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Common Cause, et al.)	
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v.)	4:22-cv-109
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Cord Byrd)	
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TRANSCRIPTION OF AUDIO FILE
SENATE SESSION PART 2
March 4, 2022

DIGITAL EVIDENCE GROUP
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1 SECRETARY BROWN: A quorum is present,
2 Mr. President.

3 PRESIDENT SIMPSON: The Senate will be in
4 order. Senators, just so everyone knows, I know it's
5 about 65 degrees in here. Leader Passidomo requires us
6 to keep it a little cooler than normal. But I have
7 asked the sergeant to raise it up to at least, say 68-9
8 degrees, so y'all are welcome.

9 Senators, we are going to take up
10 returning messages from the House, the actions available
11 to us, available to the Senate, are included in Rule
12 7.8. We will read each message and hear the
13 recommendation of the Senate Sponsor. Read the first
14 message.

15 THE CLERK: The Honorable Wilton Simpson,
16 President, I am directed to inform the Senate that the
17 House of Representatives has passed committee substitute
18 for Senate Bill 102 with one amendment, 269533, and
19 requests the concurrence of the Senate. Jeff Takacs,
20 Clerk.

21 Committee substitute for Senate Bill 102,
22 a bill to be entitled an act Establishing the
23 Congressional Districts of the State, amendment bar code
24 269533, by Representative Leak. Remove everything after
25 the enacting clause and insert amendment.

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1 PRESIDENT SIMPSON: Senator Rodrigues,
2 you are recognized for an explanation.

3 SENATOR RODRIGUES: Thank you, Mr.
4 President. House Amendment 1, bar code 269533, replaces
5 the substance of redistricting plan S035C8060, which is
6 what we passed off this floor back in January with Plans
7 H000, C8019, and H000C8015. When you came in this
8 morning, those maps should have been laid on your desk
9 for your review.

10 Plan H000C8019 is the primary plan. It
11 apportions the state into 28 single-member congressional
12 districts. It contains a configuration of Congressional
13 District 5 that keeps it wholly within Duval County.
14 This plan will serve as the map for elections beginning
15 in 2022 and thereafter, unless Congressional District 5
16 were to be invalidated by the Court.

17 Plan H000C8015, which is the secondary
18 plan, apportions the state into 28 single-member
19 congressional districts. This map contains the
20 configuration of CD 5 that more closely resembles what
21 we passed out of this chamber back in January. If
22 Congressional District 5 in the primary map is
23 invalidated, Plan H000C8015 will take immediate effect
24 and serve as Florida's congressional districts for
25 elections beginning in 2022 and thereafter.

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1 House Amendment 1 additionally provides
2 that any action challenging this act shall be commenced
3 within 30 days of becoming law, and that is the change
4 the House has made to the bill, Mr. President.

5 PRESIDENT SIMPSON: Are there questions?
6 Senator Pizzo, you're recognized for a question.

7 SENATOR PIZZO: Thank you, Mr. President.
8 And apologize in advance for my candor. There's a Tweet
9 from the Governor that says he's going to veto if this
10 comes to the desk. Is this what he's talking about
11 today?

12 PRESIDENT SIMPSON: Senator Rodrigues,
13 you're recognized.

14 SENATOR RODRIGUES: Thank you, Mr.
15 President. This is the map that the House just passed
16 off the floor, so that would appear to be the case.

17 PRESIDENT SIMPSON: Senator Pizzo, you're
18 recognized.

19 SENATOR PIZZO: Thank you, Mr. President.
20 And Senator Rodrigues, you and your staff have worked
21 very hard on -- on these issues, and I would expect a
22 commensurate effort across the hall. What is your,
23 obviously, not emotional, but intellectually and as it
24 relates to the keeping in the spirit and application of
25 what your task was, how do you take a statement that

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1 says in advance of us passing anything and being sent to
2 his desk that he says he's going to veto it? Can you
3 think of any infirmity in these maps that give you
4 concern that they would be -- that they should be
5 vetoed?

6 PRESIDENT SIMPSON: Senator Rodrigues.
7 you're recognized.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President, and thank you for the question. We believe
10 these maps to be constitutionally valid, and therefore,
11 we believe these maps fulfill the responsibility we have
12 as a legislative body to apportion our congressional
13 districts.

14 PRESIDENT SIMPSON: Are there any
15 additional questions? Senator Torres, you're recognized
16 for a question.

17 SENATOR TORRES: Thank you, Mr.
18 President. Senator Rodrigues, the question I have, the
19 original Senate product kept CD 7 as an original metro
20 area district, keeping Orlando suburbs of Seminole
21 County together with parts of Orange County. Why didn't
22 the Senate decide to push back on the new configuration,
23 which put Seminole together with the coastal areas in
24 Daytona Beach and Volusia County?

25 PRESIDENT SIMPSON: Senator Rodrigues,

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1 you're recognized.

2 SENATOR RODRIGUES: Thank you, Mr.
3 President. If you'll recall, when we passed our map off
4 the floor back in January, we were very clear that we
5 preserved the districts of opportunity for our minority
6 voters. And the benchmark plan, which is the plan that
7 was ordered by the court, back in either 2014 or '15,
8 that our congressional representatives are currently
9 being elected under, there were -- I'll start with the
10 African American districts -- one majority minority
11 seat, two affected minority seats, and one opportunity
12 minority seat.

13 And for the Hispanic districts, there
14 were three majority minority seats and one opportunity
15 minority seat. That's the benchmark. The map that we
16 passed maintained one majority minority seat, two
17 effective minority seats, and one opportunity minority
18 seat that we passed off this floor in January.

19 This map that we've received from the
20 House also maintains that configuration; one majority
21 minority, two affected minority, and one opportunity
22 minority for African Americans. On the Hispanic
23 opportunity seats, the map that we passed contained four
24 majority minority seats. This map that we've received
25 from the House also contains four minority majority

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1 seats.

2 If you go back and look, just yesterday,
3 the Florida Supreme Court accepted our state Senate and
4 state House maps. If you read the decision that they
5 offered in articulating why they were accepting our maps
6 as constitutional, one of the grounds they looked at was
7 they said the benchmark map offered up these seats as
8 opportunity seats for minority voters. And because our
9 Senate map did not retrograde and preserved all of those
10 opportunities, the court found that that map that we
11 passed was constitutionally valid. This congressional
12 map does the same thing.

13 I believe, if you go back and look at the
14 original map that was going through the House Committee
15 and subcommittee process, their seat in the Central
16 Florida area did not look like it does now. I think
17 they have moved closer to our position, and by moving
18 closer to our position, they have left us in a position
19 where we now preserve minority access seats and can say
20 that this is indeed a constitutional map.

21 PRESIDENT SIMPSON: Senator Torres,
22 you're recognized.

23 SENATOR TORRES: So let me get this
24 straight. We're saying that the House map is in
25 alignment with the Senate that we put together or is

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1 more constitutional?

2 PRESIDENT SIMPSON: Senator Rodrigues,
3 you're recognized. Thank you, Mr. President. And I
4 don't want to mislead you. I'm not going to say it's
5 more constitutional. I'm going to say that the map that
6 they've passed and sent over to us we believe is
7 constitutional. And the reason we believe it is
8 constitutional, one of those reasons, is in the Central
9 Florida area, they have moved closer to the position
10 that was in the Senate map. They haven't matched our
11 lines up exactly. But based upon what they have done
12 and a functional analysis that's been performed on those
13 seats after they have proposed them, it is clear that we
14 are preserving the opportunity for minority voters,
15 which makes it constitutional. That's in the aggregate.

16 PRESIDENT SIMPSON: Senator Torres,
17 you're recognized.

18 SENATOR TORRES: But you would say that
19 the Senate map was more constitutional than the House
20 map?

21 PRESIDENT SIMPSON: Senator Rodrigues,
22 you're recognized.

23 SENATOR RODRIGUES: Thank you, Mr.
24 President. I would say constitutional is a lot like
25 being pregnant. You either are or you are not. I

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1 believe that our map was constitutional. I believe this
2 map is constitutional. If I had to give a preference, I
3 would prefer our map. But I do believe that their map
4 is constitutional, and they have moved to get close to
5 us in the areas where it was required to do so.

6 PRESIDENT SIMPSON: Thank you. Are there
7 any additional questions? Senator Ausley, you're
8 recognized.

9 SENATOR AUSLEY: Thank you, Mr.
10 President. So the map that we are talking about now is
11 the map that splits black communities across three
12 different congressional districts. The current CD 5
13 unifies these communities into one district. The map
14 that we passed unanimously, almost unanimously, did as
15 well. So why are we capitulating to the House on this?

16 PRESIDENT SIMPSON: Senator Rodrigues,
17 you're recognized.

18 SENATOR RODRIGUES: Thank you, Mr.
19 President. And thank you for the question.
20 Particularly, we're looking at what is currently
21 Congressional District 5, which stretches from Duval
22 County to Gadsden County. In the map that we passed, we
23 preserved that. And the reason we preserved that is the
24 configuration of that district was drawn by the Court,
25 the Florida Supreme Court, and it was ordered by the

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1 Court in the last round of litigation. We maintained
2 that district in the map that we produced.

3 If you go back and look, the governor
4 petitioned the Florida Supreme Court to give advisory --
5 an advisory opinion on the constitutionality of that
6 district. There have been federal court decisions tied
7 to Section 2 Voting Rights Act's decisions since the
8 Court ordered the configuration of that district. The
9 request was to see if those decisions changed the
10 Court's position that that map was constitutional. The
11 Florida Supreme Court declined to weigh in and offer an
12 advisory opinion.

13 So what the House did was they said,
14 okay, the governor has indicated -- and remember, we're
15 in a legislative process -- which means the House, the
16 Senate have to agree on a bill, and then we send that
17 bill to the governor for the governor's signature or
18 veto. Since it was clear the governor had indicated
19 that a district that stretched from Duval to Gadsden was
20 one that he viewed as unconstitutional because it did
21 not conform to those two court decisions dealing with
22 the Section 2 Voting Rights Act, the House configured a
23 Minority Opportunity District, preserving the
24 opportunity for minorities to elect a candidate of their
25 choice solely within Duval so that it would be compact

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1 and address the concern that was raised, as well as the
2 concern that emanated from those two court decisions.

3 We believe it is best to put forth the
4 bill, as the House has prepared it, with a map that
5 addresses the concern that was officially stated by the
6 governor of why that map would potentially be vetoed,
7 and to have a secondary map should the court find that
8 that is unconstitutional and it is their preference that
9 we retain the current configuration of Congressional
10 District 5.

11 So we're doing this because we want to
12 put forth a constitutional map into the hands of the
13 court -- of the Governor for approval and into the Court
14 to be approved, should we be challenged, rather than
15 send up a map that would be vetoed for sure and then
16 necessitate, potentially, a special session where we
17 would have to come back and try to draw around the
18 subject of the veto letter, whatever that may be.

19 PRESIDENT SIMPSON: Senator Ausley,
20 you're recognized.

21 SENATOR AUSLEY: Thank you, Mr.
22 President. But it's my understanding that the governor
23 has already said he's going to veto anything we send
24 him. So why don't we put forward a map that we know
25 passes constitutional muster?

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1 PRESIDENT SIMPSON: Senator Rodrigues,
2 you're recognized.

3 SENATOR RODRIGUES: Thank you, Mr.
4 President. We do believe both of these maps pass
5 constitutional muster. One of these maps is a map that
6 gives the Court the opportunity to weigh in on whether
7 they believe the decisions that have been made since
8 they ordered Congressional District 5 to be drawn in the
9 manner that they ordered it impacts their position on
10 that. And one is a map that should they decide that
11 their position has not changed and that is
12 unconstitutional because their position has not changed,
13 that we then have a secondary map which does address
14 their concerns and leaves that district in the manner
15 that they ordered it during the last redistricting
16 cycle.

17 PRESIDENT SIMPSON: Senator Ausley,
18 you're recognized.

19 SENATOR AUSLEY: Thank you, Mr.
20 President. Has the Senate performed its own functional
21 analysis of this current CD 5 configuration?

22 PRESIDENT SIMPSON: -- remind everyone
23 that Senator Stargel is still the Budget Chair. Senator
24 Rodrigues, you're recognized.

25 SENATOR RODRIGUES: Thank you, Mr.

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1 President. Yes. Our staff has performed a functional
2 analysis, the functional analysis that was prescribed by
3 the Court in the Apportionment 1 decision from a decade
4 ago. And our functional analysis reveals that this does
5 perform as a Minority Opportunity District. I'm sorry,
6 an affected minority district.

7 PRESIDENT SIMPSON: Senator Ausley,
8 you're recognized.

9 SENATOR AUSLEY: Thank you, Mr.
10 President. The CD 5 configuration that we're looking at
11 right now, we have done a functional analysis of that
12 configuration that the House just sent us?

13 PRESIDENT SIMPSON: Senator Rodrigues,
14 you're recognized.

15 SENATOR RODRIGUES: Thank you, Mr.
16 President. Yes, we have.

17 PRESIDENT SIMPSON: Senator Rod -- okay.
18 Are there any additional questions? Senator Pizzo,
19 you're recognized.

20 SENATOR PIZZO: Thank you, Mr. President.
21 Senator Ausley, I was asking the question, but I just
22 want to be just a little greater particularity. Can you
23 provide members here with the House's functional
24 analysis on racial performance? And I may have missed
25 it, but just on racial performance, the House's

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1 analysis?

2 PRESIDENT SIMPSON: Senator Rodrigues,
3 you're recognized.

4 SENATOR RODRIGUES: Thank you, Mr.
5 President. I do not have the data from the House on
6 their racial analysis. However, I do have the data that
7 the Senate staff utilized in performing our functional
8 analysis, which I can provide you.

9 PRESIDENT SIMPSON: Senator Pizzo, you're
10 recognized.

11 SENATOR PIZZO: Thank you, Mr. President.
12 Senator Rodrigues, that was a yes on your work because I
13 read it and based my vote on that. But we have not been
14 provided -- we were sent over maps, but no analysis as
15 it relates to race performance on their iterations that
16 have come back to us.

17 PRESIDENT SIMPSON: Senator Rodrigues,
18 you're recognized.

19 SENATOR RODRIGUES: We do have the
20 functional analysis that we have performed on those
21 districts that we can provide you.

22 PRESIDENT SIMPSON: Senator Pizzo, you're
23 recognized.

24 SENATOR PIZZO: Thank you, Mr. President.
25 Is it your understanding that the House relied on our

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1 analysis, the Senate's analysis, to draft these maps
2 that we're now looking at?

3 PRESIDENT SIMPSON: Senator Rodrigues,
4 you're recognized.

5 SENATOR RODRIGUES: Thank you, Mr.
6 President. No, I don't believe they used our analysis.
7 They used their own analysis, which we do not have. But
8 they gave us their product, which we then ran our
9 analysis on, that we used when we composed our maps, to
10 see if they met the standards that were required to pass
11 constitutional muster. And the analysis our staff has
12 provided leads us to believe that it does.

13 PRESIDENT SIMPSON: Senator Pizzo, you're
14 recognized.

15 SENATOR PIZZO: And I'll skip debate to
16 tell you that I'm now a no, because, again, I do have
17 faith. It's not that I'm discounting what work they
18 tried to do and their efforts that they made. But you
19 have to arrive at a product that's based on analysis
20 that I'd like to read and something so critically
21 important.

22 I read yours. I agree with yours. I
23 voted for yours. But we're now being sent back things
24 to vote on that is not backed up by any analysis that
25 we're even able to review before we do so, from the

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1 House, not yours.

2 PRESIDENT SIMPSON: Thank you. Are there
3 any additional questions? Is there debate? Any debate?
4 Senator Bracy, you're recognized in debate.

5 SENATOR BRACY: Sorry, no. I had a
6 question.

7 PRESIDENT SIMPSON: You're recognized for
8 a question.

9 SENATOR BRACY: Thank you, Mr. President.
10 Do you have information on how these districts would
11 perform as far as likely to elect a Republican, likely
12 to elect a Democrat? There was information that said --
13 that was reported that our Senate maps, I think it was
14 16 to 12. How do these House maps perform; do you have
15 any information on that?

16 PRESIDENT SIMPSON: Senator Rodrigues,
17 you're recognized.

18 SENATOR RODRIGUES: Thank you, Mr.
19 President. We do not have that information. We have
20 that information for the minority districts because that
21 is part of the functional analysis that was ordered by
22 the Supreme Court in the Apportionment 1 case, back
23 during the first cycle of redistricting. So for those
24 four districts that are one is majority minority, two
25 are affected minority, one is opportunity minority. For

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1 the African American Opportunity districts, we have that
2 analysis. And for the four seats that are four majority
3 minority, for the Hispanic seats, we have that analysis.
4 But those are the only seats that we have any analysis
5 that would indicate partisan performance.

6 PRESIDENT SIMPSON: Senator Bracy, you're
7 recognized.

8 SENATOR BRACY: Thank you, Mr. President.
9 I know that the governor complained that the North
10 Florida seat wasn't compact. And so, there is an option
11 that makes that area more compact. So if it is vetoed,
12 what would be the difference between his map and what we
13 see here today? Because if we're complying with the
14 compactness that he talked about, what else is there to
15 comply with?

16 PRESIDENT SIMPSON: Senator Rodrigues,
17 you're recognized.

18 SENATOR RODRIGUES: Thank you, Mr.
19 President, and thank you for the question. I can't
20 speak to the governor and his concern, but what I can
21 speak to is what he asked the Supreme Court to weigh in
22 on, because we filed briefs supporting the request for
23 an advisory opinion. And his concern there was that
24 that district was not compact, stretching from Duval to
25 Gadsden County, and therefore, not being compact was in

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1 violation of the now traditional redistricting standards
2 as articulated in the Section 2 Voting Rights Act
3 decisions that had recently come out.

4 It is the position of the House, and we
5 agree with them, that the primary map we're offering up
6 addresses that concern by taking what was that district
7 and keeping that minority opportunity district wholly
8 contained in Duval County.

9 So we believe, if you look at the request
10 for the advisory opinion to the Supreme Court, that this
11 map addresses the concern that was articulated in that
12 request.

13 PRESIDENT SIMPSON: Senator Bracey,
14 you're recognized.

15 SENATOR BRACEY: Thank you, Mr.
16 President. The difference I see is in we keep the
17 minority access seats in both of these House versions,
18 and the governor's map does not.

19 Of course, you can't speak to the
20 governor's intentions, but is that -- could that be a
21 reason for his veto?

22 PRESIDENT SIMPSON: Senator Rodrigues,
23 you're recognized.

24 SENATOR RODRIGUES: Thank you, Mr.
25 President. I would prefer not to speculate on what may

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1 or may not occur or why it may or may not occur. I
2 would prefer that we accept these maps, which we believe
3 are constitutional, send them to the governor and see
4 what his action will be. The governor will either sign
5 them or he will not sign them and let them become law
6 that way or he will veto them. He will do one of the
7 three things.

8 Traditionally, when there is a veto,
9 there is a veto letter that accompanies the veto that
10 provides guidance on why the governor chose to veto that
11 particular bill. I would prefer to see what's
12 articulated for the reason that this map is violated or
13 vetoed, should he choose to go down that road.

14 PRESIDENT SIMPSON: Question? Senator
15 Jones, you're recognized for a question.

16 SENATOR JONES: Thank you so much, Mr.
17 President. I just have one quick question. Looking at
18 8015 and looking at 8019, Senator Rodrigues, why not
19 send 8015 back to the House to make this option one and
20 make 8019 option two, considering that 8015 follows the
21 law in it being contiguous? Because if you look at
22 8019, it is not contiguous, which would be based off of
23 the law.

24 PRESIDENT SIMPSON: Senator Rodrigues
25 you're recognized.

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1 SENATOR RODRIGUES: Thank you, Mr.
2 President. I will quibble with you on whether both maps
3 are contiguous or are not contiguous. I think both of
4 them are contiguous. The 8015 is less compact than
5 8019. And I believe the reason that the House chose to
6 send 8019 as the primary map was the concern that had
7 been articulated by the governor in the request that he
8 sent to the Florida Supreme Court for an advisory
9 opinion was his belief that current configuration of CD
10 District 5, which stretches from Duval to Gadsden
11 County, was not compact, which is what he expressed his
12 concern over. And the belief was, if we send
13 legislature a map up that addresses that concern, that
14 there was a greater likelihood that the bill would be
15 signed and the map would be implemented. So that is why
16 that was chosen by the House as the primary map.

17 PRESIDENT SIMPSON: Senator Jones you're
18 recognized.

19 SENATOR JONES: Thank you so much, Mr.
20 President. And Chair Rodrigues, but there's nothing
21 wrong with map number two, so what would stop us from
22 sending that back over to them?

23 PRESIDENT SIMPSON: Senator Rodrigues,
24 you're recognized.

25 SENATOR RODRIGUES: Thank you, Mr.

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1 President. I would say there's nothing wrong with
2 either map one or two. I believe they're both
3 constitutional. And so, I say that we move forward with
4 the map that addresses the concern that's been
5 articulated, and that potentially gives us the greater
6 opportunity to have it signed.

7 From my perspective, and I think we've
8 articulated this back in January, I know we did during
9 committees, and I think we did this during debate in
10 January when we presented the maps. As a legislature,
11 we have two responsibilities that we have to do. The
12 first responsibility is one we have every year. We
13 could convene in, and if the only thing we do is pass a
14 balanced budget, we have fulfilled our constitutional
15 responsibilities. Everything we do beyond that is
16 gravy. It's good that we're making great policy and
17 improving the state, but we can't leave without having
18 passed a balanced budget.

19 The second responsibility we have,
20 according to the Constitution, is that every decade, we
21 have to reapportion. We have to reapportion our
22 congressional delegation based upon the data from the
23 census and we have to redistrict our State Senate and
24 State House delegations according to the census data. I
25 believe we need to pass maps that are constitutional,

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1 which has been our singular focus during this process,
2 is to pass maps that would survive Court scrutiny and
3 Court review and that we should fulfill that
4 responsibility. If we don't fulfill the responsibility,
5 then what we may be facing is a situation that occurred
6 during the last redistricting cycle where the courts are
7 either drawing a map for us or taking a map from a
8 plaintiff given to them by an outside entity who's not
9 accountable to the voters.

10 I think it's important, as elected
11 officials that are accountable to the voters, that took
12 an oath to uphold the Constitution when we were sworn
13 in, that we pass the map that we believe is
14 constitutional and gives us the greatest opportunity to
15 fulfill that duty that's placed upon us.

16 PRESIDENT SIMPSON: Are there -- Leader
17 Gibson, question? You are recognized for a question.

18 SENATOR GIBSON: Thank you, Mr.
19 President. In 8019, CD 5 has a BVAP of 35 percent and
20 8015 has a 43 percent BVAP. Are both of those non
21 diminishment?

22 PRESIDENT SIMPSON: Senator Rodrigues,
23 you're recognized --

24 SENATOR GIBSON: Or both of those
25 figures, I guess?

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1 SENATOR RODRIGUES: Thank you Mr.
2 President, and thank you for the question because that's
3 a very important point. It is our responsibility to
4 ensure that we preserve the opportunity. I would draw
5 your attention back to the last round of redistricting
6 and what occurred. If you'll recall, in the last round
7 of redistricting that seat had a north-south
8 configuration that went from Jacksonville down to
9 Orlando and was actually a minority majority district.
10 And the Court tossed that district and said we don't
11 believe that north-south configuration is
12 constitutional. We believe that is a gerrymander. We
13 believe that it has been drawn majority minority in
14 order to pack minority voters into that district. So
15 we're going to find that district configuration
16 unconstitutional and instead they drew the east-west
17 configuration.

18 The second thing that's important is not
19 only did that run east-west but that changed from a
20 minority majority district into an affected minority
21 district because the percentage of minority voters
22 decreased from a majority to less than a majority. And
23 the Court found that just because the percentage goes
24 down doesn't necessitate diminishment.

25 The key question is, will it still

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1 perform and will the minorities be able to elect the
2 candidate of their choice and participate? And they put
3 forth a functional analysis that they believe we should
4 go through in order to make that determination. The
5 functional analysis that they required -- a I'll just
6 walk through this for the benefit of everybody -- is
7 does the benchmark district perform Democrat or
8 Republican in statewide contests since 2012? And then,
9 there are subsections to that. What is the partisan
10 breakdown of registered voters? How many wins during
11 that period? What is the average margin of victory?
12 What is the average vote share? Are minority voters
13 registered cohesively? What percentage of the
14 registered voters by race and party? And then, what is
15 the minority registration among the political parties?
16 And then, the key question is, does the minority control
17 the primary?

18 So even though the percentage has gone
19 down, the functional analysis shows that that is still a
20 Democrat performing seat and that the minority controls
21 the Democrat primary in that seat. That is why we
22 believe it to be constitutional.

23 PRESIDENT SIMPSON: Senator Gibson,
24 you're recognized.

25 SENATOR GIBSON: Thank you, Mr.

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1 President. And so, I just want to go back to the
2 comment you made about using, I think you said, you used
3 the data from the House and used the Senate process for
4 a functional analysis. Do I have that right.

5 PRESIDENT SIMPSON: Senator Rodrigues,
6 you're recognized.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President. We took the House map, took the districts
9 that were the minority districts, and then applied a
10 functional analysis to those seats, which was the
11 process we used on our maps when we brought that
12 forward. For each of the Minority Opportunity seats, we
13 had performed the functional analysis that I just went
14 through that the Court articulated.

15 So the House drew those districts. We
16 got their map. We took the districts that we know to be
17 Minority Opportunity Districts, and then we ran that
18 functional analysis to see if we agree that those seats
19 will perform as Minority Opportunity seats.

20 PRESIDENT SIMPSON: Senator Gibson,
21 you're recognized.

22 SENATOR GIBSON: Thank you, Mr.
23 President. So the process -- the process was the same
24 as if those were the maps that we produced; is that
25 correct?

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1 PRESIDENT SIMPSON: Senator Rodrigues,
2 you're recognized.

3 SENATOR RODRIGUES: Thank you, Mr.
4 President. The process after the maps were drawn is the
5 same. I can't speak to the process before the maps were
6 drawn because I don't know what the House did in
7 preparing those districts. We're not privy to that.
8 Whereas, I do know what we did every step of the way
9 when we drew our districts. So I'm very comfortable
10 talking about our process.

11 I'm not going to go and say I know what
12 their process was because I wasn't in the room with
13 them. I don't know what their process was. But after
14 their lines were set, in order to determine if those
15 districts are constitutional, we applied the same
16 functional analysis on their map that we did to ours.

17 PRESIDENT SIMPSON: Leader Gibson, you're
18 recognized.

19 SENATOR GIBSON: Thank you, Mr.
20 President. And the map is the map, is that right? The
21 map is the map. If you have the district drawn and you
22 do the functional analysis on it, that's what we're
23 after, correct?

24 PRESIDENT SIMPSON: Senator Rodrigues,
25 you're recognized.

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1 SENATOR RODRIGUES: Thank you, Mr.
2 President. Yes, Leader, I would agree with that. And
3 that's the approach we've taken here.

4 PRESIDENT SIMPSON: Are there any
5 additional questions? Okay. We will go to debate. Is
6 there any debate? Senator Jones, you're recognized in
7 debate.

8 SENATOR JONES: Thank you so much, Mr.
9 President. And thank you so much to Chair Rodrigues for
10 the work that you previously did on this bill that we,
11 in this chamber, that we voted for because Senator
12 Rodrigues, Jay, Jason, and their entire team, they made
13 sure that we were following the law. And the fact that
14 we are here right now over a fight because the governor
15 does not like the maps, in an unprecedented approach,
16 coming and wanting to insert himself in map drawing,
17 when we, in this body, wanted to follow the rules and do
18 the right thing.

19 And Mr. President, you made it clear in
20 the beginning of session that we were going to do things
21 right. We were going to do things based off the
22 Constitution. And the fact that we are here right now
23 because the governor wants to Tweet this morning that
24 the map is dead on arrival, which I believe is
25 inappropriate. It's inappropriate when we come up here

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1 with our families, we don't to come up here to be
2 threatened by the governor when we all, unanimously,
3 bipartisan sent those maps and said, this is what our
4 maps look like. I believe that we did what was right.
5 We as a body came together and said, those individuals
6 who drew those maps, who's sitting right over there,
7 took their time to draw these maps to be legal and
8 constitutional. And I think if the governor wants to
9 veto the map, let him veto it. But we came together to
10 do the right thing, and so be it.

11 PRESIDENT SIMPSON: Is there any
12 additional debate? Senator Ausley, you're recognized.

13 SENATOR AUSLEY: Thank you, Mr.
14 President. So I hadn't really been involved -- I mean,
15 I've been involved in watching and voting on this
16 redistricting, but I tend to agree with Senator Jones on
17 this. You know, we're thrusting ourselves into this
18 disagreement, I guess, and I'm very concerned about this
19 map. I believe that it violates the Florida
20 Constitution. The Voting Rights Act. I mean, we we've
21 talked about the compactness of this, of this
22 configuration of Congressional District 5. But
23 compactness is not the only factor to be considered in
24 the Fair District's constitutional requirements, one of
25 the tier 1 criteria is that no apportionment plan or

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1 district shall be drawn with the intent to favor or
2 disfavor a political party or an incumbent. This seems
3 to me to be very close to being disfavoring the current
4 incumbent of Congressional District 5, Al Lawson [ph],
5 and I believe that's a blatant violation of the Florida
6 Constitution. And I liked our initial map. And I'm
7 going to vote no on this today, and I hope many of you
8 will join me.

9 PRESIDENT SIMPSON: Is there any
10 additional debate? Senator Pizzo, you're recognized in
11 debate.

12 SENATOR PIZZO: I said I wasn't going to,
13 but I just want to be -- I was not lying. It was just
14 miscommunication.

