS: Yes, Commissioner
22 Joyner. However, I would say, although they
23 may not be accountable to the local elected
24 School Board, what we are talking about are
25 schools of choice that are accountable every

1 day to parents who choose to take their child
2 to that school and can move their child from
3 that school at any time.

4 CHAIRMAN BERUFF: Commissioner Joyner.

5 COMMISSIONER JOYNER: But the local
6 taxpayers are still funding these schools that
7 there is no accountability to them to, because
8 it is going to be conducted by an independent
9 authorizer who does not have to answer to the
10 electorate.

11 CHAIRMAN BERUFF: Commissioner Donalds.

12 COMMISSIONER DONALDS: This proposal does
13 not speak to the funding of charter schools
14 that is currently in place.

15 CHAIRMAN BERUFF: Commissioner Joyner.

16 COMMISSIONER JOYNER: Oh, thank you,
17 Mr. Chair. I was -- I was in thought. So it
18 is your opinion, then, that the local School
19 Boards should have no say in the independent
20 authorizer's decisions about these schools that
21 -- that will be determined based on what you
22 have in this proposal.

23 I am -- I am concerned about the local
24 School Board and circumventing them altogether
25 in this process.

1 CHAIRMAN BERUFF: Commissioner Donalds.

2 COMMISSIONER DONALDS: I am concerned with
3 the parents that are circumvented in their
4 ability to choose a school every day, if they
5 are limited by zip code, and I think that this
6 will help empower the parents through our
7 elected representatives in the Legislature to
8 establish schools in a different manner than
9 the only way that schools are able to be
10 established right now.

11 So it is not taking away the ability and
12 the authority of local School Boards now and
13 the authority that they have over the district
14 schools, and even the charter schools that they
15 establish and have established, but what it
16 does is allow the Legislature to create
17 alternative processes to authorize schools that
18 parents then could make the choice to send
19 their child to.

20 CHAIRMAN BERUFF: Commissioner Joyner.

21 COMMISSIONER JOYNER: So bottom line is,
22 we are going to, this proposal would give the
23 authority to the Legislature to come up with a
24 system of -- of independent authorizers with no
25 certainty here that we are going to leave it to

1 them as to whether or not the locals, are the
2 local School Board and the public who will be
3 footing the Bill would have any say in -- in
4 the process?

5 COMMISSIONER DONALDS: Mr. Chair?

6 CHAIRMAN BERUFF: Commissioner Donalds.

7 COMMISSIONER DONALDS: Yes, in the same
8 manner that 34 other states have done.

9 CHAIRMAN BERUFF: Commissioner Plymale on
10 a question.

11 COMMISSIONER PLYMALE: I just have one
12 quick question. Your -- the Charter School
13 Association, did you all, before you got to
14 this point, did you all work with the Florida
15 School Board Association or another association
16 of public schools trying to resolve the
17 authorizing issue, which obviously is an issue?

18 CHAIRMAN BERUFF: Commissioner Donalds.

19 COMMISSIONER DONALDS: Thank you.

20 Actually, the Department of Education has
21 worked with NACSA to come up with the best
22 practices for quality authorizing in Florida.

23 Unfortunately we have not seen any
24 District School Boards formally adopt those and
25 those have been in place for a few years.

1 CHAIRMAN BERUFF: Question, Commissioner
2 Stewart is recognized.

3 COMMISSIONER STEWART: Thank you, Chair.
4 Thank you, Commissioner Donalds. Could I just
5 ask one question as you talked through the
6 authorization that just occurred to me. How
7 will the money be distributed to these newly
8 authorized charter schools?

9 CHAIRMAN BERUFF: Commissioner Donalds.

10 COMMISSIONER DONALDS: That decision will
11 be left to the Legislature.

12 CHAIRMAN BERUFF: Commissioner Stewart.

13 COMMISSIONER STEWART: So it would be your
14 thinking that the Legislature would determine
15 whether or not that would go directly to the
16 charter school or to the authorizing body?

17 CHAIRMAN BERUFF: Commissioner Donalds.

18 COMMISSIONER DONALDS: It would be up to
19 the Legislature.

20 CHAIRMAN BERUFF: Further questions on
21 P-71? Not seeing any, we will proceed to -- if
22 you want to introduce your amendment, 670380.

23 Commissioner Donalds.

24 COMMISSIONER DONALDS: Thank you,
25 Mr. Chair. As you saw in the proposal there

1 was an explicit language that allowed the
2 Legislature to take these actions to authorize
3 these public schools. The delete-all amendment
4 accomplishes the same thing in a different way.

5 It changes the word, "within", to
6 "establish by". It clarifies that the free
7 public schools that are established by the
8 school district are the free public schools
9 that the districts will operate, control and
10 supervise.

11 This instead of explicitly allowing the
12 Legislature to authorize public schools, it no
13 longer disallows them to establish public
14 schools.

15 CHAIRMAN BERUFF: Questions?

16 Commissioner Martinez is recognized.

17 COMMISSIONER MARTINEZ: Commissioner
18 Donalds, I am not sure I understand what this
19 does. I am sorry. Could you try it again,
20 please?

21 COMMISSIONER DONALDS: So in the
22 legislation that I talked about with the
23 Schools of Excellence Commission, one of the
24 words at issue is the word "within," because if
25 the Schools of Excellence Commission

1 established a public school, but that public
2 school was located within a school district
3 geographically, then that public school
4 established by the Board needed to be operated,
5 controlled and supervised by the local school
6 district, having being located within the
7 school district.

8 So this delete-all amendment says that the
9 operating control and supervision of local
10 school district is limited to the schools that
11 they establish. That would include existing
12 charter schools or future charter schools that
13 are established by virtue of a charter contract
14 with that district.

15 This doesn't change the establishment of
16 charter schools currently which is done by
17 virtue of contract with the district. Those
18 will still be operated, controlled and
19 supervised by the local school district.

20 CHAIRMAN BERUFF: Questions on the
21 amendment.

22 Commissioner Joyner and then Commissioner
23 Stewart.

24 COMMISSIONER JOYNER: You said limited to
25 the schools that they establish. So does that

1 mean that any other school that are established
2 by this process in the local school district
3 has no say whatsoever in that?

4 CHAIRMAN BERUFF: Commissioner Donalds.

5 COMMISSIONER DONALDS: What it means is
6 they don't have automatic say. The Legislature
7 could, as they do now, say we are going to
8 establish a school but just as the State Board
9 of Education does now, they are going to have
10 that school be operated, controlled and
11 supervised by the local school district. So
12 there becomes a floor and not a ceiling.

13 CHAIRMAN BERUFF: Commissioner Stewart,
14 would you like to be recognized?

15 COMMISSIONER STEWART: So I think to
16 Commissioner Joyner's point, the local control
17 of that charter school located in that district
18 would no longer potentially be falling
19 underneath the local School Board.

20 CHAIRMAN BERUFF: Commissioner Donalds.

21 COMMISSIONER DONALDS: Not if it is
22 established by the state or a board or entity
23 that the state authorizes to establish public
24 schools. And let me just -- further to that,
25 right now the state established the lab school

1 at Florida State University.

2 Under the current constitutional language,
3 Leon County could say that school is located
4 within our district. We should be operating,
5 controlling and supervising that school. That
6 is the way it is now.

7 In the future, if this were to pass, if
8 the Legislature creates a lab school in a
9 similar manner, that school district would not
10 have that constitutional language to rely on to
11 say even though you created it, we want to
12 operate and control.

13 CHAIRMAN BERUFF: Questions on amendment
14 670380. Seeing none, debate on 670380. Seeing
15 none, would you close on your amendment,
16 please, Commissioner Donalds.

17 COMMISSIONER DONALDS: Thank you.
18 Mr. Chair, I would ask for your support of this
19 amendment. I have talked to the various
20 attorneys to make sure that it does do the same
21 thing as the original language, and I think
22 when we talk about combining proposals on the
23 ballot and the ease in which we need to explain
24 these proposals to people, I feel that the
25 amendment is a better way to accomplish the

1 same goal. So I would ask for your support.

2 CHAIRMAN BERUFF: Debate on 71. I am
3 sorry, excuse me. I keep forgetting the
4 amendment. So all those in favor for Amendment
5 670380 signify by saying yea.

6 (Chorus of yea's.)

7 CHAIRMAN BERUFF: Those against, nay? The
8 yea's have it. On to debate on 71. Debate on
9 71.

10 Commissioner Lester is recognized.

11 COMMISSIONER LESTER: Thank you,
12 Mr. Chairman, and thank you, Commissioner
13 Donalds, for bringing this good proposal, which
14 I do want to support. I just want to speak
15 real briefly about out experience.

16 I have had the pleasure of being one of
17 the founding Board members of the charter
18 school that I think by every measure and every
19 metric has been a very successful school, a
20 school that serves a very diverse population
21 which gets A's every year, by all of the
22 different metrics. It is -- at the risk of
23 bragging, is a really good school.

24 We will be entering our 20th year of
25 having that school. And I think that this --

1 and let me hasten to say, our relationship with
2 our local School Board has been a very positive
3 one. So I can't imagine that we would ever
4 avail ourselves of the choice that has been
5 offered here, because that relationship has
6 been overall a very positive one. And yet
7 it -- for all of the reasons that -- that you
8 stated, Chairman Beruff made an excellent
9 point.

10 I think it makes a lot of sense for there
11 to be another option. I mean, charter schools
12 are all about choice, giving parents,
13 empowering families so that they have got some
14 choices, and the same is true in terms of
15 administering the school.

16 When you have to interact, and I am just
17 going to speak just as a, you know, a practical
18 purpose involved in operating a charter school
19 for now almost 20 years. When you are working
20 with a local School Board office, many times
21 they are totally unfamiliar with the unique
22 aspects of running that particular school.

23 Part of the idea of charter schools is
24 they may be different, and yet you are dealing
25 with a local board that sort of has, you know,

1 they have round pegs, round holes and you have
2 a square peg. And so just as a practical
3 matter, I can tell you that you, you do run
4 into a lot of situations where the folks that
5 are overseeing you really are used to
6 overseeing all the other schools in their
7 district under one template, and then they have
8 got to sort of shift to deal with yours.

9 And I am sure some of the rest of you who
10 have been on local School Boards like
11 Commissioner Gaetz have run into those kind of
12 situations.

13 Again, fortunately we are -- our local
14 School Board has done a really good job of
15 trying to -- trying to deal with that, but you
16 do end up in some situations where for that
17 five percent you end up wondering what the
18 value is of what you are getting for
19 five percent, and I have to say that there is
20 kind of a misconception by folks that don't
21 operate charter schools that somehow you are,
22 you are -- oh, charter schools are great
23 because you get out of all of the red tape.

24 Well, what a lot of us find out is that
25 you kind of get all the red tape, plus some, so

1 it could -- that could be a challenge but that
2 is sort of an aside.

3 Anyway, I want to just speak in support of
4 this good proposal. I do think it offers an
5 opportunity for charter schools to have an
6 opportunity to work with a board that may
7 really have a better understanding of charter
8 schools and some of the unique aspects than a
9 local School Board might have.

10 I think it is an option to have again. I
11 am pleased to be able to say that we probably
12 would never avail ourselves of that
13 opportunity, but I think if we had had that
14 option years ago, that would have been a real
15 positive and I think it well could be a real
16 positive for other charter schools. So thank
17 you for bringing this proposal to us.

18 CHAIRMAN BERUFF: Commissioner Keiser is
19 recognized on debate.

20 COMMISSIONER KEISER: Commissioner
21 Donalds, thank you very much for bringing this
22 proposal forward and for the members, this was,
23 we had an opportunity to really vet this in
24 committee as well.

25 Commissioner Donalds, I had to leave the

1 room briefly, so if you have covered this, but
2 it is my understanding that it is your belief
3 that this will provide better competition and
4 choices for families as it relates to their
5 education, and you have already spoken to the
6 accountability piece.

7 So can you -- I realize we are in debate,
8 so I know -- but what I gathered from the
9 conversation and the discussion this morning is
10 increased competition, choices for families,
11 still the role of the School Board and more
12 flexibility on the part of the Legislature.

13 I am very interested in knowing what other
14 states have implemented something like this,
15 and do you believe that this has increased
16 quality? So this is really a question in
17 debate, and Mr. Chair, with your permission, I
18 hope it will be allowed.

19 CHAIRMAN BERUFF: Commissioner Donalds.

20 COMMISSIONER DONALDS: I did discuss from
21 the NACSA, National Association of Charter
22 School Authorizer's report, the top five
23 charter authorizers in the country: D.C.
24 Public Charter School Board; Thomas B. Fordham
25 Foundation in Ohio; the Massachusetts Board of

1 Education; the Metropolitan Nashville Public
2 Schools and SUNY, the State University of New
3 York.

4 Those all judged by the quality of their
5 portfolio of charter schools and the quality of
6 their authorizing, were selected and named
7 stellar authorizers. What they all have in
8 common is not the type of authorizer that they
9 are.

10 As I said, they have a non profit, a state
11 university, a state board of education, a local
12 school district and a charter board. But what
13 they do have in common is that they are not the
14 only place that charter schools can go in that
15 state to get authorization.

16 CHAIRMAN BERUFF: Commissioner Keiser.

17 COMMISSIONER KEISER: Thank you very much,
18 Mr. Chair. And if there are any further issues
19 that would address again the accountability in
20 your close, it would also be helpful, and thank
21 you.

