

Senate Session
April 19, 2022, 12:30 P.M.

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EXHIBIT

J99

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[00:05:30]

President Simpson: The Secretary, please read the proclamation calling the special session and proclamation explaining the call.

Secretary: Proclamation, State of Florida, Executive Office of the Governor, Tallahassee. To the honorable members of the Florida Senate and House of Representatives. Whereas, Article III, Section 3 of the Florida Constitution permits the governor to convene the Legislature in special session during which only such legislative business may be transacted as is within the purview of this proclamation or of a communication from the governor, or as introduced by consent of two-thirds of the membership of each house of the Legislature.

And whereas, Article III, Section 3 of the Florida Constitution limits the duration of a special session to twenty consecutive days, and whereas, on March 29, 2022, the Legislature presented to me Committee Substitute for Senate Bill 102, an act relating to establishing the congressional districts of the State of Florida.

And whereas, on March 29, 2022, pursuant to Article III, Section 8 of the Florida Constitution, I vetoed and transmitted my objection to Committee Substitute for Senate Bill 102, and whereas, redistricting is primarily the duty and responsibility of the states, see U.S. Constitution Article 1 and 4, cl. 1.

And whereas, the Legislature and governor have an obligation every ten years to redraw Florida's congressional districts consistent with the most recent decennial consensus, see 2 U.S.C. Section 2A through 2C, and the one person, one vote requirement of the U.S. Constitution, see Kirkpatrick versus Preisler, 394 U.S. 526, 530 through 31, 1969.

And whereas, the 2020 Census resulted in the apportionment of Florida of 28 representatives to the U.S. House of Representatives.

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1 And whereas, based on statewide population growth, the State of Florida gained an
2 additional congressional seat when compared to the 2010 Census.

3 And whereas, the qualifying period for election of the U.S. House of Representatives is
4 June 13, 2022 to June 17, 2022, pursuant to Florida law.

5 And whereas, the failure to redistrict the congressional districts of the State of Florida
6 could result in confusion and chaos in the administration of Florida's congressional elections,

7 Now therefore I, Ron DeSantis, Governor of the State of Florida, by virtue of the power
8 and authority vested in me by Article II, Section 3(c)(1) of the Constitution, do hereby proclaim
9 as follows:

10 Section One. The Legislature of the State of Florida is convened in special session
11 commencing at 12:00 o'clock P.M., Tuesday, April 19, 2022, and extended no later than 11:59
12 P.M., Friday, April 22, 2022.

13 Section Two. The Legislature of the State of Florida is convened in special session for the
14 sole and exclusive purpose of considering legislation relating to the establishment of
15 congressional districts for the State of Florida and any legal challenges thereto, including the
16 appropriation of additional funding for pending and prospective redistricting litigation.

17 In witness whereof, I have here unto set my hand and caused the Great Seal of the State
18 of Florida to be affixed to this proclamation convening the Legislature in special session at the
19 Capital, this 29th day of March, 2022. Signed Ron DeSantis, Governor. Attested Laurel M. Lee,
20 Secretary of State.

21 Proclamation, State of Florida, Executive Office of the Governor, Tallahassee. To the
22 honorable members of the Florida Senate and the House of Representatives. Whereas, the
23 Florida Constitution of 1885 did not prohibit special laws granting privileged private