15 PRESIDENT SIMPSON: That's fine; I
16 understand.

17 SENATOR PIZZO: Mr. President, to my
18 final -- final -- I'm a no because our work here, our
19 work product was sound, solid; in spirit, and an
20 application, it was good. We sent it back, comes back
21 here. Senator Jones made a really excellent point both
22 in its just functional simplicity. I think most of us
23 think the alternative map number 2 is better, so why
24 don't we just flip them around and send it back? We
25 have time.

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1 A no vote for me is not because these
2 maps are going to be any better than the work product
3 that the governor would have drawn himself or his staff
4 would have drawn himself. So I don't want people to
5 think that. But a yes also would be blessing concerns
6 that I share with Senator Ausley, I think, a few others,
7 about some of the implications which could have been
8 overcome had they sent over the data to back up or we
9 had the data to back up their cartography.

10 And I hear whisperers around, and I don't
11 disagree that this is headed to the Courts. Concerns
12 about the votes on the other side. Senator Rodrigues,
13 I'm going to ask you, you and I have a good
14 relationship. We're very honest with each other. Talk
15 to the members in this chamber, because on the other
16 side, there was individual members on both sides that
17 were yeses and noes and I'm reading quotes where a
18 Republican, just said, this is absolutely
19 unconstitutional.

20 So if you would, a and as a courtesy to
21 members, I'm a no and I've expressed why and I think
22 I've articulated why. But talk to some of us as members
23 in your closing, if you would, about the implications of
24 being a no or being a yes.

25 PRESIDENT SIMPSON: Is there any

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1 additional debate? Senator Berman, you're recognized in
2 debate.

3 SENATOR BERMAN: Thank you, Mr.
4 President. And I, too, voted for the original Senate
5 map because I believed that that map generally respected
6 the communities of interest in our state and in my
7 county, which is the one I'm able to analyze the best.
8 And unfortunately, with the maps that we have today, I
9 am concerned about Palm Beach County. It looks like the
10 map cracks -- as that term is used in the vernacular of
11 redistricting -- this cracks our communities of color in
12 Palm Beach County. And we've already proven we can draw
13 a map that doesn't do that.

14 And the other concern that I have is when
15 have we ever passed legislation that says, here's two
16 pieces, if not A, then go with B? I don't understand
17 that we're doing a two-pronged piece of legislation. To
18 me, that's extremely unconventional and it makes no
19 sense.

20 But I do want to be clear. While I'm
21 going to be a no vote and I can't support this map
22 today, I am also deeply troubled by the governor's
23 efforts to hijack this process. And if the governor
24 does insist on vetoing this map, I will certainly be
25 with anyone voting to override that veto. Thank you.

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1 PRESIDENT SIMPSON: Senator Torres,
2 you're recognized.

3 SENATOR TORRES: Thank you, Mr. President
4 and Senator Rodrigues. Before I begin, I just want to
5 say that I was looking forward to having constituents'
6 input by going around the state like they did in 2016,
7 to listen to their concerns as to the maps and the
8 growth that was going on in the county, especially in my
9 Central Florida, Osceola and Orange. I was a no on the
10 original Senate product because I was concerned about
11 the Latino representation on the I-4 corridor. I am a
12 no today because these issues are still not fixed on
13 this map. And by putting all of Polk County into a
14 single district, I'm also concerned that we are robbing
15 the rapid growing Hispanic community along the I-4
16 corridor of additional representation over the next ten
17 years -- ten years.

18 As long as a longtime Central Florida
19 resident, I am concerned about the rest of the
20 configuration of Orange and Seminole County as well,
21 particularly the configuration of CD 7 under this map.
22 It cracks the student communities in Seminole County
23 away from the University of Central Florida and
24 generally ignores that many residents in Seminole County
25 work in Orange County and vice versa. I see no reason

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1 for these changes, and that is why I still cannot
2 support this matter. Thank you, Mr. President.

3 SENATOR RODRIGUES: Leader Farmer, you're
4 recognized in debate.

5 SENATOR FARMER: Thank you, Mr.
6 President. There's a Yiddish word called chutzpa.
7 Chutzpa has been described in a legal opinion as that
8 quality of a man that compels him to, having killed his
9 mother and father, throw himself on the mercy of the
10 Court because he's now an orphan. I think this governor
11 is demonstrating extreme chutzpa in the way he is
12 inserting himself into this legislative process, in the
13 way he is taking unprecedented action in submitting his
14 own proposed map with a clear goal in mind to reduce or
15 eliminate minority access. It's plain, it's simple,
16 it's patent.

17 Patent is the opposite of latent, as we
18 learned in the construction defect debate. With such
19 obvious mal intention, how can we countenance that? How
20 can we in good conscience countenance that? And how can
21 we pass an either/or product? I mean, how many times do
22 we debate versions of a bill and we go with our version
23 over the House version or a lot more frequently lately,
24 we go with the House version over our version. We don't
25 get to send two versions to the governor and say, hey,

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1 you pick which one you like better. That's not how this
2 works, folks. That's not how this works.

3 The sheer arrogance is really appalling.
4 And I guess we shouldn't be surprised that somebody
5 who's going to wag his face, wag his finger in a kid's
6 face --

7 PRESIDENT SIMPSON: Senator Farmer --

8 SENATOR FARMER: -- because he's choosing
9 to wear a mask would take such action. But we're not
10 doing our job. We're not doing our job appropriately.
11 We're not doing our job constitutionally, and we should
12 vote no on this map. Thank you.

13 PRESIDENT SIMPSON: Is there any
14 additional debate? Senator Cruz, you're recognized.

15 SENATOR CRUZ: Thank you, Mr. President
16 and members. We passed a constitutional amendment that
17 said we want fair districts. We took it to the people.
18 We went around this body and we took it to the people
19 and they said, we want fair districts. We want compact
20 and contiguous districts that represent the people that
21 live there. Not drawing the African American district
22 in a circle here and not drawing the wealthy white group
23 on the beaches here; that's not fair. We want compact
24 and contiguous districts.

25 So I'm a no on this map and I'm going to

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1 tell you, it's because of the obvious., what I see not
2 as bad as it used to be, gerrymandering and partisan
3 favoritism. This map has cracks. It cracks the
4 community around my area in Tampa, the University of
5 South Florida, into two districts. And it also kind of
6 cracks communities of color in Tampa and in Temple
7 Terrace.

8 Now, I have concerns over the Senate's
9 original product. I did. I was hopeful that I would
10 let it go on and some of these concerns might be
11 addressed as the process kind of moved forward. Not
12 only were these concerns not addressed in this map, this
13 map has gotten worse. I can't support a map today as I
14 don't believe it's constitutional. I truly do not
15 believe this one is constitutional, and I believe it
16 undermines the opportunities for racial minorities in
17 Tampa Bay and in your district, Senator Torres.

18 I cannot understand how all we have
19 talked about for the last ten years, and even more so
20 after the devastating hurricane in Puerto Rico, all
21 we've done is talk about this rapid growth in the I-4
22 quarter, specifically the Orlando area. Yet the map
23 comes out and I see little or no additional Hispanic
24 representation. Instead, it's been pushed toward the
25 center of the state. Not fair. Just not fair.

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1 I don't have confidence, you know? I
2 don't have confidence in what we passed as a fair
3 district amendment. Look at congressional District 5.
4 I think that's currently Congressman Lawson, is that
5 right? He is a little stain in the center of
6 Congressional District 4. Ridiculous. He's a stain
7 right there in the middle. Just let's forget about the
8 rules. Let's just put him right there in the middle and
9 forget about what we're supposed to do. There's a stain
10 there.

11 There's a stain in this whole process.
12 It is an ugly stain, and I don't know how we fix it.
13 But I'll tell you what I do know, that my no vote today
14 is not a no vote against this body that I have much
15 respect for. I believe that our maps and the work that
16 we did, with the exception of more Hispanic
17 representation, was an honorable map. What I don't want
18 to see is this project hijacked. I don't want to see
19 someone inject themselves and try to use this as
20 political theater. And I am going to say that, in my
21 opinion, trying to hijack this map, one of the most
22 important aspects of our work is the redistricting of
23 our state. I mean, we work hard on the budget and make
24 sure that we send out a balanced budget. We don't spend
25 any more money than we have, and we work hard to do

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1 that. It's honorable, good work. This is the zenith or
2 the pinnacle of the work that we do here. We are here
3 following an amendment, a constitutional amendment, that
4 our people said, we want fair districts. We want
5 democracy. We see it falling apart in other places of
6 this world, but here, democracy stands. So I'm going to
7 say, Governor DeSantis, do not become a stain on the
8 democracy of the state of Florida. Thank you, Mr.
9 President.

10 PRESIDENT SIMPSON: Is there any
11 additional debate? Senator Rodrigues, you're recognized
12 to close on your bill. Excuse me. Senator Taddeo,
13 you're recognized in debate.

14 SENATOR TADDEO: Thank you, Mr.
15 President. And I'm on the corner, so sometimes it's
16 hard to -- it's easy to miss. I first want to say to
17 Senator Rodrigues, I am so impressed with the work that
18 you have done and the staff. I really -- I have been
19 really impressed. I didn't sit on any other committees,
20 but I've watched and I voted for the maps that we sent
21 over to the House. And I know it's hard work. I mean,
22 you even got rid of your cell phone. I was really
23 impressed with that. I don't know that I could do that,
24 although I'm sure some people would love for me to do
25 that. This has been hard work, and I commend you.

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1 I am, however, really, really concerned
2 about the map we received and extremely disappointed by
3 the process that's been going on in the public with
4 respect to the governor's office getting involved.
5 Look, let's be real. On the eve of Martin Luther King
6 Day, there was a map that was released by the governor's
7 office, which, as far as I know, we had never seen, in
8 which it actually erased majority black seats. I -- I
9 can't believe it. I couldn't believe it when I saw it.
10 I can't believe that that was happening. Have we gotten
11 so far in our extremism, in our politics, that we're
12 putting aside the importance of minority districts
13 that's in law? It's very disappointing.

14 And now, we're seeing a play with the
15 separations of powers. I mean, we're here to do our
16 job, a very important job. And the governor has every
17 right to veto the congressional maps. But we should put
18 out our maps, the maps we've drawn, the maps we feel
19 pass the intent of the voters when they sent a very
20 strong message about us not injecting politics into the
21 drawing of the maps. Not playing favoritism on
22 incumbents, not paying attention where someone lived,
23 not playing politics with the map drawing, whether it's
24 blue or red. It's a sad day. It's a sad day when we
25 are not standing up to the governor. So I ask you,

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1 let's stand up to the governor. Let's send our original
2 map, the one that we drew, the one that we feel was the
3 appropriate map after a ton of work, a ton of research
4 and clear following of the constitutional amendment that
5 was asked of us from the voters. Thank you.

6 PRESIDENT SIMPSON: Is there any
7 additional debate? Senator Bracy, you're recognized in
8 debate.

9 SENATOR BRACY: Thank you, Mr. President.
10 I'm actually okay with the House maps because I
11 understand where they're coming from. If they are
12 anticipating the governor to veto it, and he asked for
13 certain things, they tried to comply, and he's still not
14 satisfied. And what is clear is that he wants to remove
15 black districts. That's the only other thing that could
16 be done. And I think that's where we should draw the
17 line.

18 I'm going to vote for the Senate maps.
19 That's what I would prefer, because I think it's a
20 better product. But I thought it was important to
21 highlight what is going on here. And so I think, as a
22 Senate, we should stand against what the governor is
23 trying to do. Thank you.

24 SENATOR BRACY: Any additional debate?
25 Senator Rodrigues, you're recognized to close.

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1 SENATOR RODRIGUES: Thank you, Mr.
2 President, and thank you, members, for your debate
3 today.

4 As I close on this, I'm going to begin by
5 saying I do believe this is a constitutional map. And I
6 was asked to address some of the concerns that have been
7 expressed by colleagues on this. And I watched the
8 committee hearings in the other chamber, and I've read
9 some of the comments that other members have made on why
10 they're objecting to the map, and I don't agree with
11 them.

12 So what's been offered as a reason for
13 objection is there are two maps on this one bill. Even
14 in this chamber, I heard someone say, we shouldn't send
15 the governor two maps and tell him, you pick the one you
16 like. That's not what we're doing in this bill. We're
17 sending one bill with two maps, and the governor has a
18 choice when he receives the bill. He can either sign it
19 and let it become law; not sign it, and it becomes law;
20 or veto it. But he doesn't get to say, I want this map,
21 not that map. We say that in the bill. It is the first
22 map, unless the Court invalidates it because they find
23 District 5 to be unconstitutional. And then, and only
24 then, does that second map become effective. And that's
25 not any different than what this legislature commonly

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1 does during every session. Many bills contain a
2 severability clause that we pass because we recognize in
3 some areas there may be issues that the Court objects to
4 and so we put into the bill a severability clause so
5 that that portion can go away, but the rest of the bill
6 can remain. That's what we've done here.

7 Now let's look at the actual map itself.
8 I heard a member express concern because it looks like
9 the House has made tweaks, and we were in particular in
10 South Florida, that may be unconstitutional because
11 they're either packing or cracking. That's not the case
12 in the analysis that I've done as I've looked at the
13 maps.

14 When we drew our map, we laid down the
15 county boundaries as our foundation. And the reason we
16 did that was the Court blessed that in apportionment one
17 as the foundation. There are 67 counties, their borders
18 do not change, and they're contiguous. So that is the
19 perfect foundation to begin building the map.

20 Then we made the decision as a body to
21 prioritize geographic boundaries over municipal
22 boundaries. And the reason we did that was geographic
23 boundaries don't change. I-75 hasn't moved. I-95
24 hasn't moved. Our state roads may get wider as we
25 expand them to accommodate the traffic, but they're not

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1 physically relocated.

2 The issue with using municipal
3 boundaries, as we looked at it, is that they're ever
4 changing. When we examined the data from the last
5 reapportionment cycle to today, we saw that there was,
6 on average, one city boundary change every day for the
7 last decade in the 412 cities that we have here in the
8 state of Florida. So we went with the geographic
9 boundaries, and then where we could accommodate keeping
10 municipalities whole, we did that.

11 If you look at fair districts, those are
12 all co-equal tier 2 criteria; geographic boundaries,
13 municipal boundaries, county boundaries. Each approach
14 is valid. To put geographic boundaries over city
15 boundaries is constitutionally valid. What the House
16 did was they put keeping cities whole over geographic
17 boundaries. So they started with the counties as their
18 foundation, and as they built from there, they worked to
19 keep cities whole. That is perfectly constitutional.
20 That is a tier 2 criteria; two different approaches,
21 both of them entirely legal.

22 And so I draw your attention to what the
23 Court said when they upheld our state Senate and the
24 state House map in the joint resolution that we sent to
25 them. When they went through and upheld those maps,

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1 they said, here is the benchmark map that was ordered by
2 the Court last time. This map is more visually compact,
3 but we only don't have to rely only on visual
4 compactness because there are metrics that are
5 recognized by the Court and were used by the Court. So
6 they went through the convex hull metric, the Polsby-
7 Popper metric, and the Reock metric. And they said on
8 each of these metrics, the Senate map is more compact
9 than the previous map, which is an indication that it
10 was not gerrymandered.

11 The map that we passed off this floor,
12 8060, was an improvement over the benchmark map. The
13 benchmark map had a convex hull of .77; the map that we
14 passed in January was .80. The map in front of you
15 today that we're asking you to vote yes on has a convex
16 hull of .82, better than the benchmark and even better
17 than the map that we passed in January.

18 The Polsby-Popper map. The benchmark was
19 .36. The map that we passed in January was .43. The
20 map in front of you that we're asking you to vote yes on
21 today is .42. That's just a tick less than our map, but
22 I'm going to tell you why that's okay when I get to the
23 last metric.

24 The third mathematical metric is the
25 Reock. The benchmark was .44. The map that we passed

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1 was an improvement at .46. The map we're asking you to
2 vote yes on today is .48. Better than the benchmark,
3 better than the map that we passed in January.

4 So we've got the one metric that was just
5 a tick lower than ours. If you go down and look at
6 counsel kept whole and cities kept whole. In the
7 benchmark map, there were 49 counties kept whole. In
8 the map that we passed, we kept 48 whole. In the map in
9 front of you today, 49 counties are being kept whole.
10 It's an improvement over what we passed, and it is as
11 good as the benchmark map.

12 And now we get to the municipal
13 boundaries. Now, remember, we didn't prioritize
14 municipal boundaries, but the House did. Out of 412
15 cities in the benchmark map, 373 of them are kept whole,
16 wholly contained in one congressional district. In the
17 map that we passed, we kept 368 of them wholly contained
18 in a district. This map, the map that we're asking you
19 to vote for today, keeps 394 of the 412 cities
20 completely whole in a district. That accounts for the
21 changes that you see as you look at our map compared to
22 their map. Where there were changes, the changes were
23 made where they kept cities whole. It wasn't packing or
24 cracking. It was following municipal boundaries, which
25 is constitutional. That is a tier 2 criteria that the

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1 Court has upheld. So they keep 26 additional cities
2 whole, one additional county whole and are more visually
3 compact and the map is more mathematically compact on
4 two of the three and practically a tie on the third.
5 This is a constitutional map. It is a good map. And
6 with that, I'd ask for your favorable support.

7 SENATOR BRACY: Senator Rodrigues, you
8 are recognized for a motion.

9 SENATOR RODRIGUES: Thank you, Mr.
10 President. I move that the Senate concur in House
11 Amendment 269533.

12 PRESIDENT SIMPSON: Without objection,
13 sir, that motion adopted, we are back on the bill as
14 amended. The Secretary will unlock the board and
15 Senators will proceed to vote. Lock the board and
16 record the vote.

17 THE CLERK: 24 yeas, 15 nays, Mr.
18 President.

19 PRESIDENT SIMPSON: So the bill passes.
20 Read the next bill. Oh, excuse me, Senators. We are
21 staying on special order where we were this morning.
22 We're going to read the next bill.

23 THE CLERK: Committee substitute for
24 committee substitute for Senate Bill 1430, a bill to be
25 entitled an act relating to insolvent insurers.

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1 PRESIDENT SIMPSON: Senator Burgess, you
2 are recognized on your bill.

3 SENATOR BURGESS: Thank you very much,
4 Mr. President. This bill is related to insolvent
5 insurers and revamps some provisions within the Florida
6 Insurance Guarantee Association. And I believe --

7 PRESIDENT SIMPSON: Are there amendments?

8 THE CLERK: None on the desk, Mr.
9 President.

10 PRESIDENT SIMPSON: Are there questions?
11 Senator, there's a companion bill if you wish to explain
12 the differences. Please explain the differences should
13 you wish to substitute.

14 SENATOR BURGESS: Thank you very much,
15 Mr. President. These bills are similar and accomplish
16 the same goals. However, there is an additional
17 provision in the Senate Bill that the House bill did not
18 pick up after conversations with OIR and with
19 stakeholders within the industry.

20 The provision would have allowed for some
21 officers of companies declared insolvent to serve in the
22 same capacity at another company. We had included that
23 in our bill, and there's some merit to that discussion.
24 But there were concerns at which we had put the language
25 in. And so at this time, we're going to just basically

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1 take up the House bill and try to work on that issue
2 another day.

3 PRESIDENT SIMPSON: Are there questions?
4 Is there objection to the motion of taking up the House
5 bill? Does anyone have a question? Senator Burgess
6 moves that the House bill be substituted. Without
7 objection, motion is approved. Read the House bill.

8 THE CLERK: Committee substitute for
9 House Bill 1023, a bill to be entitled an act relating
10 to insolvent insurers.

11 PRESIDENT SIMPSON: Are there questions
12 on the House bill? Questions on the House bill?
13 Senator Burgess moves the rules be waived and the bill
14 be read a third time. Is there objection? Without
15 objection, read the bill a third time.

16 THE CLERK: Committee substitute for
17 House Bill 1023, a bill to be entitled an act relating
18 to insolvent insurers.

19 PRESIDENT SIMPSON: Is there debate? Is
20 there debate? Senator Burgess, having waived has closed
21 the question. Now occurs on the bill, The Clerk will
22 unlock the board and Senators will proceed to vote.
23 Clerk will now lock the board and announce the vote.

24 THE CLERK: 36 yeas, zero nays, Mr.
25 President.

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1 PRESIDENT SIMPSON: Show the bill passes.

2 Read the next bill.

3 THE CLERK: Committee substitute for
4 committee substitute for Senate Bill 1292, a bill to be
5 entitled an act relating to fraud prevention.

6 PRESIDENT SIMPSON: Senator of the 23rd
7 is Senator Gruters, you're recognized to explain the
8 bill.

9 SENATOR GRUTERS: Thank you, Mr.
10 President. This bill addresses key components related
11 to CFO's fraud prevention package. These components
12 include ensuring that an individual could sign up and
13 cancel a service contract in the same manner increasing
14 fines for unlicensed public adjuster practices during
15 declared state of emergencies, reducing the frequency of
16 warranty advertisements by requiring solicitations from
17 a licensed warranty insurance agent to include
18 verifiable information and addressing motor vehicle
19 insurance solicitations by requiring proper
20 identification and providing incentives for insurance to
21 invest in fraud prevention, detection and other special
22 investigative unit activities. That's the bill, Mr.
23 President.

24 PRESIDENT SIMPSON: Are there amendments?

25 THE CLERK: None on the desk, Mr.

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1 President.

2 PRESIDENT SIMPSON: The House bill is
3 raising its hand wishing to be recognized. Should you
4 wish to recognize it, can you explain the differences,
5 Senator Gruters?

6 SENATOR GRUTERS: Thank you, Mr.
7 President. The bills are the same.

8 PRESIDENT SIMPSON: Senator Gruters moves
9 an identical House bill be substituted. Is there
10 objection? Without objection, read the House bill.

11 THE CLERK: Committee substitute for
12 committee substitute for committee substitute for House
13 Bill 749, a bill being entitled an act relating to fraud
14 prevention.

15 THE CLERK: Are there questions?
16 Additional questions? Senator Gruters moves the bill be
17 read a third time. Is there objection? Without
18 objection, read the bill a third time.

19 THE CLERK: Committee substitute for
20 committee substitute for committee substitute for House
21 Bill 749, a bill to be entitled an act relating to fraud
22 prevention.

23 PRESIDENT SIMPSON: Let's do debate. Any
24 debate? Any debate? Senator Gruters having waived his
25 close, the question now occurs for final passages. The

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1 clerk will now unlock the board. Senators will proceed
2 to vote. Have all Senators done their duty and voted?
3 The Clerk will now lock the board and announce the
4 votes.

5 THE CLERK: 39 yeas, zero nays, Mr.
6 President.

7 PRESIDENT SIMPSON: Show the bill passes.
8 Read the next bill.

9 THE CLERK: Committee substitute for
10 Senate Bill 1736, a bill be entitled an act relating
11 records of physical examinations.

12 PRESIDENT SIMPSON: Let's go to the
13 Senator of the 16th, Senator Hooper, you're recognized
14 to explain the bill.

15 SENATOR HOOPER: Thank you, Mr.
16 President. This bill requires the employing agency of a
17 law enforcement officer, firefighter, corrections
18 officer, or correctional probation officer to maintain
19 the records of that officer's pre-employment physical
20 for five years after separation.

21 PRESIDENT SIMPSON: Are there amendments?

22 THE CLERK: None on the desk, Mr.
23 President.

24 PRESIDENT SIMPSON: Are there questions?
25 Senator, once again, a House bill has shown up trying to

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1 catch a ride here. And Senator, if you wish to
2 substitute, as you do, can you explain the differences,
3 please?

4 SENATOR HOOPER: Thank you, Mr.
5 President. The only difference is, this bill does not
6 require the five year maintenance for a firefighter.
7 Their pre-employment physical fulfills that obligation.

8 PRESIDENT SIMPSON: Very good. Senator
9 Hooper moves the House bill as explained be substituted
10 for the Senate Bill. Is there objection? Without
11 objection, the motion is adopted. Read the House bill.

12 THE CLERK: Committee substitute for
13 House Bill 453, a bill to be entitled an act relating to
14 officer and firefighter physical examination
15 requirements and records.

16 PRESIDENT SIMPSON: Are there questions?
17 Senator Hooper is going to move and does move. Are
18 there questions, questions? Moves the bill be read a
19 third time. Is there objection? We've already agreed
20 to it. Democratic and Republican leaders have said yes.
21 Without objection, the motion is adopted. Read the bill
22 a third time.

23 THE CLERK: Committee substitute for
24 House Bill 453, a bill to be entitled an act relating to
25 officer and firefighter physical examination

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1 requirements and records.

2 PRESIDENT SIMPSON: Is there debate? Is
3 there debate? Senator Hooper, having waived his close,
4 the question occurs on final passage. The clerk will
5 unlock the board. Senators will proceed to vote. The
6 Clerk will now lock the board and announce the votes.

7 THE CLERK: 38 yeas, zero nays., Mr.
8 President.

9 PRESIDENT SIMPSON: Show the bill passes.
10 Read the next bill.

11 THE CLERK: Senate Bill 1708, a bill to
12 be entitled an act relating to child welfare. Senator
13 Garcia, you are recognized to explain the bill.

14 SENATOR GARCIA: Thank you, Mr.
15 President. This is a wonderful bill and builds on our
16 commitment to take care of those who need it the most;
17 in this case, our homeless youth. Senate Bill 1708
18 expands the Campus Coach program to serve certain
19 homeless youth in addition to foster youth to ensure
20 success in post-secondary education. The bill also
21 directs OPPAGA to conduct a study on the effectiveness
22 of the Campus Coaching program.

23 The bill clarifies provisions related to
24 certified homeless youth to remove barriers for
25 accessing medical and other care currently provided to

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1 them in Florida law. The bill requires a local school
2 districts to provide these youth with a card that
3 includes pertinent information related to the care for
4 which they are entitled. The bill expands the fee
5 waiver exemption for birth records to foster youth who
6 have aged out and certified homeless youth, and the Keys
7 to Independence program to certified homeless youth.
8 This will help get rid of barriers so that they can gain
9 employment and help put them on a path to independence.
10 With that, I'd like to take up the House bill and
11 explain the differences, sir.

12 PRESIDENT SIMPSON: One question; are
13 there amendments?

14 THE CLERK: None on the desk, Mr.
15 President.

16 PRESIDENT SIMPSON: Senator, you're
17 recognized to explain the differences, if any?

18 SENATOR GARCIA: Thank you, Mr.
19 President. The bills are identical, with the exception
20 of the following few provisions that are included in the
21 House Bill: post-secondary institutions are required to
22 have a dedicated staff person who serves as the campus
23 liaison and must provide the liaison's name and contact
24 info to the student. The institution must maintain the
25 original documentation submitted by the student as proof

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1 of tuition eligibility, and may not take additional
2 requests for documentation. The documentation of a
3 student's homelessness must be adequate if it meets
4 federal standards until the student, notifies the
5 educational institution, that the situation has changed,
6 and that is the difference.

7 PRESIDENT SIMPSON: Are there questions
8 on the differences? Senators, are there questions?
9 Senator Garcia, moves the House bill be substituted as
10 described by Senator Garcia. Without objection, read
11 the House bill.

12 THE CLERK: Committee substitute for
13 committee substitute for House Bill 1577, a bill be
14 entitled an act relating to homeless youth.

15 PRESIDENT SIMPSON: Are there questions
16 on the House bill as presented by Senator Garcia?
17 Senator Garcia moves the rules be waived and the bill be
18 read a third time. Is there objection? Without
19 objection to the amendment, the motion adopted, and read
20 the bill a third time.

21 THE CLERK: Committee substitute for
22 committee substitute for House bill 1577, a bill to be
23 entitled an act relating to homeless youth.

24 PRESIDENT SIMPSON: Is there a debate?
25 Is there debate? Senator Garcia having waived her

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1 close, the question now occurs final passage. The clerk
2 will unlock the board. Senators will proceed to vote.
3 The clerk will now lock the board and announce the vote.

4 THE CLERK: 36 yeas, zero nays, Mr.
5 President.

6 PRESIDENT SIMPSON: Show the bill passes.
7 Senators, we've got a treat for you this afternoon.
8 It's my pleasure to recognize and welcome our Chief
9 Financial Officer. Please give a warm Senate welcome to
10 Jimmy Petronez.

11 Read the next bill.

12 THE CLERK: Senate Bill 1682, a bill to
13 be entitled an act relating to transportation facility
14 designations.

15 PRESIDENT SIMPSON: Senator Pizzo for the
16 38th, you're recognized to explain the bill.

17 SENATOR PIZZO: Thank you, Mr. President.
18 1682 designates a portion of AlA Collins Avenue from
19 87th Terrace to 88th Street in Miami-Dade County,
20 Specifically Surfside, to be designated as 98 Points of
21 Light Road.

22 PRESIDENT SIMPSON: Are there amendments?

23 THE CLERK: On the desk, Mr. President.

24 PRESIDENT SIMPSON: Read the first
25 amendment. Late filed amendment, Barcode 392960 by

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1 Senator Pizzo. Delete lines 10 to 16 and insert
2 amendment.

3 PRESIDENT SIMPSON: Senator Pizzo, you're
4 recognized on the amendment.

5 SENATOR PIZZO: Mr. President, we can
6 withdraw this amendment and we can take up the House
7 bill.

8 PRESIDENT SIMPSON: Without objection,
9 show the amendment withdrawn. Senator, would you
10 explain the differences, if any, of the House bill?

11 SENATOR PIZZO: We, after great
12 deliberation, we're deciding between Road and Way, and
13 we've gone with Way.

14 PRESIDENT SIMPSON: Very good.
15 Additional questions? Without a question, Senator Pizzo
16 moves that the House bill be substituted. Is there
17 objection? Without objection, the House bill is
18 substituted. Let's read the House bill.