22 CHAIRMAN BERUFF: Thank you, Commissioner.
23 Commissioner Stewart is recognized.

24 COMMISSIONER STEWART: Thank you, Chair
25 Beruff, and thank you, Commissioner Donalds,

1 for making us think differently about our
2 current system. I appreciate that. I talked
3 yesterday a little bit about, we -- I think we
4 are now in 19, I am not exactly sure, I have
5 lost a little bit of count, but we have a
6 number of proposals for the ballot.

7 That concerns me. I also believe very
8 strongly in parental choice. I am no longer a
9 parent of a school-aged child, but I do have
10 three grandchildren in Florida public schools,
11 two of whom could avail themselves of charter
12 schools and one of which could not. And I have
13 always been a proponent of charter schools.

14 I believe that Florida, as we all know,
15 has been a leader, and if you just read in the
16 statute, the intent of charter schools, I think
17 you will find that Florida has done precisely
18 what was there in the intent of the
19 legislation, and one with of those is to create
20 competition. We have more schools of choice
21 among our traditional schools than we ever have
22 before.

23 We have superintendents and principals
24 saying to their communities, what could I do to
25 make my school more appealing to you? And I

1 think that is an important aspect of what
2 charter schools were intended to do and what
3 they have actually been able to do.

4 Commissioner Donalds has already said that
5 we are the number one state in the nation for
6 the number of our charter schools. It
7 represents well over 200,000 students in the
8 state of Florida. That speaks volumes.

9 Commissioner Martinez served on the State
10 Board of Education as charter school appeals
11 came before the State Board, and I think he
12 would agree with me that that process has been
13 one that has been extremely productive in
14 ensuring that quality charter schools are able
15 to open wherever they may be within our state,
16 and I think that speaks to why we have so many
17 A schools that are charter schools in our
18 state.

19 We do have, in spite of NACSA, we do have
20 good authorization process, and not only that,
21 some of what Commissioner Lester has spoken to
22 in the lead charter school, the first charter
23 school, looking at some of that great work that
24 was done there, has been as a result of good
25 collaboration.

1 I worry about the operation and the
2 oversight of the operation. Florida has been a
3 leader. I can remember many years ago, late
4 '90s, we were in the bottom ten states in our
5 nation. There are many factors that have gone
6 into Florida now being, in many cases, in the
7 top five in the nation, five in the nation. I
8 could take the rest of the morning and talk
9 about all of those, but, Chair, I will not.

10 CHAIRMAN BERUFF: Unless you can do it in
11 ten minutes.

12 COMMISSIONER STEWART: And those are in
13 part due to the fact that we did create
14 competition when we established charter schools
15 within our district.

16 Chair Beruff, you bring up an excellent
17 point about the competitor being the
18 authorizer. And while I understand that
19 because we have six -- well over 600 charter
20 schools in our state, I think that there are
21 enough rules and laws in place that they can
22 not just because they don't want the
23 competition, say no.

24 Because if they do they will come before
25 the Charter School Commission or if they are a

1 high quality charter school they will come
2 directly to the State Board of Ed.

3 That Charter School Commission is made up
4 of both sides of the aisle equally to make a
5 determination, and we find through that process
6 that we have been able to have all of these
7 high quality charter schools within our state.
8 I worry about the operation being taken away
9 from the local School Board.

10 I think that when there is a charter
11 authorizer there is enough of a hands-off, and
12 it is not then within the hands of those at the
13 local level, as Commissioner Joyner has pointed
14 out.

15 That is of concern to me. They are
16 students there locally, and while I understand
17 Commissioner Donalds' point about some of our
18 current situation with regard to lab schools, I
19 completely understand that. But there is that
20 governing board that does oversee that group.

21 And I worry that just an outsider who
22 would not only oversee the operation of the
23 school, but receive that five percent that
24 would no longer be going locally, that is of
25 concern to me as well.

1 Commissioner Lester said it when he stood
2 up in question and said, what is the problem we
3 are trying to fix. With the most charter
4 schools in the nation and such high quality,
5 which has been reported year after year, I
6 don't think this is a problem to be fixed. I
7 think we have a number of charter schools, the
8 highest or second highest, depending on which
9 way you look at it, the second highest in the
10 nation.

11 And I think that speaks volumes to there
12 not being a problem that needs to be addressed
13 through, let me make that point again, through
14 our Constitution. Thank you, Chair.

15 CHAIRMAN BERUFF: Debate, Commissioner
16 Martinez is recognized.

17 COMMISSIONER MARTINEZ: Thank you,
18 Mr. Chair. Commissioner Donalds, I want to
19 thank you for introducing this. I have enjoyed
20 working with you. We have had many
21 conversations on education. Let me tell you
22 where I come down on this. I think it would be
23 easier for me to just push a button and just
24 keep quiet, but I won't do that.

25 I will manage to upset all of my friends

1 on the left and my friends on the right I think
2 I have a good track record the last couple of
3 days in doing that.

4 Had we gone forward on your proposal with
5 regards to overturning *Bush versus Holmes*, I
6 would have supported it. I think we need that
7 flexibility.

8 However, what this does, this does take
9 away the control from the local level, and for
10 that reason, I am going to oppose it. Let me
11 give you a little bit of my experience at the
12 State Board of Education.

13 I had the privilege of being there for
14 eight years. Some of that time I think Pamela
15 was there for all of that time, Commissioner
16 Stewart, during the last couple of years she
17 was the Commissioner. I remember one
18 particular incident, I remember one particular
19 incident very clearly.

20 It involved a school called Rise Academy,
21 it was a charter school. When I was first put
22 on the Board of Education I made it a point to
23 visit one public school a day for about 30
24 weeks.

25 I did it on a Monday morning, and the

1 School Board in Miami-Dade County with their
2 assistance, they showed me the schools that
3 they suggested I visit, and I also wanted to
4 see other schools which I visited at my
5 discretion. And I saw a charter school in
6 Homestead, it is called Rise Academy. And what
7 I saw there startled me as to how bad it was,
8 how bad it was managed.

9 The School Board decided to shut the
10 school down, and the school took an appeal to
11 the State Board of Education, and the State
12 Board of Education overturned the decision of
13 the School Board with one person voting against
14 it, myself. I was the only one there who had
15 actually visited that school.

16 The School Board, the State Board of
17 Education then appealed that decision to the
18 Third District Court of Appeal, and the Third
19 District Court of Appeal reinstated the
20 decision of the School Board and the school was
21 shut down.

22 But there was a process in place, a
23 safeguard, it was a process, a due process in
24 place, to make sure that the school had rights,
25 but to make sure that there was an oversight

1 consistent with the statutes passed by the
2 Legislature so that they perform according to
3 the K through 12 standards.

4 I am afraid that if we allow this, what
5 this will do is, this will take away the
6 control from the local politicians, from the
7 local politicians that report and they are
8 accountable to the local taxpayers; and that
9 concerns me. I don't think we should do that.

10 Miami-Dade County, you talk about
11 competition. I think Miami-Dade, and
12 Commissioner Stewart, you would have the
13 statistics, has more charter schools than any
14 other district I think in the country, and it
15 is also one of the best districts in the
16 country. It received the Broad Award for being
17 the best large urban district in the country.

18 But that is a district that is the best in
19 terms of pure public schools, and that is a
20 district that is probably one of the best in
21 terms of charter schools. So charter schools
22 have thrived there with the competition from
23 the public schools and vice-versa.

24 It has been competitive the way the system
25 has been currently structured. So I don't see

1 a need to fix this by overturning the court
2 decision which basically, what it did,
3 Commissioner Joyner, is that that court
4 decision ruled that the Commissions of
5 Excellence Commission was unconstitutional
6 based upon our Constitution.

7 This would seek to amend the Constitution
8 to allow another Schools of Excellence
9 Commission, and I think that that decision was
10 right on the merits, but I think it was also
11 right as a matter of policy. I think the
12 system that we have right now in Florida, as it
13 is with a vigorous local control, with a
14 vigorous State Board of Education, with a very
15 active Legislature, I think has worked very
16 well for our state.

17 It isn't perfect. Nothing will be, but it
18 has worked very well. So I admire your
19 tenacity. I admire your honesty, your love for
20 children and for your dedication for public
21 service, but I am going to vote no on this one.

22 CHAIRMAN KARLINSKY: Debate? Chair
23 Beruff.

24 CHAIRMAN BERUFF: Thank you. The thing
25 that this body is supposed to be looking at is

1 problems that are 20 years out. And as someone
2 who works through government on a regular
3 basis, though not on education issues,
4 sometimes it isn't getting a no, it is getting
5 a delay. And another delay and another delay
6 and you never get to a no to appeal that no to
7 the authorities that can help you.

8 And as bureaucracies in education get more
9 sophisticated as to the charter schools and the
10 perceived, whether true or false, I don't know,
11 threat that they represent to those large
12 bureaucracies, I am concerned that the only
13 path is through the local school district which
14 could then drag the process out and cost
15 tremendous amounts of capital and time in order
16 to get a yes or a no that then can be appealed
17 to a higher body.

18 So what Commissioner Donalds is
19 prescribing is fix the Constitution so then the
20 Legislature can adopt as they see fit a second
21 path, another path around the bureaucracies
22 that will continue that get entrenched as the
23 state continues to grow and we exceed
24 25 million people which we will do sometime in
25 the next five to seven years.

1 That is why I support this proposal,
2 because we are not looking for the problem
3 today. Today it seems to be working. I
4 certainly defer to Commissioner Stewart, who
5 knows more about this than I do, and to the
6 great comments made by Commissioner Martinez,
7 but I am looking for the problem, 5, 10, 15 and
8 20 years out. Thank you.

9 CHAIRMAN KARLINSKY: Further debate,
10 Commissioner Levesque.

11 COMMISSIONER LEVESQUE: Thank you, Mr.
12 Chairman. So I want to -- I want to talk to my
13 fellow Commissioners who are listening to the
14 debate and are trying to understand what is --
15 what really the underlying proposal will do and
16 why it is necessary, why it should be done in
17 Constitution.

18 And I don't really want to have a charter
19 school debate and whether or not the Schools of
20 Excellence Commission was a good thing or a bad
21 thing and who is going to be over some of these
22 things.

23 I want to -- kind of following up on
24 Chairman Beruff said, I want to talk to you
25 about fundamentally why we have to be so

1 cautious sometimes when putting governance
2 structures into the Constitution. So in 1968
3 was when the voters of Florida put in place
4 that School Boards shall be counties that are
5 -- that are based on the geographic boundaries
6 of a county, and that they operate and control
7 the schools that are in their county.

8 What existed in Florida in 1968? Not the
9 transportation systems that we have, not the
10 Internet, not cell phones, not Walt Disney
11 World. What did we have in 1968? We had a lot
12 of agriculture and orange groves and people
13 that came and visited our beaches.

14 And so what we put in place in the
15 Constitution was a governance structure over K
16 through 12 education that we had no idea could
17 be very different and innovative in the future.

18 And my request to you is to think about
19 this proposal as updating. We heard
20 Commissioner Carlton talk a lot about, we have
21 to update things that were not contemplated.
22 What was not contemplated in 1968 were things
23 like charter schools. What things were not
24 contemplated in 1968 was private school choice.

25 We didn't contemplate that we could have

1 residential schools. We didn't contemplate
2 that community colleges or state colleges could
3 run dual enrollment collegiate schools where
4 students can graduate with their high school
5 diploma and an Associate's degree at the same
6 time.

7 I am asking you to support this because
8 right now the governance structure that is in
9 the Constitution doesn't allow for innovation.
10 It doesn't -- we -- Commissioner Donalds has
11 mentioned, we have four lab schools run by
12 universities that were -- that violate the
13 Constitution. I will say that right now,
14 because they are established within a school
15 district and they are not operated, controlled
16 or maintained by the school district. And I
17 believe if the school district wanted to
18 challenge them, they could.

19 They probably don't want to because they
20 are from a, you know, a popular university in
21 their area. But if the Legislature wanted to
22 say next year in legislation that the
23 University of Florida could operate a charter
24 school or another school, a collegiate school
25 in another county, that other county could

1 challenge it and say, you can't, you can't do
2 it. By constitutional authority you can't do
3 it.

4 We have state colleges today that run some
5 of the highest performing collegiate schools in
6 the state. They are some of the highest
7 performing public schools in the state, and I
8 know from having talked to some of them. They
9 operate in the county where they felt like they
10 could get authorized.

11 But they would love to open collegiate
12 charter schools in the other counties that are
13 in the catchment area. But they don't do it
14 because the School Board won't let them. The
15 School Board wouldn't authorize them.

16 We have no idea what the Legislature could
17 innovate and offer to our kids in the future.
18 They could decide to create a school that is
19 based completely on the industry in Brevard
20 County, right, on space and aeronautical
21 engineering and say that it is going to be able
22 to accept students from a three-county area.

23 Could they do it? Could it be challenged?
24 Yes, it could be challenged, right. We, we
25 have no idea what can be done in the future.

1 The Legislature is ultimately, the Legislature
2 that is elected by the people and the Governor
3 who is elected by the people have the ultimate
4 authority on how this is implemented. What I
5 would ask you to do is give them the authority
6 to be innovative if they choose to be.

7 Give the voters the authority to say, it
8 is okay to update our governance structure and
9 to give the elected officials, the Legislature
10 and the Governor, the discretion to decide,
11 what are the other opportunities that we can
12 offer to our children.