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1 corporations. And whereas, the Florida Constitution was revised by the Florida electorate on
2 November 1968. And whereas, the Florida Constitution of 1968 generally disfavors special laws
3 as opposed to general laws but permits the creation of independent special districts that
4 appropriately serve the public interest. And whereas, Article III, Section 11(a)(12) of the Florida
5 Constitution of 1968 prohibits special laws granting privileges to private corporations. And
6 whereas, independent special districts exist that were established prior to November 5, 1968 and
7 that have not been reestablished, ratified, or otherwise reconstituted by a special act or general
8 law after November 5, 1968. And whereas, it is necessary to review such independent special
9 districts to ensure that they are appropriately serving the public interest. And whereas, it is also
10 necessary to consider whether such independent special districts should be subject to the special
11 law requirements of the Florida Constitution of 1968. And whereas, it is further necessary to
12 periodically review exceptions to generally applicable laws that are given to select corporations.
13 And whereas, on May 24, 2021, Florida enacted the first-of-its-kind law to protect consumers
14 from arbitrary censorship by social media platforms. And whereas, the law, section 501.2041,
15 Florida Statutes, exempts any company that owns and operates a theme park or entertainment
16 complex from the definition of a social media platform. And whereas, on June 30, 2021 a federal
17 court temporarily enjoined the section 501.2041, Florida Statutes, in part because such
18 exemption would likely not survive under the First Amendment. And whereas, the federal court
19 questioned whether it could sever the exemption for theme parks and entertainment complexes
20 because the court included that: One, the Legislature was apparently unwilling to subject favored
21 Florida businesses to the statutes onerous regulatory burdens; and two, the court could not
22 impose these burdens on the statutorily excluded entities when the Legislature has not passed and
23 the governor has not signed a statute subjecting these entities to the requirements. Netchoice,

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1 LLC versus Moody, 546 F. Supp. 3d 1082, 1094, N.D. Florida 2021. And whereas, Florida
 2 appealed this ruling to the United States Court of Appeals for the 11th Circuit in case number 20-
 3 12355. And whereas, oral argument before the 11th Circuit is scheduled to occur on April 28,
 4 2022, and Florida must prevail in its position that a state can regulate the arbitrary and
 5 inconsistent censorship practices of social media platforms due to the platform's unprecedented
 6 power over the free flow of information and ideas. And whereas, the law's exemption for theme
 7 park and entertainment complexes is severable from and necessary to effectuate the law
 8 regulating social media platforms. And whereas, the Legislature should make clear that Florida
 9 intends to continue to protect consumers from the arbitrary and inconsistent censorship of social
 10 media platforms in a viewpoint-neutral manner. And whereas, I have called a special session
 11 commencing at 12:00 o'clock P.M., Tuesday, April 19, 2022, and extended no later than 11:59
 12 P.M., Friday, April 22, 2022. And whereas, it is prudent to expand the call for this special session.

13 Now therefore, Ron DeSantis, Governor of the State of Florida, by virtue of the power
 14 and authority vested in me by Article II, Section 3(c)(1) of the Florida Constitution, do hereby
 15 proclaim as follows: Section One. The call of the Legislature of the State of Florida for this
 16 special session is expanded for the sole purpose of considering, A: Legislation relating to
 17 independent special districts; and B: Legislation to amend section 501.2041, Florida Statutes. In
 18 testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Florida
 19 to be affixed to the proclamation expanding the call to the Legislature in special session at the
 20 Capital this 19th day of April, 2022. Signed Ron DeSantis, Governor. Attest, Laurel M. Lee,
 21 Secretary of State. The reading of the proclamations, Mr. President.

22 President Simpson: The Secretary will read the bills filed within the call. Please read the
 23 bills the first time by number, introducer, and title, and announce the President's reference.

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1 Secretary: Senate Bill 2-C, a bill to be entitled an act establishing the congressional
2 districts of the state, by Senator Rodrigues. President's reference: Reapportionment. Senate Bill
3 4-C, a bill to be entitled an act relating to independent special districts, by Senator Bradley.
4 President's reference: Community Affairs. Senate Bill 6-C, a bill to be entitled an act relating to
5 social media platforms, by Senator Bradley. President's reference: Community Affairs. The
6 reading of the bills, Mr. President.

7 President Simpson: The senator for the 28th District, Rules Chair Passidomo, for what
8 purpose do you rise?

9 Senator Passidomo: For a motion, Mr. President.

10 President Simpson: You are recognized.

11 Senator Passidomo: Thank you, Mr. President. I move the rules be waived and the
12 following bills be placed on the Special Order Calendar for today, April 19th: SB 2-C relating to
13 the establishment of the congressional districts of the state, SB 4-C relating to independent
14 special districts, and SB 6-C relating to social media platforms.

15 President Simpson: Without objections, show the motion adopted. Rules Chair
16 Passidomo, for what purpose – you're recognized for announcement.