19 THE CLERK: House Bill 1469, a bill to be
20 entitled an act relating to transportation facility
21 designations.

22 PRESIDENT SIMPSON: Are there amendments?

23 THE CLERK: None on the desk, Mr.
24 President.

25 PRESIDENT SIMPSON: Are there questions

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1 on the bill? Are there questions? Senator Pizzo moves
2 the rules be waived and the bill be read a third time by
3 title. Without objection, read the bill a third time.

4 THE CLERK: House Bill 1469, a bill to be
5 entitled an act relating to transportation facility
6 designations.

7 PRESIDENT SIMPSON: Is there debate? Is
8 there debate? Senator Pizzo, I wish to debate and I'm
9 up here. There is debate. Leader Book, you're
10 recognized from the 32nd.

11 SENATOR BOOK: Thank you, Mr. President.
12 And I just want to thank Senator Pizzo for all of the
13 hard work that he did in his community, along with
14 Senator Garcia and myself from the day that the collapse
15 occurred. You've been there every step of the way for
16 your constituents, for your community. At one point in
17 time, I thought Maggie and I and Senator Garcia were
18 going to have to restrain you from getting on top of the
19 pile to pull people and parts out. And the work that
20 you've done for those families that you continue to do
21 for those families each and every day, your community,
22 your state is lucky to have you representing them.

23 PRESIDENT SIMPSON: Additional senators
24 and debates, Leader Book, I would concur. Senators, I
25 happened to be in South Florida when -- when the tragedy

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1 occurred, and I didn't want to go. I did not want to
2 go. It's almost like going to a funeral where you don't
3 want to go. But I called Senator Pizzo. He said, Bean,
4 you got to come. Come, we'll wave you through. And for
5 anybody that saw it on TV or saw pictures, you have no
6 idea the magnitude of how large it was. I'm getting
7 goosebumps telling you about it because it was truly one
8 of the -- it was very sad. It was very sad.

9 And as Senator Book described, Leader
10 Book, we were all grateful, not just his district, but
11 all of Florida was truly blessed to have Senator Pizzo
12 on site. When I got there, he had organized. I thought
13 I was going to get in the way.

14 You know, as public officials, we try to
15 stay out of the rescue zone and letting our professional
16 firefighters and first responders do their thing. And I
17 didn't want to get in the way. And not only was he not
18 in the way, he was leading the way of comforting, of
19 welcoming, of organizing whatever they needed, he was
20 there. And there were truly, in the afternoon that we
21 were there, two bodies had been recovered and families
22 that wished to immediately take those, he negotiated
23 that release. There were officials there. It was --
24 I'm just grateful that you were, Senator Pizzo. If you
25 know that you spent ten days on site almost leading the

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1 way, I'm proud of you. I just wanted the world to know
2 that we were grateful to have you there.

3 So with that, you are recognized to close
4 on this bill.

5 SENATOR PIZZO: Thank you, Mr. President.
6 And thank you to many members here who called, who
7 texted, who showed up. Also this may be the only
8 opportunity. I'll do so when we hopefully successfully
9 pass Senator Bradley's SB 1702, which is a very good
10 bill, and I really appreciate your professionalism and
11 your friendship on this.

12 I want to just thank you guys. Most of
13 you reached out immediately to offer, you know, both
14 condolences and what you could do. I'm incredibly
15 appreciative. 2020 was a really hard year for all of us
16 because we're in the throes of the pandemic and I spent
17 a lot of time on unemployment up here. My kids had only
18 asked for a week with dad. So the first day of that
19 week that we took off, Maggie woke me up at four o'clock
20 in the morning to tell me the building had collapsed and
21 I needed to get home immediately, so they haven't gotten
22 that day.

23 But, if I may, this is the one
24 opportunity, if you'll indulge me just for one minute,
25 Mr. President. It's a road designation and I know some

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1 of you don't like to look into these and all that stuff,
2 but today, this is for the following. It's for Richard,
3 it's for Ingrid, it's for Z, Michael, Luis, Claudio,
4 Maria, Debra, Elena, Lewis, Cassie, Valeria, Maria,
5 Andrea, Graciela, Gino, Stella, Elena, Gary, Brad,
6 Magali, Nicole, Lorenzo, Christina, David, Bonnie,
7 Stacy, Mercedes, Sofia, Andreas, Andreas, Anastasia,
8 Edgar, Luma, Lucia, Marcus, Orisme, Catalina, Estelle,
9 Miguel, Frank, Nancy, Jay, Sofia, Andreas, Nicole,
10 Theresa, Lady, Angela, Julio and Benny. I appreciate
11 your support.

12 PRESIDENT SIMPSON: Senators, for what
13 purpose says Leader Book?

14 SENATOR BOOK: Thank you, Mr. President.
15 When Senator Pizzo and I went over to the House, when
16 the bill passed, the representative asked the board to
17 be open for everybody to support this piece of
18 legislation. I would ask that we do the same here.

19 PRESIDENT SIMPSON: Senator Book moves
20 the board be open to allow for co-sponsorship. Without
21 objection, the motion passes. The clerk will now open
22 the board for co-sponsorship of the bill. Clerk will
23 now lock the board and announce the vote.

24 THE CLERK: 39 co-sponsors, Mr.
25 President.

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1 PRESIDENT SIMPSON: The clerk will now
2 open the board and senators will proceed to vote. Clerk
3 will lock the board and announce the vote.

4 THE CLERK: 39 yeas, zero nays, Mr.
5 President.

6 THE CLERK: And show the bill passes.
7 Read the next bill. Senate Bill 390, a bill to be
8 entitled an act relating to restraint of students with
9 disabilities in public schools.

10 PRESIDENT SIMPSON: Senator of the 32nd,
11 Senator Book, you're recognized.

12 SENATOR BOOK: Thank you so much, Mr.
13 President. This bill furthers the important work done
14 by this body when we passed the Seclusion Restraint Bill
15 last session. Senate Bill 390 would prohibit the use of
16 mechanical restraints in public schools by school
17 personnel. Mechanical restraints are devices used to
18 restrict a person's movement, including handcuffs, zip
19 ties, straight jackets, and Velcro restraint vests.

20 Recognizing that sometimes emergencies do
21 occur, the bill still allows for safe, alternative
22 physical restraints if there is imminent risk of serious
23 injury to students or school personnel.

24 At the end of the day, this is about
25 keeping students safe and giving families peace of mind.

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1 Thank you so much, Mr. President.

2 PRESIDENT SIMPSON: Are there amendments?

3 THE CLERK: None on the desk, Mr.

4 President.

5 PRESIDENT SIMPSON: Senator, there's a

6 House bill and if you can explain the differences, we

7 will consider substituting. What say you to the

8 differences, Senator Book -- Leader Book?

9 SENATOR BOOK: Mr. President, they are
10 identical.

11 PRESIDENT SIMPSON: They are identical.

12 Leader Book moves the identical House bill to be

13 substituted. Is there objection? Without objection,

14 read the House bill.

15 THE CLERK: House Bill 235, a bill to be
16 entitled an act relating to restraint of students with
17 disabilities in public schools.

18 PRESIDENT SIMPSON: Are there questions
19 on the House bill? Leader Book moves the rules be
20 waived and the bill will be read a third time by title.
21 Is there objection? Without objection, the motion is
22 adopted. Read the bill a third time.

23 THE CLERK: House Bill 235, a bill to be
24 entitled an act relating to restraint of students with
25 disabilities in public schools.

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1 PRESIDENT SIMPSON: Is there a debate?

2 Is there a debate? Leader Book?

3 SENATOR BOOK: No. I am going to wait.

4 PRESIDENT SIMPSON: You're recognized to
5 close or you can give me the secret signal that we
6 proceed. She does. She gives me the secret signal.

7 Leader Book, having waived her close, the question now
8 occurs with a final passage. The clerk will now unlock
9 the board. Senators will proceed to vote. Clerk will
10 now lock the board and announce the vote.

11 THE CLERK: 38 yeas, zero nays, Mr.
12 President.

13 PRESIDENT SIMPSON: And the bill passes.
14 Senators, once again it is celebrity day in the Florida
15 Senate because we have a very special guest. When I was
16 a freshman some many years ago, the senate president at
17 that time -- of course he's now at the time too -- but
18 larger than life he is here today on this floor. Let's
19 give him a warm Senate welcome. Would you please
20 welcome President Don Gates.

21 President Gates, I just straightened up
22 your photograph just to make sure it's still looking
23 pretty good. Read the next bill.

24 THE CLERK: Committee substitute for
25 committee substitute for Senate Bill 398, a bill to be

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1 entitled an act relating to transportation projects.

2 PRESIDENT SIMPSON: Senator Hooper moves
3 that bill be temporarily postponed. Without objection,
4 show the bill postponed. Read the next bill.

5 THE CLERK: Committee substitute for
6 committee substitute for Senate Bill 654, a bill to be
7 entitled an act relating to protective injunctions.

8 PRESIDENT SIMPSON: The senator of the
9 18th, Senator Cruz, you're recognized to explain the
10 bill.

11 SENATOR CRUZ: Thank you, Mr. President.
12 This bill makes a simple change to the domestic violence
13 injunction or restricting order filing process which
14 could have a really huge impact on the safety of the
15 petitioner or the domestic violence survivor.

16 Senate Bill 654, believe it or not, Mr.
17 President, would allow the clerks of the court statewide
18 to transmit these important protective injunction
19 documents to the sheriff's office electronically rather
20 than through the mail. If you can believe it, that's
21 the way it's happening now. And they're going certified
22 copies, so you can imagine how many days that adds to
23 protecting someone or not being able to protect someone.
24 So by allowing these documents to be sent
25 electronically, we can shorten the timeline for

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1 defendants to be served with injunctions and increase
2 government efficiency. We all like that. And while
3 improving the safety of petitioners and especially the
4 domestic violence survivors. That is the bill, Mr.
5 President.

6 PRESIDENT SIMPSON: Are there amendments?

7 THE CLERK: None on the desk, Mr.
8 President.

9 PRESIDENT SIMPSON: Senator Cruz, there
10 is a companion bill waiting to be substituted. Can you
11 explain the differences, please?

12 SENATOR CRUZ: Thank you, Mr. President.
13 The difference in these bills, they are very similar.
14 The House bill speeds up the timeline for implementation
15 and our Senate Bill had required a work group and we've
16 eliminated that.

17 PRESIDENT SIMPSON: Senator Cruz moves
18 the House bill be substituted for the Senate Bill. Is
19 there objection? Without objection, the motion is
20 agreed to. Read the House bill.

21 THE CLERK: Committee substitute for
22 House Bill 905, a bill to be entitled an act relating to
23 protective injunctions.

24 PRESIDENT SIMPSON: Are there amendments?

25 THE CLERK: None on the desk, Mr.

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1 President.

2 PRESIDENT SIMPSON: Senator Cruz moves
3 rules be waived and the bill be read a third time by
4 title. Is there objection? Without objection, read the
5 bill a third time.

6 THE CLERK: Committee substitute for
7 House Bill 905, a bill to be entitled an act relating to
8 protective injunctions.

9 PRESIDENT SIMPSON: Is there debate? Is
10 there debate? Senator Cruz, you are recognized to close
11 on the bill.

12 SENATOR CRUZ: Thank you. Quickly, Mr.
13 President, I am very proud of this work. I want to
14 thank my clerk of the court, Cindy Stewart, who brought
15 this issue to me. I couldn't believe it and her
16 assistant Jenna worked it tirelessly. Also, need to
17 thank my staff, Jack Anderson and Devon Bletch, for
18 working with all parties involved to make this bill
19 happen. And Rep Federerhoff is here. We worked on this
20 together and I appreciate you very much. Thank you.
21 That is it.

22 PRESIDENT SIMPSON: Thank you so much.
23 Senator Cruz having closed with the bill, the question
24 occurs for final passage. The clerk will unlock the
25 board. Senators will proceed to vote. Clerk will lock

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1 the board. Announce the vote.

2 THE CLERK: 39 yeas, zero nays, Mr.

3 President.

4 PRESIDENT SIMPSON: Show the bill passes.

5 Read the next bill.

6 THE CLERK: Committee substitute for
7 committee substitute for committee substitute for Senate
8 Bill 876, a bill to be entitled an act relating to stunt
9 driving on highways.

10 PRESIDENT SIMPSON: Let's go to the
11 Senator of the 38th, Senator Pizzo you're recognized to
12 explain the bill.

13 SENATOR PIZZO: Thank you, Mr. President.
14 I'm actually going to run over to the House here. I'm
15 going to TP it and make sure that my House companion
16 gets passed.

17 PRESIDENT SIMPSON: Without objection,
18 show the bill TP'd. Read the next bill.

19 THE CLERK: Committee substitute for
20 Senate Bill 1452, a bill be entitled an act relating to
21 funding for sheriffs providing child protective
22 investigative services.

23 PRESIDENT SIMPSON: Let's go to the
24 Senate of the 35th Senator -- let's go to the Leader of
25 the 32nd and that is TP'd. Without objection, show that

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1 bill temporarily postponed. Read the next bill.

2 THE CLERK: Committee substitute for
3 committee substitute for Senate Bill 1536, a bill to be
4 entitled an act relating to money, services, businesses.

5 PRESIDENT SIMPSON: Senator Boyd, you are
6 recognized to explain the bill.

7 SENATOR BOYD: Thank you, Mr. President.
8 Senators, last year, the FBI informed the Office of
9 Financial Regulation it found the definitions for
10 "responsible person" and "control of money services
11 businesses" to be overly broad. They also stated they
12 would cease processing background checks unless this
13 definition was fixed. So we fixed it in Senate Bill
14 1536.

15 It repeals the definition of "responsible
16 person," proposing a new term, "control person," and
17 incorporating the new control person throughout the
18 chapter. That's the bill, Mr. President.

19 PRESIDENT SIMPSON: Are there amendments?

20 THE CLERK: None on the desk, Mr.
21 President.

22 PRESIDENT SIMPSON: Are there questions?
23 Senator Boyd, there's a companion bill. Please explain
24 the differences should you wish to substitute.

25 SENATOR BOYD: Thank you, Mr. President.

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1 We do wish to substitute. Very simple differences; it
2 revised -- the House version, revised the definition of
3 "control person" to narrow the scope, and it reinstated
4 the change of control application, so the bill now has
5 no physical impact.

6 PRESIDENT SIMPSON: Senator Boyd moves
7 the House bill be substituted to the Senate the bill.
8 Is there objection? Without objection, the motion is
9 agreed to. Read the House bill.

10 THE CLERK: Committee substitute for
11 committee substitute for House Bill 389, a bill to be
12 entitled an act relating to money services businesses.

13 PRESIDENT SIMPSON: Are there amendments?

14 THE CLERK: None on the desk, Mr.
15 President.

16 PRESIDENT SIMPSON: Are there questions?
17 Senator Boyd moves the bill be read a third time. Is
18 their objection? Without objection, read the bill a
19 third time.

20 THE CLERK: Committee substitute for
21 committee substitute for House Bill 389, a bill to be
22 entitled an act relating to money services businesses.

23 PRESIDENT SIMPSON: Debate? Is there
24 debate? Senator Boyd, you are recognized to close on
25 the bill. Senator Boyd, having waived his close, the

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1 question occurs. The clerk will unlock the board, and
2 senators will proceed to vote. Have all senators voted?
3 The clerk will now lock the board and announce the vote.

4 THE CLERK: 38 yeas, zero nays, Mr.
5 President.

6 PRESIDENT SIMPSON: Show the bill passes
7 and read the next bill.

8 THE CLERK: Committee substitute for
9 committee substitute for Senate Bill 1556, a bill to be
10 entitled an act relating to golf course best management
11 practices certification.

12 PRESIDENT SIMPSON: Let's go back to the
13 23rd District, where Senator Gruters is standing by to
14 explain the bill. He is recognized.

15 SENATOR GRUTERS: Thank you, Mr.
16 President. This bill clarifies that this voluntary best
17 management certification program will be administered by
18 the UF/IFAS Turf Grass Science Program. This program is
19 designed to ensure that golf course superintendents are
20 using the most up to date scientific environmental
21 standards in the care of their courses, and protection
22 of the water and soil in their communities. That is the
23 bill, Mr. President.

24 PRESIDENT SIMPSON: Are there amendments?

25 THE CLERK: None on the desk, Mr.

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1 President.

2 PRESIDENT SIMPSON: Senator Gruters,
3 there is a golfing partner known as the House Companion
4 Bill. Please explain the differences should you wish to
5 substitute.

6 SENATOR GRUTERS: Thank you, Mr.
7 President. The bills are the same, so we'll substitute.

8 PRESIDENT SIMPSON: The bills are
9 identical. Is there objection to substituting the
10 identical House bill in lieu of the Senate Bill? Is
11 there objection? Without objection, motion is agreed
12 to. Read the House bill.

13 THE CLERK: Committee substitute for
14 committee substitute for committee substitute for House
15 Bill 967, a bill to be entitled an act relating to golf
16 course best management practices certification.

17 PRESIDENT SIMPSON: Are there amendments?

18 THE CLERK: None the desk, Mr. President.

19 PRESIDENT SIMPSON: Are there questions?
20 Senator Gruters moves the rules be waived and the bill
21 be read a third time by title. Is there objection?
22 Without objection, the motion is agreed to. Read the
23 bill a third time.

24 THE CLERK: Committee substitute for
25 committee substitute for committee substitute for House

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1 Bill 967, a bill to be entitled an act relating to golf
2 course best management practices certification.

3 PRESIDENT SIMPSON: Is there debate?
4 Senator Gruters, having waived his close, the question
5 occurs for final passage. The Clerk will unlock the
6 board. Senators will proceed to votes. Clerk, please
7 lock the board and announce the vote.

8 THE CLERK: 38 yeas, zero nays, Mr.
9 President.

10 PRESIDENT SIMPSON: Show the bill passes.
11 Read the next bill.

12 THE CLERK: Committee substitute for
13 committee substitute for committee substitute for Senate
14 Bill 1024, a bill to be entitled an act relating to
15 renewable energy generation.

16 PRESIDENT SIMPSON: The Senator of the
17 5th District, Senator Bradley, you are recognized to
18 explain the bill.

19 SENATOR BRADLEY: Thank you, Mr.
20 President. Senate Bill 1024 allows us to make revisions
21 to the state's net metering program. It allows
22 industries time to shift their business model away from
23 one based on a subsidy. And after a glide path, the
24 state will have no subsidy from our non-solar rooftop
25 customers to our solar customers.

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1 And specifically, I want to just step
2 through some of the specifics on the bill, because I
3 know it's one that has drawn some interest.
4 Specifically, the bill will direct the PSC to adopt
5 rules by January 1, 2024, and it will then have a seven
6 year step down from our current full retail rate that is
7 currently paid to our solar households. During calendar
8 year '24-'25, the excess energy at the end of a billing
9 cycle will be credited to the next month's billing cycle
10 at 75 percent. Energy usage in 2026 is offset by 60
11 percent, and in '27 to '28, energy usage is offset by 50
12 percent of the amount credited. This is a gradual
13 reduction in the retail credit rate, and it will help
14 provide certainty to the system.

15 A couple of important things to note.
16 One, the glide path does not begin until 2024. So until
17 then, there are no changes to the status quo. The
18 second is the grandfather provision, and that provides
19 that everyone with an interconnection agreement by
20 12/31/23 will be grandfathered under current terms. And
21 anyone who comes online during the glide path will also
22 be grandfathered in for 20 years under the terms in
23 effect at the time. And that is a difference from the
24 Senate bill as it passed out of its last committee.

25 The bill also provides that a utility may

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1 petition the PSC for fees or charges to ensure recovery
2 of fixed costs, but none are mandated. The PSC is
3 directed to have new rules in place at the end of the
4 glide path by January 1, 2029. And a few important
5 points about this rulemaking. The rule must ensure that
6 the net metering customer pays the full cost of the
7 electric service and may not be subsidized by the
8 general body of ratepayers. The bill includes a
9 provision that if at any time the penetration rate for
10 utility service territory exceeds 6 1/2 percent, then
11 the PSC must initiate rulemaking that interrupts the
12 glide path, and rulemaking must then begin.

13 And lastly, the bill provides that if a
14 public utility wishes to offer terms more favorable than
15 those contained herein, they may petition the PSC to do
16 so. And Mr. President, I have just described the House
17 bill that I wish to substitute.

18 PRESIDENT SIMPSON: Senator Bradley has
19 described the differences of the House bill and moves to
20 substitute the House bill. Is there objection? Any
21 objection? Without objection, the motion is agreed to.
22 Read the House bill.

23 THE CLERK: Committee substitute for
24 committee substitute for House Bill 741, a bill to be
25 entitled an act relating to net metering.

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1 PRESIDENT SIMPSON: Are there amendments?

2 THE CLERK: On the desk, Mr. President.

3 PRESIDENT SIMPSON: Read the first
4 amendment.

5 THE CLERK: Amendment barcode 967140 by
6 Senator Farmer, delete lines 23 to 166 and insert
7 amendments.

8 PRESIDENT SIMPSON: Senator Farmer, you
9 are -- Leader Farmer, you are recognized on the Farmer
10 amendment.

11 SENATOR FARMER: Thank you, Mr.
12 President. This amendment will direct the Florida
13 Public Service Commission to work with the Office of
14 Energy inside the Florida Department of Agriculture and
15 Consumer Services, the United States Department of
16 Energy, and the Florida Solar Energy Center to produce a
17 report that identifies all of the fixed costs associated
18 with serving utility customers that have rooftop solar
19 panels.

20 The report will also consider the
21 holistic value of solar panels, including the economic,
22 environmental, resilience, efficiency, technical and
23 social aspects in ensuring that ratepayers do not
24 subsidize customer owned or leased renewable generation.

25 That is the amendment, Mr. President.

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1 PRESIDENT SIMPSON: Are there questions
2 on the Farmer amendment? Questions? Questions?
3 Senator Rouson from the 19th, you're recognized for a
4 question.

5 SENATOR ROUSON: Thank you very much, Mr.
6 President. What do you mean by taking into account or
7 issuing a report on the social aspects?

8 PRESIDENT SIMPSON: Leader Farmer?

9 SENATOR FARMER: Thank you, Mr.
10 President. Yeah, thank you for that question, Senator
11 Rouson. If you recall, we had the situation involving
12 the Archer, Florida community, where what we found in
13 Archer was really emblematic of the issue, where
14 oftentimes some of these renewable energy facilities are
15 rather large, they're somewhat unsightly, and they tend
16 to be located in less affluent communities and often in
17 communities of color. And so that is why we have the
18 language of the social aspects in this amendment.

19 PRESIDENT SIMPSON: We're in questions,
20 additional questions of Leader Farmer and the Farmer
21 amendment? Questions? Debate? Is there debate? We
22 are in debate of the Farmer amendment. Debate? Senator
23 Bradley, you're recognized in debate.

24 SENATOR BRADLEY: Thank you, Mr.
25 President. And thank you, Senator Farmer, for this

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1 amendment. I share your desire to make sure that each
2 utility has an opportunity to prove up the costs and
3 benefits associated with solar energy. That is provided
4 in the bill after the glide path. It will go to the PSC
5 for a full vetting for the costs and the benefits. And
6 so at this time, I'd consider it unfriendly and I
7 believe we will do substantially what you propose.

8 PRESIDENT SIMPSON: Leader Farmer, to
9 close on the Farmer Amendment.

10 SENATOR FARMER: Thank you, Mr.
11 President. Yeah. You know, the crux of this issue has
12 been this dispute over what are the real costs? Is
13 there a subsidy involved? We've all been spoken to, I
14 think, probably multiple times on this bill. There is a
15 very divergent set of opinions here as to whether those
16 cost factors exist. One paper calls it the "myth of a
17 solar cost shift." And there simply isn't any reliable
18 data out there that will really close that issue for us.
19 So this amendment would examine this and help figure out
20 precisely what the subsidization costs are when
21 considering total value of distributed solar.

22 And so let's just make sure we get it
23 right, folks. Before we're going to negatively impact
24 our generation of solar powered activity, let's find out
25 exactly what the costs are associated with that, so that

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1 ratepayers don't unnecessarily pay something they
2 shouldn't have to pay. So I'd ask you to please support
3 this amendment.

4 PRESIDENT SIMPSON: Leader Farmer, having
5 closed the question occurs on the Farmer Amendment. All
6 those senators in favor of the Farmer Amendment, please
7 signify by saying yea. Opposed, say nay. The motion is
8 not agreed to and the amendment is not adopted. Read
9 the next amendment.

10 THE CLERK: Amendment Bar Code 541830 by
11 Senator Brandes. Delete lines 36 to 59 and insert
12 amendment.

13 PRESIDENT SIMPSON: Senator Brandes,
14 you're recognized on the Brandes One Amendment.

15 SENATOR BRANDES: Thank you, Mr.
16 President. The amendment states that public utility
17 customers owning or leasing renewable energy generation
18 pay a reasonable cost or electric services and are not
19 subsidized by other ratepayers. It also states that all
20 energy delivered by the customer owned or leased
21 renewable generation to the public is credited to the
22 customer at a 75 percent of the retail rate. That is a
23 reasonable compromise and I think the right plan for
24 Florida.

25 PRESIDENT SIMPSON: Are there questions

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1 of Senator Brandes on the Brandes One Amendment? Are
2 there questions? There is. It's the Senator of the
3 31st District, Senator Berman, you're recognized for a
4 question.

5 SENATOR BERMAN: Thank you, Mr.
6 President. And I do want to ask you, and I want to
7 understand your first point. So you make a statement in
8 here that public utility customers pay reasonable rate
9 costs. And I just want to know what is the evidence for
10 that statement?

11 PRESIDENT SIMPSON: Senator Brandes?

12 SENATOR BRANDES: Thank you. We're just
13 saying that they should pay a reasonable cost and that
14 the PSC should determine what that reasonable cost is.
15 So we're allowing that PSC to determine the
16 reasonableness of what they're paying. So that's the
17 key. It leaves it up to the PSC to make that decision.

18 PRESIDENT SIMPSON: Senator Berman has
19 concluded questions. Additional questions for Senator
20 Brandes? Additional questions? We are in debate. Is
21 there debate on the Brandes One Amendment? Is there
22 debate? Senator Bradley, you're recognized in debate.

23 SENATOR BRADLEY: Thank you, Mr.
24 President. And thank you, Senator Brandes, for this
25 amendment. I would disagree with the premise of the

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1 amendment. I would suggest that a reasonable rate is
2 one that does not include a cost shift and a subsidy,
3 and that's the goal of the bill is to get to that point.
4 And so I would have to say that it's an unfriendly
5 amendment and would ask you to vote it down.

6 PRESIDENT SIMPSON: Senator Brandes,
7 you're recognized the close on the Brandes One
8 Amendment.

9 SENATOR BRANDES: Thank you. And I would
10 just reply to Senator Bradley that if we had studied
11 this, we would know what was reasonable and what was
12 unreasonable. Unfortunately, the state did not study
13 it. In fact, the PSC hasn't looked at this at all. In
14 fact, there's no evidence to suggest what is reasonable
15 and what is unreasonable. We're just arbitrarily
16 throwing numbers out in this piece of legislation.

17 This seeks to not just arbitrarily throw
18 numbers out, but to simply say that people should be
19 charged a reasonable rate and people should get paid a
20 reasonable rate, and that the PSC is the person and the
21 group that should determine the reasonableness of that
22 rate. Not the legislature, who has no knowledge, not
23 studied it, not looked at it.

24 If you and I were on any company board
25 and they brought this to us and they said, well, we're

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1 going to make this major policy change, we would say,
2 great, send it off to be studied, and then bring it back
3 to the board. What is this board doing? It's just
4 picking a random number. Totally arbitrary, totally
5 capricious, no basis in fact. Why? Because we can. Is
6 it the responsible thing to do? No. Would we be all
7 checking our D&O coverage if we were on a regular board
8 to make sure we were going to make this decision?
9 Absolutely. We would be going, hey, look, we need to
10 make sure we have full coverage on our D&O policy,
11 because we're about to make a wild decision.

12 At the end of the day, we have a PSC. We
13 either trust that PSC to make decisions, or we believe
14 that they're full of utility hacks. One of those two
15 can't -- you know, it has to be one of the two. So
16 let's make a decision to charge a reasonable rate and
17 let the PSC determine what is a reasonable rate. That's
18 what this amendment does.

19 PRESIDENT SIMPSON: Senator Brandes,
20 having closed on the Brandes One Amendment, the question
21 now occurs. All those Senators in favor of the Brandes
22 One Amendment, please signify by saying yea. Opposed,
23 say nay. The motion is not agreed to and the amendment
24 is not adopted. Read the next amendment.

25 THE CLERK: Amendment Barcode 972756 by

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1 Senator Brandes. Between lines 166 and 167 insert
2 amendment.

3 PRESIDENT SIMPSON: Senator Brandes,
4 you're recognized on the Brandes Two Amendment.

5 SENATOR BRANDES: Thank you, Mr.
6 President. This amendment just simply makes it
7 explicitly clear that a utility customers have the right
8 and the ability to disconnect from the grid. That is
9 all the amendment does. It just says, utility customers
10 shall have the right to disconnect from the grid.

11 If we believe in renewable energy, we
12 believe in battery power, then customers should have the
13 right, if they choose, to disconnect from the grid. It
14 also says that you can't include that number in the
15 overall departing load. That's the grid. That's the
16 amendment.

17 PRESIDENT SIMPSON: Senators we're in
18 questions. Are there questions of Senator Brandes on
19 the Brandes Two Amendment? Are there questions?
20 Debate? Is there debate? There is debate. Senator
21 Berman, followed by Leader Farmer. Senator Berman of
22 the 31st, you're recognized in debate.

23 SENATOR BERMAN: Thank you, Mr.
24 President. I think this is a great amendment. I'm a
25 strong believer in renewable energy, and I think that if

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1 somebody has a battery power and renewable energy and
2 they want to get off the grid, they should be allowed
3 to. And I don't see any reason why we wouldn't allow
4 that when we want to have a free market in this state.
5 Thank you.