13 And they will be held accountable for
14 those actions. I ask for your support on this
15 good proposal.

16 CHAIRMAN BERUFF: Commissioner Keiser and
17 then Commissioner Thurlow-Lippisch.

18 COMMISSIONER KEISER: Thank you,
19 Mr. Chair. I rise in support of Commissioner
20 Donalds' Proposal 71. There have been many
21 comments today about the need for the ability
22 to look forward as we put things in the
23 Constitution. And I do believe this is an
24 excellent proposal because of exactly the fact
25 that as we look into the future, as

1 Commissioner Levesque has referenced, and we
2 look at the talent and the workforce needs of
3 our state, different systems will be absolutely
4 necessary, competitive systems, and the ability
5 to move quickly, which Chairman Beruff
6 referenced but still with a high degree of
7 quality.

8 And so if we look at this particular issue
9 and we look at the talent needs that we
10 believe, you know, many of the jobs and we have
11 said this and we have read this, today we don't
12 even know what the future holds and many of
13 those jobs have not been created today.

14 And so the -- the ability for our -- our
15 children to be prepared requires innovation in
16 a competitive process, and so as long as those
17 things stay in place, innovation, quality with
18 choice and then the accountability, and I do
19 believe that the Legislature will ensure that
20 this occurs. I remain in support.

21 Thank you.

22 CHAIRMAN BERUFF: Commissioner
23 Thurlow-Lippisch is recognized, and then
24 Commissioner Washington.

25 COMMISSIONER THURLOW-LIPPISCH: Thank you,

1 first of all, Commissioner Donalds, you are
2 amazing. You are a superstar in this realm and
3 it is going to be very interesting to see where
4 you take all of your talents over the coming
5 years.

6 My question is to Commissioner Levesque,
7 if that is okay, debate, it is not a question,
8 my debate. I am -- excuse me for not knowing
9 the terminology correctly. Even though I am
10 known as an environmentalist, I am a teacher.
11 And I taught both in Germany and I taught in
12 Pensacola and I taught in Martin County, and I
13 taught in the International Baccalaureate
14 Program.

15 I taught in what they called -- which I
16 don't think it is a good thing, you know, the
17 regular program and the low program and all of
18 the titles that they put on kids that wreck
19 them, and I think that the idea of choice and
20 all of the things we are discussing are good.

21 However, having spent -- not having
22 children myself, and feeling like all of those
23 thousands of kids that touched my life and that
24 I helped motivate to produce over the years, no
25 matter what the label was on them, I am

1 concerned that -- I want to -- I wonder how --
2 it seems like the running theme has been that
3 the Legislature hasn't been able to often give
4 an answer, and now we are putting it in the
5 hands of the Legislature.

6 So I think it is great that we are
7 discussing this, and there are real problems
8 and real issues that as a state, as a country
9 we have got to address, but I am concerned
10 about putting it in the hands of the
11 Legislature, which changes, too. One year they
12 might -- one time they might want something and
13 then something they might want something else,
14 and, you know, we have got to think about the
15 kids.

16 We have got to think about the kids, all
17 kids and especially the kids that don't have
18 many opportunities to -- to have the best, but
19 I don't want the Legislature to ever not give
20 them the best.

21 Thank you.

22 CHAIRMAN BERUFF: Commissioner Washington,
23 did you want to be recognized? Yes.

24 COMMISSIONER WASHINGTON: Thank you.

25 CHAIRMAN BERUFF: Commissioner Washington.

1 COMMISSIONER WASHINGTON: I will say, a
2 number of you mentioned that you don't want to
3 have to debate Commissioner President Gaetz. I
4 would contend that Commissioner Donalds is a
5 close second. We have had a number of
6 conversations on a number of issues, and while
7 we do not always agree on process, I think we
8 do fundamentally agree that we want what is
9 best for students.

10 And I supported this proposal in committee
11 because I understood both sides of the
12 argument. I do agree that there is something
13 that needs to be done about the charter
14 authorizer issue. My concern is that this
15 proposal and these three words go a little bit
16 further than that, and that it could
17 potentially set us up for some unintended
18 consequences that we aren't necessarily -- we
19 can't determine one way or another whether they
20 are good or bad.

21 So I can't say exactly where I land on
22 this because I still am toying with
23 understanding that there is an issue and then,
24 you know, we are doing phenomenal work here,
25 but what I will say is, we have in the

1 beginning of the education clause that we are
2 required to provide, it says, "Adequate
3 provision shall be made by law for a uniform,
4 efficient, safe, secure and high-quality system
5 of free public schools."

6 So regardless of what we do over the next
7 20 years, that is required for every student
8 that we serve. How we do it, I can't say that
9 I can tell you, but that is what is required
10 and that is what we owe every student and every
11 citizen of the state of Florida.

12 My -- my charge to Commissioner Donalds is
13 if this proposal does move forward that somehow
14 we commit to maintaining both the high quality
15 bar and not removing local control of our
16 School Board. Because if you recall two votes
17 ago we just voted to enact term limits on them
18 and now we are potentially setting up a system
19 where they don't necessarily have control over
20 everything in their district.

21 And so I think, again, I am still torn
22 because I know that there is an issue that we
23 are potentially trying to resolve, but words
24 matter and these three words have a very large
25 impact.

1 CHAIRMAN BERUFF: Commissioner Plymale is
2 recognized.

3 COMMISSIONER PLYMALE: Thank you, Chairman
4 Beruff. I am in the same boat where Nicole is,
5 I go back and forth depending on who says what,
6 but I believe that I think the issue is that we
7 have a problem. We also are not trying to
8 detail the solution, we are giving it to the
9 Legislature, which they couldn't do unless we
10 do this.

11 I would like to make one correction. It
12 has been a while since I was on a university
13 board, but it is my understanding that the
14 universities are precluded from having more
15 than one lab school unless they get a waiver
16 from the Legislature. So -- and I think that
17 is why every university still has one lab
18 school, not that they shouldn't be able to have
19 more, because FIU did get a waiver and they
20 have a partnership with St. Lucie County for a
21 lab school and it is great. It is doing
22 terrific.

23 But I think, and I don't say this very
24 often. I think I see a positive unintended
25 consequence, but wouldn't that be nice? And

1 that is that I think if we pass this, the
2 recalcitrant School Boards will quickly know
3 that they had better get up to speed on
4 authorizing, study it, because if they don't,
5 there is an alternative for these charter
6 schools who are trying to be established.

7 CHAIRMAN BERUFF: Further debate on 71 as
8 amended.

9 Commissioner Joyner is recognized.

10 COMMISSIONER JOYNER: Thank you, Chairman.
11 Commissioner Stewart said that we are tops in
12 the nation, and Florida, in its laws, have
13 given great flexibility. She said that we are
14 flexible, we can make changes, we can do many
15 things under the existing law.

16 This proposal, in my opinion, goes too far
17 and risk destroying our public school system.
18 People want local schools that are accountable
19 to local elected officials. It is like the old
20 saying, all politics is local, and schools are
21 the epitome of that quote. Because that is
22 where the rubber meets the road for people when
23 it relates to their schools. They believe in
24 them and they want to elect the persons who
25 make decisions so that they can be held

1 accountable.

2 We risk giving this broad authority to the
3 Legislature, not knowing what might happen. I
4 think someone mentioned something about money.
5 Well, the districts may under a scenario
6 imposed by the Legislature, having to pay,
7 because we don't know.

8 I appreciate innovation, but I feel that
9 within the confines of the existing law we can
10 innovate. I know that the court held that, no,
11 the local School Board has the right to control
12 all schools within their geographical
13 boundaries in accordance with the Florida
14 Constitution.

15 But we can find a way to have a ballot,
16 maybe, on these, the problem that exists. I
17 don't know whether I would go so far as to
18 authorize an independent body to make the
19 decision because they are not accountable to
20 the local School Board or the local community.
21 There is -- that one, that word "local" means
22 so much in the context of schools and what --
23 what occurs on the ground every day. So this
24 would just, in my opinion, just kick them to
25 the curb.

1 We would end up with multiple School
2 Boards within -- I can envision the creation of
3 multiple School Boards within a district if --
4 if this comes to fruition. I -- I -- I have a
5 lot of respect for Commissioner Stewart. She
6 is at the top, the buck stops with her. I give
7 a lot of credence to what she has to say.

8 She is there on the firing lines daily,
9 and she feels that, and I concur, I have read
10 the law, we have great flexibility with these
11 schools, and you know that. This is, in my
12 opinion, the continuation of an assault on
13 public schools.

14 I realize that change has to occur and
15 will occur, but we can do it without
16 eviscerating the local School Board, and that
17 is what this does.

18 We would have competing School Boards as a
19 result of -- in my opinion. We are -- we
20 are -- we are giving too much, we are leaving
21 too much to the Legislature. School Boards are
22 the entity that is most closest and most
23 accessible, accessible to the voters in each of
24 the districts that they occupy.

25 This proposal knocks them right out. You

1 have no say-so about the schools that are --
2 that these independent folks who have no
3 accountability to -- to us, and consequently
4 you have to live with whatever happens, and
5 this is not good.

6 Back to what Commissioner Washington said
7 about what the Constitution says about a free
8 public, high quality education for every
9 student in the state of Florida, and I can't
10 get away from that.

11 Even though some may say that you are
12 sticking to what the Constitution says about
13 free public to all would stifle us moving
14 forward, and I disagree because we do have
15 flexibility.

16 I think that you are not giving the locals
17 what they deserve, the final say. Somebody
18 locally has got to be able to know that within
19 this school district we are operating under
20 the -- the buck stops with the School Board.
21 There will be many policies promulgated by the
22 Legislature, but keep the local School Board in
23 the loop.

24 Don't take away their power to have the
25 right as to how the school system should

1 operate within their respective districts.
2 Charter schools, like children, need
3 flexibility, but also boundaries. There is a
4 point where this flexibility could be a bad
5 thing that goes entirely too far.

6 CHAIRMAN BERUFF: Further debate on P-71
7 as amended, Proposal 71 as amended, further
8 debate? Commissioner Stargel is recognized.

9 COMMISSIONER STARGEL: Thank you, Mr.
10 Chairman. I want to start by saying that I
11 agree with almost everything that Commissioner
12 Martinez said.

13 A little while ago someone asked the
14 question, is this an attempt to get around a
15 court decision. Different people have
16 different judicial philosophies and they can
17 look at what happened here and disagree with
18 the court on what happened. But the bottom
19 line is the court looked at this language and
20 they decided that the language that was there
21 only allowed for one way for public schools to
22 be operated in this state.

23 And this provision, as I see it, doesn't
24 change that because these are still going to be
25 public schools. Where I would differ with

1 Commissioner Martinez is when he said is this
2 the right policy, should we do this? We are
3 not operating in a vacuum here. Some of the
4 people said, what if, what is this going to
5 look like. This is happening around the
6 country. There are other people who are doing
7 this and these are phenomenal schools.

8 These are world-class schools. So why are
9 some of our School Boards not bringing them in?
10 Someone earlier talked about competition. If
11 you have got to give Burger King the choice of
12 where they are going to put the new McDonalds,
13 do you think they are going to put it where it
14 is going to get the best results?

15 And I am not saying that about all of our
16 School Boards, because there is a lot of great
17 men and women that serve around this state and
18 they do an excellent job.

19 But I can tell you when I was in the
20 Legislature I had the opportunity to serve as
21 the Chair of the Education Choice and
22 Innovation Committee, and one of the things
23 that I had to deal with were families that were
24 saying how about us, what can we do for our
25 kids that are stuck in an area and this is the

1 only school they can go to?

2 So the Schools of Excellence was one of
3 the things that we were trying to do so that
4 they could look at those areas. And there were
5 public School Board members that said we really
6 don't have time and don't want to deal with it.
7 They were okay with that concept.

8 But the courts looked at it and said that
9 is not allowed, so we are not trying to get
10 around the court's ruling as someone asked.
11 The other night of the drive up here, this is
12 March Madness and I love it. I would have
13 rather been sitting and watching it, but I was
14 listening to it on the radio, as Florida State
15 won the other night, sorry, Tim.

16 But, okay, but the announcers were talking
17 about the rules on charging and how the refs
18 get it wrong so much of the time. And one of
19 the announcers said, well, they are just
20 applying the rules that are there.

21 If you don't like it, then you are going
22 to have to have the rules changed. Well, all
23 we are doing and what we are charged with as a
24 body is to look at those rules and decide do
25 they need to be changed, and to give the

1 citizens an opportunity to decide whether this
2 is something that they want.

3 And I just close with this. I had a
4 tremendous opportunity as a child. My dad was
5 a maintenance worker, was a Union worker,
6 worked hard every day, never made more than
7 \$40,000 a year.

8 My mom was a teenage mom, had me and my
9 brother by the time she was 17 years old. But
10 she knew the importance of education. So she
11 went and took a job as a teacher aide in the
12 Hillsborough County Public School System and
13 she made sure every night she knew every
14 assignment that we had because she wanted us to
15 succeed.

16 And I don't have anything against the
17 public school system, but there was a certain
18 point in our education where we were living in
19 an area where she didn't want us to go to that
20 middle school.

21 The only choice that they had was to find
22 a private school that they could send us to and
23 they didn't have the money to do it, but they
24 did. My parents sacrificed to send me to a
25 private middle school. And I can tell you, I

1 would not be standing here today if it weren't
2 for that sacrifice.

3 So when I was in the Legislature and I had
4 parents come in and unfortunately they didn't
5 have the wherewithal to be able to do that, but
6 they wanted an opportunity, and that is what I
7 wanted to do. And my wife and I have five
8 children, and we did every option that was
9 available for those five children.

10 We have one daughter who graduated from a
11 private high school, because that was good for
12 her, but she also did home schooling along the
13 way and she did public schools along the way.
14 She is now -- she served as a -- an officer in
15 the armed forces, and she is doing remarkable
16 things still today.