17 Senator Passidomo: Thank you, Mr. President and as a reminder, the amendment
18 deadline for the bills placed on the Special Order Calendar for consideration at today's sitting is
19 5 o'clock P.M. as outlined in Senate Rule 13.8. Also, the Senate Committee on Reapportionment
20 will meet today at 1:30 P.M. in 412 Knott, and the Senate Committee on Community Affairs will
21 meet today at 2:30 P.M. in 117 Knott. Finally, Mr. President, the Special Order Calendar Group
22 scheduled for 15 minutes after this sitting is canceled.

23 President Simpson: Thank you, Rules Chair Passidomo. Before I recognize the Rules

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1 Chair for a motion, are there any other announcements? Senator Pizzo, you're recognized for an
2 announcement.

3 Senator Pizzo: Thank you, Mr. President. Only because we're sort of splitting up between
4 committees, the Rules Chair had announced that the Community Affairs will convene at 2:30
5 P.M. and then when is it contemplated that we'll be back in for a special session if we're
6 beginning at 2:30 in Community Affairs?

7 President Simpson: That will be recognized next and I believe it's 5 o'clock this evening
8 is the plan. Senator Farmer, you're recognized.

9 Senator Farmer: Thank you very much, Mr. President, and kudos, Madam Secretary for
10 getting through those proclamations both with your usual accuracy and straight face this time as
11 well. Mr. President, I just wanted a clarification on the Rules Chair as to deadlines for
12 amendments, particularly as to 4-C, the Reedy Creek, which was just filed today. Amendments
13 for Community Affairs, have we already passed a deadline? Do we still have time to amend for
14 Community Affairs? Could you give us some clarity on that please, Madam Rules Chair?

15 President Simpson: Madam Rules Chair, you're recognized.

16 Senator Passidomo: Thank you, Mr., President. There are three bills being considered.
17 All amendments to any of those bills need to be filed by 5 o'clock P.M. today.

18 President Simpson: Leader Farmer, you're recognized.

19 Senator Farmer: Madam Rules Chair, I'm talking about in the committee. The
20 committee's meeting at 2:30. Do we have until the start of the committee to file amendments for
21 the committee meeting and if not, can we do a motion to allow for that?

22 President Simpson: Madam Rules Chair, you're recognized.

23 Senator Passidomo: Thank you, Mr. President. Just like any other committee meeting.

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1 Amendments are filed. They can be considered or not, whether it's a late-filed amendment, in
2 fact even on the floor of a committee people file amendments. It's up to the committee chair to
3 address that. Mr. President, we have one thing on the Community Affairs meeting at 1:30 today,
4 and the amendment deadline is 1:30 today for the committee.

5 President Simpson: Leader Farmer, you're recognized.

6 Senator Farmer: Just clarification. We're meeting at 2:30, for the amendment deadline
7 would be 1:30?

8 Passidomo: That's right, thank you.

9 Senator Farmer: Okay.

10 President Simpson: Leader Farmer, you're recognized.

11 Senator Farmer: And with regard to planning, as we move forward, Mr. President, it's my
12 reading of the rules and the Florida Constitution that 4-C today would be its first reading. So
13 unless the rules were waived, we couldn't do second reading today. That would have to occur
14 tomorrow and once again, unless the rules are waived, third reading could not occur until
15 Thursday. Is that correct, sir?

16 President Simpson: Madam Rules Chair, you're recognized.

17 Senator Passidomo: Well we've already waived the rules and the special order has
18 already been dealt with.

19 President Simpson: Leader Farmer, you're recognized.

20 Senator Farmer: When did we wave the rules to take up 4-C on second reading today?

21 President Simpson: Madam Rules Chair, you're recognized.

22 Senator Passidomo: Thank you, Mr. President. About five minutes ago.

23 President Simpson: Leader Farmer, you're recognized.

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1 Senator Farmer: I would then move to reconsider that, Mr. President. I don't know that –
2 in fairness to the members, we have had a lot coming at us at a very rapid pace. We don't even
3 have a staff analysis on this matter. I don't think this is something that should be done with a
4 perfunctory "without objections, show that motion to waive rules adopted." This is too important
5 to many people in the State of Florida, too important to very sensitive environmental lands in and
6 around Reedy Creek, and I would ask that we reconsider that waiver of the rules, Mr. President.