6 PRESIDENT SIMPSON: Leader Farmer in
7 debate.

8 SENATOR FARMER: Yeah, I'll just echo the
9 comments by my friend and colleague, Senator Berman.
10 This would be like up in North Carolina, we have our own
11 wells that bring up the water for the house. And it'd
12 be like if you had your own well and you were bringing
13 water in, but then you had to give some of that water to
14 the city or county. It makes no sense. You're doing
15 something for the betterment of yourself, betterment of
16 the environment, in this case, for all of us. We should
17 be encouraging more solar use.

18 And so I think this is a great amendment
19 and I'd urge you to support it.

20 PRESIDENT SIMPSON: In debate.
21 Additional senators in debate of the Brandes Two
22 Amendment? Senator Bradley in debate.

23 SENATOR BRADLEY: Thank you, Mr.
24 President. There is currently no state law that
25 requires a customer to connect to the grid. So I'd

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1 suggest that this is unnecessary at this time and
2 unfriendly.

3 PRESIDENT SIMPSON: Senator Brandes,
4 you're recognized to close on the Brandes Two Amendment.

5 SENATOR BRANDES: Thank you, Mr.
6 President. There is one thing to have no state law on
7 it, and there's another thing to make it explicitly
8 clear that you're allowed to do it. This simply makes
9 it explicitly clear that somebody who lives in a house
10 doesn't have to connect to the grid if they choose not
11 to.

12 It's one thing to have a monopoly on a
13 service. It's another thing to force you to purchase
14 from that monopoly. If you choose not to purchase from
15 that monopoly, at least as it relates to energy, you
16 don't have that choice. Now, we can say, well, it
17 doesn't say. It's amorphous. But go ahead and try to
18 disconnect your house from the grid and see what
19 happens. See who comes. Are you still going to have to
20 pay a utility charge? Potentially. Let's be explicitly
21 clear that you have the right, as a Floridian, if you
22 choose to do it yourself, to put solar panels on your
23 roof, to put batteries in your garage, and to disconnect
24 100 percent from the grid if you should choose. That
25 should be the right policy for the state. That should

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1 be something that you all can support very easily.

2 PRESIDENT SIMPSON: Senator Brandes
3 having closed on the Brandes Two Amendment, the question
4 now occurs before you. Senators, if you are in favor of
5 the Brandes Two Amendment, please signify by saying yea.
6 Opposed, say nay. The motion is not agreed to and the
7 amendment is not adopted. Read the next amendment.

8 THE CLERK: None on the desk, Mr.
9 President.

10 PRESIDENT SIMPSON: Are there questions
11 on the bill? Are there questions on the bill? Senator
12 Jones, you're recognized in questions for a question.

13 SENATOR JONES: Thank you so much, Mr.
14 President. And thank you so much, Chair Bradley, for
15 the conversation that we had earlier today. I just
16 wanted to get some clarity on some things. I've never
17 seen this bill, so this is the first time I'm going
18 through it. And so there have been quite a few op eds
19 and things that have come out looking at net metering.
20 And so one of the things that some of the opponents are
21 saying is talking about saying that there's no evidence
22 that suggests that such a subsidy exists or is burdening
23 on non-solar customers. Can you speak to that?

24 PRESIDENT SIMPSON: Senator Bradley.

25 SENATOR BRADLEY: Thank you, Mr.

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1 President. And thank you for that question. Let's just
2 preface the response with when we get to through the
3 process, there's going to be no change. There will be a
4 full study on exactly what that cost shift is. But let
5 me just talk about the cost shift a little bit more
6 broadly so that you can understand what I'm describing.

7 So right now, our utility companies have
8 a mandate to provide power to all their customers,
9 rooftop customers -- customers with rooftop solar and
10 non-rooftop solar customers. And they have to provide
11 that at all times and have to provide even a buffer on
12 that to make sure, in case there's a period of peak
13 demand, they can't -- they don't have the option to do
14 that. And then in addition to that, there's two things
15 that happen. They have a mandate to purchase back all
16 excess energy that's produced by the rooftop customer.
17 And the mandate requires that they purchase it at the
18 full retail rate. And that is a much higher rate. It's
19 a much higher rate than the utility will purchase from
20 any other provider.

21 And so you end up with this increased
22 cost in the system that raises costs for everyone and
23 those costs get shifted to the non-solar household. So
24 that's the cost shift that we're talking about. And
25 that gets spread across all rate payers.

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1 PRESIDENT SIMPSON: Follow up? Senator
2 Jones?

3 SENATOR JONES: Thank you so much, Mr.
4 President. And thank you for explaining the cost shift.
5 And so that cost shift, is there a miscommunication of
6 that cost shift where some of the opponents are speaking
7 of individuals, say, like in my district or community
8 are paying for other people's utilities? Is that what
9 they're saying?

10 PRESIDENT SIMPSON: Senator Bradley?

11 SENATOR BRADLEY: Thank you, Mr.
12 President. And yes, that's exactly right. So the solar
13 -- that cost isn't shifted onto the solar. Those extra
14 costs are shifted onto the non-solar households and they
15 are only absorbed by those households.

16 PRESIDENT SIMPSON: Senator Jones?

17 SENATOR JONES: Thank you so much, Mr.
18 President. And thank you for clarifying that, Chair
19 Bradley. One of the other things that has been said,
20 that people are saying that ending the cost saving
21 incentives will make solar an option only for wealthy
22 people. Can you share with us? Because based on what
23 you just made mention of, I don't see that. But many
24 people believe that it makes it only available to the
25 wealthy to be able to get solar. Is that fact?

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1 PRESIDENT SIMPSON: Senator Bradley?

2 SENATOR BRADLEY: Thank you, Mr.

3 President. And I think we just touched on the first
4 aspect with regard to low income Floridians, and that
5 is, right now the cost shift and the increase in their
6 bill as a result of this policy is very small. But if
7 we look into the future, it's going to continue to go
8 up. We can see what's happened in other states. And so
9 for our poor, low income community, they are shouldering
10 that burden, and that burden will grow.

11 With regard to your question about
12 whether low income will be able to finance solar in the
13 future, we're going to have a seven year glide path.
14 Costs have continued to come down in solar, and
15 technology has continued to advance. And at the end of
16 that glide path, it really will be a financial decision
17 on behalf of Floridians, and it will be based on a non-
18 subsidized rate.

19 And so I know now I hear stories and a
20 lot of advocates where we want to put very expensive
21 rooftop solar systems, and they can be \$30,000, on top
22 of a home, and the individual is earning maybe less than
23 \$50,000. And that's going to be a financial decision
24 that has to be made by that household. It will require
25 long financing. And the reason that financing becomes

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1 difficult in Florida is because we already have such low
2 electric rates. In other states where we have high
3 electric rates, the delta is easier to make it more
4 affordable. But in Florida, where we have some of the
5 lowest rates in the country, that becomes more
6 difficult. The financial equation becomes more
7 difficult.

8 PRESIDENT SIMPSON: Senator Jones?

9 SENATOR JONES: Thank you so much, Mr.
10 President. And thank you, Chair Bradley. So to talk
11 about the glide path. So if I'm someone who currently
12 now has solar on my roof, in my house, and paying on the
13 loan that you're making mention of, you're saying that
14 once we pass this, with that 20 year glide path, that
15 means I can continue to keep my rate that I have for 20
16 years prior to any changes happening, correct?

17 PRESIDENT SIMPSON: Senator Bradley?

18 SENATOR BRADLEY: Thank you, Mr.
19 President. That's absolutely correct. If you have
20 solar now or you adopt solar before December 31, 2023,
21 no change to the status quo. And people who come on
22 board and adopt during the glide path, they also are
23 grandfathered in for 20 years at the rate at which they
24 enter the glide path.

25 PRESIDENT SIMPSON: Senator Jones?

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1 SENATOR JONES: Thank you so much, Mr.
2 President. Just a few more questions, Chair Bradley. I
3 know many in the low income community -- well, let me go
4 back. Let me go to another question, because we already
5 spoke about as far as low income families.

6 So I know that over the years, as we look
7 at these new initiatives and something like net
8 metering, I know other states have done this. Other
9 states have gone in this direction that we're in right
10 now. And I know that we do a lot through OPPAGA looking
11 at data and studies on any major changes. So has the
12 Public Service Commission conducted any research on the
13 cost shift? Have they made any recommendations that
14 they can or will bring back to us to show the
15 effectiveness of this?

16 PRESIDENT SIMPSON: Senator Bradley?

17 SENATOR BRADLEY: Thank you, Mr.
18 President. And the Public Service Commission has
19 workshopped the issue. They've gotten comment and
20 feedback from the utilities. And a full study at the
21 end of this glide path will have to be -- all the data
22 will have to be -- each utility will go and present
23 their costs, their revenues. Everything will have to be
24 trued up. And if ultimately, at that point it shows
25 that it's a de minimis, then there's not going to be a

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1 disruption to the system.

2 PRESIDENT SIMPSON: Senator Jones?

3 SENATOR JONES: Thank you so much, Mr.

4 President. And thank you for your indulgence, Mr.

5 President, and for your responses, Chair Bradley.

6 My last question is, I went back

7 yesterday, or day before yesterday, actually, to look at

8 some of the testimony from those who are in the solar

9 installation company, who have solar installation

10 companies. Excuse me. And there's this fear that many

11 of them believe that they will go out of business. I

12 think one gentleman was speaking yesterday and spoke

13 about that as soon as this bill passed that they will go

14 out of business. Is their concern valid? That's the

15 first one.

16 And if not, what assurances can we give

17 to those people who have that fear of them going out of

18 business that that's not the case?

19 PRESIDENT SIMPSON: Senator Bradley?

20 SENATOR BRADLEY: Thank you, Mr.

21 President. And thank you for that question, because

22 that's a very -- very important question. And what I

23 can tell you is that in other states, and we are not the

24 only state, we do not stand alone in seeking to revise

25 our net metering system. There are a lot of other

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1 states that are looking at revising their system. And
2 other states that have undertaken such revision have not
3 seen a significant decrease in growth of solar. They
4 have not seen significant job loss.

5 I know that Nevada is a state that is
6 often cited as one in which the state had to go back a
7 couple of years after the revision went into place and
8 fix it. There wasn't a glide path. The revision that
9 they put in place was very abrupt. And I don't even
10 believe there was a grandfather provision, but don't
11 hold me to that. But it was very severe. It was a very
12 abrupt change and it looked nothing like this.

13 Other states, actually, that have done
14 more severe changes than we have, their industry has
15 continued to be fine. They have not seen those
16 significant job losses.

17 I think this is one of those problems
18 where we can see it coming. And the earlier we fix it,
19 the more thoughtfully we can address it. If we wait
20 down the road and then we have to make it, then we don't
21 have the luxury of having this long glide path and this
22 grandfather and really working to just smooth the system
23 to one of no subsidy.

24 PRESIDENT SIMPSON: Senator Jones?

25 SENATOR JONES: Thank you so much, Mr.

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1 President. And my last question, I'm actually happy you
2 ended on that. And that is, if we do nothing, if we do
3 nothing at all, knowing the advancing of technology and
4 how things are going, what happens?

5 PRESIDENT SIMPSON: Senator Bradley?

6 SENATOR BRADLEY: Thank you, Mr.

7 President. I think that if nothing happens, as solar
8 continues to grow, our non-solar households continue to
9 shoulder the burden, continue to subsidize their solar
10 neighbors, I think we can look at California. Now, I'm
11 not going to suggest that our energy policy is identical
12 to California, but a net metering is net metering. It's
13 net metering in Florida and it's net metering in
14 California. And California net metering is failing and
15 it creates grid instability. This is an issue we want
16 to get ahead of. We don't want to look up when we have
17 serious issues and we don't have the ability to put in
18 place such a long glide path and really work with the
19 industry.

20 PRESIDENT SIMPSON: Senator Jones has
21 concluded questions. We're in questions. The bill
22 deals with net metering and renewable energy generation.
23 We're taking questions. Senator Bradley is the sponsor.
24 But let's go to the Senator of the 24th, Senator
25 Brandes, you're recognized for a question.

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1 SENATOR BRANDES: Thank you. So we've
2 made the determination that no studies have been done on
3 this issue in the state of Florida, correct?

4 PRESIDENT SIMPSON: Senator Bradley?

5 SENATOR BRADLEY: Thank you, Mr.
6 President. There has not been a formal study completed
7 by the PSC.

8 PRESIDENT SIMPSON: Senator Brandes?

9 SENATOR BRANDES: And outside of utility
10 industry insiders, have we spoken to any national
11 experts about this policy?

12 PRESIDENT SIMPSON: Senator Bradley?

13 SENATOR BRADLEY: Thank you, Mr.
14 President. The system that we're talking about, the
15 system that you're looking to be studied, was
16 intentionally set up with a subsidy. The program was
17 set up in 2008 for the express purpose of paying above
18 market full retail for the excess energy. The subsidy
19 is built in quite intentionally. So there is a cost
20 shift and we know it's coming. It exists now. And
21 after we get through the glide path and put and give
22 industry notice and time, that study and that data will
23 be presented to the PSC for them to do what is their
24 province.

25 PRESIDENT SIMPSON: Senator Brandes?

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1 SENATOR BRANDES: So outside of utility
2 insiders, have we spoken to any national experts on this
3 topic that have seen multiple states go through this and
4 have made a recommendation? Can we name any of the
5 national experts we've spoken to?

6 PRESIDENT SIMPSON: Senator Bradley?

7 SENATOR BRADLEY: Thank you, Mr.
8 President. We have spoken and I have spoken with so
9 many different solar industry folks and different
10 utilities and the PSC. I can't name for you a specific
11 national trade group. But we've had a lot of discussion
12 about the impact of this bill. Discussion has not been
13 lacking.

14 PRESIDENT SIMPSON: Senator Brandes?

15 SENATOR BRANDES: And what was the
16 scientific method we used to come up with the 75 and 50
17 percent number?

18 PRESIDENT SIMPSON: Senator Bradley?

19 SENATOR BRADLEY: Thank you, Mr.
20 President. The 75 percent was probably one much like
21 was contained in your amendment. And it was a -- it was
22 a thoughtful way to step down with having some minimal
23 impact in order to get to the study at the end, in order
24 to get to the PSC and put industry on notice.

25 PRESIDENT SIMPSON: Senator Brandes?

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1 SENATOR BRANDES: So why not do the study
2 first? I mean, if we're concerned about the timeline of
3 this and the growth of this, why not do the study next
4 year and then come back and actually do the bill based
5 on the study? Why wait till the glide path is exhausted
6 or implemented before we do the study?

7 PRESIDENT SIMPSON: Senator Bradley?

8 SENATOR BRADLEY: Thank you, Mr.
9 President. Because the cost shift is here now. It's
10 already affecting Floridians and we are putting industry
11 on notice so that they can start transitioning and
12 working their business model to a no subsidy and it will
13 all be studied at the PSC by each utility.

14 PRESIDENT SIMPSON: Senator Brandes?

15 SENATOR BRANDES: Then why not start the
16 study this year?

17 PRESIDENT SIMPSON: Senator Bradley?

18 SENATOR BRADLEY: Thank you, Mr.
19 President. Because we already know that there's a cost
20 shift and it's time to transition to a no subsidy
21 system.

22 PRESIDENT SIMPSON: Senator Brandes?

23 SENATOR BRANDES: I don't think anybody
24 disagrees that we shouldn't subsidize individuals who
25 are sometimes spending 20- or \$30,000 putting solar on

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1 the top of their roof. But I also think that people
2 would expect us to do a study on the front end versus
3 the back end. So why not just do the study now,
4 determine what the correct numbers may be versus the
5 process by we've set up today?

6 PRESIDENT SIMPSON: Senator Bradley?

7 SENATOR BRADLEY: Thank you, Mr.

8 President. And I'm not sure there's another way I can
9 answer. I think that we know that there's a cost shift.
10 We've seen it in other states, we know it's in Florida.
11 And we're going to work immediately to transition and
12 give industry some flexibility. And before any changes,
13 final changes are made, it will all be trued up and
14 studied at the PSC.

15 PRESIDENT SIMPSON: Senator Brandes?

16 Senator Brandes having concluded his questions, are
17 there additional questions? Are there additional
18 questions? Leader Gibson from the 6th, you're
19 recognized for a question.

20 SENATOR GIBSON: Thank you, Mr.

21 President. And I missed some of the questions and I
22 hope I don't repeat. So there is concern about minority
23 communities and costs, I guess, and costs, them picking
24 up the cost for solar users and also whether or not
25 there is an opportunity for all lower income communities

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1 to be able to transition, if they wanted to, to solar.
2 How is that addressed -- is that addressed in the bill,
3 and is there something that the PSC can study or collect
4 data on going forward on those particular issues?

5 PRESIDENT SIMPSON: Senator Bradley?

6 SENATOR BRADLEY: Thank you, Mr.
7 President. And thank you, Senator Gibson, for that
8 question. And I think you've come at it in two
9 different ways. To your first point, about whether or
10 not low income communities are bearing a subsidy,
11 bearing a cost shift and a burden for the decisions of
12 their neighbors to have rooftop solar, and the answer
13 is, yes. And that's the goal of the bill. The goal of
14 the bill is to, after a glide path and a study, to get
15 to a point under our Florida's net metering system where
16 there is no subsidy, where there is no cost shift, and
17 that will be the same for all non-solar households. But
18 I do believe that it falls disproportionately on our low
19 income. That cost shift falls disproportionately on our
20 low income communities.

21 To your second point is, I think you were
22 talking about the ability of low income Floridians to be
23 able to adopt solar. And at the end of the glide
24 path -- now, this is -- we've put the study at the end
25 of the glide path. Technology is changing so rapidly

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1 and costs are still coming down. At the end of the
2 glide path, that will be a financial decision that low
3 income households are going to have to make. The costs
4 will probably be down for solar. They'll have a new
5 rulemaking. And then at that point, all non-solar
6 Floridians will have a decision to make whether or not
7 they want to adopt solar. And it will -- it will be
8 a -- you know, solar is not cheap. The systems can cost
9 \$30,000. And if someone is only making is making
10 \$50,000, that's a decision that, you know, it's a
11 financial decision for every household.

12 PRESIDENT SIMPSON: Leader Gibson for a
13 question?

14 SENATOR GIBSON: Thank you, Mr.
15 President. Are there any, I guess, utility subsidies or
16 some other type of considerations that can be made for
17 low income communities to not have a burden to carry
18 because of solar usage that they don't have an
19 opportunity to get access because of cost?

20 PRESIDENT SIMPSON: Senator Bradley?

21 SENATOR BRADLEY: Thank you, Mr.
22 President. This bill doesn't contemplate any separate
23 program for low income Floridians. I think that in
24 seven years, we will have a different state of
25 technology. I think that everybody -- I know that I

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1 support a solar industry that is vibrant and growing and
2 it's clean energy, but we will --

3 PRESIDENT SIMPSON: Additional questions?

4 That's okay. Leader Gibson, I, too thought -- I didn't
5 know if the answer was done. You're done with that?

6 SENATOR BRADLEY: -- to your question.

7 PRESIDENT SIMPSON: Leader Gibson, for a
8 question, to repeat the one she didn't hear.

9 SENATOR GIBSON: So at the end, I heard,
10 just heard. We will, and then "we will." I wasn't sure
11 what came before that the answer was.

12 PRESIDENT SIMPSON: Senator Bradley,
13 you're recognized.

14 SENATOR BRADLEY: Thank you, Mr.
15 President. I'm sorry I wasn't clear. For the low
16 income, there is nothing designated in this bill. At
17 the end of the glide path, we will study what the rates
18 are. The financial realities will be determined then.

19 PRESIDENT SIMPSON: Leader Gibson?

20 SENATOR GIBSON: Thank you, Mr.
21 President. Is there anything interim, though, that the
22 PSC itself can do without legislation to start to
23 collect data, something?

24 PRESIDENT SIMPSON: Senator Bradley?

25 SENATOR BRADLEY: Thank you, Mr.

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1 President. Can you expound on what type of data you're
2 speaking about?

3 PRESIDENT SIMPSON: Leader Gibson?

4 SENATOR GIBSON: The average costs, I
5 guess, that is being paid additionally by lower income
6 communities?

7 PRESIDENT SIMPSON: Senator Bradley?

8 SENATOR BRADLEY: Thank you, Mr.

9 President. And the PSC workshopped this issue in 2020
10 and there is quite a bit of materials that I'm happy to
11 provide to you. Right now, the solar penetration in
12 Florida is about 1 percent. That doesn't create a huge
13 cost shift at this point in time. But as adoption grows
14 and the penetration percentage increases, that will not
15 be the case and we will continue to see a larger cost
16 shift.

17 PRESIDENT SIMPSON: Leader Gibson?

18 SENATOR GIBSON: Thank you, Mr.

19 President. Is there an average cost shift that you know
20 of? Is it \$10, \$5? What's?

21 PRESIDENT SIMPSON: Senator Bradley?

22 SENATOR BRADLEY: Thank you, Mr.

23 President. Right now, at a 1 percent penetration, the
24 cost shift is what we would, I would describe as de
25 minimis. I think it would be less than twenty five

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1 cents per customer per month. But as that penetration
2 percentage increases and we get up to 5 percent, 6
3 percent, if we get up to 10 percent, 13 percent, like
4 California, that cost shift becomes much more
5 significant, \$10-15 a month per customer.

6 PRESIDENT SIMPSON: Leader Gibson for a
7 question?

8 SENATOR GIBSON: Thank you, Mr. Chair.
9 Mr. President, sorry. In terms of -- let me say it this
10 way. If I had an energy equity task force bill that
11 made it through here, but not so much in the House for
12 whatever reason. and it dealt pretty much with the
13 Archer situation that you all spoke about earlier, is
14 there any -- can the PSC on its own develop a task force
15 so we can look at the totality of electric cost period,
16 not just including solar, and also the location of solar
17 in communities? Because that's what the task force did.
18 Is there any way, outside of your bill, that the PSC can
19 take that up on its own?

20 PRESIDENT SIMPSON: Senator Bradley?

21 SENATOR BRADLEY: Thank you, Mr.
22 President. I'm really not aware of the policies and
23 procedures of the PSC in terms of engaging a task force.
24 I will say that net metering is one component of solar
25 in Florida and it is not the only consideration. I

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1 mean, if there's statewide policy, there's other things
2 we do in solar. This bill is only addressing the net
3 metering for rooftop solar.

4 PRESIDENT SIMPSON: Very good. Before we
5 go to the next senator and questions, Leader Mayfield
6 has an introduction of some special guests in our
7 gallery. Senator of the 17th, Leader Mayfield, you're
8 recognized for a recognition.

9 SENATOR MAYFIELD: Thank you, Mr.
10 President. And I am really excited to announce that in
11 the west gallery, we have from my constituents that are
12 from the Brevard Federated Republican Women Executive
13 Committee that's here at the Capitol and it's led by the
14 President, Jill Gentis. So welcome to the Senate.

15 PRESIDENT SIMPSON: Welcome to the
16 Florida Senate. Senators, when we last left you, we
17 were taking questions. We are on Senator Bradley's
18 renewable energy generation net metering bill and should
19 any other senator wish to question the sponsor? And we
20 go to the Senator of the 34th, Leader Farmer, you're
21 recognized for a question.

22 SENATOR FARMER: Thank you, Mr.
23 President. And Senator Bradley, in response to some
24 questions today and in committee, you've talked about
25 that we know that there is a cost shift in Florida. So

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1 how much is it?

2 PRESIDENT SIMPSON: Senator Bradley, to
3 respond?

4 SENATOR BRADLEY: Thank you, Mr.
5 President. It's estimated -- the cost shift is
6 estimated to be about \$100 million per 1 percent
7 penetration.

8 PRESIDENT SIMPSON: Leader Farmer?

9 SENATOR FARMER: Thank you, Mr.
10 President. So if they were able to estimate that, why
11 didn't they include that in their rate filing increase
12 last year?

13 PRESIDENT SIMPSON: Senator Bradley?

14 SENATOR BRADLEY: Thank you, Mr.
15 President. Because a rate case is not the appropriate
16 venue to litigate a net metering policy.

17 PRESIDENT SIMPSON: Leader Farmer?

18 SENATOR FARMER: No, I don't mean
19 litigate the policy question. If these were real fixed
20 costs that they were able to calculate, why didn't they
21 just ask for them as part of their rate base?

22 PRESIDENT SIMPSON: Senator Bradley?

23 SENATOR BRADLEY: Thank you, Mr.
24 President. The revenues and costs were included in the
25 rate base.

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1 PRESIDENT SIMPSON: Leader Farmer?

2 SENATOR FARMER: We reviewed that filing
3 and I couldn't find it. Can you tell me where in their
4 rate filing they had that in their papers?

5 PRESIDENT SIMPSON: Senator Bradley?

6 SENATOR BRADLEY: Thank you, Mr.
7 President. I will have to follow up. I can follow up
8 with you later and try to get you some more detailed
9 information.

10 PRESIDENT SIMPSON: Leader Farmer?

11 SENATOR FARMER: Okay. Thank you. I
12 don't mean to be glib and I truly don't mean any
13 disrespect. A lot of times people say, with all due
14 respect, and there's an old joke, it really means
15 there's no respect directed to the person to whom it's
16 directed. I'm not doing that with you. But we're on
17 second reading and it's been through three committees.
18 And, I mean, that's the crux of this whole thing. We
19 should have it in our hands right now. Why don't we
20 have it?

21 PRESIDENT SIMPSON: Senator Bradley?

22 SENATOR BRADLEY: Thank you, Mr.
23 President. I think that the cost subsidy and the shift
24 of payments from our non-solar households to our solar
25 households is the crux of the bill. And I believe that

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1 there is a cost shift. And I think that it's something
2 that we need to get ahead of while we're only at 1
3 percent penetration. And we know that it's going to
4 continue. And we're not going to have the flexibility
5 to provide a thoughtful glide path if we continue to
6 wait and go down the road of a California.

7 PRESIDENT SIMPSON: Leader Farmer?

8 SENATOR FARMER: Okay. And then I guess
9 my last question would be, please, have the number for
10 us when we take this up on third hearing. Thank you.

11 PRESIDENT SIMPSON: What do you think
12 about that, because it's a question. Senator Bradley?

13 SENATOR BRADLEY: Thank you, Senator
14 Farmer.

15 PRESIDENT SIMPSON: There you go.
16 Additional questions by senators? Is there further
17 comment by the sponsor? Pursuant to Rule 4.19, the bill
18 is placed on the calendar. The bill is a third reading.
19 Read the next bill.

20 THE CLERK: Committee substitute for
21 committee substitute for Senate Bill 1600, a bill to be
22 entitled an act relating to treatment of defendants
23 adjudicated incompetent to stand trial.

24 PRESIDENT SIMPSON: Don't sit down yet,
25 Senator Bradley, you are recognized on the bill.

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1 Senator Bradley 1600.

2 SENATOR BRADLEY: Thank you, Mr.
3 President. I move that CS for HB 1249 be substituted
4 for CS for CS or SB 1600.

5 PRESIDENT SIMPSON: Can you explain the
6 differences, Senator Bradley?

7 SENATOR BRADLEY: They're identical.

8 PRESIDENT SIMPSON: They're identical.
9 Senator Bradley moves an identical House bill to be
10 substituted for the Senate bill. Is there objection?
11 Without objection, motion is adopted. Read the House
12 bill.

13 THE CLERK: Committee substitute for
14 House Bill 1249, a bill to be entitled an act relating
15 to treatment of defendants adjudicated incompetent to
16 stand trial.

17 PRESIDENT SIMPSON: Are there amendments?

18 THE CLERK: None on the desk, Mr.
19 President.

20 PRESIDENT SIMPSON: Are there questions?
21 Senator Bradley moves that the rules be waived and the
22 bill will be read a third time by title. Is there
23 objection? Without objection. There is objection.
24 There is not objection. There is not objection.
25 Without objection, read the bill a third time.

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1 THE CLERK: Committee substitute for
2 House Bill 1249, a bill to be entitled an act relating
3 to treatment of defendants adjudicated incompetent to
4 stand trial.

5 PRESIDENT SIMPSON: Is there debate? Is
6 there debate, Senator Bradley? There is debate. Yes,
7 ma'am. You are recognized in debate, Senator Bradley
8 for the close.

9 SENATOR BRADLEY: Mr. President, could we
10 TP the bill for just a moment?

11 PRESIDENT SIMPSON: Without objection,
12 Senator Bradley moves the bill be temporarily postponed.
13 Without objection, the bill is temporarily postponed.
14 Read the next bill.

15 THE CLERK: Senate Bill 1582, a bill to
16 be entitled an act relating to commercial motor vehicle
17 registration. Senator of the 25th, Senator Harrell,
18 you're recognized in debate. Senator Harrell?

19 SENATOR HARRELL: Thank you very much,
20 Mr. President. And this bill deals with apportioned
21 vehicles that travel from state to state. And what it
22 does, it extends the renewal period for an apportioned
23 commercial vehicle license plate from one year to three
24 years. It also maintains the one year cab card and the
25 same fee of \$28 per year.

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1 PRESIDENT SIMPSON: Are there amendments?

2 THE CLERK: None on the desk, Mr.

3 President.

4 PRESIDENT SIMPSON: Senator Harrell,
5 there's a companion House bill ready to be substituted
6 should you wish to. Can you explain the differences, if
7 any?

8 SENATOR HARRELL: Thank you very much,
9 Mr. President. There is one difference, in that the
10 Senate bill sunsets the existing law in 2023, whereas
11 this goes to 2024 to allow for a little bit longer glide
12 path to get there.

13 PRESIDENT SIMPSON: Senator Harrell moves
14 that committee substitute for committee substitute for
15 HB 915 be substituted for SB 1582. Is there objection?
16 Without objection, the motion is agreed to. Read the
17 House bill.