17 We had a daughter who went to the IB
18 school. She was the first home-schooled
19 student to get accepted into an IB program, and
20 we have done with all of our children, we have
21 home schooled them at some point, we have sent
22 them to public schools and private schools, IB
23 schools.

24 We had one that went to Polk State College
25 Collegiate High School and graduated, actually

1 I am sorry, two of them went there. So these
2 opportunities need to be there.

3 We are not trying to unseat the system of
4 public schools. We are just saying that this
5 isn't working well everywhere, and every child
6 deserves an opportunity to have options in
7 their community, and I think that is what this
8 will do.

9 Thank you.

10 CHAIRMAN BERUFF: Further debate on
11 Proposal 71?

12 Commissioner Kruppenbacher is recognized.

13 COMMISSIONER KRUPPENBACHER: Should this
14 pass I would hope that in Drafting and Styling
15 we do --

16 CHAIRMAN BERUFF: Brecht, this is the
17 first one for you.

18 COMMISSIONER KRUPPENBACHER: Right, in
19 Drafting and Styling we do something that, you
20 know, I remember asking Governor Bush this. In
21 fairness, for 40 years I have worked with
22 public schools, alright. When the charter
23 school law was passed I heard everybody talk
24 about, this is great, it is going to allow
25 innovation, it is going to allow this, it is

1 going to allow that.

2 My response was, and I was the first
3 lawyer to ever get a denial of a charter by a
4 full vote led by Jeb Bush because I had driven
5 so many through the approval process. The
6 reality is, I ask this question, if it is so
7 good for this innovation, why aren't you in the
8 legislation empowering every school district to
9 operate that way if they want to and level the
10 whole playing field, right?

11 So if this is going to pass I would hope
12 in Style and Drafting we add that if they are
13 going to create a set of rules for an
14 alternative system for a set of schools, the
15 existing public school system has the right to
16 operate that way also, because what you have
17 right now is not an equal system.

18 Public schools have to build according to
19 standards that cost more money than what a
20 charter school has to bill for. And I have had
21 children go through private schools and public
22 schools like you, Judge.

23 I don't believe one model fits everyone,
24 but at the end of the day the -- at the
25 foundation, what should fit is, if you are

1 going to exempt or treat a school system and
2 give this one advantages of not having to spend
3 money, then you give that same opportunity to
4 the public school system.

5 Because what you have done now is burden
6 the public school system with things, you know
7 this, that are not required of a charter
8 school.

9 And my concern about this and in Style and
10 Drafting, I want to let everybody know I will
11 drive that this language needs to say, yes,
12 Legislature, if you are empowered then whatever
13 you do those opportunities are given to every
14 school in a K-12 system whether it is public,
15 charter, private, whatever you are going to
16 deal with. But not an apple and orange and a
17 peach. So you don't have the ability to
18 honestly compare and you are not dealing with
19 the same things.

20 CHAIRMAN BERUFF: Further debate on 71 as
21 amended? Seeing none, Commissioner Donalds,
22 would you like to close on your proposal as
23 amended?

24 COMMISSIONER DONALDS: I would, thank you,
25 Mr. Chair, and thank you for the debate and the

1 commentary. I really do appreciate it and I
2 want to address some of the things that were
3 said before I get into my close.

4 First of all, I absolutely respect
5 everyone in here, your views, your thoughts on
6 education, your experience. Certainly
7 Commissioner Stewart, as well, and her feedback
8 and I appreciate all the help that she has been
9 to me throughout this process.

10 What I will say both to her comments and
11 to Commissioner Martinez about the number of
12 charter schools in Florida, I agree, we have a
13 lot of charter schools. But the number does
14 not indicate the quality.

15 And as I mentioned, although we do have in
16 Miami-Dade more charter schools than perhaps
17 any other district in the country, it is not
18 one of the top quality authorizers in the
19 country according to the study as I mentioned.

20 And while the Legislature does provide
21 rules and laws, rules and laws and oversight,
22 what we see in the Legislature having
23 micromanage the relationship between districts
24 and charters saying what they can put in the
25 contract and how they can deal with one another

1 because it is an inherently contentious
2 relationship, as Chair Beruff mentioned,
3 because it is a competition.

4 And so we don't want those districts that
5 don't want to have that contentious
6 relationship to be forced into that
7 relationship, and what we could see in the
8 Legislature is more flexibility if that
9 managed -- that relationship does not need to
10 be micromanaged.

11 I am reminded of the fact that you can't
12 legislate morality, because I know that
13 districts can take those rules and laws and
14 work right around them to make sure that they
15 do exactly what is required. But that is not
16 helping the quality of all of the schools.

17 I heard the comment we are leaving too
18 much to the Legislature. I should be writing
19 down some of the comments on each side of each
20 issue because on the one hand we are taking
21 away too much control from the Legislature, and
22 on the other hand we are leaving too much to
23 the Legislature. And what I will tell you
24 about this particular issue and education in
25 general, there is too much in the Constitution.

1 There are too many words, too many
2 restrictions that leave no flexibility, not
3 just to the Legislature but to the people,
4 because I am not just trying to give the
5 Legislature more power and more control.
6 Ultimately the people need the power and
7 control over these decisions, especially when
8 it comes to education.

9 So I want to thank my fellow education
10 advocates on this Commission. For those of you
11 who did not follow the Education Committee,
12 every single vote was different.

13 It was amazing, on any different issue we
14 all voted differently based on our own
15 experiences and insights and philosophies. And
16 my conversations and my debate with each one of
17 you involved in education has made me better.

18 I believe it has made this process better
19 and it has improved what we have before us
20 today. So I honor you and I honor all of your
21 service to the children and families of our
22 state.

23 Commissioners, despite what you may have
24 read on Twitter, my loyalty is not to the
25 charter school that I volunteered to help

1 establish in my community. It is not with the
2 public school district on whose board I
3 currently sit, nor is with the State
4 Legislature where my husband serves.

5 My loyalty remains where all of this
6 started for me, as an advocate for parents, who
7 I believe deserve to make meaningful education
8 decisions on behalf of their children. I have
9 often said I don't represent the school
10 district. I represent the people.

11 Primarily the parents in my community, and
12 as a mother of three boys, all very different,
13 I understand their struggle and share their
14 frustration with finding the right education
15 environment for their children.

16 I sympathize and my heart often breaks for
17 them, when parents are blowing up my phone and
18 my e-mail and finding me on Facebook and
19 messaging me, when they get a letter sometime
20 between now and August that tells them that
21 they are not going to be able to send their
22 child to the school that they chose.

23 Any School Board member can tell you, that
24 is the thing you get the most calls about
25 around this time of year, how can I get my

1 child into that school I want them to go to,
2 and they are devastated when they can't get
3 their child into that school.

4 Other like-minded board members will tell
5 you the same thing. And it was said that these
6 parents want the local School Board making the
7 decision for them. No, they don't. They don't
8 want me making that decision for them. They
9 want to make that decision for themselves. In
10 fact, they are pretty angry that we are making
11 that decision for them.

12 Proposal 71 does not create legislation.
13 It will not help these parents in and of
14 itself. In fact, if it passes, nothing will
15 change, except perhaps to Commissioner
16 Plymale's point that it could encourage higher
17 quality by the existing districts so that the
18 Legislature doesn't do anything with this added
19 flexibility, because that could happen.

20 They could solve the problem before any
21 action is taken. This is a proposal of
22 legislative discretion. The proposal puts
23 Florida on a more level playing field with
24 other states whose legislative representatives
25 already have the ability to respond to

1 education innovations that will benefit their
2 state's children. And 34 states, in fact,
3 already have done this, and are seeing that
4 they are among the quality authorizers that we
5 see.

6 This does not take any power or any
7 responsibility away from local School Boards.
8 I want to say that again. It does not take any
9 power or any responsibility currently held by
10 local School Boards.

11 It does allow our State Legislature, the
12 House of Representatives, elected by the people
13 every two years, the State Senate and the
14 Governor, too, if they choose, create and
15 approve a process to ensure high quality
16 authorization and oversight of public charter
17 or other schools in our state in the future.

18 This proposal will take the handcuffs off
19 our Legislature and will allow the people of
20 Florida to clarify the intent of the language
21 that has been in the Constitution since 1968.
22 It asks these voters whether they intend for
23 this language to be interpreted as it was by
24 the court, which is to provide the exclusive
25 responsibility over all types of public schools

1 to the district School Boards; or whether
2 certain types of schools, some known, some
3 unknown, could be operated, controlled or
4 supervised in another manner in addition to
5 those established by the school districts.

6 Again, do the people who are voting on
7 this proposal want to allow the Legislature to
8 look at that in more detail and perhaps act on
9 it any time within the next 20 years or
10 further?

11 There is no other way to provide this
12 flexibility except through a change in the
13 constitutional language. That is why this
14 proposal is so important. That is why I am
15 here in front of you today, and it is why I am
16 asking for your favorable support to allow the
17 people of Florida to make this important
18 choice, and with that, I close.

19 Thank you.

20 CHAIRMAN BERUFF: Thank you, Commissioner
21 Donalds. Please open the board for a vote.
22 Commissioners, please vote. Commissioners,
23 please vote. Close the board and announce the
24 tally, please.

25 THE SECRETARY: Twenty-seven yea's, eight

1 nay's, Mr. Chair.

2 CHAIRMAN BERUFF: Thank you. We are going
3 to temporarily postpone Proposal 83 and take up
4 Proposal 93.

5 Mr. Martinez, would you kindly announce
6 your proposal?

7 COMMISSIONER MARTINEZ: Thank you,
8 Mr. Chair. Good morning, again, everybody.
9 Proposal 93, actually Commissioner
10 Kruppenbacher, thank you for introducing it in
11 the last debate, a proposal inadvertently.

12 This is a proposal that has been improved
13 by the amendments offered by Commissioners
14 Washington and Johnson, that provides to
15 districts, school districts, high-performing
16 school districts the same flexibility that
17 charter schools get.

18 Now, I believe in choice. Choice works
19 both ways. It isn't just a choice to go to a
20 private school or a parochial school, it is
21 also a choice to go to a public school. It is
22 a choice to go to the best school for your
23 child. Nobody knows their child better than a
24 parent.

25 And if you don't mind, I will talk a

1 little bit about my family and I promise not to
2 be too emotional about this. So we have three
3 children, and my background is basically a
4 private school background, a parochial
5 background, parochial school background.

6 My mother took me out of parochial school
7 before the nuns kicked me out, and that wasn't
8 meant to be a joke. That happens to be a fact.
9 I am not very proud of it, but it is true. My
10 background is in private schools, parochial
11 school, we put our three kids through schools
12 early on, they were all in private schools.

13 When the oldest was ready to go to the
14 next level, middle school, we put her in a
15 private school and then when our second one was
16 ready to go to middle school we looked for the
17 best school for him. He happens to be very
18 bright, but he has some challenges, learning
19 challenges, and we looked at a lot of private
20 schools because that was our orientation, and
21 we didn't find any school to fit him.

22 They were either too rigorous or they
23 didn't provide sufficient rigor. What he
24 really needed was a school that was very
25 rigorous that pushed him, because he is very

1 bright, but also provided accommodations.

2 Through a long journey we learned about
3 the -- the facilities and the rights that the
4 public school system is required to provide a
5 child like our son, and through my
6 relationships with the public school system in
7 Miami-Dade County, we found a school that was
8 just right for him and he went into the gifted
9 program and he received an IEP, he received
10 accommodations as required by law. And through
11 the brilliance of his teachers -- through the
12 brilliance and love of his teachers, he
13 succeeded.

14 I can't do it. I knew I couldn't do it.
15 So he is now attending the University of
16 Chicago, one of the top schools in the world
17 because of what the public school system
18 afforded him. So I told my story and the story
19 of our family to tell you that choice works
20 both ways. You should have the choice to put
21 your child in the best system that is designed
22 for him, whether it is public or private or
23 parochial school.

24 So what this proposal seeks to do, it
25 seeks to provide the public school systems, the

1 public schools that are high-performing public
2 schools, the same flexibility that we will be
3 giving to the charter schools so that they can
4 opt out of those statutes that restrict them,
5 to give them the flexibility and innovation to
6 allow them to excel.

7 I believe in innovation. I believe
8 whether it is in the private sector or in the
9 public sector, I believe that we should give
10 the local unit, whether it is a private entity
11 or a government entity, the flexibility to do
12 all it can subject to certain standards.

13 We set the goals and then we let those
14 people do it, achieve those goals in the best
15 way possible for them, but let them make those
16 decisions.

17 So what this proposal seeks to do is it
18 seeks to allow the high-performing districts to
19 have the flexibility, the same type of
20 flexibilities that the charters schools get,
21 and that is my proposal.

22 CHAIRMAN BERUFF: Thank you, Commissioner
23 Martinez. Do we have questions on Proposal 93?
24 We -- Commissioner Rouson.

25 COMMISSIONER ROUSON: Thank you very much,

1 Mr. Chair. Commissioner, thank you for this
2 proposal and your introduction of it. Where
3 does -- or have you heard from the School Board
4 associations, the various School Boards on
5 their support or the lack thereof of this
6 proposal?

7 COMMISSIONER MARTINEZ: Thank you,
8 Commissioner Rouson. So this proposal, the way
9 it starts is, I went to the Miami-Dade County
10 School Board and I spoke with the
11 Superintendent, and I worked with his staff. I
12 am very close with that particular school
13 district, and the actual details for the
14 proposal comes from their office.

