



LEAGUE OF WOMEN VOTERS® OF FLORIDA

April 10, 2017

PRESIDENT

Pamela Goodman

Chairman Beruff and Commissioners
Florida Constitution Revision Commission

FIRST VICE PRESIDENT

Patricia Brigham

The Capitol
400 S. Monroe St.
Tallahassee, FL 32399

SECOND VICE PRESIDENT

Cecile M. Scoon

Dear Chairman Beruff and Commissioners:

TREASURER

Theresa Francis-Thomas

It is inspiring to see strong turnout for the first three public hearings of the Constitutional Revision Commission. Many citizens traveled miles and waited hours to speak eloquently, passionately and respectfully about their hopes and fears for the future of our state. **This input should be valued and confirmed as an integral part of this Commission's process.**

SECRETARY

Patricia Drago

The League of Women Voters of Florida writes this letter to express concerns we have about the rushed launch of the CRC's "Listening Tour" and the lack of adopted rules or a published schedule. The public and, presumably, the Commissioners, need to have confidence that the CRC will operate in an open and transparent manner with clear parameters for how decisions will be made and how public as well as member input will be processed. None of us can have confidence in the work of the CRC without having rules and a schedule to guide the Commission's work and to assure the public that this will be an effort worthy of respect.

BOARD OF DIRECTORS

Shawn Bartelt

The Hon. Annie Betancourt

The Hon. Paula Dockery

Anna Eskamani

Lisa Hall

Julie Kessel, M.D.

Chuck O'Neal

EXECUTIVE DIRECTOR

Penny Walker Bos

540 Beverly Court

Tallahassee, FL

32301-7530

(850)224-2545

Our primary concerns relate to a lack of transparency, potential roadblocks to meaningful public engagement, potential for leverage and influence over commission members, and a less than robust respect for the Sunshine Rules. Our concerns have been raised during the public hearings. However, since the CRC has been silent at the hearings to date, we **ask that you provide detailed answers to the following questions:**

Nationally Respected, Locally Engaged:

The League of Women Voters of Florida

www.TheFloridaVoter.org

Public Comment and Input

- Will you have public hearings around the state so we can **comment after you have decided what proposals you are seriously considering**? When will those be scheduled?
- Will the public be able to provide in-person comment on proposals at committee meetings? The draft rules say Committee Chairs have discretion to refuse to recognize members of the public. Why is that in the rules? Why do the proposed rules not establish that **the public has the right to provide input**?
- Chairman Beruff has commented that the CRC would give the public the opportunity to comment on proposals in-person and through electronic means. Will you establish by rule that no proposal can be adopted without a **public comment period that would include electronic and in-person comment**?

Rules and Procedure

- It does not appear in the draft rules that there will be any firm **deadline for submission of proposals** by the public or Commissioners. Without an established and published deadline, we fear that there can be mischief in deciding which late proposals will be accepted and which will not. Will you publish a deadline for filing proposals by the public and by members?
- The draft rules would allow Commissioners to **attend meetings through electronic means** via teleconference or telephone. Shouldn't all members who have been awarded the special privilege to serve on this CRC make it their priority to attend all meetings in-person except in cases of emergency or real hardship? How can we know if the person phoning in is paying full attention to the debate? How do we know who is in the room with that person? Does this policy provide an opening for CRC leadership to allow a member to call in only when the Chairman or Committee Chairs want their vote to pass or defeat a proposal?
- The proposed rules remove the 1997-1998 requirement that **committee meetings be scheduled so that members do not have conflicts with other committees they are assigned to**. Why? This makes no sense, especially since the draft rules give committees the power to kill proposals. Do you not consider full attendance at committees important?
- The proposed rules give **Committee Chairs discretion to excuse members from attendance at a meeting without any requirement that the absence is for good cause** like a genuine hardship or emergency. Why are rules on attendance so lax and flexible?
- The proposed rules **allow committees to kill proposals**. In the 1997-98 CRC, committees only made recommendations to the full CRC and the full CRC then voted them up or down. Why did you make that change? Wouldn't it be better for the full commission to make important decisions like whether a proposal should go to the ballot?
- We believe that every vote cast by a member of the CRC should be recorded. Can you clarify what proposed Rule 2.12 means? "The vote of the members present of a committee on *final* consideration of proposal shall be recorded." **Will you record**

all of each member's votes whether on amendments or final passage in committee or on the floor? What is the intent here?

- Finally, we have been told that the **rules would be delegated to a Rules Committee**. Is that true? Who is on the Rules Committee? When will it meet? Where will the meetings be held? Will public input be accepted? Will input from all commission members be permitted? And what is the process and timeline for adoption of those rules?

Ethics

- Speaker Corcoran and President Negron – who appointed almost half of the CRC members – have announced that they want their appointees to take up certain very controversial issues including school vouchers, changing FairDistricts, and interfering with the independence of the Courts. This is a question for the Legislature's appointees: **Will you allow these leaders to be setting the agenda of the CRC or will you exercise totally independent judgment before trying to alter our constitution?**
- We are concerned about possible influences that can be brought to bear on elected officials who are on this commission. While your ethical rules provide that commission members cannot take anything of value from someone lobbying an issue, there is an exception for campaign contributions. That means legislators and other elected officials might be tempted to vote on issues based on whether their votes will yield campaign contributions. Will you **change your ethical rules so that legislators or other elected officials are prohibited from taking campaign contributions from any person or organization that has lobbied an issue before the CRC?**

Sunshine

- The draft rules change the requirement that records be “open” to requiring that the Commission's records be “accessible”. **What does “accessible” mean?** Please explain the change in light of the fact that the word “open” is the word that is used in the open records laws. Why not just follow the Attorney General's Manual on open government?

Powers of the Chair

- The **draft rules appear to give the Chairman the right to stop distribution of literature in the public areas of the Capitol like hallways and galleries**. Why should the Chairman be permitted to violate the rights of citizens to express themselves freely and petition their government?
- The draft rules say that committees will be set up so that each article of the Constitution is assigned to one committee and proposals are to only impact one article. Yet under the proposed rules the Chairman has the power – without limitation – to pull proposals and refer them to another committee. (That would include if an issue is not going his way in the assigned committee.) Doesn't this give the Chair extraordinary power over whether a proposal is approved or not? And how can this work when proposals are supposed to only be assigned to the committee handling the constitutional article that the proposal would amend?

We are looking forward to your reply and hope that this Listening Tour will turn into a two-way conversation with some firm answers and definitive plans for the greatest possible amount of openness and civic engagement in the process in the months to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Goodman". The signature is fluid and cursive, with the first name being more prominent.

Pamela Goodman, President
League of Women Voters of Florida