18 THE CLERK: Committee substitute for
19 committee substitute for House Bill 915, a bill to be
20 entitled an act relating to commercial motor vehicle
21 registration.

22 PRESIDENT SIMPSON: Are there amendments?

23 THE CLERK: None on the desk, Mr.

24 President.

25 PRESIDENT SIMPSON: Are there questions

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1 on the bill? Senator Harrell moves the rules be waived
2 and the bill be read a third time by title. Is there
3 objection? Without objection, read the bill a third
4 time.

5 THE CLERK: Committee substitute for
6 committee substitute for House Bill 915, a bill to be
7 entitled an act relating to commercial motor vehicle
8 registration.

9 PRESIDENT SIMPSON: Senator, is there
10 debate? Is there a debate? Senator Harrell, having
11 waived her close, the question occurs on final passage.
12 Clerk will unlock the board. Senators will proceed to
13 vote. The clerk will lock the board and announce the
14 vote.

15 THE CLERK: 33 yeas, zero nays, Mr.
16 President.

17 PRESIDENT SIMPSON: Show the bill passes.
18 Read the next bill.

19 THE CLERK: Senate Bill 1240, a bill to
20 be entitled an act relating to the mental health of
21 students.

22 PRESIDENT SIMPSON: Senator Harrell,
23 we're right back at the Senator of the 25th District.
24 Senator Harrell, you're recognized to explain the bill.

25 SENATOR HARRELL: Thank you very much,

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1 Mr. President. And as you know, members, since the
2 horrific events of February 14, 2018 at the Marjorie
3 Stoneman Douglas High School, the state of Florida has
4 made major, major strides in really providing mental
5 health services to our students in schools. And last
6 year, we did a major update to the statutes dealing with
7 this tragedy. But there were a few things left out.

8 Part of what we did last year was to make
9 sure that all Baker Act reporting went to the Department
10 of Education, and we did not make sure that it also went
11 to the Department of Children and Families. So this
12 bill corrects that.

13 It also makes sure that parents as well
14 as students get the information necessary about mental
15 health services. And in addition to just family
16 members, anyone living in the household needs to have
17 that information. So we want to make sure that there is
18 this that not just in schools, but also in our
19 community, what services are available so that we are
20 sure any child in our public school system who needs
21 these services will have them, and that is the bill.

22 PRESIDENT SIMPSON: Are there amendments?

23 THE CLERK: None on the desk, Mr.

24 President.

25 PRESIDENT SIMPSON: Senator Harrell, the

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1 House bill is here. Please explain the differences
2 before you move to substitute.

3 SENATOR HARRELL: Thank you very much,
4 Mr. President. And there are some technical clarifying
5 language in the bill, but the major difference is that
6 the House Bill 899 requires that each district school
7 superintendent designate a mental health coordinator for
8 their district. This is very important so that we have
9 coordination between all services.

10 PRESIDENT SIMPSON: Senator Harrell moves
11 the committee substitute for House Bill 899 be
12 substituted for Senate Bill 1240. Is there objection?
13 Without objection, the motion is agreed to. Read the
14 House bill.

15 THE CLERK: Committee substitute for
16 House bill 899, a bill to be entitled an act relating to
17 mental health of students.

18 PRESIDENT SIMPSON: Are there amendments?

19 THE CLERK: None on the desk, Mr.
20 President.

21 PRESIDENT SIMPSON: Are there questions?
22 Questions on the bill? Senator Harrell moves the rules
23 be waived and the bill be read a third time by title.
24 Is there objection? Without objection, the motion is
25 agreed to. Read the bill a third time.

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1 THE CLERK: Committee substitute for
2 House Bill 899, a bill to be entitled an act relating to
3 mental health of students.

4 PRESIDENT SIMPSON: Is there debate? Any
5 debate? Senator Harrell, you're recognized to close on
6 the bill.

7 SENATOR HARRELL: Thank you very much,
8 Mr. President. And this is the ongoing work that this
9 chamber and this state is really committed to, to make
10 sure that we provide and we have those mental health
11 services available. The Marjorie Stoneman Douglas
12 incident was horrific. And we want to make sure we do
13 everything in our power so that something of that sort
14 never happens again. And with that, I would ask for
15 your favorable support.

16 PRESIDENT SIMPSON: Senator Harrell,
17 thank you so much. Senator Harrell, for having closed
18 on the bill. The question occurs for a final passage.
19 The clerk will unlock the board. Senators will proceed
20 to vote. The clerk will lock the board and announce the
21 vote.

22 THE CLERK: 38 yeas, zero nays, Mr.
23 President.

24 PRESIDENT SIMPSON: Show the bill
25 passing. Read the next bill.

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1 THE CLERK: Senate Bill 1204, a bill to
2 be entitled an act relating to public records.

3 PRESIDENT SIMPSON: Show that bill
4 temporarily postponed without objection. Read the next
5 bill.

6 THE CLERK: Senate Bill 1054, a bill to
7 be entitled an act relating to financial literacy
8 instruction in public schools.

9 PRESIDENT SIMPSON: Show that bill
10 temporarily postponed without objection. Read the next
11 bill.

12 THE CLERK: Committee substitute for
13 Senate Bill 554, a bill to be entitled an act relating
14 to educational opportunities for disabled veterans.

15 PRESIDENT SIMPSON: The Senator of the
16 18th is Senator Cruz. Senator Broxson, be on standby.
17 I'm coming right back to you. Senator Cruz from the
18 18th, you are recognized to explain the bill.

19 SENATOR CRUZ: Well, thank you, Mr.
20 President. I'm standing here with Representative
21 Morales. We've worked for two years on this, so we're
22 very excited.

23 But this bill will help our service
24 members that have sacrificed so much for our country.
25 Supporting them when they leave active service is

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1 crucial in a state like Florida, a home with so many
2 veterans. And this bill is a true citizen bill.

3 A disabled veteran came to me. He told
4 me that, although he was paralyzed and in a wheelchair,
5 and was disabled medically, because of the parameters of
6 the GI bill, he only had 60 percent disability ranking
7 and only would receive 60 percent tuition reimbursement.
8 He wanted to go to school. He wanted to take care of
9 his family.

10 So we've devised this bill that says if
11 you are service disabled and you go to a state
12 university and you're only 60 or 70 percent disabled,
13 then we'll pick up the rest. We, as the taxpayers of
14 Florida, will pick up the other 30 percent or 40 percent
15 or 20 percent or 10 percent so that you can go to school
16 and get your degree. And that is the bill, Mr.
17 President.

18 PRESIDENT SIMPSON: Senator Cruz, having
19 explained the bill, are there amendments?

20 THE CLERK: None on the desk, Mr.
21 President.

22 PRESIDENT SIMPSON: Senator Cruz,
23 Representative Morales' bill is now in the Senate
24 waiting to be substituted. She's here. Can you explain
25 the differences, if any? And we will recognize you to

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1 substitute.

2 SENATOR CRUZ: They're identical.

3 SENATOR MORALES: They're identical.

4 PRESIDENT SIMPSON: Senator Cruz moves
5 the identical House bill be substitute for the Senate
6 bill. Is there objection? Without objection, the motion
7 is agreed to. Read the House bill.

8 THE CLERK: Committee substitute for
9 House Bill 45, a bill to be entitled an act relating to
10 educational opportunities for disabled veterans.

11 PRESIDENT SIMPSON: Are there amendments?

12 THE CLERK: None on the desk, Mr.
13 President.

14 PRESIDENT SIMPSON: Are there questions?
15 Senator Cruz further moves the rules be waived and the
16 bill be read by a third time by title. Is there
17 objection? Without objection, the motion is agreed to.
18 Read the bill a third time.

19 THE CLERK: Committee substitute for
20 House Bill 45, a bill to be entitled an act relating to
21 educational opportunities for disabled veterans.

22 PRESIDENT SIMPSON: Is there debate? Is
23 there debate? Senator Cruz, you are recognized to close
24 on the bill.

25 SENATOR CRUZ: Thank you, Mr. President.

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1 Florida is open to veterans and we're here to help.

2 PRESIDENT SIMPSON: Senator Cruz, having
3 closed on the bill, the question occurs before you,
4 Senators. The clerk will unlock the board. Senators
5 will proceed to vote.

6 The Clerk will now lock the board and
7 announce the votes.

8 THE CLERK: 38 yeas, zero nays, Mr.
9 President.

10 PRESIDENT SIMPSON: Show the bill passes.
11 Senators, a moment ago, we temporarily postponed Senate
12 Bill 1204 by Senator Broxson. Without objection, we
13 will proceed to the Broxson bill. Read the bill.

14 THE CLERK: Senate Bill 1204, a bill to
15 be entitled act relating to public records.

16 PRESIDENT SIMPSON: Senator Broxson, you
17 are recognized at President Simpson's desk. You're
18 recognized.

19 SENATOR BROXSON: Thank you, Mr.
20 President. This bill ensures that the identities of
21 manufacturers and retailers that supplies legal
22 injection drugs to DOC are exempt from exposure and
23 ensures DOC will be able to obtain the drugs and carry
24 out their constitutional requirements. That is the
25 bill.

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1 PRESIDENT SIMPSON: Are there amendments?

2 THE CLERK: None on the desk, Mr.

3 President.

4 PRESIDENT SIMPSON: Are there questions?

5 We are in questions, Senators. Are there questions?

6 Questions? Senator Broxson moves. Senator Broxson, can

7 you explain the differences? The House bill is here and

8 that will tee us up posturally if the Senate concurs.

9 Can you explain the differences, if any, Senator

10 Broxson?

11 SENATOR BROXSON: They are identical.

12 PRESIDENT SIMPSON: Senator Broxson, to
13 tee us up procedurally, Senators, is there any objection
14 to substituting an identical House bill for the Senate
15 Bill? Without objection, the motion is agreed to. Read
16 the House bill.

17 THE CLERK: House Bill 873, a bill to be
18 entitled an act relating to public records.

19 PRESIDENT SIMPSON: Are there amendments?

20 THE CLERK: None on the desk, Mr.

21 President.

22 PRESIDENT SIMPSON: Are there questions?

23 Are there questions? Senator Brandes, you're recognized
24 for a question.

25 SENATOR BRANDES: Thank you. Senator

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1 Broxson, you would agree that putting somebody to death
2 is the highest penalty the state offers, correct? I
3 mean, the state imposes.

4 PRESIDENT SIMPSON: Senator Broxson?

5 SENATOR BROXSON: Of course, Senator.
6 It's a very somber act that the state does, but it is
7 something that we constitutionally require.

8 PRESIDENT SIMPSON: Senator Brandes?

9 SENATOR BRANDES: Thank you. And,
10 Senator, you understand that Florida has very broad
11 public records laws and that our public records laws are
12 broad for a reason because we expect people to know what
13 the government is doing at all times. That's our
14 intent. Isn't that correct?

15 SENATOR BROXSON: That is correct.

16 PRESIDENT SIMPSON: Senator Broxson, very
17 good. Senator Brandes?

18 SENATOR BRANDES: So why would we want to
19 hide the drugs by which somebody is being put to death
20 by?

21 PRESIDENT SIMPSON: Senator Broxson.

22 SENATOR BROXSON: Thank you, Mr.
23 President. I'm not saying -- we're not hiding the
24 drugs. If you go on the website, you can see exactly
25 what drugs we use. What we're trying to do is protect

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1 the manufacturer from public records so that they're not
2 presented with situations that would cause them not to
3 be able to sell the drugs to a DOC.

4 PRESIDENT SIMPSON: Senator Brandes?

5 SENATOR BRANDES: But most of these drugs
6 that we're using, if we tell people what the drugs are,
7 we know that there's only one or two manufacturers who
8 manufacture those drugs, correct?

9 PRESIDENT SIMPSON: Senator Broxson.

10 SENATOR BROXSON: That is correct.

11 PRESIDENT SIMPSON: Senator Brandes?

12 SENATOR BRANDES: So what are we
13 protecting? We know the drug manufacturers. We know
14 the drugs. Why do we need a public record exemption if
15 there's only one or two manufacturers that are making
16 these drugs? Because we know who they are already.

17 PRESIDENT SIMPSON: Senator Broxson?

18 SENATOR BROXSON: Thank you, Mr.
19 President. Well, we don't buy directly from the
20 manufacturer. We buy from distributors. And they would
21 be protected. And currently, they are not protected in
22 current law.

23 PRESIDENT SIMPSON: Senator Brandes?

24 SENATOR BRANDES: So why do we need to
25 protect the distributors who are distributing these

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1 drugs to us?

2 PRESIDENT SIMPSON: Senator Broxson?

3 SENATOR BROXSON: Thank you, Mr.

4 President. Let me read from a federal judge who made an

5 opinion on this in the First Amendment Coalition and

6 Ryan:, "It is apparent that disclosure has the potential

7 to thwart the government's ability to carry out

8 (temporary audio interruption) companies have ceased

9 providing drugs for execution purposes. It also cannot

10 be disputed that the impact upon companies and persons

11 who identifies or are disclosed is significant."

12 So there is evidence in federal court and

13 other courts that if we lose the ability to buy these

14 drugs, then we're going to have to change our method of

15 execution. And that's something that the legislature

16 mandated in 2000, that we would go to lethal injection,

17 and I think it's the thing that we should do.

18 PRESIDENT SIMPSON: Senator Brandes for a

19 question?

20 SENATOR BRANDES: So if we were to choose

21 not to do this, we would have to go back to another

22 execution method; is that correct?

23 SENATOR BROXSON: That is correct, Mr.

24 President. That is correct.

25 PRESIDENT SIMPSON: Senator Brandes?

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1 SENATOR BRANDES: And so if somebody who
2 is pro-life and against the death penalty -- because I
3 don't think it's a deterrent, I don't think that it's
4 effective and it's incredibly expensive for the state to
5 administer -- as somebody who holds that position, it
6 would make sense that I would vote against this bill,
7 wouldn't it? I mean, it would make sense if I wanted
8 somebody who wants to stop more executions from
9 occurring because I think they're ineffective or because
10 it's incredibly expensive. This is one step towards
11 stopping executions in the state of Florida, correct?

12 PRESIDENT SIMPSON: Senator Broxson?

13 SENATOR BROXSON: Thank you, Mr.
14 President. Senator, I really don't think this is a
15 debate about the death penalty. It's the debate about
16 the most effective and humane way to do something that
17 we have mandated in law that we must be carried out by
18 DOC.

19 I think when you compare Florida to other
20 states that we're considered the gold standard on the
21 compassionate, caring way that we have to execute the
22 law, and this is the most humane way to do it, and I
23 would hate to see that interruption of drugs to properly
24 do it not be available to Florida.

25 PRESIDENT SIMPSON: Senator Brandes?

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1 SENATOR BRANDES: Thank you, Mr.
2 President. So why should we do it out of the sunshine?
3 Why not be completely transparent about the drugs, the
4 manufacturers, the distributors, and those that are
5 engaged in the process of taking a human life?

6 PRESIDENT SIMPSON: Senator Broxson?

7 SENATOR BROXSON: Mr. President, I think
8 I just explained the reason that we're doing that. It's
9 part of their -- if you go to their website, they will
10 walk you through the procedure, the drugs they use. The
11 only thing they want to do is protect the source where
12 they receive those drugs, either through a distributor
13 or through another source.

14 PRESIDENT SIMPSON: Senator Brandes?
15 Senator Brandes has concluded. We are in questions.
16 And Leader Farmer from the 34th, you're recognized for a
17 question.

18 SENATOR FARMER: Thank you, Mr.
19 President. Good afternoon, Senator Broxson. Good to
20 see you over there on the other side of the chamber.

21 A few follow up questions. No
22 manufacturer has requested this exemption. Isn't that
23 correct?

24 PRESIDENT SIMPSON: Senator Broxson?
25 Ladies and gentlemen, while we're waiting on Senator

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1 Broxson is clarifying his answer, we've got some very
2 special guests in the gallery. They're wearing red.
3 And Leader Mayfield, you've got some, I've got some.
4 We've already introduced a lot already, but you are
5 recognized for a special recognition.

6 SENATOR MAYFIELD: Thank you, Mr.
7 President. And you're right, we had announced the group
8 from Brevard County earlier. I had no idea that
9 everyone else was going to come in before I did that.
10 But members, if you look into the west gallery and even
11 to the east, I think we have some. We have the
12 Federated Women of Florida are here and it's a sea of
13 red up there. So thank you guys for coming.

14 And we also have -- is Carol Jean still
15 up there? Carol Jean Jordan is part of the club. And
16 as most of you know, she was the past chairman of the
17 Republican Party of Florida. So thank you guys for
18 coming and having a sea of red in our gallery. Thank
19 you.

20 PRESIDENT SIMPSON: Very good. Leader
21 Mayfield and Florida Senate, I've got some special
22 guests, too, that are tucked away in the sea of red.
23 One is the legislative chair of the Florida Federation
24 of Republican Women and the president of the Republican
25 Women's Club of Duval Federated. Please welcome Esther

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1 Byrd. Esther, welcome.

2 And the president of the Florida
3 Federation of Republican Women, Maricel Cobitz.
4 Maricel? There she is. Welcome, Republican Women, to
5 the Florida Senate.

6 Leader Farmer, we had just asked a
7 question. Do you wish to restate your question? And
8 then I think Senator Broxson is ready to go. Leader
9 Farmer with your question?

10 SENATOR FARMER: Yes. The question was,
11 isn't it correct that no pharmaceutical company has
12 requested this exemption?

13 PRESIDENT SIMPSON: Senator Broxson.

14 SENATOR BROXSON: Thank you, Mr.
15 President. No, they haven't, because they're already
16 exempted from public record in current law.

17 PRESIDENT SIMPSON: Leader Farmer?

18 SENATOR FARMER: What law is that?

19 PRESIDENT SIMPSON: Senator Broxson?

20 SENATOR BROXSON: That's in statute 945
21 10.1 G. And let me explain that, if I could, Senator
22 Farmer. When the drug comes from a manufacturer, it may
23 not be in the form that can be used for the execution.
24 So there is some compounding. And the legal department
25 of DOC feels like that the compounding process would

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1 potentially create a complication that would delete the
2 ability to use that compounded drug. So this is a
3 safety to put into the law to make sure that compounded
4 drugs that we buy through a distributor or manufacturer
5 are exempt from the law.

6 PRESIDENT SIMPSON: Leader Farmer, you're
7 recognized for a question.

8 SENATOR FARMER: Senator Broxson, I'm
9 going to ask you to take another look at that statute
10 because it does not refer to pharmaceutical companies or
11 manufacturers in any way, shape or form. Isn't it true
12 that that statute only protects the identity of the
13 executioner and the prescription written for the
14 execution, but not the drugs or the manufacturer?

15 PRESIDENT SIMPSON: Senator Broxson.

16 SENATOR BROXSON: Thank you, Mr.
17 President. No, I believe, if you look at the statute I
18 just read, it does exempt the manufacturer. What this
19 does, it broadens the law that says when we compound
20 those drugs, they would be exempt also from public
21 record.

22 PRESIDENT SIMPSON: Leader Farmer?

23 SENATOR FARMER: Yeah. Let's read along
24 together then, Senator Broxson. Can you show me where
25 that language is? And it's 945.10?

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1 PRESIDENT SIMPSON: Senator Broxson?

2 SENATOR BROXSON: Thank you, Mr.

3 President. That's correct.

4 PRESIDENT SIMPSON: Leader Farmer?

5 SENATOR FARMER: Thank you, Mr.

6 President. Can you point to me please, the language
7 that makes confidential the identity of the manufacturer
8 or the drug?

9 PRESIDENT SIMPSON: Senator Broxson?

10 SENATOR BROXSON: Thank you, Mr.

11 President. Go to (g).

12 PRESIDENT SIMPSON: Leader Farmer?

13 SENATOR FARMER: Okay. G reads,
14 "Information which identifies an executioner or any
15 person prescribing, preparing, compounding, dispensing
16 or administering a lethal injection." It doesn't say
17 that the compounds or the medicines used, just the
18 identity of the person is exempt; isn't that true?

19 PRESIDENT SIMPSON: Senator Broxson?

20 SENATOR BROXSON: Thank you, Mr.

21 President. The department's interpretation is that that
22 covers the manufacturers, but this language would extend
23 that to make sure that it does cover the manufacturers
24 plus the compounded drugs.

25 PRESIDENT SIMPSON: Leader Farmer?

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1 SENATOR FARMER: Well, if that's the
2 department's position, we don't need your bill then,
3 right?

4 PRESIDENT SIMPSON: Senator Broxson?

5 SENATOR BROXSON: Thank you, Mr.
6 President. We do need the bill.

7 PRESIDENT SIMPSON: Leader Farmer?

8 SENATOR FARMER: Let's move on to a
9 different topic. Again, going back to my original
10 question, no manufacturer has requested this exemption.
11 We know that. We've already established that. In fact,
12 to do so would violate European law which prohibits any
13 drugs manufactured by a European company or its
14 subsidiary being used in an execution. Isn't that true?

15 PRESIDENT SIMPSON: Senator Broxson?

16 SENATOR BROXSON: Thank you, Mr.
17 President. Senator Farmer, we buy from distributors.
18 Whether they're produced in Europe or the U.S., or any
19 other part of the world, that's something we would not
20 know unless the distributor revealed that to us.

21 PRESIDENT SIMPSON: Leader Farmer for a
22 question?

23 SENATOR FARMER: Senator Broxson, the
24 distributor is bound by the same laws as a manufacturer.
25 You know that, correct?

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1 PRESIDENT SIMPSON: Senator Broxson?

2 SENATOR BROXSON: Thank you, Mr.

3 President. Each one of these distributors are approved
4 by the FDA.

5 PRESIDENT SIMPSON: Leader Farmer?

6 SENATOR FARMER: What does that have to
7 do with my question?

8 PRESIDENT SIMPSON: Senator Broxson?

9 SENATOR BROXSON: Thank you, Mr.

10 President. It seems to me that you're inferring that
11 the state is buying something illegally and not through
12 a procedure that's accepted by the FDA.

13 PRESIDENT SIMPSON: Leader Farmer?

14 SENATOR FARMER: I'm not implying that;
15 I'm flat out saying it. In fact, the drug manufacturers
16 contracts specifically state that their drugs cannot be
17 used for lethal injection or execution. Isn't that
18 true?

19 PRESIDENT SIMPSON: Senator Broxson?

20 SENATOR BROXSON: Mr. President, thank
21 you. Senator, I would say that that is practically not
22 true because we use drugs, we used them two and a half
23 years ago in an execution. And to my knowledge, we've
24 never had a substantial legal challenge to our ability
25 to compound drugs and use them for lethal injection.

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1 That's the reality of it.

2 Now, whether you're correct, if you're
3 correct, then I would encourage someone to present that
4 to the courts and say Florida is not doing it correctly
5 or illegally.

6 PRESIDENT SIMPSON: Leader Farmer?

7 SENATOR FARMER: So you would have us
8 undertake an illegal act just because no court has yet
9 declared it illegal?

10 PRESIDENT SIMPSON: Senator Broxson?

11 SENATOR BROXSON: It's your narrative,
12 Senator, not mine. I have no problem with what Florida
13 is doing. I think what we've instructed them as the
14 legislature in 2000, that we would allow them to use
15 lethal objection rather than the electric chair for
16 executions. To this point, no one has challenged that
17 effectively that has said you cannot use these drugs for
18 lethal injection.

19 PRESIDENT SIMPSON: Leader Farmer?

20 SENATOR FARMER: So then I take it,
21 you're not aware of letters that have been sent by the
22 manufacturers of these drugs to the state of Florida,
23 advising the state that it's in violation of both its
24 contract with the manufacturer and European law in using
25 these drugs to commit executions?

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1 PRESIDENT SIMPSON: Senator Broxson?

2 SENATOR BROXSON: Thank you, Mr.

3 President. I am aware of that. But the department
4 feels like they're on solid ground to use the compound
5 that they're using currently.

6 PRESIDENT SIMPSON: Leader Farmer for a
7 question?

8 SENATOR FARMER: It seems like more
9 quicksand ground here to me because we wouldn't be
10 considering this bill if that were the case. But let's
11 move to a different topic. Well, actually, let me
12 follow up on that.

13 Are you aware of a statement made by
14 Sandoz, one of the manufacturing companies we've been
15 discussing, quote, "Any refusal by the state to disclose
16 the manufacturers of its lethal injection drugs directly
17 undermines the company's interests, impeding their
18 ability to preserve the integrity of their contracts.
19 Are you aware of that statement?

20 PRESIDENT SIMPSON: Senator Broxson to
21 respond?

22 SENATOR BROXSON: Thank you, Mr.
23 President. I am not.

24 PRESIDENT SIMPSON: For a question,
25 Leader Farmer?

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1 SENATOR FARMER: Now that you are aware
2 of it, are you not concerned about going forward with
3 this piece of legislation?

4 PRESIDENT SIMPSON: Senator Broxson?

5 SENATOR BROXSON: Thank you, Mr.
6 President. I am not concerned because we've been doing
7 it for 22 years, and if they had a major concern, then
8 they would challenge Florida in the use of these
9 compounds.

10 PRESIDENT SIMPSON: Leader Farmer, you're
11 recognized for a question.

12 SENATOR FARMER: Isn't there a
13 possibility that this legislation could have a negative
14 impact on Florida's health care system? And I say that
15 because, during the pandemic, four drugs used in the
16 execution cocktails, midazolam, vecuronium bromide,
17 rocuronium bromide, and fentanyl were all listed on
18 shortage by the American Society of Health System
19 pharmacists.

20 PRESIDENT SIMPSON: Senator Broxson.

21 SENATOR BROXSON: Thank you, Mr.
22 President. We had an execution two and a half years ago
23 one time. My guess is that will not interrupt the flow
24 of drugs in Florida.

25 PRESIDENT SIMPSON: Leader Farmer, for a

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1 question.

2 SENATOR FARMER: Thank you, Mr.
3 President. Wouldn't this piece of legislation
4 effectively cover up unconstitutional incidents of cruel
5 and unusual punishment that occur and can occur during
6 an execution, such as what happened in Oklahoma in 2015
7 when officials ordered and used the wrong drug, causing
8 pain during execution, causing it to last for several
9 hours and the prisoner to declare that his body was on
10 fire?

11 Wouldn't this amendment cover up the
12 public's ability to know incidents like that?

13 PRESIDENT SIMPSON: Senator Broxson?

14 SENATOR BROXSON: Thank you, Mr.
15 President. There is an autopsy done after every
16 execution, so there is no cover up.

17 PRESIDENT SIMPSON: Senator -- Leader
18 Farmer, you're recognized for a question.

19 SENATOR FARMER: Senator Broxson, I'm not
20 aware of an autopsy being able to determine whether
21 somebody experienced pain during their death. Can you
22 explain that to me?

23 PRESIDENT SIMPSON: Senator Broxson?

24 SENATOR BROXSON: Thank you, Mr.
25 President. In all honesty, Senator Farmer, I don't know

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1 how you would get testimony from someone that is now
2 deceased.

3 PRESIDENT SIMPSON: We're in questions
4 dealing with the Broxson bill on public information of
5 records of executions. We're in questions. And Leader
6 Farmer, you are recognized for a question.

7 SENATOR FARMER: So for the purposes of
8 the question, I'll clarify my line of questioning here,
9 Senator Broxson. The decedent in Oklahoma, before he
10 died, complained that his body was on fire for several
11 hours. For the purposes of this question, I ask you to
12 accept that as true.

13 Given an incident like that being able to
14 occur here in Florida, wouldn't this legislation cover
15 it up?

16 PRESIDENT SIMPSON: Senator Broxson?

17 SENATOR BROXSON: Thank you, Mr.
18 President. Senator Farmer, I don't know if you've been
19 on death row and you've had the DOC walk you through the
20 procedure, but they go through more than just the
21 objection. There are actually three methods used. They
22 give the prisoner a valium or something to relax them
23 and then they do what they would normally do in surgery.
24 They put them under as far as unconscious to go through
25 this procedure and then they use one other drug that

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1 affects the heart. I cannot imagine. I've been in
2 surgery. I was in surgery recently. The drugs that we
3 use now are so effective in allowing people to be
4 unconscious that the possibility of remembering or going
5 through pain is almost impossible.

6 PRESIDENT SIMPSON: Leader Farmer, for a
7 question.

8 SENATOR FARMER: The sedative didn't work
9 in Oklahoma, did it?

10 PRESIDENT SIMPSON: Senator Broxson?

11 SENATOR BROXSON: Thank you, Mr.
12 President. I'm not in Oklahoma. I'm in Florida.

13 PRESIDENT SIMPSON: Leader Farmer?

14 SENATOR FARMER: People make mistakes all
15 the time, don't they?

16 PRESIDENT SIMPSON: Senator Broxson?

17 SENATOR BROXSON: Senator Farmer, I
18 appreciate your line of questions but I'm not sure it's
19 pertinent to what we're trying to do here. We're trying
20 to position state employees, state officials, to be in a
21 position to carry out a legal responsibility that we've
22 mandated through laws that were made here in this
23 chamber.

24 These other things that you relate to,
25 frankly, was not anticipated when I took on this bill.

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1 The bill is very simple. It puts us in a better
2 position that can be defended in court if we were sued.
3 And I'm comfortable with the bill.

4 I'm sorry that you're not comfortable
5 with it, but I think it does exactly what we want it to
6 do.

7 PRESIDENT SIMPSON: Additional questions?
8 Leader Farmer, followed by Senator Cruz. Leader Farmer,
9 you're recognized for a question.

10 SENATOR FARMER: Senator Broxson, I
11 appreciate the fact that you're carrying a bill that
12 turned out to be something you didn't really know it was
13 going to be when you agreed to take it. But I, you
14 know, I don't appreciate non-answers to questions.

15 PRESIDENT SIMPSON: And question. What's
16 your question, Leader Farmer?

17 SENATOR FARMER: So my question again is,
18 people make mistakes. And in this case, if they make a
19 mistake with regard to administration of the drugs in
20 executing another human being, don't you think that's
21 something that the people of the state of Florida are
22 entitled to know about?