15 I have also spoken to Senator Montford and
16 I don't want to put him on the spot or speak
17 for him, but I understand that he and other
18 members of the School Board Association are in
19 favor of it, but I can't vouch for that because
20 I don't have their position.

21 But this is a proposal that with regards
22 to the details was presented to me by the
23 Miami-Dade County Superintendent and his staff,
24 and it is a proposal that they wholeheartedly
25 support.

1 In fact, the two times that I presented
2 this proposal in committee, the Superintendent
3 addressed the committee both by a videotape
4 because he couldn't be there in person, but he
5 was there on the phone live and was able to
6 answer questions.

7 CHAIRMAN BERUFF: Commissioner Rouson.

8 COMMISSIONER ROUSON: Thank you,
9 Mr. Chair. To your knowledge, has any
10 particular School Board contacted you in
11 opposition to this proposal?

12 CHAIRMAN BERUFF: Commissioner Martinez.

13 COMMISSIONER MARTINEZ: The answer is no,
14 none have, and we know we have been very public
15 about this, obviously. It has been vetted
16 fully at different committees, and nobody has
17 reached out to me. Maybe there is an e-mail
18 someplace, but I get thousands and thousands of
19 e-mails but nobody has reached out to me and I
20 am fairly well known, indicating any
21 opposition.

22 CHAIRMAN BERUFF: Commissioner Rouson.

23 COMMISSIONER ROUSON: Thank you very much,
24 Mr. Chair. And to your knowledge, has the
25 Legislature, the House or the Senate, ever

1 taken up this kind of proposal in legislative
2 action?

3 COMMISSIONER MARTINEZ: The -- I did meet
4 with staff of the Legislature, the Legislature
5 this year, the Speaker made himself available.
6 He was going to meet with me, but due to our
7 different schedules he wasn't available, he was
8 very kind to make himself available.

9 I believe they began to consider a
10 proposal like this, but none actually came to
11 fruition.

12 CHAIRMAN BERUFF: Commissioner Rouson.

13 COMMISSIONER ROUSON: Thank you very much,
14 Mr. Chair. This proposal, if I understand it,
15 only grants discretion and authority to local
16 School Boards to opt in and create this type of
17 system.

18 COMMISSIONER MARTINEZ: Mr. Chair.

19 CHAIRMAN BERUFF: Commissioner Martinez.

20 COMMISSIONER MARTINEZ: Thank you. It
21 gives the high-performing school district, so
22 many qualifies, and there are certain standards
23 in my proposal but they have been improved upon
24 by Commissioners Washington and Johnson.

25 It gives them the ability to avail

1 themselves, it is up to them, they are not
2 forced to opt out of the statutes. It gives
3 them the ability to have generally the same
4 flexibility that a charter school would have.
5 And those flexibilities deal with the area of
6 academic programming, instructional time,
7 greater autonomy at the school site,
8 flexibility with regards to facilities, what
9 Commissioner Kruppenbacher was talking about,
10 greater flexibility with regards to school
11 leadership credentials, with regards to
12 financials, with regards to development.

13 It allows the School Board, if it wants,
14 to exempt themselves from certain statutes to
15 have that greater flexibility.

16 CHAIRMAN BERUFF: Commissioner Rouson.

17 COMMISSIONER ROUSON: Thank you very much,
18 Mr. Chair. What is the effect, if any, on the
19 funding that school districts currently
20 maintain through the formula? Does this have
21 any effect on that?

22 COMMISSIONER MARTINEZ: Well, as it --
23 Mr. Chair, may I respond?

24 CHAIRMAN BERUFF: Please.

25 COMMISSIONER MARTINEZ: Okay.

1 CHAIRMAN BERUFF: Commissioner Martinez.

2 COMMISSIONER MARTINEZ: As I -- as it has
3 been explained to me, Commissioner Rouson, and
4 I will read it to you, because I asked that
5 question. With regards to financial
6 flexibility, while both charter and district
7 schools, FTE is funded in the same manner,
8 charter schools have more -- much more
9 flexibility in how they can spend their money.
10 Charter schools earn categorical funds in the
11 same manner as district schools.

12 However, district schools have to book
13 these funds by appropriate fund program and
14 object. However, these same funds are earned
15 by charter schools and distributed to them in
16 one lump sum and they are not required to
17 report them in the same manner. So it would
18 give, with regards to that particular item, it
19 would give the School Board more flexibility.

20 CHAIRMAN KARLINSKY: Commissioner Rouson.
21 Commissioner Beruff.

22 CHAIRMAN BERUFF: Senator Martinez, my
23 question is, can the whole district in your
24 proposal become a charter district if it
25 chooses to?

1 COMMISSIONER MARTINEZ: It will -- the new
2 terminology in the amendment, may I respond?

3 THE CHAIR: Please. Commissioner
4 Martinez.

5 COMMISSIONER MARTINEZ: It -- it could
6 have, but yes, it would essentially be given
7 the flexibility to operate as a School Board
8 district, but it would be entitled to exempt
9 itself from certain statutes in the same manner
10 that a charter school is entitled to.

11 CHAIRMAN BERUFF: Then all of my --

12 CHAIRMAN KARLINSKY: Commissioner Beruff.

13 COMMISSIONER BERUFF: Sorry about that. I
14 am forgetting my own rules.

15 CHAIRMAN KARLINSKY: That is all right.

16 COMMISSIONER BERUFF: It is terrible,
17 thank you, Chair. Commissioner Martinez, so
18 all of Dade County School District could opt
19 itself to be a charter school district and
20 thereby no longer have to govern itself under
21 the public school district that it is currently
22 operating under?

23 CHAIRMAN KARLINSKY: Commissioner
24 Martinez.

25 COMMISSIONER MARTINEZ: No. The school,

1 the school district will still be subject to a
2 School Board elected by the people, and the
3 School Board would still be responsible
4 constitutionally the way it is structured right
5 now in the Constitution. That doesn't change.

6 So the School Board, as a School Board,
7 would be entitled to operate the schools in its
8 district with more flexibility. That is really
9 what it does. It gives the School Board
10 operating the public schools within the
11 district more flexibilities with regards to the
12 way in which it operates its schools.

13 CHAIRMAN KARLINSKY: Commissioner Beruff.

14 COMMISSIONER BERUFF: Thank you, Chair.

15 How many schools in Broward, in Dade County?

16 CHAIRMAN KARLINSKY: Commissioner
17 Martinez.

18 COMMISSIONER MARTINEZ: Yes, Commissioner
19 Stewart would know. I think it is about 350 or
20 so, 350 K through 12 schools.

21 CHAIRMAN KARLINSKY: Commissioner Beruff.

22 COMMISSIONER BERUFF: Again, I didn't
23 quite understand the response to the question.
24 My question is 350 schools, more or less,
25 could, under this proposal, become charter

1 schools and operate under this charter school
2 system?

3 CHAIRMAN KARLINSKY: Commissioner
4 Martinez.

5 COMMISSIONER MARTINEZ: Not exactly,
6 Commissioner Beruff. The schools would still
7 be public schools, they would still be governed
8 by the School Board, but the way in which a
9 School Board governs those schools is to give
10 them, if it wants to, is to have the
11 flexibility that are now available to the
12 charter schools.

13 CHAIRMAN KARLINSKY: Commissioner Beruff.

14 COMMISSIONER MARTINEZ: But they would
15 still be a public school reporting to the
16 School Board.

17 CHAIRMAN KARLINSKY: Commissioner Beruff.

18 CHAIRMAN BERUFF: Charter schools are
19 public schools. So the -- the governance if
20 the school district decided to, would become a
21 charter school system and no longer governed
22 under the rules that the public school system
23 in Florida runs under, yes or no?

24 CHAIRMAN KARLINSKY: Commissioner
25 Martinez.

1 COMMISSIONER MARTINEZ: No. It is not as
2 if every school -- for example, my son attended
3 two public schools, Kenwood and Terra. It is
4 not as if all of a sudden Kenwood is going to
5 have a Kenwood charter school governing board
6 or Tara is going to have a Tara charter school
7 governing board. I think that is what you were
8 asking me.

9 CHAIRMAN KARLINSKY: Commissioner Beruff.

10 CHAIRMAN BERUFF: No, no, that is not -- I
11 guess I am not being clear. I understand the
12 governance structure of elected officials in
13 Dade County would still be governing the school
14 district, right? But they now would be
15 governing it under charter school principles.

16 CHAIRMAN KARLINSKY: Commissioner
17 Martinez.

18 COMMISSIONER MARTINEZ: Not exactly. It
19 is not -- it is not, the governance isn't
20 changing. It is just giving the School Board
21 the flexibility to opt out of certain statutes
22 in the same way that a charter school would be
23 opting out.

24 But the governance structure would be the
25 same, and it is still a public school and it is

1 still subject to the School Board and the
2 School Board is still subject to the K through
3 12 laws reporting to the Board of Education.

4 So all of that remains the same, so, and
5 it still would be schools that are -- and I
6 have an amendment just to make it clear, the
7 public schools would still be required to
8 accept all, all children, all K through 12
9 children. So none of that is eliminated.

10 It is just that they will have the greater
11 flexibility to opt out of certain statutes just
12 to give them more flexibility in the way those
13 schools are run.

14 CHAIRMAN KARLINSKY: Thank you.

15 COMMISSIONER MARTINEZ: I hope I have
16 answered your question.

17 CHAIRMAN BERUFF: I think so. Thanks.
18 Further questions, Commissioner Plymale.

19 COMMISSIONER PLYMALE: Yes, thank you.
20 Commissioner Martinez, not that we would ever
21 want to contemplate that the district would do
22 this and then suddenly drop below the B rating
23 by the schools, but did you think about, will
24 that cause some sort of turmoil in the school
25 district?

1 Is there a cost there because they have
2 changed? They have opted out of some laws and
3 then all of a sudden what happens? What
4 happens if they go below the C and they are no
5 longer allowed to be the innovative district?

6 COMMISSIONER MARTINEZ: Right, so that --

7 CHAIRMAN BERUFF: Commissioner Martinez.

8 COMMISSIONER MARTINEZ: So the way I
9 proposed it, in order to qualify as -- as an
10 eligible district, there would have to be a
11 certain level of performance historically and
12 concurrently maintained. Now, there are some
13 amendments that give -- that I support that
14 give that greater flexibility and I think would
15 be able to better address your question. I
16 think to better anticipate those types of
17 issues.

18 So the purpose here, Commissioner, is to
19 do this in a manner that gives the School Board
20 the flexibility to manage itself with more
21 flexibility. Obviously, they are not going to
22 want to do something that is disruptive. If
23 for some reason they lose the eligibility, then
24 obviously they would have to adjust back to a
25 status that doesn't have that flexibility; but

1 I anticipate that it be done in a manner that
2 is as orderly as possible.

3 CHAIRMAN BERUFF: Further questions on
4 Proposal 93?

5 Commissioner Joyner is recognized.

6 COMMISSIONER JOYNER: Thank you,
7 Mr. Chair. Commissioner Martinez, you said
8 that they could exempt themselves out of
9 certain statutes. Would that include teacher
10 certification? Could they exempt themselves
11 from that? Could they exempt themselves from
12 testing, from also retirement, from public
13 school building codes?

14 CHAIRMAN BERUFF: Commissioner Martinez.

15 COMMISSIONER MARTINEZ: Well, with regards
16 to testing, with regards to the accountability
17 system and the system of assessments, the
18 charter schools are subject to those structures
19 and certainly that, that would still be in
20 place.

21 With regards to teacher certification and
22 issues like that, they would be greater
23 autonomy with regards to their workforce to
24 some extent. But they still would be subject
25 to the collective bargaining with their teacher

1 workforce.

2 COMMISSIONER JOYNER: So there --

3 CHAIRMAN BERUFF: Commissioner Joyner.

4 COMMISSIONER JOYNER: Thank you,
5 Mr. Chair. So presently charters can't exempt
6 themselves from that provision that you just
7 said, they wouldn't be able to, collective
8 bargaining?

9 CHAIRMAN BERUFF: Commissioner Martinez.

10 COMMISSIONER MARTINEZ: I am sorry. What
11 exactly is the question?

12 COMMISSIONER JOYNER: You just said that
13 they could not exempt themselves from
14 collective bargaining. And I am asking, is
15 that one of the exemptions that is allowable
16 right now to charter schools, which I don't
17 know.

18 CHAIRMAN BERUFF: Commissioner Martinez.

19 COMMISSIONER MARTINEZ: Can I, Mr. Chair,
20 may I let one of the Commissioners respond to
21 that question more? Can I let Commissioner
22 Kruppenbacher respond. He has a little bit
23 more --

24 CHAIRMAN BERUFF: Commissioner
25 Kruppenbacher is recognized to respond to the

1 question.

2 COMMISSIONER KRUPPENBACHER: Charter
3 school teachers can organize and have a Union
4 if they want a Union and bargain with the
5 operator. They are not obligated to. Go
6 ahead.

7 CHAIRMAN BERUFF: Commissioner Joyner or
8 Commissioner Stewart?

9 Commissioner Stewart is recognized.

10 COMMISSIONER STEWART: Thank you, if I
11 may, Chair, clarify the answer to the question
12 that --

13 CHAIRMAN BERUFF: By all means.

14 COMMISSIONER STEWART: -- by Commissioner
15 Kruppenbacher. Charter school teachers have to
16 be certified in the same way that any other
17 public school teacher would have to be
18 certified. And with regard to collective
19 bargaining, they can organize themselves as
20 Commissioner Kruppenbacher has aptly said. But
21 they could also choose to be part of the school
22 districts. As a group, they could choose to be
23 part of the local school district's collective
24 bargaining unit as it currently stands.