7 President Simpson: To reconsider a motion is a majority vote of the chamber. We waived
8 the rules earlier and so it would take a majority vote to go back and redo that. Would you like to
9 proceed with that vote, Leader Farmer? You're recognized.

10 Senator Farmer: Thank you, Mr. President. You know, Mr. President, if we're gonna do it
11 that way, I would ask that you make a statement in support of that motion because again, a
12 perfunctory "without objection show that motion adopted," under these circumstances, under
13 these constrained timeframes with a very, very serious issue that affects not only this one district
14 but several others. One search turned up 130 potential districts that could be impacted by 4-C. I
15 just, Mr. President, please don't – I don't think – you've shown great leadership of this chamber
16 in adherence to the tradition of the Senate. And I would ask that we support that motion or that
17 the Rules Chair withdraw the waiver of the rules. We need a signal from you, sir, that that's not
18 how we're gonna proceed and that we will give all due course to this very important and very
19 late-filed matter.

20 President Simpson: Well thank you, Leader Farmer, for that and from my understanding
21 is this. If we hear these bills today in committee and then we will hear them tonight on the floor,
22 we will be back tomorrow to vote on these bills. The consequence of your request would just
23 delay this by one more day and would not change the outcome of those bills, in my opinion.

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1 And so I think that if you want to request that we revote on the motion, we can do that, but that it
2 would be a majority vote that it would take to reconsider. You're recognized.

3 Senator Farmer: Thank you, Mr. President. Again, I understand that people want to get
4 out of here early, but these are very unique circumstances. This is a bill that was just seen.
5 Everybody's trying to get their arms around it. I understand it may have been in drafting for
6 several days before today, but in any event, this is not how we're supposed to proceed. And I
7 understand that it may be a predetermined outcome in the minds of many as to the vote, but I
8 don't think it's fair to our minority caucus and those of us who really maybe weren't as much in
9 the loop as others to proceed in this manner. And I think the people of the State of Florida expect
10 and deserve better than expediting consideration simply for ease of travel. And so, I would again
11 ask, sir, that we take up that motion to waive the rules once again, and do a board vote and make
12 sure that it's something that this body really intends to do.

13 President Simpson: Madam Rules Chair, you're recognized.

14 Senator Passidomo: Thank you, Mr. President. First, I want to clarify your – what the
15 motion that was not objected to was to place the bill, these bills, on the Special Order Calendar,
16 which then would occur later on today. You objected to that? Or what is your actual objection,
17 because I'm a little confused?

18 President Simpson: Recognized.

19 Senator Farmer: Thank you. Well you may have just clarified it, Madam Rules Chair, and
20 I think maybe we can then – so all we did was move to put it in special order? The motion to
21 waive rules to consider the bill on second reading today has not yet been voted on?

22 President Simpson: Madam Rules Chair, you're recognized.

23 Senator Passidomo: Thank you, Mr. President. That's right.

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1 President Simpson: Leader Farmer, you're recognized.

2 Senator Farmer: So then when we come back for our floor session later, we can have that
3 motion and have that vote and see if the rules are going to be waived to place that bill on second
4 reading today?

5 President Simpson: Madam Rules Chair, you're recognized.

6 Senator Passidomo: Thank you, Mr. President. Yes.

7 President Simpson: Leader Farmer, you're recognized.

8 Senator Farmer: Thank you, Mr. President. With that clarification, I don't think we need
9 a motion to reconsider now because we only moved it to special order. Madam Rules Chair, let
10 me make sure we're not missing something here, and we've got Dr. Phelps back there to help us
11 if we need. By placing it on Special Order Calendar, does that constitute bringing it for a second
12 reading or making it eligible so that the rules need not be waived? Because I don't want to
13 waive anything by walking out of this chamber right now that would inhibit or prohibit our
14 ability to take up that issue when we come back.

15 President Simpson: Madam Rules Chair, you're recognized.

16 Senator Passidomo: Thank you, Mr. President. We will be coming back today at 5
17 o'clock, those bills will be on the Special Order Calendar. Then if there's an objection at that
18 time to taking them up on a second reading, you can make your objection at that time.