23 PRESIDENT SIMPSON: Senator Broxson is
24 recognized to respond.

25 SENATOR BROXSON: Yeah. Thank you, Mr.

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1 President. Any potential mistakes during an execution
2 can be subpoenaed and there can be a hearing. I don't
3 know what else to say, other than the fact that this is
4 a somber time when we, as a state, go through a
5 procedure that eliminates someone's life. And if you
6 don't believe that's part of what we should be doing, I
7 understand that. But we have a procedure where we go
8 through that's worked for 22 years. It's much better
9 than the electric chair, which we did have some real
10 problems there in 1998. But this has proved to be a
11 very effective, very humane and I think this puts the
12 department in a position where they can continue to do
13 this.

14 PRESIDENT SIMPSON: Additional questions?
15 Leader Farmer for a question.

16 SENATOR FARMER: Thank you, Mr.
17 President. So I just want to confirm that what you just
18 said, that even if this bill were to pass, the
19 information regarding the drugs used for an execution
20 would be available via subpoena or discovery request in
21 any litigation?

22 PRESIDENT SIMPSON: Senator Broxson?

23 SENATOR BROXSON: Thank you, Mr.

24 President. Yes.

25 PRESIDENT SIMPSON: Leader Farmer for a

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1 question?

2 SENATOR FARMER: And I think this could
3 be my last question. Senator Broxson, earlier in the
4 discussion, I think it may have been in response to some
5 of Senator Brandes's questions, you talked about the
6 fact that this piece of legislation is necessary in
7 order for us to continue to be able to use lethal
8 injection as opposed to the electric chair. Do you
9 recall that?

10 PRESIDENT SIMPSON: Senator Broxson?

11 SENATOR BROXSON: Thank you, Mr.
12 President. Yes.

13 PRESIDENT SIMPSON: Leader Farmer for a
14 question.

15 SENATOR FARMER: Thank you, Mr.
16 President. Are you aware of Florida Statute 922.105
17 which states that a death sentence shall be executed by
18 lethal injection unless the person sentenced to death
19 affirmatively elects to be executed by electrocution?
20 So given this statute, unless the prisoner agrees to
21 electrocution, there's no danger in the state of Florida
22 with or without your bill that we can't do -- that we
23 would have to be using the electric chair in lieu of
24 lethal injection. Isn't that correct?

25 PRESIDENT SIMPSON: Senator Broxson?

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1 SENATOR BROXSON: Thank you, Mr.
2 President. No, that is not correct. According to a
3 federal judge, if states like Florida were not entitled
4 to use the pharmaceuticals to impose the legal
5 injection, then we would have to go to a different form
6 of execution.

7 PRESIDENT SIMPSON: Leader Farmer, for a
8 question.

9 SENATOR FARMER: I don't believe that's a
10 valid interpretation of the federal ruling. Can you
11 read that part of the opinion for me?

12 PRESIDENT SIMPSON: Senator Broxson?

13 SENATOR BROXSON: Thank you, Mr.
14 President. Mr. President, this line of questioning I
15 don't think deals with the fundamental purpose of this
16 bill. And I appreciate Senator Farmer's line of
17 questions, but I would prefer to continue with other
18 questions or move to another bill.

19 PRESIDENT SIMPSON: Do you have an
20 additional question, Leader Farmer, followed by Senator
21 Cruz. Leader Farmer?

22 SENATOR FARMER: I accept Senator
23 Broxson's offer to TP this bill and move to another
24 bill.

25 PRESIDENT SIMPSON: Senator Broxson, you

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1 are recognized.

2 SENATOR BROXSON: Thank you, Mr.

3 President. I do not wish to TP the bill.

4 PRESIDENT SIMPSON: Very good. Is there

5 additional questions? Additional questions? Senator

6 Cruz of the 18th, you're recognized for a question.

7 SENATOR CRUZ: Thank you, Mr. President.

8 And Senator Broxson, I am not in favor of the death

9 penalty. That's not a question. I oftentimes wonder if

10 it were one of my kids if my opinion would change, but

11 I'm not. But I have a question for you.

12 If we push drug manufacturers to be

13 afraid to offer these drugs -- and my understanding is

14 that these drugs are not intended to kill people, but a

15 cocktail of these drugs or in the right potency, these

16 drugs can kill someone. Is that correct?

17 PRESIDENT SIMPSON: Senator Broxson?

18 SENATOR BROXSON: Thank you, Mr.

19 President. Yes, it is.

20 PRESIDENT SIMPSON: Senator Cruz?

21 SENATOR CRUZ: Thank you, Mr. President.

22 I'm sorry. So let's say, hypothetically, that we can't

23 use these drugs because there's not a drug manufacturer

24 that will put this drug out because they are afraid.

25 Although their drugs are well intended, they're afraid

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1 that they'll make a group of people very angry and make
2 that company or perhaps that company will be seen in a
3 lesser light.

4 So what if we had to go back to the
5 electric chair, if we had to go back to Old Sparky? Has
6 anyone ever asked what electric company feeds the
7 electric chair and what company the wood came from or
8 the wiring?

9 PRESIDENT SIMPSON: Senator Broxson?

10 SENATOR BROXSON: Thank you, Mr.
11 President. Not to my knowledge.

12 PRESIDENT SIMPSON: Senator Cruz?

13 SENATOR CRUZ: Are these drugs made
14 available by drug manufacturers? Is this voluntary? We
15 don't force any company to provide drugs; is that
16 correct?

17 PRESIDENT SIMPSON: Senator Broxson?

18 SENATOR BROXSON: Thank you, Mr.
19 President. We do not.

20 PRESIDENT SIMPSON: Senator Cruz?

21 SENATOR CRUZ: When someone is sentenced
22 to death, are they sentenced to death by a group of
23 their peers, by a judge in their state, or are they
24 sentenced to death by a drug company?

25 PRESIDENT SIMPSON: Senator Broxson?

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1 SENATOR BROXSON: Thank you. The process
2 is a legal process. That is an option, considering the
3 severity of the crime, that we, and I think the law is
4 clear, that it has to be a very hideous crime with
5 special circumstances. And that is correct. It would
6 have to be a jury of their peers.

7 PRESIDENT SIMPSON: Senator Cruz for a
8 question?

9 SENATOR CRUZ: So, Chair Broxson,
10 shouldn't we really be ticked off at our state and our
11 legislators, rather than our drug companies that provide
12 drugs?

13 PRESIDENT SIMPSON: Senator Broxson?

14 SENATOR BROXSON: Thank you, Mr.
15 President. You're welcome to be ticked off with our
16 legislators.

17 PRESIDENT SIMPSON: Senator Cruz has
18 concluded and additional Senators wishing to have
19 questions, debate may come tomorrow. Senator of the
20 38th, Senator Pizzo, you're recognized for a question.

21 SENATOR PIZZO: Thank you, Mr. President.
22 I'm going to refer back to what was previously mentioned
23 as Senator Broxson 922.105. As I read subsection one,
24 "A death sentence shall be executed by lethal injection,
25 unless the person sentenced to death affirmatively

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1 elects to be executed by electrocution. The sentence
2 shall be executed under the direction of the Secretary
3 of Corrections or the Secretary's designee." Do you
4 interpret that part of 922.105 to mean that the default
5 method of execution is by lethal injection but that
6 electrocution is available if elected by the inmate?

7 PRESIDENT SIMPSON: Senator Broxson?

8 SENATOR BROXSON: Thank you, Mr.

9 President. I know that's true because in 2015 a person
10 who is currently on death row has chosen that once that
11 day comes, he has chosen the electric chair.

12 PRESIDENT SIMPSON: Senator Pizzo?

13 SENATOR PIZZO: I guess the questions
14 that were asked suggest that there's either a gray area
15 or a circumstance where if, through trial, the death
16 penalty phase, and the sentencing as such, that there
17 can create a situation where we have people, excuse me,
18 who are on death row awaiting execution that has been
19 sentenced by lethal injection. And if lethal injection
20 is held up because we won't have anyone participating or
21 DOC believes no one will participate, pharmaceutically
22 or by distribution, if those prior and existing death
23 row inmates have not opted, have not elected to be
24 executed by electrocution, in some states, I think, even
25 by firing squad, aren't they sort of rendered in a non-

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1 executable pool of people because we would actually need
2 them to elect to be and I think the procedure calls for
3 a 30-day written notice followed by another review. We
4 can't execute those people by electrocution unless they
5 elect to do so. Is that correct?

6 PRESIDENT SIMPSON: Senator Broxson?

7 SENATOR BROXSON: Thank you, Mr.
8 President. That is correct. We cannot elect for them.

9 PRESIDENT SIMPSON: Senator Pizzo for a
10 question.

11 SENATOR PIZZO: Thank you, Mr. President.
12 So we have those that are placed on -- that are on death
13 row right now who are by default, because that is our
14 proscribed method to be lethal injection. Going
15 forward, though, I go to Section 3 of 922.15, which
16 reads, "If electrocution or lethal injection is held to
17 be unconstitutional by the Florida Supreme Court under
18 the state Constitution, or to be held unconstitutional
19 by the United States Supreme Court under the United
20 States Constitution, or if the United States Supreme
21 Court declines to review any judgment holding a method
22 of execution to be unconstitutional under the U.S.
23 Constitution made by the Florida Supreme Court, or the
24 United States Court of Appeals that has jurisdiction
25 over Florida, all persons sentenced to death for a

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1 capital crime shall be executed by any constitutional
2 method of execution." Which I take -- and I'm very
3 curious to know your interpretation -- mine is, if
4 electrocution or lethal injection, either or both, are
5 found to be infirmed either by the Florida Supreme
6 Court, the United States Supreme Court, the U.S.
7 District Court of Appeals, or anyone having purview and
8 jurisdiction to review an appellate case by a lower
9 court, that the State of Florida can still execute
10 inmates by any constitutional method of execution. And
11 my understanding is firing squads in other states have
12 been found to be constitutional.

13 PRESIDENT SIMPSON: Senator Broxson?

14 SENATOR BROXSON: Thank you, Mr.
15 President. It's my understanding that if that should
16 happen, Senator Pizzo, that they would ask the
17 legislature the following year to confirm what their
18 legal responsibility as far as the type of execution
19 they would use.

20 PRESIDENT SIMPSON: Senator Pizzo for a
21 question.

22 SENATOR PIZZO: Thank you, Mr. President.
23 And I so I -- here's sort of my interpreter, which is
24 all those that are on -- I think we have 300 and -- 340?
25 331? Thank you, Lauren Jones. We have 330 plus people

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1 on death row. All of those who have been subject to a
2 sentencing of lethal injection for execution, let's
3 agree they're not going to opt and elect some other
4 method voluntarily, those executions of those inmates
5 will basically be held in legal limbo. This bill
6 esquire two thirds vote, because it's a public records
7 exception, which it does not pass and it's not granted,
8 we effectively will not be -- we will not be able to
9 perform those executions for the time being.

10 But going forward, if, Senator Broxson,
11 you were to come back to your next session and file a
12 bill that says we're going to allow A, B, C and D method
13 of execution, you would only need a majority of the
14 people in this chamber and the House to pass that bill
15 to proceed with executions going forward that might be
16 less humane. You agree with that?

17 PRESIDENT SIMPSON: Senator Broxson?

18 SENATOR BROXSON: Thank you, Mr.
19 President. I do agree with that.

20 PRESIDENT SIMPSON: Senator Pizzo has
21 concluded. Does any additional member have a question?
22 Is there additional comments from the sponsor? Pursuant
23 to Rule 4.19, the bill is placed on the calendar of
24 bills on third reading. A moment ago, Senators, we
25 temporarily postponed Senator Hudson's SB 1054 without

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1 objection. We will proceed to that bill. Read the
2 bill.

3 THE CLERK: Senate Bill 1054, a bill to
4 be entitled an act relating to financial literacy
5 instruction in public schools.

6 PRESIDENT SIMPSON: Senator Hudson of the
7 7th, you're recognized to explain the bill.

8 SENATOR HUDSON: Thank you, Mr.
9 President. Senate Bill 1054 builds upon the goal of
10 Senator Hugel and is designated as the Dorothy L. Hugel
11 Financial Literacy Act. The bill requires state
12 standards for financial literacy to establish curricular
13 content for personal financial literacy and money
14 management, and requires students to earn one half
15 credit in personal financial literacy and money
16 management in order to receive a standard high school
17 diploma.

18 PRESIDENT SIMPSON: Are there amendments?

19 THE CLERK: On the desk, Mr. President.

20 PRESIDENT SIMPSON: Read the amendment.

21 THE CLERK: Amendment Barcode 391790 by
22 Sandra Hudson, between lines 98 and 99 insert amendment.

23 PRESIDENT SIMPSON: Mr. Clerk, is there a
24 substitute amendment?

25 THE CLERK: On the desk, Mr. President.

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1 PRESIDENT SIMPSON: Read the substitute
2 amendment.

3 THE CLERK: Substitute amendment Barcode
4 451514 by Sandra Hudson. Delete lines 49 to 98 and
5 insert amendment.

6 PRESIDENT SIMPSON: Senator Hudson,
7 you're recognized on the Hudson amendment substituted.

8 SENATOR HUDSON: Thank you, Mr.
9 President. This postpones the curriculum until the '23-
10 '24 school year. The requirement for the student
11 entering grades nine to complete that credit that I
12 mentioned and extends the requirement to complete one
13 half credit in financial literacy to career and
14 technical education, graduation pathways and the
15 academically challenging curriculum to enhance learning,
16 the Excel pathway options. That is the amendment.

17 PRESIDENT SIMPSON: Senator Hudson,
18 having explained the Hudson substitute amendment, are
19 there questions? Are there questions? Is there debate?
20 There is for question or debate? You are recognized,
21 Senator of the 38th, Senator Pizzo, for a question.

22 SENATOR PIZZO: Thank you, Mr. President.
23 Senator Hudson, I thank you for taking the time with
24 high school students in my district, even though you
25 yelled at me that the Zoom didn't start, even though you

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1 set the Zoom. But on behalf of some very grateful kids
2 who had worked really, really hard to try to install and
3 include some financial literacy for the betterment of
4 other students less fortunate, I thank you for your time
5 and for this bill. And I believe I'm a co-sponsor? I
6 think so.

7 PRESIDENT SIMPSON: Additional members in
8 debate? Additional members in debate? We're on the
9 substitute amendment by Senator Hudson. Is there any
10 objection? Any objection? Without objection, the
11 substitute amendment by Senator Hudson is adopted. Read
12 the next amendment.

13 THE CLERK: None on the desk, Mr.
14 President.

15 PRESIDENT SIMPSON: Senator Hudson moves
16 the rules be waived and the bill be read a third time by
17 title. Is there objection? Without objection, the
18 motion carries. Read the bill a third time.

19 THE CLERK: Senate Bill 1054, a bill to
20 be entitled an act relating to financial literacy
21 instruction in public schools.

22 PRESIDENT SIMPSON: Is there debate? Is
23 there debate? Senator Hudson, you are recognized.

24 SENATOR HUDSON: Thank you, Mr.
25 President. I would just say this, many of us know

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1 Senator Hugel. She was a dear friend. Her goal is to
2 make it a permanent class for financial literacy to
3 graduate, to take it before you graduate. We were at
4 optional. This now gets it permanent, fulfilling her
5 legacy, and happy to champion the cause in her honor.

6 PRESIDENT SIMPSON: Amen, Senator Hudson.
7 Senator Hudson, having closed on the bill, the clerk
8 will now open the board and Senators will proceed to
9 vote. Clerk will lock the board. Announce the vote.

10 THE CLERK: 38 yeas, zero nays, Mr.
11 President.

12 PRESIDENT SIMPSON: Show the bill passes.
13 Senators, a moment ago we temporarily postponed Senator
14 Burgess 1892. Senator Burgess, are you prepared to
15 proceed on the bill? Senator Burgess says yes. And has
16 stood and ready to go. So Mr. Clerk, please read the
17 bill.

18 THE CLERK: Committee substitute for
19 Senate Bill 1892, a bill to be entitled an act relating
20 to administration of vaccines.

21 PRESIDENT SIMPSON: Senator of the 20th,
22 Senator Burgess, you're recognized to explain the bill.

23 SENATOR BURGESS: Thank you so much, Mr.
24 President. This bill authorizes registered pharmacy
25 technicians to administer vaccines to adults after being

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1 certified to have received appropriate education and
2 training to administer vaccines, and only under the
3 supervision of a certified pharmacist, much the same as
4 a pharmacy intern is currently authorized.

5 The bill maintains current Florida law
6 that a pharmacist and his or her subordinates may
7 administer vaccines only within the framework of an
8 administrative protocol under a supervising physician.

9 We are essentially codifying the Prep
10 Act, Senators, that has been in effect at the federal
11 level since the start of the pandemic and is set to
12 expire. So we're taking our lived experience through an
13 emergency with that guidance and taking a measured
14 approach to balance safety against access as we
15 hopefully get on the other side of this experience.

16 PRESIDENT SIMPSON: Are there amendments?

17 THE CLERK: None on the desk, Mr.
18 President.

19 PRESIDENT SIMPSON: It finally came.
20 We've waited all day, Senator Burgess, and it finally
21 came. It's here. I'm talking about the House bill.
22 The House bill is here. Hooray. Senator Burgess, if
23 you wish to substitute, please explain the differences,
24 if any?

25 SENATOR BURGESS: Mr. President, do we

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1 not have an amendment?

2 PRESIDENT SIMPSON: Well, can you explain
3 the differences of the House bill before we proceed? If
4 you're going to amend it to make it identical, you can
5 say that, and I think they might buy it if you say it.

6 SENATOR BURGESS: I got to tell the
7 truth, Mr. President. We have some differences, and so
8 we are going to take up the House bill and then we're
9 going to amend. Thank you for keeping me --

10 PRESIDENT SIMPSON: Amend to make it
11 identical?

12 SENATOR BURGESS: -- thank you for
13 keeping me on track.

14 PRESIDENT SIMPSON: Is that right? No,
15 Senator Burgess. We're going to make it identical after
16 we take it up. So that is major changes.

17 SENATOR BURGESS: We are going to create
18 some new policy after taking it up and then send it
19 back.

20 PRESIDENT SIMPSON: Very good. Senator
21 Burgess has moved that committee substitute for House
22 Bill 1209 be substitute for committee substitute for
23 Senate Bill 1892. Is there objection? Without
24 objection, the motion is adopted. Read the House bill.

25 THE CLERK: Committee substitute for

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1 House Bill 1209, a bill to be entitled an act relating
2 to administration of vaccines.

3 PRESIDENT SIMPSON: Are there amendments?

4 THE CLERK: On the desk, Mr. President.

5 PRESIDENT SIMPSON: Read the first
6 amendment.

7 THE CLERK: Amendment Barcode 136796 by
8 Senator Burgess, delete line 71 to 74 and insert
9 amendments.

10 PRESIDENT SIMPSON: Senator Burgess, you
11 are recognized to explain the Burgess amendment.

12 SENATOR BURGESS: Thank you, Mr.
13 President. I jumped the shark. I apologize. So this
14 amendment addresses the number of pharmacy interns and
15 pharmacy technicians that a pharmacist may supervise at
16 one time for the administration of a vaccine.

17 As I stated before, we are looking to
18 codify the amendment and what this bill does, or codify
19 the Prep Act that we've been under federal guidance
20 with. And under current rules, Florida's Board of
21 Pharmacy, a pharmacist is authorized to supervise up to
22 six pharmacy technicians under most circumstances, but
23 there's technicians and then there's interns. So what
24 we're looking to do is have a ratio of 1:5 when it comes
25 to the administration of vaccine and allow for the

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1 flexibility for a pharmacist to be able to determine
2 whether or not a technician or an intern would be
3 constituted within that five to afford more flexibility
4 there.

5 And we're also taking the accreditation/
6 certification hours to six, which is the national
7 standard.

8 PRESIDENT SIMPSON: Before I could ask if
9 there are questions, Senator Cruz has already raised her
10 hand. Senator of the 18th, Senator Cruz, you're
11 recognized for a question on the Burgess amendment to
12 the House bill.

13 SENATOR CRUZ: Thank you, Mr. President.
14 And Senator Burgess, on this amendment, it was a 1:1
15 ratio, one pharmacist to one technician, and now we've
16 moved it to one pharmacist overseeing five?

17 PRESIDENT SIMPSON: Senator Burgess?

18 SENATOR BURGESS: Thank you, Mr.
19 President. So that is correct, Senator Cruz. The House
20 position was one that would have defaulted to the board
21 of pharmacy's position, and that's at 1:6. What we've
22 heard from stakeholders, and there's many on this type
23 of issue, as you can imagine, is that you have both
24 interns and technicians. Interns are actually more
25 educated and trained than a technician, which is kind of

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1 the converse of what you would expect. And so what we
2 have done is seek to balance sort of the necessity to
3 take what's working, which is obviously this model is
4 working under the Prep Act, and ensure that we're
5 affording that flexibility to be able to continue that
6 as the Prep Act is about to expire. But also ensure
7 that we're having safety measures in place as well. And
8 so we felt that 1:5, a mixture of intern and technician,
9 was the appropriate balance.

10 PRESIDENT SIMPSON: Senator Cruz, for a
11 bonus question, you're recognized.

12 SENATOR CRUZ: I'm assuming that when we
13 say "interns," Senator Burgess, we're speaking in terms
14 of those students that come over from the pharmacy
15 schools that might be working at some of the retail
16 pharmacies or the hospital pharmacies. So there's
17 really no guarantee that we'll have interns and
18 locations. Do they come as non-paid help?

19 PRESIDENT SIMPSON: Senator Burgess to
20 respond.

21 SENATOR BURGESS: Thank you very much,
22 Mr. President. There's oftentimes no more than one
23 intern at a facility at any given time. You're correct
24 about that. They're harder to come by than a technician
25 would be. The technicians obviously have more limited

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1 roles. But under the guidance of the Prep Act, we've
2 realized that it's been very effective, safe, and the
3 outcomes have been amazing in terms of going to your
4 local pharmacy and having them administer the CDC
5 schedule of vaccines. In this particular instance, it
6 was obviously the COVID vaccine. Under the Prep Act, it
7 includes guidance with children, but we're actually very
8 narrowly tailoring it and making sure that it's 18 and
9 above. We just kind of want to stick to adults.

10 PRESIDENT SIMPSON: Senator Cruz?

11 SENATOR CRUZ: On this amendment, can you
12 speak to the difference in the training necessary for a
13 tech versus an intern?

14 PRESIDENT SIMPSON: Senator Burgess to
15 respond.

16 SENATOR BURGESS: Thank you very much. I
17 certainly can, Senator Cruz. So we did have ten hours
18 of training within our original bill; the House was at
19 six. What we have come to find out though, is that six
20 is actually the national standard and we are, of course,
21 including two hours of required CLE training annually in
22 addition to that. So we're mirroring what that national
23 standard is and what is expected of them when it comes
24 to training currently.

25 PRESIDENT SIMPSON: Senator Cruz for a

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1 question?

2 SENATOR CRUZ: Thank you, Mr. President.

3 Six hours of training, whether you're a tech or an

4 intern?

5 PRESIDENT SIMPSON: Senator Burgess?

6 SENATOR BURGESS: Thank you, Mr.

7 President. I believe the interns have a higher level of

8 training. And off the top of my head, I think it's 20.

9 It is 20. Yes, I was going to guess correctly, 20.

10 PRESIDENT SIMPSON: Senator Cruz for a

11 question?

12 SENATOR CRUZ: And finally, Mr.

13 President, can you make these guys behave over here so I

14 can ask my questions, please?

15 PRESIDENT SIMPSON: Yeah. Don't make me

16 stop this chamber.

17 SENATOR CRUZ: I'm finished, Mr.

18 President.

19 PRESIDENT SIMPSON: Don't make me stop

20 this chamber right here. No. Senator Cruz, you had a

21 question, go right ahead. Senator Cruz has concluded

22 her questions. We are on the Burgess Amendment. Let's

23 go for a question. Senator of the 16th, Senator Hooper,

24 for a question.

25 SENATOR HOOPER: Thank you very much, Mr.

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1 President. Senator Burgess, you just articulated the
2 required hours of instruction. For a licensed
3 pharmacist, what are the hours of their required
4 instruction?

5 PRESIDENT SIMPSON: Senator Burgess?

6 SENATOR BURGESS: Thank you, Mr.

7 President. It is 20.

8 PRESIDENT SIMPSON: Senator Hooper for a
9 question?

10 SENATOR HOOPER: Thank you, Mr.

11 President. It seems odd to me that we're requiring a
12 pharmacist who obviously has been through all the
13 training, all the certification, experience, to require
14 20 hours to do those immunizations and vaccines and an
15 18-year-old pharmacy tech needs six hours.

16 PRESIDENT SIMPSON: What do you think
17 about that, Senator Burgess?

18 SENATOR BURGESS: Thank you, Mr.

19 President. Certainly understand the question, Senator
20 Hooper. I think I would default on the fact that what
21 they are doing in their limited roles is -- well, but
22 also in a very important role, is under the direct
23 supervision of a pharmacist with those 20 hours. And of
24 course, under current law that pharmacist is under the
25 direct supervision of a physician at all times.

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1 PRESIDENT SIMPSON: Senator Hooper for a
2 question.

3 SENATOR HOOPER: Thank you, Mr.
4 President. Final question. I would accept that analogy
5 if the language was 1:1. Now, there's potential for one
6 pharmacist with 20 hours to authorize five interns or
7 techs to do these with less than a third of the required
8 training. Do you see any chance or potential for an
9 adverse reaction or a nerve hit with a needle that could
10 come about because of that 6 hours of instruction?

11 PRESIDENT SIMPSON: Senator Burgess?

12 SENATOR BURGESS: Thank you, Mr.
13 President. What we're doing is and the reason why we
14 feel comfortable with this is twofold, under current
15 law, the Florida Board of Pharmacy has the ability to
16 set the ratios and the House bill relied on that current
17 process. But in some cases, that ratio would go up to
18 six technicians and that's done through rulemaking. So
19 what we're looking to do is allow for that flexibility
20 of the 1:5, so we're lowering it a little bit, albeit
21 one technician or intern, potentially. But we've seen
22 over the last two years the ability to do this
23 effectively, safely. It's worked. And of course, I
24 believe that by codifying this in statute to go along
25 kind of with your concern, sir, is to ensure that it

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1 stays at that and that the Board of Pharmacy doesn't try
2 to up it from there.

3 PRESIDENT SIMPSON: We're in questions on
4 the Burgess amendment. The Burgess amendment. Are
5 there questions? Is there debate? Is there debate?
6 Senator Burgess, you're recognized to close on the
7 Burgess amendment. He waives his close. All those in
8 favor, please signify by saying yea. Opposed, nay? The
9 motion is adopted. Read the next amendment.

10 THE CLERK: None on the desk, Mr.
11 President.

12 PRESIDENT SIMPSON: Is there further
13 questions? Senator Burgess moves the rules be waived
14 and the bill be read a third time by title. Is there
15 objection? Without objection, the motion carries. Read
16 the bill a third time.

17 THE CLERK: Committee substitute for
18 House Bill 1209, a bill to be entitled an act relating
19 to administration of vaccines.

20 PRESIDENT SIMPSON: Is there debate?
21 Senator Burgess having waived his close, the question
22 now occurs for final passage. The clerk will unlock the
23 board. Senators will proceed to vote. Clerk will lock
24 the board and announce the vote.

25 THE CLERK: 35 yeas, zero nays, Mr.

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1 President.

2 PRESIDENT SIMPSON: Show the bill passes.

3 We are still picking up bills that we temporarily
4 postponed a moment ago. One of those bills was
5 committee substitute for committee substitute for
6 committee substitute for Senate Bill 644 by Senator
7 Brodeur. Without objection, read the bill.

8 THE CLERK: Committee substitute for
9 committee substitute for committee substitute for Senate
10 Bill 644, a bill to be entitled an act relating to
11 building regulation.

12 PRESIDENT SIMPSON: Senator Brodeur of
13 the 9th, you're recognized.

14 SENATOR BRODEUR: Thank you, Mr.
15 President. This bill attempts to help reduce extensive
16 delays in the building, permitting, and inspection
17 process by allowing private providers to become more
18 involved in the process. They do that by having
19 provisional certificates when those who are under the
20 direct supervision of a building code administrator and
21 the House bill is here.

22 PRESIDENT SIMPSON: Very good. Are there
23 amendments?

24 THE CLERK: None on the desk, Mr.
25 President.

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1 PRESIDENT SIMPSON: The House bill is
2 here. Senator Brodeur, you are recognized to explain
3 the differences.

4 SENATOR BRODEUR: The House bill is
5 substantially similar with the exception of three
6 things. The House bill allows a person with a
7 provisional license to review plans, which was kind of
8 the point of the bill in the first place. This just has
9 somebody who's working for one of those provisional
10 license people. It prescribes a process whereby a local
11 government may only request additional information three
12 times instead of unlimited times, which slows down the
13 process. And finally, the House bill provides standing
14 for owners, builders, or associations with valid
15 building permits to bring civil actions. That is the
16 House bill.

17 PRESIDENT SIMPSON: Senator Brodeur moves
18 a very similar House bill be substituted for the Senate
19 Bill. Is there objection? Without objection, the
20 motion is adopted. Read the House bill.

21 THE CLERK: Committee substitute for
22 committee substitute for House Bill 423, a bill to be
23 entitled an act relating to building regulations.

24 PRESIDENT SIMPSON: Are there amendments?

25 THE CLERK: None on the desk, Mr.

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1 President?

2 PRESIDENT SIMPSON: Are there questions?

3 Senator Brodeur moves the rules be waived and the bill
4 be read a third time. Is there objection? Without
5 objection, read the bill a third time.