25 CHAIRMAN BERUFF: Commissioner Joyner.

1 COMMISSIONER JOYNER: Thank you,
2 Mr. Chair. So the charter district then would
3 have the authority to exempt themselves from --
4 from the right to collective bargaining or not?
5 This is all new to me. I went to no Education
6 Committee meetings. I read none of those
7 proposals.

8 I was dealing with the committees that I
9 was on, so there is an education need that I
10 have on education.

11 CHAIRMAN BERUFF: Commissioner
12 Kruppenbacher.

13 COMMISSIONER KRUPPENBACHER: Thank you,
14 Mr. Chairman, Senator.

15 COMMISSIONER JOYNER: Okay.

16 COMMISSIONER KRUPPENBACHER: The teachers
17 control their future as it relates to
18 corrective bargaining, and the -- neither a
19 charter district nor a charter school could
20 preclude the teachers from deciding to organize
21 and join a Union. They can't exempt from that
22 if the teachers decide they want to do that.

23 CHAIRMAN BERUFF: Commissioner Joyner.

24 COMMISSIONER JOYNER: I get it, I just --
25 that is why I was asking. I asked several from

1 building codes, could they exempt themselves
2 from that. I want to know what is it that this
3 charter district can exempt itself from that
4 charters can exempt themselves from now. That
5 is -- that is what I want to know.

6 CHAIRMAN BERUFF: Commissioner
7 Kruppenbacher.

8 COMMISSIONER KRUPPENBACHER: Yes, I can
9 talk about certain things, but I think
10 Commissioner Stewart, along with me could help.
11 But there are -- a charter school does not meet
12 or have to meet the same building standards
13 that a school district has to meet, okay. And
14 those are significant dollar differences that
15 transpire in that setting.

16 There are, in the internal operations, I
17 think there is a far greater degree of
18 accountability as it relates to the state in
19 micro-management of the state of a K-12
20 district than a K-12 school, than a charter.
21 Charters has a lot more flexibility to operate.

22 And so as to each individual exemption, I
23 couldn't tell you every one of them, maybe
24 Commissioner Stewart could, but -- but there
25 is -- at the end of the day they are very

1 similar, in my opinion.

2 For example, if you want to discipline a
3 student, most charter schools, the agreements
4 we have with districts are, you have to follow
5 the discipline code of the district. So it is
6 not two different sets of standards for
7 students. But they will have agreements that
8 require parents to do certain things.

9 Whereas a public school district could not
10 require a parent to do certain things in terms
11 of involvement. So there is a lot of little
12 unique things that transpire that don't
13 transpire in a public school setting.

14 But the one that I know that is -- is --
15 it started out that we were told as districts,
16 you have no oversight and no role in charter
17 schools. This goes back to the Thomas
18 Jefferson days of Don Gaetz. And then it moved
19 to as there were embarrassments, districts,
20 wait a second, you have oversight in that
21 thing, because they didn't want to own up here,
22 it was an ice hockey charter school.

23 Nobody could figure out, they never met,
24 right. I mean, there were a lot of fraud in
25 some of them and then there are a ton of them

1 that are real good.

2 I think what charter schools actually do
3 in the long run is if -- take Orange County,
4 they had a school that was doing terrible and
5 the district was doing nothing, my opinion, to
6 truly changed that school and parents could not
7 go anywhere because they were zoned for that
8 school. And they opened the charter school and
9 it gave them an option to go to a school where
10 they could assure that the leadership was
11 leading the school in the direction they
12 wanted.

13 And I think if anything that choice did
14 do, it spurred everybody to more
15 accountability, because the days of passing the
16 trash ended, meaning if you were a bad
17 principal here they didn't shove you over here.
18 And if you were a bad teacher, it is now you
19 are up and out.

20 So a long-winded answer is, there are
21 dollars districts have to spend that charters
22 don't have to spend.

23 CHAIRMAN BERUFF: Commissioner Joyner.

24 COMMISSIONER JOYNER: Thank you,
25 Mr. Chair. I would just take exception with

1 the use of "passing the trash," I don't want to
2 put my teachers down, I did teach one year. So
3 I would just say --

4 COMMISSIONER KRUPPENBACHER: It is a term
5 of art in education that educators know.

6 COMMISSIONER JOYNER: Well --

7 COMMISSIONER KRUPPENBACHER: Unfortunately
8 like every profession including lawyers, there
9 is always the bad and there used to be that
10 they were the bad didn't get pushed out of the
11 system. They now get pushed out.

12 COMMISSIONER JOYNER: I --

13 CHAIRMAN BERUFF: Commissioner Joyner.

14 COMMISSIONER JOYNER: Thank you,
15 Mr. Chair. I am aware of it, I just would
16 probably say "ineffective" as opposed to
17 calling them "trash." I take exception with
18 that. It was 50 years ago when I taught, but
19 at least I respect the fact that the people who
20 taught me probably made the difference in what
21 I am today.

22 Now, Commissioner Martinez, you did say
23 that all of the schools in this district don't
24 necessarily have to fall under the district,
25 charter school district. In other words, if it

1 is 50 schools in the district wants a
2 percentage, half of them to be charters and
3 they will be operating one by charter rules and
4 the other one by the regular law that governs
5 public schools in Florida.

6 CHAIRMAN BERUFF: Commissioner Martinez.

7 COMMISSIONER MARTINEZ: That is correct,
8 Mr. Chair, maybe also if I could defer to
9 Commissioner Washington.

10 CHAIRMAN BERUFF: Commissioner Washington.

11 COMMISSIONER MARTINEZ: To answer the
12 question.

13 CHAIRMAN BERUFF: Commissioner Joyner, do
14 you have a follow-up or would you like
15 Commissioner Washington to address that?

16 COMMISSIONER JOYNER: I --

17 CHAIRMAN BERUFF: Commissioner Washington,
18 please address the question.

19 COMMISSIONER WASHINGTON: So I am not
20 going to directly address the question. In the
21 interest of time and for clarification I think
22 it is better if, with the indulgence of the
23 sponsor, if we take up the strike-all amendment
24 because I believe that all of these questions
25 can be resolved in the strike-all, and we can

1 maybe move forward.

2 COMMISSIONER MARTINEZ: I consent to that,
3 Mr. Chair.

4 CHAIRMAN BERUFF: All right, I would like
5 to recognize Commissioner Levesque, who showed
6 an interest in speaking or a question.

7 COMMISSIONER LEVESQUE: I had a series of
8 questions on the base proposal, like the things
9 that charter schools are exempt from: Offering
10 transportation, they are exempt from
11 intervening in turnaround; they are exempt from
12 a lot of things that you wouldn't want a school
13 district to be exempt from.

14 And so my questions were to the base
15 proposal that have a lot of -- raised a lot of
16 concerns in committee from all of us, and as
17 you know, the only reason I voted yes was
18 because the Legislature had proposals pending
19 that addressed most of these things.

20 CHAIRMAN BERUFF: Commissioner Martinez.

21 COMMISSIONER MARTINEZ: Right, and thank
22 you, Commissioner Levesque, you were the one
23 who actually kept this proposal alive and we
24 are here today because of your indulgence and I
25 appreciate that.

1 I believe that the Legislature was
2 considering something similar but I don't think
3 it actually made it to the -- to the form that
4 I would want it to be, which is to get the
5 flexibility necessary.

6 This question was asked of the
7 Superintendent when he was taking the questions
8 on the telephone. And, of course, with regards
9 to -- the districts are going to have to
10 determine what kind of services they are going
11 to provide to their students and to their
12 families.

13 And if a district determines not to
14 provide bus service, then they are going to
15 have to respond to the parents and the
16 taxpayers of that district, and I doubt that is
17 going to happen.

18 I know for a fact, I doubt that a school
19 district will say no more transaction because
20 that may run afoul not only of the wishes of
21 the taxpayer but also of the law. So I think
22 that the districts know what to do. I don't
23 think we need to micro-manage them. I think we
24 need to give them the flexibility to make sure
25 that they service their students and their

1 parents the best way possible.

2 CHAIRMAN BERUFF: Further questions on 93
3 before we proceed to amendments?

4 Commissioner Coxe is recognized.

5 COMMISSIONER COXE: I should know the
6 answer to this. I don't. This is dependent
7 upon the grading of B or above, correct?

8 CHAIRMAN BERUFF: Commissioner Martinez.

9 COMMISSIONER MARTINEZ: As I proposed it,
10 there was a standard in order for a district to
11 qualify as a high-performing district, as is
12 about to be amended hopefully. The language is
13 different. The language actually provides some
14 discretion to the Legislature to set forth what
15 that eligibility requirement would be.

16 COMMISSIONER COXE: Mr. Chairman, I can
17 wait until we see the strike-all, wait for
18 that.

19 CHAIRMAN BERUFF: Okay, thank you. If
20 there is no more questions we will go to
21 Amendment 264476 by Commissioner Johnson, being
22 presented by Commissioner Washington in her
23 absence.

24 COMMISSIONER JOHNSON: Thank you,
25 Mr. Chair. And I am a co-sponsor on this, just

1 as a point of clarification. I do a -- you
2 know, unfortunately, the sponsor could not be
3 here but we worked together. Commissioner
4 Johnson and I worked together with Commissioner
5 Martinez, Commissioner Stewart, Superintendent
6 Carvalho, a number of the School Boards, to
7 develop a proposal that was a little bit
8 clearer as to what the intent is.

9 The intent of this proposal is to provide
10 high-performing school districts with the
11 ability to create additional flexibilities that
12 we have lauded and touted in the charter school
13 as -- as achieving and increasing and enhancing
14 student success.

15 So as Commissioner Kruppenbacher said
16 earlier, if we were going to provide additional
17 flexibilities and choice options and create a
18 market, it is only fair that we provide those
19 for the traditional public schools as well.

20 And that is what this proposal, this
21 amendment seeks to do. And rather than being
22 prescriptive as to what the performance
23 standards are and what the -- which
24 flexibilities should be enumerated, as this is
25 a constitution, we defer all of that to the

1 Legislature to develop the process and the
2 standards and the accountability metrics.

3 That is the strike-all. I am happy to
4 take questions.

5 CHAIRMAN BERUFF: We will now take
6 questions on 264476. Commissioner Levesque is
7 recognized.

8 COMMISSIONER LEVESQUE: Thank you,
9 Mr. Chair, for a series of questions.
10 Commissioner Washington, first of all, I
11 applaud the underlying proposal and the
12 strike-all amendment for the intent, which is
13 give school districts, especially those that
14 are high-performing the same flexibilities as
15 charter schools.

16 Do you know, what are the three main
17 things that school districts ask for behind the
18 scenes? They may not do it publically, for
19 flexibility on, in order to be more like
20 charter schools?

21 CHAIRMAN BERUFF: Commissioner Washington.

22 COMMISSIONER WASHINGTON: Thank you. And
23 I will say we took "charter" out and it is now
24 "innovation." So we are not confusing charter
25 schools, charter districts and innovation

1 districts. So the three, that is an aside, the
2 three major -- well, there are a number of
3 considerations, but the ones that I have in
4 front of me are with regards to academic
5 programming; the flexibility to use the
6 curriculum of -- innovative curriculum,
7 instructional time; the flexibility to modify
8 some of the pacing and programming and the
9 school day and the calendar. And then -- and
10 then some autonomy around site leaders and
11 staff and ability to make changes or
12 corrections.

13 COMMISSIONER LEVESQUE: So thank you,
14 Commissioner Washington, I agree with those
15 things, and the other things that they ask for
16 flexibility on are collective bargaining, which
17 collective bargaining controls a lot of those
18 things fundamentally that you talked about, and
19 facilities.

20 And so I want to just clarify or -- did
21 you know that the Legislature just passed
22 complete facilities flexibility for any school,
23 any school district with the exception of
24 emergency shelter requirements, if that is what
25 the local county needs?

1 CHAIRMAN BERUFF: Commissioner Washington.

2 COMMISSIONER WASHINGTON: No, I did not,
3 but thank you for clarifying. Commissioner
4 Martinez.

5 CHAIRMAN BERUFF: Commissioner Martinez is
6 recognized.

7 COMMISSIONER MARTINEZ: I wonder if I can
8 defer to my colleague, Commissioner Stewart on
9 this. And I will tell you why, because I
10 served on the State Board for eight years, the
11 last two as Chair. A lot of that was super
12 technical. So in order to get the best answer
13 I would rather have an expert and someone who
14 is up to date on these details to give the
15 response.

16 So if I could defer to Commissioner
17 Stewart to identify what was in the new Bill
18 that was passed and what wasn't in there, and
19 how that differs from what we are trying to
20 accomplish here. I think this body would be
21 better served than to have me try to speculate
22 on those details.

23 CHAIRMAN BERUFF: Thank you. We are
24 throwing the ball at you.

25 Commissioner Stewart, you are recognized.

1 COMMISSIONER STEWART: Thank you, Chair.
2 In fact, the Legislature, Commissioner Levesque
3 is correct. The Legislature did provide
4 flexibility on SREF for school districts in
5 their future building and did put in there the
6 provision, except as it relates to the need in
7 the district for emergency shelters.

8 CHAIRMAN BERUFF: Commissioner Levesque.

9 COMMISSIONER LEVESQUE: Thank you,
10 Mr. Chair. And to Commissioner Washington, let
11 me just make it -- let me just make it easy
12 here. Basically everything that school
13 districts wanted flexibility from to be like
14 charter schools, the Legislature has given
15 them. They have given them facilities
16 flexibilities.