19 President Simpson: Leader Farmer, you're recognized.

20 Senator Farmer: Further clarification, Madam Rules Chair or Mr. President. I believe
21 that the redistricting map is already now on second reading because first reading occurred last
22 week. Is that true? First reading by publication in the journal.

23 President Simpson: Madam Rules Chair, you're recognized.

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1 Senator Passidomo: Thank you, Mr. President. I don't believe that's how it works.

2 President Simpson: None of the bills have been recorded on committee yet.

3 Senator Passidomo: Right.

4 President Simpson: 'Cause we haven't passed them through committee yet. Leader
5 Farmer, you're recognized.

6 Senator Farmer: And thank you. And my question may have been inartfully stated. The
7 Constitution requires that any bill be considered on three separate days unless the rules are
8 waived. So I want to make sure that by leaving here right now, we are not losing our ability to
9 object to waiver of the rules to consider 4-C on its second reading as the same day as its first
10 reading.

11 President Simpson: Madam Rules Chair, you're recognized.

12 Senator Passidomo: Thank you, Mr. President. I think we're already answered that, that
13 you have the opportunity at 5 o'clock today.

14 President Simpson: Leader Farmer, you're recognized.

15 Senator Farmer: For a motion to waive the rules and take up 4-C on second reading? Is
16 that correct, Madam Rules Chair? I just, and I'm sorry, I just want to make sure we're on the
17 same page. I don't mean to be not nice. It's a very friendly question.

18 President Simpson: Madam Rules Chair, you're recognized.

19 Senator Passidomo: Thank you, Mr. President. All we have done right now is to waive
20 the rules to put the bills on special order. They will be on special order and at that time, as
21 indicated earlier, if you object to them actually being heard, that can be done at that time.

22 President Simpson: And Leader Farmer, the answer to your question is yes, you can
23 object later today if you don't want to hear those bills. Simply – you're recognized.

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1 Senator Farmer: With that assurance from you, Mr. President and you, Madam Rules
2 Chair, I yield and I withdraw the motion.

3 President Simpson: Senator Pizzo, you're recognized.

4 Senator Pizzo: Thank you, Mr. President. The Special Order Calendar Group will be held
5 and presided over by the Majority Leader, the Rules Chair, and the Minority Leader, correct?

6 President Simpson: Madam Rules Chair, you're recognized.

7 Senator Passidomo: The Special Order Calendar Group is comprised of the Rules Chair,
8 Majority Leader, and the Minority Leader.

9 President Simpson: Senator Pizzo, you're recognized.

10 Senator Pizzo: Thank you, Mr. President. So a vote by the Majority Leader and the Rules
11 Chair over the Minority Leader would then place whatever bills are contemplated on Special
12 Order Calendar to make it to the floor, correct?

13 President Simpson: Leader Passidomo, you're recognized.

14 Senator Passidomo: Thank you, Mr. President. Yes.

15 President Simpson: Senator Gibson, you're recognized.

16 Senator Gibson: Thank you, Mr. President. I want to go back because I want some clarity
17 on – so all three bills will be on special order this afternoon, and we will only have an hour for
18 Q&A on all three bills. Is that what we're doing?

19 President Simpson: Madam Rules Chair, you're recognized.

20 Senator Passidomo: Thank you, Mr. President. Well we could extend as we do quite
21 often, so be prepared for dinner.

22 President Simpson: Are there any – Senator Pizzo, you're recognized.

23 Senator Pizzo: Sorry Mr. President, but also under special session rules in the 13 block,

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1 amendments to bills heard on Special Order Calendar, the deadline is actually 5 o'clock, is it
2 not?

3 President Simpson: Madam Rules Chair, you're recognized.

4 Senator Passidomo: Thank you, Mr. President. Yes.

5 President Simpson: Are there any additional questions? Say no. Madam Rules Chair, you
6 are recognized.

7 Senator Passidomo: Thank you, Mr. President. I move the Senate recess until 5 P.M.
8 today, April 19, or upon the call of the President, for the purpose of holding committee meetings
9 and conducting other Senate business.

10 President Simpson: Without objection, the Senate is now in recess.



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