6 THE CLERK: Committee substitute for
7 committee substitute for House Bill 423, a bill to be
8 entitled an act relating to building regulations.

9 PRESIDENT SIMPSON: Senator Brodeur,
10 having waived his close, the question occurs for final
11 passage. The clerk will unlock the board. Senators
12 will proceed to vote. Clerk will lock the board and
13 announce the vote.

14 THE CLERK: 38 yeas, zero nays, Mr.
15 President.

16 PRESIDENT SIMPSON: And the bill passes.
17 Senators, we postponed, temporarily postponed. We had
18 taken up committee substitute for committee substitute
19 for 1600 by Senator Bradley. We had substituted, the
20 body had substituted, committee substitute for House
21 Bill 1249 before it was TP'd. Is there objection to
22 taking up that House bill? Without objection, read the
23 House bill.

24 THE CLERK: Committee substitute for
25 House Bill 1249, a bill to be entitled an act relating

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1 to treatment of defendants adjudicated incompetent to
2 stand trial.

3 PRESIDENT SIMPSON: Senator Bradley of
4 the 5th, you are recognized to explain the House bill.

5 SENATOR BRADLEY: Thank you, Mr.
6 President. Both bills amend the definition of a
7 forensic facility to include a mental health facility
8 operated by a community mental health provider which may
9 be co-located in a county jail and deemed appropriate by
10 DCF. The House bill does not contain one clarifying
11 condition -- one clarifying section, but the bills are
12 subsequently identical.

13 PRESIDENT SIMPSON: I got some breaking
14 news up at the front desk. We're on third reading. How
15 about that? I'm living in the second reading zone, but
16 third reading, good for you, Senator Bradley. That
17 means we're in debate. Is there a debate on the bill?
18 Debate? Is there debate?

19 So just to recap, we took up Senator
20 Bradley's bill. We then substituted the House bill, and
21 then we rolled the third, but then we temporarily
22 postponed it, and now we're back in third reading.
23 Senator Bradley has described the bill. There hasn't
24 been questions. Is there a debate?

25 Senator Bradley waives her close. And so

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1 the question occurs for final passage. The clerk will
2 unlock the board. Senators will proceed to vote. Have
3 all senators voted? Good catch. The clerk will lock
4 the board and announce the vote.

5 THE CLERK: 39 yeas, zero nays, Mr.
6 President.

7 PRESIDENT SIMPSON: And the bill passes.
8 When we last left Senator Pizzo, he was running, looking
9 for a House bill all over the Capitol. He's back. And
10 so, if without objection, let's go back to the Senator
11 of the 38th to take up committee substitute for
12 committee substitute for committee substitute for Senate
13 Bill 876. Without objection, read that bill.

14 THE CLERK: Committee substitute for
15 committee substitute for committee substitute for Senate
16 Bill 876, a bill to be entitled an act relating to stunt
17 driving on highways.

18 PRESIDENT SIMPSON: Senator Pizzo, you're
19 recognized to explain the bill.

20 SENATOR PIZZO: Thank you, Mr. President.
21 We're going to take up the House bill, I believe.

22 PRESIDENT SIMPSON: So you did find the
23 House bill somewhere?

24 SENATOR PIZZO: I found it.

25 PRESIDENT SIMPSON: Very good. Explain

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1 the differences, if any, Senator Pizzo.

2 SENATOR PIZZO: Thank you, Mr. President.

3 On HB 399, the substantive difference is a misdemeanor
4 in the first degree on the use of lights in concert and
5 concurrent with falsely impersonating an officer. Not
6 too different than adding on and building on what
7 Senator Taddeo had a few years ago. We were trying to
8 get rid of some of those markings on police cars, but
9 that's the difference.

10 PRESIDENT SIMPSON: Senator Pizzo moves
11 the House bill be substituted for the Senate Bill. Is
12 there objection? Without objection, the motion is
13 adopted. Read the House bill.

14 THE CLERK: Committee substitute for
15 committee substitute for committee substitute for House
16 Bill 399, a bill to be entitled an act relating to motor
17 vehicle and vessel law enforcement.

18 PRESIDENT SIMPSON: Are there amendments?

19 THE CLERK: None on the desk, Mr.
20 President.

21 PRESIDENT SIMPSON: Are there questions?
22 Senator Pizzo moves the rules be waived and the bill be
23 read a third time by title. Is there objection?
24 Without objection, read the bill a third time.

25 THE CLERK: Committee substitute for

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1 committee substitute for committee substitute for House
2 Bill 399, a bill to be entitled an act relating to motor
3 vehicle and vessel law enforcement.

4 PRESIDENT SIMPSON: Is there debates? Is
5 there debate? Senator Pizzo is recognized. Gives me
6 the signal to waive his close. And so the question
7 occurs for final passage. The clerk will now unlock the
8 board. Senators will proceed to vote. Have all
9 senators voted? The clerk will lock the board and
10 announce the vote.

11 THE CLERK: 39 yeas, zero nays, Mr.
12 President.

13 SENATOR B: Zero.

14 PRESIDENT SIMPSON: Show the bill passes.
15 Let's get back to special order action in order. Read
16 the next -- one moment, Mr. Clerk. Senator Jones, for
17 what purpose?

18 SENATOR JONES: For a motion, Mr.
19 President.

20 PRESIDENT SIMPSON: State your motion.

21 SENATOR JONES: Mr. President, I would
22 like to make a motion that we bring back 1054, Senator
23 Hudson's bill, so we could co-sponsor as a body. I
24 think the bill is very -- motion to reconsider. Okay.

25 PRESIDENT SIMPSON: Okay. So Senator

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1 Jones, fellow Senators, Senator Jones wishes to open the
2 board just to allow co-sponsorship of the Senator Hudson
3 bill that really, Senators, is a tribute to Senator
4 Hugel. For freshman members, you didn't know Senator
5 Hugel the way that we knew her coming in, and she was a
6 special lady. So the motion is very much in order.
7 Without objection, the board will be open. Senators
8 will indicate their co-sponsorship. Thank you, Senator
9 Jones. The clerk will lock the board and announce co
10 sponsorships.

11 THE CLERK: 39 co-sponsorships, Mr.
12 President.

13 PRESIDENT SIMPSON: Thank you, Florida
14 Senate. And thank you, Senator Hudson. Thank you,
15 Senator Jones. Read the next bill.

16 THE CLERK: Committee substitute for
17 Senate Bill 552, a bill to be entitled an act relating
18 to clerks of the circuit court.

19 PRESIDENT SIMPSON: The Senator of the
20 21st is Senator Boyd, and he is recognized to explain
21 the bill.

22 SENATOR BOYD: Thank you, Mr. President.
23 I'm so excited to get this chance. Senators, this bill
24 provides additional improvements to the clerk's
25 statewide budget process. It establishes a

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1 reimbursement process for mental health and substance
2 abuse cases that have no filing fee and further
3 standardizes monthly payment plans to help more timely
4 payments and reduce driver's license suspensions. That
5 is the bill, Mr. President.

6 PRESIDENT SIMPSON: Are there amendments?

7 THE CLERK: On the desk, Mr. President.

8 PRESIDENT SIMPSON: Read the first
9 amendment.

10 THE CLERK: Late filed amendment, Barcode
11 918938 by Senator Polsky, between lines 214 and 215,
12 insert amendment.

13 PRESIDENT SIMPSON: The Senator of the
14 29th, Senator Polsky, you're recognized on the Polsky
15 amendment.

16 SENATOR POLSKY: Thank you, Mr.
17 President. I believe that amendment is withdrawn and I
18 have another amendment to the House version.

19 PRESIDENT SIMPSON: Without objection,
20 the Polsky amendment is withdrawn. Senator Boyd, the
21 House bill is here. Should you wish to substitute,
22 please explain the differences, if any.

23 SENATOR BOYD: Thank you. Mr. President,
24 the House bill is here. Thank you so much. And the
25 bills are substantially the same with minor drafting,

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1 stylistic differences.

2 PRESIDENT SIMPSON: Senator Boyd moves a
3 very similar with stylistic differences House bill be
4 substitute for the Senate Bill. Is there objection?
5 Without objection, the motion is adopted. Read the
6 House bill.

7 THE CLERK: Committee substitute for
8 House Bill 397, a bill to be entitled an act related to
9 court fiscal administration.

10 PRESIDENT SIMPSON: Are there amendments?

11 THE CLERK: On the desk, Mr. President.

12 PRESIDENT SIMPSON: Read the amendment.

13 THE CLERK: Amendment Barcode 146078 by
14 Senator Polsky, between lines 154 and 155, insert
15 amendment.

16 PRESIDENT SIMPSON: Senator Polsky of the
17 29th, you're recognized on the Polsky amendment.

18 SENATOR POLSKY: Thank you, Mr.
19 President. When the target of a grand jury
20 investigation is deceased, the compelling need for
21 privacy and confidentiality may no longer exist. And
22 the public, through the clerks of the circuit court,
23 should be permitted to review the records upon order of
24 the court having jurisdiction over the matter.

25 In 2006, there was such a grand jury

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1 hearing in Palm Beach County involving what has now
2 become one of the most notorious sexual offender cases
3 in the world. It involved the now deceased Jeffrey
4 Epstein. After more than a dozen underage girls told
5 authorities he molested them, the outcome of this grand
6 jury did not lead to serious charges for Epstein.
7 Instead, a secret non-prosecution agreement and plea
8 deal was reached and federal prosecutors agreed not to
9 pursue him on charges that could have sent him to prison
10 for years.

11 He served 13 months of an 18 month
12 sentence in a county stockade and was allowed to leave
13 for 12 hours a day, six days a week. For as much as we
14 now know about him, there is still a lot that we don't
15 know on why it took years before he was held accountable
16 for the many allegations. The grand jury transcripts of
17 this case in 2006 could help the public understand why.
18 The public and the victims deserve to know if
19 prosecutors steered the jury away from indicting Epstein
20 on more severe charges.

21 There is also compelling public need to
22 know if the system worked or failed. This amendment
23 would allow a judge involved in the grand jury to
24 release the transcript at their discretion, as long as
25 the subject of the grand jury inquiry is deceased and

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1 the testimony was previously disclosed to law
2 enforcement. And this amendment is to help our friend,
3 former Senator Joseph Abruzzo, currently the clerk of
4 the court in palm beach county, and that is the
5 amendment.

6 PRESIDENT SIMPSON: Are there questions
7 of Senator Polsky on the Polsky amendment? The senator
8 of the 25th, Senator Harrell, you're recognized for a
9 question.

10 SENATOR HARRELL: Thank you very much.
11 And I've been asked by my local clerk of the court to
12 verify that both the state attorneys and law enforcement
13 associations are in accord with this.

14 PRESIDENT SIMPSON: Senator Polsky to
15 respond.

16 SENATOR POLKSY: To be honest, Senator,
17 this is kind of a preliminary look into this issue and
18 we intend to look into this further as time goes on. We
19 know that this is a controversial issue, but we thought
20 it was important to bring up the subject now and we'll
21 continue to work on it as we go further.

22 PRESIDENT SIMPSON: Senator Harrell?
23 Senator Harrell has concluded. Additional questions of
24 Senator Polsky on the Polsky amendment? Additional
25 questions? Debate? Is there debate? Senator Pizzo,

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1 you are on the border. You could go question or debate.
2 Your call.

3 SENATOR PIZZO: I'm going to do a debate
4 and I want to respect Senator Harrell, that was an
5 excellent question and I think Senator Polsky
6 immediately said, who's the nearest ex-prosecutor I
7 have. And I called the state attorney's office and
8 engaged in this discussion.

9 Folks, the integrity of a grand jury
10 investigation is to protect the secrecy. And the
11 validity and integrity of such grand jury investigations
12 is, on its face, seemingly compromised if all of a
13 sudden we're going to make exceptions and then let
14 information leak out.

15 But as I was explaining to Senator
16 Rodrigues with an S yesterday, the most helpful thing
17 that a court can do is tell or convey, telegraph either
18 verbatim or by suggestion, of what the remedy could be.
19 And if you'll indulge me for a second on this particular
20 issue. The Court, in the ruling here, said "In
21 interpreting a statute, the Court must respect the role
22 of the legislature and the legislative process and the
23 language of the statute." And went on to say, "It is
24 our Court's duty to interpret the law as given to us by
25 the people in the Constitution or by the legislature,

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1 and we are not permitted to substitute judicial
2 consideration or for law that which we think we should
3 be and commanded that it be enforced." And here's my
4 favorite line, which is what courts are very helpful in
5 preventing, I mean, in promoting. "Nonetheless, under
6 fundamental principles of separation of powers, courts
7 cannot judicially, after the wording of statutes, where
8 the legislature clearly has not done." And finally,
9 "Perhaps the circumstances presented above will induce
10 the legislature to amend Section 905.27, to grant the
11 courts additional authority or leeway in ruling on
12 unique cases such as this one."

13 So here's my position. The amendment as
14 it stands is a fantastic idea that requires a lot of
15 discussion and a lot of interpretation and to be very
16 deliberate, and I don't think Senator Polsky was in any
17 way being disingenuous by thinking this would pass and
18 be fine and no one would have questions about it.

19 But there is the overriding sort of
20 principle or concern, obviously from law enforcement and
21 from prosecutorial bodies, that we can't get kids and
22 vulnerable victims and witnesses in violent crimes and
23 fraud and all that stuff to come forward because they
24 want to be protected. And they should be. And those
25 offices take it very seriously.

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1 However, when there's, like, manifest
2 injustice, when there's testimony of individuals who now
3 believe they may not have any recourse, that's something
4 to really consider. Also, maybe something to consider
5 in the future is those that have provided testimony are
6 willing to provide a waiver against that confidentiality
7 it might be a consideration.

8 So it's a wonderful idea to explore and
9 discuss, but I absolutely agree with you. 905.27 is
10 about the integrity of that process and it should remain
11 private and confidential, unless there's an
12 extraordinary, extraordinary circumstance. You could
13 argue that a creepy predator who has left lives ruined
14 that have never been able to have recourse or redress of
15 those victimizations might be one of those. But I think
16 it needs more time, obviously, to talk through.

17 PRESIDENT SIMPSON: Thank you. Senator
18 Harrell, you're recognized.

19 SENATOR HARRELL: Thank you very much,
20 Mr. President. And I totally share your concerns and I
21 think this is a topic that needs much more conversation
22 than as an amendment to a bill that's about to be
23 passed. So I have a difficult time at this time. It's
24 certainly, I'm sure, well intended, but this needs a
25 major conversation and should be the subject of a bill

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1 coming forward, perhaps next year.

2 PRESIDENT SIMPSON: Is there any
3 additional debate on the amendment? Any additional
4 debate? Senator Book, you're recognized in debate.

5 SENATOR BOOK: Thank you, Mr. President.
6 And while I agree about the debate that we have going on
7 right here, Senator Polsky, you have my word that we can
8 continue to work on this next session because it's one
9 that we know that these victims deserve justice and we
10 need to make sure that these atrocities never happen
11 again.

12 PRESIDENT SIMPSON: Senator Farmer,
13 you're recognized in debate.

14 SENATOR FARMER: Thank you, Mr.
15 President. And I understand the concerns raised by
16 Senator Pizzo and Senator Harrell, but my law firm
17 represented over a dozen victims of Jeffrey Epstein. My
18 partner, Brad Edwards, fought a one-person battle to
19 undo that non-prosecution agreement, which was perhaps
20 the greatest miscarriage of justice we've ever seen when
21 it comes to child sexual abuse. Not only was Epstein
22 given immunity from the charges at hand, he was given
23 purported immunity for any other charges to be
24 discovered.

25 This was a gross miscarriage of justice.

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1 And this man was as serial a predator as we have ever
2 seen. We were able to get through his butler the
3 notebook and flight logs showing a worldwide network of
4 madams and pimps and young girls to be trafficked for
5 him and his associates. In fact, this scheme was so
6 widespread, it's believed that he was never a trader or
7 a securities trader, he was simply blackmailing people
8 to whom he had set up with underage girls.

9 And if it wasn't for the courage of one
10 of our clients who was actually sent to Taiwan to help
11 pick up her replacement because she had grown too old
12 for Jeffrey Epstein and she escaped in Australia while
13 en route, this may have never been uncovered.

14 So while I can understand the concerns,
15 sometimes state attorneys and law enforcements don't do
16 the right thing. Sometimes they do really, really bad
17 things. And this amendment has language in it that
18 talks about that if the subject of the grand jury is
19 deceased, we believe that to be the case with Jeffrey
20 Epstein, although there are some who believe he staged
21 his own death in prison. But as things stand right now,
22 I think this is a good amendment and I don't think it's
23 something we need to wait on. And we do amendments
24 around here all the time that materially change a bill
25 or go way farther than the underlying bill originally

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1 went. And you're talking about extreme circumstances
2 here. So I support this amendment and I think we should
3 put it on today.

4 PRESIDENT SIMPSON: Senator Polsky,
5 you're recognized.

6 SENATOR POLSKY: Thank you, Mr.
7 President. I certainly appreciate the comments and I
8 really did bring this up to start the discussion. I
9 know this is a little premature, but it was brought to
10 me after too late for a new bill and we thought it was
11 important to talk about it because we'd like to tee it
12 up for next year.

13 Clerk Abruzzo is unable to release the
14 records because it is not allowed under law. But the
15 judge, as Senator Pizzo said, hinted that if we were to
16 change the law, that this was the right vehicle to
17 release grand jury records in an incredibly narrow
18 manner with a deceased criminal. And also there had
19 already been some release of the records to the
20 Department of Justice. So it really would be narrowed
21 just to this case. So when I come back to you next
22 year, God willing, whoever's here, then we can talk
23 about it. But I respectfully withdraw the amendment.
24 And thank you, Senator Boyd.

25 PRESIDENT SIMPSON: Without objection,

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1 show that amendment withdrawn. Read the next amendment.

2 THE CLERK: None the desk, Mr. President.

3 PRESIDENT SIMPSON: Are there questions
4 on the bill? Questions on the bill? By agreement of
5 Democrat and Republican leaders, Senator Boyd moves the
6 bill be read a third time. Without objection, show that
7 motion adopted. Read the bill.

8 THE CLERK: Committee substitute for
9 House Bill 397, a bill to be entitled an act relating to
10 court fiscal administration.

11 PRESIDENT SIMPSON: Is there a debate on
12 the bill? Senator Boyd, you're recognized to close on
13 your bill.

14 SENATOR BOYD: Thank you, Mr. President.
15 And I would also commit, Senator Polsky, Senator Pizzo,
16 Senator Book to work with you on that effort next year.
17 It was a horrible situation there that we all know about
18 and read about and studied. And whatever I can do to
19 help you in that regard, I'd be happy to, and would
20 appreciate your support on this bill today, Senators.

21 PRESIDENT SIMPSON: Thank you. The
22 Secretary will unlock the board and Senators will
23 proceed to vote. Lock the board and record the vote.

24 THE CLERK: 38 yeas, zero nays, Mr.
25 President.

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1 PRESIDENT SIMPSON: Show the bill passes.
2 And I believe now we're going back to CS for Senate Bill
3 1452, is that right? Read that bill.

4 THE CLERK: Committee substitute for
5 Senate Bill 1452, a bill to be entitled an act relating
6 to funding for sheriffs providing child protective
7 investigative services.

8 PRESIDENT SIMPSON: Leader Book, you're
9 recognized to explain your bill.

10 SENATOR BOOK: Thank you, Mr. President.
11 I believe the House bill is here. If it's possible,
12 could we please take up the House bill? And there's an
13 amendment to that bill.

14 PRESIDENT SIMPSON: Yes. Senator --
15 Leader Book moves that CS for CS for House Bill 963 be
16 substituted for CS for Senate Bill 1452. Without
17 objection, show that motion adopted. Read the House
18 bill.

19 THE CLERK: Committee substitute for
20 committee substitute for House Bill 963, a bill to be
21 entitled an act relating to funding for sheriffs.

22 PRESIDENT SIMPSON: Are there amendments?

23 THE CLERK: On the desk, Mr. President.

24 PRESIDENT SIMPSON: Read the first
25 amendment.

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1 THE CLERK: Amendment Barcode 430624 by
2 Senator Book. Delete everything after the enacting
3 clause and insert amendment.

4 PRESIDENT SIMPSON: Senator Book, you're
5 recognized on your amendment.

6 SENATOR BOOK: Thank you so much, Mr.
7 President. We are amending the House bill to take it
8 back to the Senate's position, which would close an
9 accounting error in how sheriff's offices are authorized
10 to roll over spending for child protective
11 investigators. The bottom line is clear. This bill
12 will ensure that our children are being protected by the
13 brave men and women in our sheriff's offices. That is
14 the bill and the amendment with the Senate's position,
15 Mr. President.

16 PRESIDENT SIMPSON: Are there questions?
17 Is there any debate on the amendment? Without
18 objection, show that amendment adopted. Read the next
19 amendment.

20 THE CLERK: None on the desk, Mr.
21 President.

22 PRESIDENT SIMPSON: Are there questions
23 on the bill? Senator Rouson, you're recognized for a
24 question.

25 SENATOR ROUSON: Thank you very much, Mr.

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1 President. Senator Book, we talked earlier about the
2 poisoned pill. Did your amendment take care of that
3 issue?

4 PRESIDENT SIMPSON: Senator Book, you're
5 recognized.

6 SENATOR BOOK: Thank you, Mr. President.
7 Yes, Senator Rouson, it did. It took out the House's
8 language and put the Senate language back on, which was
9 very clean, a clean bill that started that way and they
10 were sending it back over that way.

11 PRESIDENT SIMPSON: Are there any
12 additional questions? Oh, I'm sorry. We're beyond
13 that. Any additional questions on the bill? By
14 agreement of the Democrat and Republican leaders, Leader
15 Book moves the bill be read a third time. Without
16 objection, show that motion adopted. Read the bill.

17 THE CLERK: Committee substitute for
18 committee substitute for House Bill 963, a bill to be
19 entitled an act relating to funding for sheriffs.

20 PRESIDENT SIMPSON: Is there any debate
21 on the bill? Any debate? Senator Book, you're
22 recognized to close.

23 SENATOR BOOK: I just want to assure
24 everybody this is the very clean bill that went through
25 all of its stops and every committee stop with no, no

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1 votes, very clean, making sure that the sheriff's
2 offices that do child protective investigators have the
3 budgeting authority to roll over their money. That is
4 the bill, and Mr. President.

5 PRESIDENT SIMPSON: Thank you. The
6 Secretary will unlock the board and Senators will
7 proceed to vote. Lock the board and record the vote.

8 THE CLERK: 38 yeas, zero nays, Mr.
9 President.

10 PRESIDENT SIMPSON: Show the bill passes.
11 Read the next bill.

12 THE CLERK: Committee substitute for
13 Senate Bill 538, a bill to be entitled an act relating
14 to private instructional personnel providing applied
15 behavioral analysis services.

16 PRESIDENT SIMPSON: Senator of the 16th,
17 Senator Hooper, you are recognized to explain the bill.

18 SENATOR HOOPER: Thank you, Mr.
19 President. The bill expands the list of approved
20 private instructional providers who provide services to
21 students with disabilities to include registered
22 behavioral technicians.

23 PRESIDENT SIMPSON: Are there amendments?

24 THE CLERK: None on the desk, Mr.
25 President.

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1 PRESIDENT SIMPSON: Senator Hooper, it's
2 here. Of course, it's here. Please explain the
3 differences on the companion bill before us.

4 SENATOR HOOPER: They are identical.

5 PRESIDENT SIMPSON: They are identical.
6 Senator Hooper moves an identical House bill be
7 substituted for the Senate Bill. Is there objection?
8 Without objection, the motion is adopted. Read the
9 House bill.

10 THE CLERK: Committee substitute for
11 House bill 255, a bill to be entitled an act relating to
12 Private Instructional Personnel providing Applied
13 Behavioral Analysis Services.

14 PRESIDENT SIMPSON: Are there amendments?

15 THE CLERK: None on the desk, Mr.
16 President.

17 PRESIDENT SIMPSON: Are there questions?
18 Senator Hooper moves the rules to be waived and the bill
19 will be read a third time by title. Without objection,
20 it's adopted. Read the bill a third time.

21 THE CLERK: Committee substitute for
22 House Bill 255, a bill to be entitled an act relating to
23 Private Instructional Personnel providing Applied
24 behavioral analysis services.

25 PRESIDENT SIMPSON: Is there debate?

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1 Senator Hooper, having waived his close, the question
2 now occurs for final passage. The clerk will unlock the
3 Board. Senators will proceed to vote. Lock the board
4 and announce the votes.

5 THE CLERK: 37 yeas, zero nays, Mr.
6 President.

7 PRESIDENT SIMPSON: Show the bill passes.
8 Read the next bill.

9 THE CLERK: Committee substitute for
10 committee substitute for Senate Bill 1874, a bill to be
11 entitled an act relating to the Department of Financial
12 Services.

13 PRESIDENT SIMPSON: Senator of the 21st,
14 Senator Boyd, what say you to explain the bill?

15 SENATOR BOYD: Thank you, Mr. President.
16 This is the Department of Financial Services package.
17 It is aimed to improve the division of workman's comp,
18 one-size-fits-all approach. It also requires insurance
19 companies to notify customers and companies prior to
20 closing their business. It repeals the Patient's
21 Compensation Fund. Also improves local government
22 reporting process. That is the bill, Mr. President.

23 PRESIDENT SIMPSON: Are there amendments?

24 THE CLERK: None on the desk, Mr.
25 President.

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1 PRESIDENT SIMPSON: We've waited all day,
2 and Senator Boyd, it's here, too. How about that?
3 There's a companion bill. Can you please explain the
4 differences should you wish to substitute.

5 SENATOR BOYD: Thank you, Mr. President.
6 I would like to substitute and the House bill contains a
7 provision that authorizes a state fire marshal to impose
8 fines and prescribe by rule guidances and factors for
9 imposing those penalties for unlicensed fire protection
10 contracting activity. That is the difference.

11 PRESIDENT SIMPSON: Senator Boyd moves
12 the House bill be substituted for the Senate Bill. Is
13 there objection? Any senator wishing to object?
14 Without objection, the motion is approved. Read the
15 House bill.

16 THE CLERK: Committee substitute for
17 committee substitute for committee substitute for House
18 Bill 959, a bill to be entitled an act relating to
19 Department of Financial Services.

20 PRESIDENT SIMPSON: Are there amendments?

21 THE CLERK: None on the desk, Mr.
22 President.

23 PRESIDENT SIMPSON: Are there questions
24 on the bill? Senator Boyd moves the House bill be read
25 a third time. Is there objection? Without objection,

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1 the motion is adopted. Read the bill a third time.

2 THE CLERK: Committee substitute for
3 committee substitute for committee substitute for House
4 Bill 959, a bill to be entitled an act relating to
5 Department of Financial Services.

6 PRESIDENT SIMPSON: Is there debate? Is
7 there debate? Any Senator wishing to debate? Senator
8 Boyd waives his close and so the question occurs on
9 final passage. The clerk will unlock the board.
10 Senators will proceed to vote. The clerk will lock the
11 board and announce the vote.

12 THE CLERK: 39 yeas, zero nays, Mr.
13 President.

14 PRESIDENT SIMPSON: Show the bill passes.
15 Read the next bill.

16 THE CLERK: Committee substitute for
17 committee substitute for Senate Bill 1664, a bill to be
18 entitled an act relating to residential picketing.

19 PRESIDENT SIMPSON: The Senator of the
20 8th is Senator Perry. He's recognized to explain the
21 bill.

22 SENATOR PERRY: Thank you, Mr. President.
23 HB 1571 recognizes the right to privacy, safety, and
24 peace that we all deserve in our own home. This bill
25 creates a new criminal offense for picketing or

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1 protesting outside a person's home with the intent to
2 harass or disturb. And that is the bill.

3 PRESIDENT SIMPSON: Are there amendments?

4 THE CLERK: None the desk, Mr. President.

5 PRESIDENT SIMPSON: There is a companion
6 bill that is before us. Senator Perry, you're
7 recognized to explain the differences.

8 SENATOR PERRY: They are identical.

9 PRESIDENT SIMPSON: Senator Perry moves
10 an identical House bill be substituted for the Senate
11 Bill. Is there any objection? Without objection the
12 motion is adopted. Read the House bill.

13 THE CLERK: Committee substitute for
14 House bill 1571, a bill to be entitled an act relating
15 to residential picketing.

16 PRESIDENT SIMPSON: Are there amendments?

17 THE CLERK: None on the desk, Mr.
18 President.

19 PRESIDENT SIMPSON: Are there questions?
20 There are questions. Senator Pizzo of the 38th, you're
21 recognized for a question.

22 SENATOR PIZZO: Thank you, Mr. President.
23 Senator Perry, this language looks exactly the same
24 verbatim as an amendment I had to a bill last year that
25 got voted down. Can you tell me what changed?

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1 PRESIDENT SIMPSON: Senator Perry?

2 SENATOR PERRY: The bill sponsor.

3 PRESIDENT SIMPSON: Senator Pizzo, you're
4 recognized for a question. Senator Pizzo has concluded
5 questions. Additional questions? Senator Brandes of
6 the 24th?

7 SENATOR BRANDES: Thank you. Could one
8 person be a protester?

9 PRESIDENT SIMPSON: Senator Perry?

10 SENATOR PERRY: That would be
11 potentially, I think, that would be a little difficult
12 but they could if they were harassing maybe with
13 bullhorns or some of the other things that some of these
14 groups or individuals are using.

15 PRESIDENT SIMPSON: Senator Brandes?

16 SENATOR BRANDES: No, I'm good.

17 PRESIDENT SIMPSON: Any other Senator
18 wishing to question? Any questions of Senator Perry?
19 Are there any additional comments from the sponsor?
20 Pursuant to Rule 4.19, the bill is placed on the
21 calendar of bills of third reading. Read the next bill.