17 And for schools that are designated
18 Schools of Excellence, which are basically as
19 the underlying proposal were those schools that
20 had high performance. So 80 percent of their
21 students were reading, doing math doing
22 science, making progress.

23 This is what the Legislature gave them
24 flexibility on. They are exempt from any law
25 or rule regarding minimum period of daily or

1 weekly instruction of reading. They have given
2 them flexibility on principle autonomy, which
3 is the placements of principle and principle
4 site-based management, over who teaches at
5 their schools.

6 They have given them the ability and
7 flexibility to have in-service and professional
8 development that is more flexible like charter
9 schools. They have given them exemptions from
10 the compliance for policies for the start times
11 and school year calendar and class size at the
12 school level average.

13 And that, in addition to the complete
14 flexibility from school facilities, and another
15 provision in the same legislation that passed,
16 that gives them even other flexibilities. What
17 I am asking of you is are you aware that really
18 everything that school districts have wanted
19 flexibility from was just given, except for --
20 which is different and this goes to
21 Commissioner Joyner's questions, except for the
22 absolute, they don't have to comply with
23 collective bargaining provisions.

24 That is what the Legislature has given the
25 flexibility that is suggested in here and they

1 have just -- they have already done it. So the
2 reason why I let the Bill, or the proposal go
3 through committee was to make sure the
4 Legislature acted, and they did. So, that is
5 correct.

6 COMMISSIONER WASHINGTON: So --

7 CHAIRMAN BERUFF: Commissioner Washington.

8 COMMISSIONER WASHINGTON: That is debate
9 versus a question. But the School of
10 Excellence, it is my understanding is not --
11 this would be a little bit more broad than
12 that, and it is a different process. It also,
13 to me sends, again, this is part of what is
14 legislative versus what is a value, what are
15 the messages we are sending.

16 As a Constitutional Amendment, this will
17 ensure that we are valuing our traditional
18 public schools and creating a fair market for
19 -- for traditional schools.

20 So while, yes, there might have been some
21 flexibilities enabled and offered in the past
22 session, I would implore us to believe and to
23 think about what flexibilities might be needed
24 in the future that are not currently covered,
25 and to make sure that as we continue to offer

1 choice and innovation and -- and all of the
2 things that we know enables student success
3 that we are not offering them equitably across
4 the -- the two different spectrums.

5 CHAIRMAN BERUFF: Commissioner Joyner is
6 recognized for questions on the amendment.

7 COMMISSIONER JOYNER: Thank you, thank
8 you, Mr. Chair. Beginning with the name
9 change, "innovation," you said that you all
10 changed the name because you didn't want to
11 confuse it with "charter" and "regular." So
12 are we creating another category now, and if
13 so, why?

14 COMMISSIONER WASHINGTON: So this is --
15 this is not a new category. It is a
16 designation. So what it will allow is for
17 high-performing, high-performing districts to
18 have some flexibility.

19 It is a signal to us and to the people
20 that we value and appreciate that there are
21 really high-performing traditional or there are
22 really high-performing school districts, and if
23 they are doing what they should be to -- to
24 increase excellence across their system, that
25 we should provide them flexibilities that are

1 not currently offered potentially in statute;
2 or as those flexibilities in statute may change
3 we will like to ensure that they have the
4 ability to get and have those flexibilities.

5 CHAIRMAN BERUFF: Commissioner Joyner.

6 COMMISSIONER JOYNER: Is "innovation"
7 defined anywhere in the law?

8 CHAIRMAN BERUFF: Commissioner Washington.

9 COMMISSIONER WASHINGTON: This is, again,
10 the terminology as an innovative school
11 district is what is described in the rest of
12 the strike-all.

13 COMMISSIONER JOYNER: So --

14 CHAIRMAN BERUFF: Commissioner Joyner.

15 COMMISSIONER JOYNER: Thank you,
16 Mr. Chair. So you are creating another
17 category or designation. So will we still have
18 charters, innovation and free public schools, I
19 mean as a designation?

20 COMMISSIONER WASHINGTON: We do not,
21 sorry, Chairman.

22 CHAIRMAN BERUFF: Commissioner Washington.

23 COMMISSIONER WASHINGTON: We do not
24 currently have charter districts as a
25 designation. So we -- there are school

1 districts and within school districts some of
2 those districts under this would be designated
3 as innovative districts. It is not a separate
4 category. It is a designation upon the school
5 district.

6 CHAIRMAN BERUFF: Commissioner Joyner.

7 COMMISSIONER JOYNER: So how would the
8 voters know what this means?

9 CHAIRMAN BERUFF: Commissioner Washington.

10 COMMISSIONER WASHINGTON: What it means
11 very clearly, is that -- well, this is -- I am
12 clarifying for you and for the voters. What
13 this means is that if you are a parent who is
14 in a school district that is high performing,
15 that your School Board has the ability to ask
16 the Legislature, according to the process
17 defined by the Legislature, for additional
18 flexibilities in your school day, in your
19 curriculum and all of the things that we have
20 said help promote student success.

21 So there are things that are currently
22 regulated that this would allow for
23 high-performing schools to have flexibility
24 from those regulations and additional autonomy.

25 CHAIRMAN BERUFF: Commissioner Joyner.

1 COMMISSIONER JOYNER: I got that. Thank
2 you. Why did you change it from high
3 performing or charter districts, charter
4 districts rather than and come up with this new
5 name? What was the need from going from what
6 the original proposal was to "innovation"?

7 COMMISSIONER WASHINGTON: The --

8 CHAIRMAN BERUFF: Commissioner Washington.

9 COMMISSIONER WASHINGTON: The reason is
10 almost for the question and back and forth that
11 went between the Chair and Commissioner
12 Martinez. These are not -- these schools do
13 not become charter schools. So we wanted to
14 clarify that these are still traditional
15 schools, traditional public schools because you
16 become -- if you get this designation you do
17 not automatically become -- all of the schools
18 in Miami-Dade, if Miami-Dade is granted this
19 authority, will not become charter schools.

20 And that is what we wanted to make sure,
21 that there was no confusion that if you became
22 a charter district, all of the schools in your
23 boundary became charter schools. That is not
24 the intent.

25 CHAIRMAN BERUFF: Commissioner Joyner.

1 COMMISSIONER JOYNER: Thank you,
2 Mr. Chair. So we will have charter schools,
3 innovation schools, innovation districts, and
4 regular public schools.

5 COMMISSIONER WASHINGTON: So within a --
6 the current school district you have
7 traditional public schools and you have charter
8 schools. This in -- this does not impact that
9 either way. It just allows for a district to
10 have the flex- -- a designation that allows it
11 to have some of the flexibilities that are
12 similar to those offered by charter schools.

13 CHAIRMAN BERUFF: Commissioner Joyner.
14 Commissioner Gaetz is recognized.

15 COMMISSIONER GAETZ: Thank you, Mr.
16 Chairman. Commissioner Washington, I support
17 your amendment and I have two clarifying
18 questions that I think may help, because I feel
19 as though we may be wandering back and forth
20 between the underlying proposal and the
21 amendment.

22 Isn't the effect of the amendment, and if
23 it is not, I know you will disabuse me, on any
24 mistake I make. Isn't the effect of the
25 underlying amendment, of your amendment

1 compared to Commissioner Martinez's underlying
2 proposal, that instead of establishing metrics
3 in the Constitution, B's and A's and C's, which
4 we have now and are part of our culture now, it
5 may change in 10 years or 20 years.

6 Isn't the effect of your amendment to
7 simply say that we are going to provide public
8 school districts who reach a certain level of
9 achievement and excellence of operation and
10 academic performance, the opportunity to have
11 more flexibility as opposed to establishing in
12 the Constitution metrics, specific metrics,
13 that may change as we change the way that we
14 measure schools in the future?

15 CHAIRMAN BERUFF: Commissioner Washington.

16 COMMISSIONER WASHINGTON: That is correct,
17 and thank you for clarifying.

18 CHAIRMAN BERUFF: Commissioner Gaetz.

19 COMMISSIONER GAETZ: Thank you, Mr.
20 Chairman. And secondly, as a former
21 Superintendent of Schools, I remember well
22 meeting with my fellow Superintendents and they
23 would grind their teeth and say, if only we had
24 the flexibility that charter schools had, if
25 our district could have the flexibility that

1 charter schools had, then we could compete more
2 fairly. But now we just can't compete fairly.

3 I never credited that notion. But I am
4 asking you, is it not the case that the effect
5 of your amendment would simply to allow
6 Superintendents and School Boards to be able to
7 compete in terms of whatever benefits that are
8 derived from flexibility with charter schools.

9 CHAIRMAN BERUFF: Commissioner Washington.

10 COMMISSIONER WASHINGTON: That is correct,
11 and if you would like to close for me you seem
12 to be doing an awfully really good job. I
13 really appreciate this momentum we have got
14 going on here.

15 CHAIRMAN BERUFF: Commissioner Gaetz.

16 COMMISSIONER GAETZ: No, thank you, Mr.
17 Chairman. No, it is just that Commissioner
18 Washington, I think that, I think that the
19 debate and questions have burdened your
20 amendment with things that really aren't in the
21 amendment.

22 I think your amendment is simple and it
23 does those two things. And I wanted to clarify
24 it unless I missed something, but your
25 clarification was very helpful, and thank you,

1 ma'am.

2 COMMISSIONER WASHINGTON: Thank you.

3 CHAIRMAN BERUFF: Further questions on the
4 amendment?

5 Commissioner Coxe, you are recognized.

6 COMMISSIONER COXE: Thank you, Mr. Chair.
7 Commissioner Washington, to try to follow this.
8 I am not living in this world, I did go to
9 public school, all of my children went to
10 public schools, but charter schools were not in
11 our universe.

12 As I understand this, this -- to begin
13 with the issue of innovative school districts,
14 you could say Gold Star School Districts,
15 right. That is just a word someone came up
16 with and they thought it would be creative in
17 the public eye and it would be more sellable; I
18 am assuming that.

19 COMMISSIONER WASHINGTON: Send it to Style
20 and Drafting. They could fix it.

21 COMMISSIONER COXE: Style and Drafting,
22 they could change it to Gold Star if they
23 wanted to. But more substantively, this is a
24 rewards. I understand this to be a rewards
25 system, okay, and a couple of things if I can,

1 I am sorry, Mr. Chair.

2 CHAIRMAN BERUFF: Commissioner Coxe.

3 COMMISSIONER COXE: I want to first go to
4 what I was hearing from Commissioner Levesque.
5 Is this something the Legislature can do? It
6 sounds like they have done 90 percent of it.

7 COMMISSIONER WASHINGTON: They --

8 CHAIRMAN BERUFF: Commissioner Washington.

9 COMMISSIONER WASHINGTON: Thank you. Yes,
10 there are a number of flexibilities that the
11 Legislature can currently afford to any school
12 district. The Legislature, as we know, has --
13 oh, pretty much unlimited authority over what
14 they provide and regulate in statute.

15 However, it has been the case for a number
16 of years that we have been providing
17 flexibility to one system, one set of schools
18 within a district and not the other.

19 So this would provide those flexibilities
20 to the other set of schools.

21 COMMISSIONER COXE: Like --

22 CHAIRMAN BERUFF: Commissioner Coxe.

23 COMMISSIONER COXE: I am sorry, Mr. Chair.
24 Is providing that flexibility something the
25 Legislature can do?

1 COMMISSIONER WASHINGTON: Yes.

2 CHAIRMAN BERUFF: Commissioner Washington.

3 COMMISSIONER COXE: May I, Mr. Chair?

4 CHAIRMAN BERUFF: Sure.

5 COMMISSIONER COXE: Commissioner
6 Washington, let me go to something else, and
7 that is in this reward system, as I said I am a
8 product of, and my whole family a product of
9 public schools, what specifically are the
10 rewards that a public school district would say
11 we get if we get this Gold Star innovation,
12 whatever? What are we actually getting?

13 CHAIRMAN BERUFF: Commissioner Washington.

14 COMMISSIONER WASHINGTON: So that,
15 Commissioner Coxe, would largely be up to the
16 Legislature to decide, but the types of
17 flexibilities could be around, as I mentioned
18 earlier, academic programming, curriculum,
19 instructional time, additional autonomy about
20 the structure and governance, facilities,
21 school leadership, credentials. There are
22 other financial and development autonomies as
23 well, flexibilities as well.

24 CHAIRMAN BERUFF: Commissioner Coxe.

25 COMMISSIONER COXE: And would all of those

1 be available to a charter school district and
2 not to a public school district?

3 CHAIRMAN BERUFF: Commissioner Washington.

4 COMMISSIONER WASHINGTON: Under this
5 proposal, yes, because we are saying you need
6 to be high performing in order to get
7 flexibility, or to earn those flexibilities as
8 an award, as you said, to an award.

9 COMMISSIONER COXE: Thank you, Mr. Chair.

10 CHAIRMAN BERUFF: Thank you, Commissioner.
11 Commissioner Schifino, you are recognized.

12 COMMISSIONER SCHIFINO: Thank you, Chair.
13 Very briefly, I would just like -- I am not
14 sure this is a question, it is more of a
15 statement, and that is the fact that the
16 legislative branch has done something or could
17 do something, hasn't stopped us in
18 two-and-a-half days. I am not quite sure why
19 we would single this one out and now stand on
20 that argument.

