



Journal of the Senate

Number 1—Special Session B

Monday, February 6, 2023

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Monday, February 6, 2023, in the State of Florida.

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PLEDGE

Senator Polsky led the Senate in the Pledge of Allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND
THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Kathleen Passidomo, President of the Florida Senate, and Paul Renner, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

Section 1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, beginning at 10 a.m. on Monday, February 6, 2023, for a period of 12 days, ending at 11:59 p.m. on Friday, February 17, 2023.

Section 2. That the Legislature is convened for the sole and exclusive purpose of considering legislation to:

- A. Reenact, amend, and ratify the charters of the Eastpoint Water and Sewer District, Franklin County; Reedy Creek Improvement District, Orange and Osceola Counties; and Sunshine Water Control District, Broward County.
- B. Clarify the jurisdiction of the Office of Statewide Prosecution in the Office of the Attorney General regarding election crimes.
- C. Provide additional funding for the Emergency Preparedness and Response Fund.
- D. Establish and fund a Local Government Emergency Bridge Loan Program to provide financial assistance to maintain the operation of local governments impacted by Hurricanes Ian and Nicole.
- E. Establish and fund a program to transport unauthorized aliens and provide related procurement authority.
- F. Revise provisions related to intercollegiate student athletes and compensation for the commercial use of an intercollegiate student athlete's name, image, and likeness.

Section 3. That the committees and subcommittees of either house of the Legislature are authorized to consider legislation within the purview of this proclamation from this date forward.

CALL TO ORDER

The Senate was called to order by President Passidomo at 2:00 p.m. A quorum present—37:

Madam President	Collins	Perry
Albritton	Davis	Pizzo
Avila	DiCeglie	Polsky
Baxley	Garcia	Rodriguez
Berman	Grall	Rouson
Book	Gruters	Simon
Boyd	Harrell	Stewart
Bradley	Hooper	Thompson
Brodeur	Hutson	Trumbull
Broxson	Ingoglia	Wright
Burgess	Martin	Yarborough
Burton	Mayfield	
Calatayud	Osgood	

Excused: Senators Jones, Powell, and Torres

PRAYER

The following prayer was offered by Senator Martin:

Dear Heavenly Father, we thank you for today. We thank you for this opportunity to come here and try to solve some of the problems in the State of Florida. We thank you for our tremendous leadership we have here in this chamber and the leadership that we have throughout the State of Florida looking after the good of the people of the State of Florida. We ask for your guidance, we ask for your wisdom, we ask for your discretion and discernment as we try to solve these problems over the next week. We ask that you provide each of us the opportunity to feel comfortable with the bills, to ask questions, to follow through with what you've laid on our hearts to help those in the State of Florida. We thank you for our Constitution. We thank you for those who put us in office and I pray that you will allow us to do the very best we can with what we have to represent them. Thank you for this opportunity to be here and to carry on what our founders put in our hearts and allowed us through the U.S. Constitution and through the checks and balances that we have in this country to further the purposes and to protect the rights that come from you. We ask all these things in Jesus' name. Amen.



Kathleen Passidomo
President
The Florida Senate
February 3, 2023



Paul Renner
Speaker
The Florida House
of Representatives
February 3, 2023



Duly filed with and received by the Florida
Department of State in Tallahassee this 3rd
day of February, 2023.

Cord Byrd
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS INSIDE THE CALL

FIRST READING

By Senator Albritton—

SB 2-B—A bill to be entitled An act relating to emergency response; creating s. 288.066, F.S.; creating the Local Government Emergency Bridge Loan Program within the Department of Economic Opportunity, subject to appropriation; providing the program's purpose; specifying program eligibility requirements; authorizing the department to provide interest-free loans to eligible local governments through specified means; requiring the loan amount to be based on demonstrated need of the local government and disbursed in a lump sum; providing for the terms of the loan; authorizing the department to extend the term of the loan; specifying authorized and prohibited uses of any loan funds provided under the program; authorizing local governments to make loan payments at any time; requiring repayment in accordance with the terms of the loan; authorizing the department to approve loans through the end of the 2023-2024 fiscal year, subject to the availability of funds; requiring the department to coordinate with the Division of Emergency Management to determine if the loan program conflicts with applicable federal programs; requiring the department to transfer any loan payments, upon receipt, to the General Revenue Fund; authorizing the department to adopt rules; providing for expiration of the program; authorizing the department to adopt emergency rules; providing appropriations; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Martin—

SB 4-B—A bill to be entitled An act relating to the statewide prosecutor; amending s. 16.56, F.S.; specifying that certain crimes facilitated by or connected to the use of the Internet occur in every judicial circuit within the state; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voting in an election for a federal or state office, voting in an election on a referendum, an initiative, or an issue, the petition activities for a federal or state office, the petition activities for a referendum, an initiative, or an issue, or voter registration; providing applicability; requiring certain information or indictments to contain specified general allegations; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Ingoglia—