22 THE CLERK: Committee substitute for
23 committee substitute for House Bill 921, a bill to be
24 entitled an act relating to campaign financing.

25 PRESIDENT SIMPSON: Senator Brodeur moves

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1 this bill be temporarily postponed. Without objection,
2 read the next bill.

3 THE CLERK: Committee substitute for
4 committee substitute for Senate Bill 1426, a bill to be
5 entitled an act relating to environmental management.

6 PRESIDENT SIMPSON: Senator of the 20th
7 now making his way to the Senate floor to present the
8 bill and you are recognized Senator Burgess.

9 SENATOR BURGESS: Thank you so much, Mr.
10 President, for the opportunity to present 1426. This
11 bill, in 2020, the legislature passed the Clean
12 Waterways Act. The act required DEP to update the
13 state's stormwater rules and to convene a Technical
14 Advisory Committee. Recommendation of the Technical
15 Advisory Committee was to create water quality
16 enhancement areas, which is exactly what this bill does.

17 PRESIDENT SIMPSON: Are there amendments?

18 THE CLERK: None on the desk, Mr.
19 President.

20 PRESIDENT SIMPSON: Senator Burgess, it's
21 here again, the House bill, the companion bill. Please
22 explain the differences should you wish to substitute.

23 SENATOR BURGESS: Thank you, Mr.
24 President. I do wish to substitute and they are
25 substantively identical. Senator Burgess moves a

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1 substantively identical House bill be substituted for
2 the Senate bill. Is there any objection? Without
3 objection, the motion is adopted and agreed to. Read
4 the House bill.

5 THE CLERK: Committee substitute for
6 committee substitute for committee substitute for House
7 Bill 965, a bill to be entitled an act relating to
8 environmental management.

9 PRESIDENT SIMPSON: Are there amendments?

10 THE CLERK: None on the desk, Mr.
11 President.

12 PRESIDENT SIMPSON: Are there questions?
13 Senator Burgess moves the rules be waived and the bill
14 be read a third time by title. Is there objection?
15 Without objection, the motion is agreed to. Read the
16 bill a third time.

17 THE CLERK: Committee substitute for
18 committee substitute for committee substitute for House
19 Bill 965, a bill to be entitled an act relating to
20 environmental management.

21 PRESIDENT SIMPSON: Senator, is there a
22 debate? Is there a debate? Senator Burgess, you're
23 recognized to waive his close and so the question occurs
24 for final passage. The clerk will unlock the board and
25 Senators will proceed to vote. Clerk will lock the

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1 board and announce the vote.

2 THE CLERK: 39 yeas, zero nays, Mr.
3 President.

4 PRESIDENT SIMPSON: Show the bill passes.
5 Read the next bill.

6 THE CLERK: Committee substitute for
7 committee substitute for Senate Bill 804, a bill to be
8 entitled an act relating to nursing homes.

9 PRESIDENT SIMPSON: Senator of the 26th,
10 what's your pleasure? Senator of the 26th, Senator
11 Albritton, you're recognized.

12 SENATOR ALBRITTON: Thank you, Mr.
13 President. I'd like to take up the House bill, please.

14 PRESIDENT SIMPSON: Can you explain the
15 differences for the body before we proceed on the House
16 bill?

17 SENATOR ALBRITTON: I am certainly happy
18 to do that. What the bill does, and they're
19 substantively, whatever the terminology was, they do the
20 same thing. What the bill does is it lowers the CNA
21 portion of the direct care hours from 2 1/2 hours to 2
22 hours on one side of the ledger. On the other side of
23 the ledger, we increase some accountability with the
24 nursing homes with evidentiary standards and put
25 something in place to slow down and hopefully stop the

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1 shell game that happens for businesses that can run from
2 judgments.

3 PRESIDENT SIMPSON: Senator Albritton,
4 having explained the differences, moves to substitute
5 the House bill for the Senate Bill. Is there objection?
6 Without objection, the motion is agreed to. Read the
7 House bill.

8 THE CLERK: Committee substitute for
9 committee substitute for House Bill 1239, a bill to be
10 entitled an act relating to nursing homes.

11 PRESIDENT SIMPSON: Are there amendments?

12 THE CLERK: On the desk, Mr. President.

13 PRESIDENT SIMPSON: Read the first
14 amendment.

15 THE CLERK: Amendment Barcode 754062 by
16 Senator Gibsor. Delete lines 76 to 137 and insert
17 amendment.

18 PRESIDENT SIMPSON: Leader Gibson, you're
19 recognized for the Gibson Amendment, from the 6th.

20 SENATOR GIBSON: Thank you, Mr.
21 President. Florida's percentage of the senior
22 population over 65 is the second highest in the country,
23 and many may end up in nursing homes. The amendment
24 will ensure communication between a resident's personal
25 physician, whom they have the right to keep even when

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1 they enter a nursing home as a resident. The
2 communication between that resident's personal
3 physician, also communication between the resident's
4 power of attorney and the medical director of the
5 nursing home facility, requiring that the director
6 consult with the resident's personal physician, as well
7 as the resident's power of attorney, which many times is
8 their family. The director should consult with the
9 resident's personal physician and power of attorney
10 before prescribing medication that is in conflict to
11 that of ordered by the resident's personal physician.

12 The bill also requires lab work ordered
13 by the resident's personal physician to be sent to the
14 resident's personal physician. That is, that the
15 medical director should not remove the physician's name,
16 the ordering physician's name, from the lab work and
17 reroute that lab work only to that medical director.
18 And the personal physician has no idea what came back on
19 that lab report that needs to be taken care of for that
20 resident.

21 The bill ensures safety and important
22 health outcomes for residents who cannot speak for
23 themselves. It also includes at least a quarterly
24 report, or quarterly a physician or a registered nurse
25 or nurse practitioner will review the care plan for the

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1 residents needs as they do change over time.

2 PRESIDENT SIMPSON: Are there questions
3 of Leader Gibson on the Gibson amendment? Are there
4 questions? Questions? Debates? We're in debates. Is
5 there debate on the Gibson amendment? Debate?

6 SENATOR GIBSON: Mr. President?

7 PRESIDENT SIMPSON: Yes, Leader Gibson?

8 SENATOR GIBSON: I wanted just to explain
9 the amendment and certainly hope that next year Senator
10 Albritton will look at some of the components of the
11 amendment that was a bill for the safety and care of
12 those in nursing homes whose the average lifespan is
13 four months when they enter. And I know you want to go
14 very quickly, but this is very personal to me.

15 PRESIDENT SIMPSON: Leader Gibson, the
16 floor is yours. I want you to explain and feel
17 comfortable and --

18 SENATOR GIBSON: Thank you, Mr.
19 President. It's very personal to me. And so when I
20 talk about things here that have happened in my family,
21 I know that it's multiplied over and over and over in
22 the state. I'm sorry. I just want to make sure that
23 these kind of things, what happens, doesn't happen to
24 other people.

25 And it's very important the residents can

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1 keep their doctor. And it's very important, the
2 communication between the medical director and that
3 medical director's assistant to communicate with family,
4 especially when you have a power of attorney and they
5 must return the phone calls. This bill makes sure that
6 that happens, so that the quality of life of that -- all
7 of those in nursing homes is what it should be, and they
8 don't suffer unnecessarily. Thank you, Mr. President.
9 With that, I withdraw amendment.

10 PRESIDENT SIMPSON: Well done, Leader
11 Gibson. Without objection, show the Gibson amendment
12 withdrawn. But it sounds like you've planted seeds for
13 the future to make sure that's the track of this
14 legislature in the future.

15 Read the next amendment.

16 THE CLERK: None on the desk, Mr.
17 President.

18 PRESIDENT SIMPSON: Are there questions
19 of the sponsor? Are there questions, Leader -- Senator
20 of the 3rd District, Senator Ausley, you're recognized
21 for a question.

22 SENATOR AUSLEY: Thank you, Mr.
23 President. So I haven't had this in any committees and
24 this is an issue that I'm somewhat familiar with because
25 we had a similar conversation dialogue back when I

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1 started in the early 2000s. Can you tell me what the
2 current staffing ratio is and how this is going to
3 change that?

4 PRESIDENT SIMPSON: Senator Albritton?

5 SENATOR ALBRITTON: Yes, ma'am, I'm happy
6 to do that. So today there's 3.6 hours of direct care
7 that's required for each resident. We didn't mess with
8 that. We didn't mess with any of the ratios as it
9 relates to how many patients the registered nurse or the
10 CNAs can have underneath their care. The only thing
11 that we're doing here, and this is all in response to a
12 significant staffing shortage, what we did is we took
13 the CNA portion of the direct care hours of the 3.6,
14 which that CNA portion today is 2.5 hours, and we
15 reduced that to 2 hours.

16 Now, the other thing to remember is that
17 the federal standards also allow some other types of
18 therapies and other types of services that the nursing
19 home residents receive to count as direct care. It
20 doesn't work that way here. So what we did do is we are
21 allowing those to count here in Florida. So
22 essentially, the change is the CNA hours.

23 PRESIDENT SIMPSON: Senator Ausley?

24 SENATOR AUSLEY: Thank you, Mr.
25 President. So are you aware that when we went through

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1 this crisis before, in the early 2000s, there was a long
2 drawn out comprehensive task force that came up with a
3 compromise? Do you know what the hours of care for the
4 CNAs was back then as a result of Senate Bill 1202?

5 PRESIDENT SIMPSON: Senator AlBritton?

6 SENATOR ALBRITTON: Thank you, Mr.

7 President. It was 2.9, I believe.

8 PRESIDENT SIMPSON: Senator Ausley?

9 SENATOR AUSLEY: Thank you, Mr.

10 President. Do you know when that changed from 2.9 to
11 2.5?

12 PRESIDENT SIMPSON: Senator Albritton?

13 SENATOR ALBRITTON: Thank you, Mr.

14 President. No, ma'am, I don't know specifically, but I
15 think it was maybe eight years ago, ten years ago,
16 somewhere in that range.

17 PRESIDENT SIMPSON: Senator Ausley?

18 SENATOR AUSLEY: Thank you, Mr.

19 President. So it's my understanding now that the we're
20 moving, we've gone, we start at 2.9. We've moved to
21 2.5. We're talking about 2.0. And this is -- this is
22 direct care. So what type of services does the CNA
23 provide?

24 PRESIDENT SIMPSON: Senator Albritton?

25 SENATOR ALBRITTON: Thank you, Mr.

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1 President. So they would do things like turning the
2 patient or personal hygiene, those types of things. The
3 resident, I should say. I'm sorry, that was the wrong
4 terminology. It's a resident, not a patient. It's not
5 a hospital. Sorry.

6 PRESIDENT SIMPSON: Senator Ausley?

7 SENATOR AUSLEY: Thank you, Mr.

8 President. And do we have any sort of research or
9 expertise that tells us that moving back from 2.5 hours
10 a day to 2 hours a day in these kind of really important
11 quality of life services, that this is not going to have
12 an impact on patient quality of care?

13 PRESIDENT SIMPSON: Senator Albritton?

14 SENATOR ALBRITTON: Thank you, Mr.

15 President. There's a couple of things that I'd share
16 with you. I'm not aware of any of that that you're
17 asking. But I will say this. It's significant that
18 those other therapies, if you will, will be allowed as
19 part of the direct care hour. I understand the concern
20 and quite frankly, don't blame the folks that are
21 opposing the bill for the change in the CNA. I don't
22 blame them at all. I don't. Again, this is in response
23 to a staffing challenge that we've had. And the last
24 thing I'd leave you with is, if I really, really
25 believed that this is going to reduce, if this was going

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1 to injure a resident, my name would not be on the bill.

2 PRESIDENT SIMPSON: Senator Ausley?

3 SENATOR AUSLEY: Thank you, Mr.

4 President. I have no doubt of that, Senator Albritton,

5 Chair Albritton. I've just had multiple conversations

6 with those who do this type of work and changing bed

7 pans and getting people out of bed and taking them to

8 the back and forth to the restroom. And what we're

9 doing is replacing some of those hours with physical

10 therapists and other specialists. Do they have the

11 training and will they be asked to do these types of

12 services or are we just limiting the hours in which

13 those services are going to be available for these

14 patients?

15 PRESIDENT SIMPSON: Senator Albritton?

16 SENATOR ALBRITTON: Thank you, Mr.

17 President. So I can't speak to the specificity, if you

18 will, about the training a physical therapist or a

19 feeding assistant or some of those folks might have

20 relative to what CNAs have. I do not know the answer to

21 that question. I'll openly state that.

22 However, I do have every expectation that

23 they -- look, the challenge is, can the folks that are

24 interacting with the resident identify a problem,

25 identify a challenge, and make sure that the challenge

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1 is effectively cared for, right, or remedied? I would
2 have every expectation, regardless of the training, that
3 anybody that is performing these therapies or these
4 services to the residents, if they recognize that there
5 was a problem with that resident at that time, it would
6 be largely unethical, if not immoral, for them to not
7 alert somebody in the home that there is a challenge
8 that needs to be remedied.

9 PRESIDENT SIMPSON: Senator Ausley?

10 SENATOR AUSLEY: Thank you, Mr.
11 President. And Senator Albritton, again, I know that
12 you're trying to really address an issue and looking at
13 both sides and coming up with the right. But what I do
14 know is that when we were facing a challenge of this --
15 a crisis of this proportion 22 years ago, we put
16 together a group of experts that looked at it and they
17 looked at the staffing crisis. There was an issue with
18 litigation and came up with the right number for
19 staffing ratio and some litigation reform was a
20 compromise with both sides.

21 Given the fact that we are really trying
22 to address the staffing crisis and make sure that we're
23 not impacting quality of care, why wouldn't we do the
24 same thing and have a task force of experts that could
25 help us determine exactly what the right number of

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1 staffing ratio that could get us to where we need to go
2 and could help us address the staffing crisis?

3 PRESIDENT SIMPSON: Senator Albritton?

4 SENATOR ALBRITTON: Thank you, Mr.

5 President. So there was a process that went into play
6 through this. There was an original bill that was
7 filed. And then what I did is pulled in the group of
8 stakeholders, the voices, and that included not for
9 profit homes, it included for profit homes, it included
10 the Florida Justice Association, it included advocates.
11 And we had discussions about this. We worked through
12 some things.

13 I would suggest to you that the amount of
14 work and negotiation from especially the two parties,
15 and again, I don't blame the advocacy groups for their
16 position on this, hold them no harm at all. But to be
17 able to take the FJA and be able to take the nursing
18 home operators and sit in a room, these are essentially
19 experts in the field. And to have a task force or
20 something that would be pulled together, those same
21 people would largely be sitting in the room together.

22 So I feel as though we've slain a giant
23 with this and the folks brought valid input and Senator
24 Farmer made a comment in committee that we pulled
25 together cats and dogs to make this work. And the truth

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1 is, I feel as though the work product is the result of
2 the kind of thing you're talking about.

3 PRESIDENT SIMPSON: Senator Ausley?

4 SENATOR AUSLEY: Thank you, Mr.

5 President. So the last question I'll ask is, if we're
6 really trying to address a staffing crisis, it seems to
7 me we are -- is the best way to address a staffing
8 crisis to provide to the people who are trying to keep,
9 retain and recruit to the industry, giving them more
10 work, is that the best way to address the staffing
11 crisis?

12 PRESIDENT SIMPSON: Senator Albritton?

13 SENATOR ALBRITTON: Thank you, Mr.

14 President. Senator Ausley I don't know if it's the best
15 way or not. I know this is the way we're trying to do
16 it, with balance and accountability. So I guess there's
17 probably multiple ways it could be solved. This is just
18 how we're trying to do it in this moment.

19 PRESIDENT SIMPSON: We are in questions.
20 The Senator of the 25th, Senator Harrell, you're
21 recognized for a question.

22 SENATOR HARRELL: Thank you very much,
23 Mr. President. And Senator Albritton, has technology
24 come quite a long way in the 20 years since we addressed
25 this problem? And do we not have currently much more

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1 ability to handle those everyday tasks with things like
2 lift chairs, with things like monitors and a variety of
3 instruments that allow us to do much more in a much more
4 efficient way that would allow us to perhaps really look
5 at those nursing CNA standards?

6 And we've also -- have we not also
7 allowed for additional personnel, such as feeding
8 assistants, and things like that, that really make it
9 much more reasonable to be able to look at those hours a
10 little bit more carefully?

11 PRESIDENT SIMPSON: Senator Albritton?

12 SENATOR ALBRITTON: Thank you, Mr.
13 President. I believe that is absolutely true. And the
14 other suggestion I would make to Senators would be that
15 you remember last year Senator Beam passed a personal
16 care attendant bill which also provides some backfilling
17 to accomplish these tasks that you're suggesting.

18 So I guess in a long answer would have
19 been yes, or short answer would have been, yes, ma'am.

20 PRESIDENT SIMPSON: Additional questions?
21 We're on the Albritton Bill. We're on the Albritton
22 Bill and we're in questions. Senator of the 40th,
23 Senator Taddeo, you're recognized for a question.

24 SENATOR TADDEO: Take all my wrapping in
25 the meat market we're in. It's so cold in here. Thank

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1 you, Mr. President.

2 Senator, why are you still proposing a
3 staffing ratio adjustment when we just in our budget
4 added funding to be able to pay more to those workers in
5 nursing homes?

6 PRESIDENT SIMPSON: Senator Albritton?

7 SENATOR ALBRITTON: Thank you, Mr.
8 President. Because I believe that a comprehensive
9 approach is what's necessary. It's going to take -- the
10 crisis is very real and it's significant. There are
11 large scale moratoriums for accepting new residents that
12 are in place today, and the goal is to get the nursing
13 homes moving in the correct direction, if you will, to
14 make sure that care is maintained the way that it needs
15 to be maintained, accountability is actually increased,
16 and the funding should hopefully go a long way to making
17 sure that we're building out that comprehensive
18 solution.

19 PRESIDENT SIMPSON: Senator Taddeo?

20 SENATOR TADDEO: Would you say that the
21 current shortage that we have has affected quality of
22 care?

23 PRESIDENT SIMPSON: Senator Albritton?

24 SENATOR ALBRITTON: Thank you. No,
25 ma'am, I would not. Because if you fall below the

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1 staffing threshold, that's when the moratorium that I
2 just mentioned kicks in. So I would say no, ma'am.

3 PRESIDENT SIMPSON: Senator Taddeo?

4 SENATOR TADDEO: What led to the decision
5 to remove the Nursing Home Sustainability Task Force
6 from the bill?

7 PRESIDENT SIMPSON: Senator Albritton?

8 SENATOR ALBRITTON: Thank you, Mr.
9 President. Florida House.

10 PRESIDENT SIMPSON: Senator Taddeo?

11 SENATOR TADDEO: Sorry. I didn't mean to
12 have a physical response. Are you not concerned that
13 we're already one of the lowest states with the number
14 of hours that we're now going from 2.5 to 2.0?

15 PRESIDENT SIMPSON: Senator Albritton?

16 SENATOR ALBRITTON: Thank you, Mr.
17 President. No, ma'am. I believe that there's
18 sufficient accountability in the bill. Brand new
19 measures. These evidentiary standards are going to make
20 a big difference for consistently or perpetually bad
21 behaviors anyhow, and that's not what this bill is
22 about. And that 2.0 hours from the 2.5, that's not what
23 this is about, right?

24 At the end of the day, I'll answer that
25 the same way that I answered it to the very good line of

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1 questions from Senator Ausley. If I really believe that
2 would happen, my name would not be on this bill.

3 PRESIDENT SIMPSON: Senator Taddeo has
4 concluded her questions. Are there additional
5 questions? The bill is not being rolled. So are there
6 additional questions? Is there any further comment from
7 the sponsor? The sponsor has concluded as well.

8 Pursuant to Rule 4.19, the bill is placed
9 on third reading. Senators, we passed a couple of bills
10 we're picking up that have had action in the last little
11 bit. And one of the bills we temporarily postponed was
12 Bill 921 by Senator Brodeur. It was committee
13 substitute for committee substitute for House Bill 921.
14 Madam Secretary, is that correct? Is that correct? We
15 are proceeding to 921 by Brodeur? Is that correct?
16 Without objection, read the bill.

17 THE CLERK: Committee substitute for
18 committee substitute for House Bill 921, a bill to be
19 entitled an act relating to campaign financing.

20 PRESIDENT SIMPSON: Senator of the 9th
21 Senator Brodeur, you're recognized on the bill.

22 SENATOR BRODEUR: Thank you very much,
23 Mr. President. This is the bill we talked about and
24 amended at length yesterday, prohibiting any foreign
25 national from making or offering to make, directly or

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1 indirectly, any contribution or expenditure in
2 connection with an election held in the state, and that
3 includes ballot initiatives.

4 PRESIDENT SIMPSON: Are there amendments?

5 THE CLERK: On the desk, Mr. President.

6 PRESIDENT SIMPSON: Read the first
7 amendment.

8 THE CLERK: Amendment Barcode 892588 by
9 Senator Farmer. Delete lines 26 to 35 and insert
10 amendment.

11 PRESIDENT SIMPSON: Here he comes, Leader
12 Farmer, just in time. Leader Farmer, we are on the
13 Brodeur bill, and we are now taking up your amendment,
14 so you are recognized on the Farmer Amendment.

15 SENATOR FARMER: Thank you, Mr.
16 President. When we discussed this bill, I think it was
17 yesterday, these days are all blending together. We
18 were concerned about the fact that the amendment had
19 language in it that would allow for funding for
20 proponents of an amendment, but not for those who
21 oppose. And I want to thank Senator Brodeur for hearing
22 our concerns on this. I want to thank Senator Rodrigues
23 as well. He worked with us on this.

24 This is the kind of good, collaborative
25 stuff that happens in the Florida Senate. And I

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1 appreciate both you working with us on this and ask you
2 all to support this amendment.

3 PRESIDENT SIMPSON: Are there questions
4 on the Farmer amendment? Are there questions? Is there
5 debates? Is there debate? Debate? Senator of the
6 27th, Senator Rodrigues, you're recognized in debate on
7 the Farmer Amendment.

8 SENATOR RODRIGUES: Thank you, Mr.
9 President. And if you'll recall, this was a section of
10 the bill that was amended onto Senator Brodeur's bill to
11 bring us in line with the House version. I was asked
12 during Q and A why we had accepted language that put a
13 cap on supporters, but not on those who were opposing.
14 And I pointed out that the answer we'd received from the
15 House sponsor was because that's where money is spent is
16 during the initiative process by supporters, but there's
17 not money spent on the opposition in that.

18 When we went to a temporary recess, I
19 want to credit my colleagues from the 5th District,
20 Senator Bradley, and from the 38th District, Senator
21 Pizzo, who came over and pointed out to me that
22 litigation has not been kind to legislation that applies
23 caps on one side of an issue, but not on the other. And
24 last year, when we passed this in a standalone bill, we
25 equally applied those caps to both sides, opposing and

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1 in opposition. So I want to thank you both for bringing
2 that to my attention.

3 And then the other thing I would point
4 out is, I do admit when I'm wrong. Senator Berman and
5 the author of the amendment pointed out that there was
6 money that had been spent by a political committee
7 opposing a constitutional amendment this very year. And
8 so that illustrated not only the need for this, but that
9 you guys are right from a legal standpoint as well.

10 So with that, I want to thank my
11 colleagues and support this amendment.

12 PRESIDENT SIMPSON: Senator Brodeur, what
13 say you to the amendment. You're recognized in debate.

14 SENATOR BRODEUR: Me too. Thank you very
15 much, Mr. President.

16 PRESIDENT SIMPSON: Leader Farmer, you're
17 looking good right now. Do you wish to push it by
18 debating on your amendment?

19 SENATOR FARMER: I'm not going to steal
20 defeat from the jaws of victory, Mr. President. I will
21 waive close.

22 PRESIDENT SIMPSON: Leader Farmer, the
23 question occurs. All those in favor of the Leader
24 Farmer amendment, please signify saying yea. Opposed,
25 say nay. The motion is agreed to. The Farmer amendment

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1 is adopted. Read the next amendment.

2 THE CLERK: Amendment Barcode 889914 by
3 Senator Rodrigues. Between lines 77 and 78, insert
4 amendment.

5 PRESIDENT SIMPSON: Is there a substitute
6 amendment?

7 THE CLERK: On the desk, Mr. President.

8 PRESIDENT SIMPSON: Read the substitute
9 amendment.

10 THE CLERK: Substitute amendment, Barcode
11 477848 by Senator Rodrigues. Between lines 77 and 78,
12 insert amendment.

13 PRESIDENT SIMPSON: Senator Rodrigues of
14 the 27th, you're recognized on the Rodrigues substitute
15 amendment.

16 SENATOR RODRIGUES: Thank you, Mr.
17 President. What this amendment does is it addresses
18 spending by public agencies, which are local
19 governments, county school districts, municipalities,
20 and special districts, on issues that are on the ballot.
21 And it prohibits taxpayer money, taxpayer dollars, the
22 public treasury, from being used for communications that
23 go from government, that is initiated by government, and
24 goes to the electors. That is the amendment.

25 PRESIDENT SIMPSON: Are there amendments

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1 to the substitute amendment?

2 THE CLERK: On the desk, Mr. President.

3 PRESIDENT SIMPSON: Read the first
4 amendment to the substitute amendment.

5 THE CLERK: Substitute Amendment Barcode
6 137756 by Senator Rodrigues. Delete lines 24 to 25 and
7 insert amendment.

8 PRESIDENT SIMPSON: Senator Rodrigues of
9 the 27th, you're recognized on the amendment to the
10 substitute amendment.

11 SENATOR RODRIGUES: Thank you, Mr.
12 President. I worked with the Florida League of Cities,
13 members of the Florida Association of Counties, and the
14 Florida Association of Counties to address concerns that
15 they have. And this amendment addresses those concerns
16 that will allow them to continue to communicate to
17 voters that contact them for information and not
18 preclude them from doing that. That is the substitute
19 amendment.

20 PRESIDENT SIMPSON: Is there questions on
21 the Rodrigues amendment to the substitute amendment?
22 Senator Harrell, you have a question, you're recognized.

23 SENATOR HARRELL: Thank you very much,
24 Mr. President. And pursuant to our conversation
25 earlier, does this amendment address the concerns I

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1 mentioned to you? For instance, could a city or a
2 county at least communicate the exact language of some
3 kind of provision that they are going to put on the
4 ballot?

5 PRESIDENT SIMPSON: Senator Rodrigues to
6 respond.

7 SENATOR RODRIGUES: Thank you, Mr.
8 President. And yes, they can.

9 PRESIDENT SIMPSON: Senator Harrell for a
10 question?

11 SENATOR HARRELL: And they would be able
12 to mail the exact language, not -- it would be an
13 outgoing communication, not an incoming answer to a
14 question. It would be an outgoing communication?

15 PRESIDENT SIMPSON: Senator Rodrigues.

16 SENATOR RODRIGUES: Thank you, Mr.
17 President. Yes, we have a provision in here that says
18 that they are able to provide information as allowed by
19 current law. When government places something on the
20 ballot, they are authorized under statute to communicate
21 that to the voters.

22 PRESIDENT SIMPSON: Additional questions?
23 Senator Harrell?

24 SENATOR HARRELL: And following up on
25 that, for instance, if a homeowners association

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1 requested a speaker to come and discuss whatever the
2 issue is before that homeowners association, would a
3 city or county employee be able to do that under your
4 amendment?

5 PRESIDENT SIMPSON: Senator Rodrigues?

6 SENATOR RODRIGUES: Thank you, Mr.
7 President. Yes, because they would not be initiating
8 that. They would have been contacted by the electors
9 and asked to provide information. And they're allowed
10 to do that under the amendment.

11 PRESIDENT SIMPSON: Senator Harrell?

12 SENATOR HARRELL: And for instance, would
13 they be able to communicate via e-mail and send out an
14 e-mail to people that would again address explanations
15 of the issue?

16 PRESIDENT SIMPSON: Senator Rodrigues?

17 SENATOR RODRIGUES: Thank you, Mr.
18 President. I can speak to like my county has an e-mail
19 list. You initiate that yourself by asking to be placed
20 on that list. If you are on that list, you can receive
21 anything from the county.

22 They would not be allowed to go and spam
23 you if you've not requested any information because then
24 the county would be initiating contact or information
25 that is on the ballot and that would be opposed.

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1 PRESIDENT SIMPSON: Leader Harrell --
2 Senator Harrell has concluded her questions. There's
3 additional questions. Senator Pizzo of the 38th, you're
4 recognized. Senator Pizzo?

5 SENATOR PIZZO: Thank you, Mr. President.
6 Senator Rodrigues, if you would, and I don't wish to
7 complicate matters, but this is an amendment to the
8 prior amendment on 477848, correct?

9 PRESIDENT SIMPSON: Correct. That is
10 correct.

11 SENATOR PIZZO: Would the body indulge by
12 showing page 2 of that two page amendment?

13 PRESIDENT SIMPSON: You can put it up on
14 your screen. We're able to change there, but Senator
15 Pizzo, you're recognized for a question.

16 SENATOR PIZZO: Thank you, Mr. President.
17 How does the 137756 address a concern that was raised
18 most recently to me? And I've reached out for
19 clarification as what the application of this amendment
20 is. But going back to 477848, it effectively prohibits
21 local governments from spending funds on any
22 communication.

23 PRESIDENT SIMPSON: Senator Rodrigues?

24 SENATOR RODRIGUES: Thank you, Mr.
25 President. They're not prohibited from spending on any

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1 communication. They're prohibited from initiating
2 communications on items that have been placed --
3 (End of recording.)

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1 C E R T I F I C A T I O N

2

3 I, DIANE OTTO, do hereby certify that I have
4 carefully transcribed from and compared the foregoing
5 pages with the original digital audio recording from
6 said proceeding and that this transcript is true and
7 correct to the best of my ability.

8 Dated this day March 8, 2023.

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18 (Electronically signed)

19 DIANE OTTO, CET, CER 1353

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