21 Thank you.

22 CHAIRMAN BERUFF: Other questions?
23 Commissioner Levesque.

24 COMMISSIONER LEVESQUE: Thank you,
25 Mr. Chairman. And so I just want the body to

1 know, I am going to support the amendment but
2 not the underlying proposal, because it doesn't
3 need to be in the Constitution; because the
4 Legislature, not that they could, they have
5 already done it, they have already done it.

6 But I want to be -- I would like some more
7 clarity, Commissioner Washington, because you
8 answered Commissioner Joyner, Commissioner Coxe
9 and Commissioner Gaetz in your debate,
10 specifically about how there is a certain level
11 of performance required to be an innovative
12 district; that there is -- show me in the
13 amendment where that is required.

14 CHAIRMAN BERUFF: Commissioner Washington
15 and Commissioner Martinez.

16 COMMISSIONER WASHINGTON: So --

17 CHAIRMAN BERUFF: Could you go ahead and
18 answer this question and then I would indulge
19 you to allow the Chair to take a three-minute
20 break.

21 COMMISSIONER WASHINGTON: So to answer
22 your question, you actually have pulled up a --
23 maybe an error in drafting as the high quality
24 has not made it into this draft. But it does
25 defer to the Legislature, and if it does move

1 forward in Style and Drafting we will ensure
2 that high quality or some level of performance
3 is required.

4 CHAIRMAN BERUFF: Thank you. Commissioner
5 Martinez and Commissioner Washington, will you
6 indulge us in a three-minute break and
7 temporarily postpone the balance of P-93?

8 Commissioner Martinez has acknowledged and
9 he says thank you, thank you for the
10 indulgence. Three minutes for a quick recess.
11 Thank you.

12 (Brief recess taken.)

13 CHAIRMAN BERUFF: We have, just to get
14 everybody caught up, in case you were in and
15 out of the room, we have temporarily --
16 temporarily postponed, we have temporarily
17 postponed 93, and we are going to take up --
18 Commissioner Martinez is going to take up
19 Proposal 3.

20 Commissioner Martinez, if you would like
21 to introduce your Proposal 3. Thank you.

22 COMMISSIONER MARTINEZ: Mr. Chair, thank
23 you very much. Fellow members, good afternoon.
24 The Proposal 3 deals with the Declaration of
25 Rights. Now, before we go into Proposal 3 I

1 have got an amendment that I would like to talk
2 to you about, so I would like to explain that
3 amendment. And I have cleared this with the
4 Chair so it would be orderly.

5 And the amendment is a bar code and the
6 bar code on the amendment is 682026.

7 CHAIRMAN BERUFF: Commissioner.

8 COMMISSIONER MARTINEZ: Hold on a second,
9 it is not that one.

10 CHAIRMAN BERUFF: Commissioner, are you
11 going to Amendment 783324?

12 COMMISSIONER MARTINEZ: 783324, that is
13 correct, sorry about that. It is bar code
14 783324. Thank you.

15 So what this amendment does, this puts
16 into a proposal to amend our Constitution just
17 the firearms safety provisions of the Marjory
18 Stoneman Douglas High School Public Safety Act.

19 That act which was signed into law in this
20 building not too long ago, in my opinion it was
21 one of the most meaningful acts of political
22 leadership that I have seen in this state for
23 several decades.

24 And I say that because what it enacted
25 into law was something that was very

1 meaningful, and also what it did is that it
2 brought together the leadership of the
3 political leaders of our state, Governor Scott,
4 Speaker Corcoran, President Negron, leader of
5 the Bill, Senator Galvano, and also some
6 Democrats across the aisle, most notably,
7 Lauren Book, Senator Book.

8 It brought together people with different
9 points of views to come together with one
10 common purpose, and that is to increase the
11 safety of the people of the state of Florida.

12 It was a remarkable act of political
13 leadership. I have been living in this state
14 for 58 years, and I have had the privilege of
15 doing that, and I have rarely seen that type of
16 political leadership during that time.

17 So what I want to do with my proposal is
18 to put into the Constitution only the firearm
19 safety provisions of the Act. And I want to do
20 that for one particular purpose. I want to
21 make sure that to the extent that somebody
22 seeks to challenge that law with regards to
23 those provisions, that that challenge would be
24 defeated if the challenge is based upon a State
25 Constitutional challenge.

1 Very straightforward, if somebody tries to
2 challenge the firearms safety provisions of the
3 act based upon the State Constitution and if
4 the State Constitution is consistent with the
5 Act, then, of course, that challenge would be
6 defeated, unquestionably.

7 Now, let me talk to you a little bit more
8 about my objective behind this, and I want you
9 to know a little bit about my background as it
10 pertains to guns. I believe in gun rights.

11 We have at home three guns. I have a .12
12 gauge Browning Citori shotgun. It was bought
13 by my father when I was young and he and I went
14 together shooting, crap shooting and skeet
15 shooting. When I was a young adult I bought a
16 .22 caliber pistol to use for sport. I would
17 go to the range and I would use it for sport.

18 I have another gun and I will not name the
19 person who bought it out of respect for that
20 person's privacy, but it is a .38 snub nose and
21 that person bought it for self defense and that
22 person had at one time a concealed weapons
23 permit because that person was threatened for
24 that person's safety by somebody who had a
25 mental illness.

1 So I have always believed in gun rights,
2 in fact, I have owned guns. My father owned
3 guns. My father owned three .38 snub nose
4 revolvers that he kept at home in order to
5 provide my mom and himself defense at home.

6 They were robbed at home in the 1980's
7 when we lived in Miami Shores, an otherwise
8 peaceful community. Two robbers came into the
9 house and one of them attacked my mom, all
10 110 pounds of her. She decided to wrestle him
11 to the ground, and for that, for that effort
12 she got a black eye.

13 Fortunately they were not harmed beyond
14 that, but they were handcuffed, they were --
15 some of their goods were stolen and they left.
16 Fortunately my parents were safe, and they had
17 guns.

18 My parents had guns at that time, and
19 after that my experience my dad bought another
20 gun that he thought he needed for self defense,
21 and I think he and I -- we are all entitled, we
22 are all entitled to have guns for self-defense,
23 so I believe in gun rights.

24 But I also believe in reasonable and
25 meaningful restrictions. I don't want anybody

1 to take away your guns. Guns, per se, are not
2 the problem. It is guns in the hands of the
3 wrong people. That is the problem. And I
4 think what the Legislature and what the
5 Governor did is they took very reasonable,
6 meaningful measures to make sure those guns did
7 not get into the hands of the wrong people.

8 Now, in order to become familiar with this
9 area, I have talked to many people. I have
10 spoken to about a half a dozen of you. Some of
11 you, I know, think differently than I do, that
12 is okay. Some of you would like to have even
13 more restrictive measures than I would propose,
14 and that is okay, too. But I think that by
15 talking to each one of you, I learned a great
16 deal and hopefully I was able to make my
17 proposal that much better.

18 I have also read a lot, law books, I have
19 read history books. I have learned that gun
20 rights precede the founding of our republic as
21 do gun restrictions. Before the founding of
22 our republic, reasonable gun restrictions, the
23 founders, and predating the founders, they have
24 always believed that it is important to keep
25 the public safe from gun violence. So our

1 history is a history of gun rights and it is a
2 history of reasonable gun restrictions.

3 Now, I have done even more than that. I
4 went to the State Attorney's Office in Miami
5 last Friday. I met with our State Attorney,
6 Katherine, Katherine Fernandez Rundle, and I
7 meet with Frank Ledee, an NRA member. He is
8 the chief prosecutor prosecuting gun violence.
9 I -- they showed me guns because I wanted to
10 have a familiarity as to what -- to what it is
11 I am talking about.

12 They took out about 12 rifles, about eight
13 of them were semi-automatic. They all looked
14 very menacing. Not a single one of them, and
15 they included a Kalashnikov AK-47; they
16 included the AR-15 gun that was used in the
17 recent massacre.

18 None of those guns were assault rifles
19 technically, because the term "assault rifle"
20 is a term of art, and there is a definition,
21 but they all seemed very dangerous. And again,
22 it all depends upon in whose hands those guns
23 are in. That was the damage. That is where
24 the damage can be caused.

25 In addition to talking to those -- those

1 prosecutors, I did something else that I think
2 I owed to these particular people. I went up
3 to Parkland and I spoke with some of the
4 students of Marjory Stoneman Douglas, some of
5 the students that were there at the time of the
6 massacre.

7 One particular student, who has been on
8 television, his name was David Hogg, extremely
9 articulate young man, very mature, and I have
10 to tell you something.

11 Many people think that this movement by
12 the youth will evaporate, because after all
13 teenagers have a short-term memory. I have
14 three millennials at home. You are wrong about
15 that. They don't have a short-term memory.
16 What they have the ability to do is to
17 multi-task.

18 They are able to use their intelligence
19 more fully than we have been able to use. They
20 are able to think of more things at the same
21 time but, you know what, they are not forget
22 this. The students in Parkland are not going
23 to forget this. My children are not going to
24 forget this. The students in this country are
25 not going to forget it.

1 And what those students told me was, by
2 the way, David's father is a former FBI agent,
3 as I understand it, they have guns at home. So
4 it is not that they want to take away our guns.
5 They are not gun grabbers, to use that term.

6 What these students and what the young
7 people are asking are reasonable laws to make
8 sure that guns don't get into the hands of the
9 wrong people. That is all they want, and they
10 want an opportunity to vote, to amend our
11 Constitution, to put into our Constitution
12 those same very meaningful and reasonable
13 firearm safety restrictions that are now
14 included in the Act. So that is what our
15 proposal seeks to do.

16 My proposal seeks to put on the ballot for
17 this November, only, only the portion of the
18 Act that deals with firearms safety. And those
19 include the following: The waiting period,
20 including raising the age limit to 21. It is
21 all provided for in the proposal that is before
22 you. It includes the elimination of pump fire
23 stocks.

24 By the way, we haven't seen what a -- I
25 think it is called a bump fire, excuse me, if

1 you haven't seen how that works during the
2 break go on You Tube go in there and ask and
3 put in the word "bump stock" and you will see
4 what a bump stock does to a semi-automatic
5 weapon. It makes it function as if it were a
6 fully-automatic weapon, as it were a machine
7 gun.

8 So my proposal seeks to do just those
9 three things. It puts into the Constitution
10 the same waiting period that is in the Act; it
11 raises the age limit to 21 for the purchase of
12 a firearm; and it makes it illegal to possess
13 and sell a bump stock. That is what I am
14 seeking to do.

15 Any questions?

16 CHAIRMAN BERUFF: Thank you, Commissioner.
17 Commissioner Gainey is recognized.

18 COMMISSIONER GAINNEY: Thank you,
19 Mr. Chair. Mr. Chair, under Rule 7.4, the
20 amendment is on a different subject, from under
21 the consideration, it is not germane. It is --
22 it should not be amended under the color of
23 amendment. You see, Proposal 3 amends the
24 Equal Protections Provision of Article I,
25 Section 2 of the State Constitution to remove

1 the disability of non-citizenship regarding the
2 ownership of real property, specifically land.

3 Essentially the proposal repeals the Alien
4 Law Land Act to prohibit the regulation of
5 property rights, rights of aliens ineligible
6 for citizenship.

7 The amendment amends the Rights to Bear
8 Arms provision, an entirely different section
9 of Article I, to regulate or ban the sale of
10 weapons or ammunitions. The Right to Bear Arms
11 is an entirely different subject matter, the
12 need for protection.

13 Regulating firearms is in an entirely
14 different subject than deregulating land
15 ownership. Regulating firearms is not relevant
16 or appropriate to the consideration of
17 deregulating land ownership by aliens
18 ineligible for citizenship.

19 The amendment is not a natural or logical
20 sequence to the deregulation of land ownership
21 by aliens ineligible for citizenship, and thus
22 should not be allowed under the color of the
23 amendment.

24 On a personal note. Members, I have
25 served in this state and currently may continue

1 to serve as a certified law enforcement officer
2 for the past 35 and a half years.

3 I have personally investigated many calls
4 involving high-powered rifles and assault
5 weapons. I personally have seen the carnage
6 that it does to the human body. And I believe
7 perhaps it is time to have such a discussion,
8 but I believe we have that discussion when we
9 advertise it in the right forum properly, give
10 both opponents and proponents the opportunity
11 to weigh in and have discussion.

12 Very similar to the way this Commission
13 did when we advertised meetings all around this
14 state, went around and gave citizens the
15 opportunity to come in and weigh in, in person,
16 as well as via the Internet, letters and
17 personal visits to each one of us.

18 I think it is a discussion that Floridians
19 ought to have. You see, even as a law
20 enforcement officer, I don't own an assault
21 rifle. Never fired one, never even picked one
22 up, and don't intend to ever own one. It is
23 out there. There is a proper forum. I don't
24 believe this is it and therefore my objection,
25 Mr. Chair.

1 CHAIRMAN BERUFF: On a question on
2 germanity, we will give it to the Chair of the
3 Rules, Mr. Cerio, will you please take that up?

4 COMMISSIONER CERIO: We will take it under
5 advisement, Mr. Chairman, and report back.

6 CHAIRMAN BERUFF: Very good, so we are
7 going to temporarily postpone any further
8 hearing on 3, and we are going to break for
9 lunch for 30 minutes.

10 Reconvene at 1:15. Thank you.

11 (Lunch recess.)

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF LEON)

I hereby certify that the foregoing transcript is of a tape-recording taken down by the undersigned, and the contents thereof were reduced to typewriting under my direction;

That the foregoing pages 2 through 184 represent a true, correct, and complete transcript of the tape-recording;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 24th day of May, 2018.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037