SB 6-B—A bill to be entitled An act relating to transportation of inspected unauthorized aliens; defining the term “inspected unauthorized alien”; providing legislative findings; creating the Unauthorized Alien Transport Program within the Division of Emergency Management to facilitate the transport of inspected unauthorized aliens within the United States; authorizing the division to contract for services to implement the program; authorizing the division to adopt rules to implement the program; providing for future expiration; repealing s. 185 of chapter 2022-156, Laws of Florida; deeming certain payments approved; reverting appropriated funds; providing an appropriation; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Hutson—

SB 8-B—A bill to be entitled An act relating to intercollegiate athlete compensation and rights; amending s. 468.453, F.S.; revising requirements for athlete agents representing intercollegiate athletes for certain purposes; conforming provisions to changes made by the act; amending s. 1006.74, F.S.; deleting definitions; deleting requirements regarding the compensation that intercollegiate athletes may receive; deleting certain requirements for postsecondary educational institutions whose intercollegiate athletes seek to earn compensation or to have professional representation; requiring a postsecondary educational institution to conduct at least two financial literacy, life skills, and entrepreneurship workshops under certain conditions; making technical changes; providing that postsecondary educational institutions and specified individuals are not liable for damages under certain circumstances; providing an effective date.

—was referred to the Committee on Rules.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2022 REGULAR SESSION

Secretary Laurel Lee
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

March 29, 2022

Dear Secretary Lee:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8 of the Constitution of Florida, I do hereby veto and transmit my objection to CS/SB 102, enacted during the 124th Session of the Legislature of Florida, during Regular Session 2022 and entitled:

An act relating to Establishing the Congressional Districts of the State

As presented in both the primary and secondary maps enacted by the Legislature, Congressional District 5 violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution for the reasons set forth in the attached memorandum. Although I understand the Legislature's desire to comply with the Florida Constitution, the Legislature is not absolved of its duty to comply with the U.S. Constitution. Where the U.S. and Florida Constitutions conflict, the U.S. Constitution must prevail.

Accordingly, I withhold my approval of CS/SB 102 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

MEMORANDUM

To: Ron DeSantis, Governor of Florida
 From: Ryan Newman, General Counsel, Executive Office of the Governor
 Date: March 29, 2022
 Re: Constitutionality of CS/SB 102, An Act Relating to Establishing the Congressional Districts of the State

Congressional District 5 in both the primary and secondary maps enacted by the Legislature violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution because it assigns voters primarily on the basis of race but is not narrowly tailored to achieve a compelling state interest.

“Just as the State may not, absent extraordinary justification, segregate citizens on the basis of race in its public parks, buses, golf courses, beaches, and schools,” the U.S. Supreme Court has made clear that the State also “may not separate its citizens into different voting districts on the basis of race.” *Miller v. Johnson*, 515 U.S. 900, 911 (1995) (internal citations omitted). “When the State assigns voters on the basis of race,” the Court explained, “it engages in the offensive and demeaning assumption that voters of a particular race, because of their race, ‘think alike, share the same political interests, and will prefer the same candidates at the polls.’” *Id.* at 911-12 (quoting *Shaw v. Reno*, 509 U.S. 630, 647 (1993)).

For these reasons, the Court has interpreted the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution to prohibit state legislatures from using race as the “predominant factor motivating [their] decision to place a significant number of voters within or without a particular district,” *id.* at 916, unless they can prove that their “race-based sorting of voters serves a ‘compelling interest’ and is ‘narrowly tailored’ to that end,” *Cooper v. Harris*, 137 S. Ct. 1455, 1464 (2017) (citation omitted). That race was the predominant factor motivating a legislature’s line-drawing decision can be shown “either through circumstantial evidence of a district’s shape and demographics or more direct evidence going to legislative purpose.” *Miller*, 515 U.S. at 916.

Although non-adherence to traditional districting principles, which results in a non-compact, unusually shaped district, is relevant evidence that race was the predominant motivation of a legislature, such evidence is not required to establish a constitutional violation. “Race may predominate even when a reapportionment plan respects traditional principles, if ‘[r]ace was the criterion that, in the State’s view, could not be compromised,’ and race-neutral considerations ‘came into play only after the race-based decision had been made.’” *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 798 (2017) (quoting *Shaw v. Hunt*, 517 U.S. 899, 907 (1996) (alteration in original)). “The racial predominance inquiry concerns the actual considerations that provided the essential basis for the lines drawn, not *post hoc* justifications the legislature in theory could have used but in reality did not.” *Id.* at 799. A legislature “could construct a plethora of potential maps that look consistent with traditional, race-neutral principles,” but “if race for its own sake is the overriding reason for choosing one map over others, race still may predominate.” *Id.* It is the “racial purpose of state action, not its stark manifestation,” that offends the Equal Protection Clause. *Miller*, 515 U.S. at 913.

In light of these well-established constitutional principles, the congressional redistricting bill enacted by the Legislature violates the U.S. Constitution. The bill contains a primary map and secondary map that include a racially gerrymandered district—Congressional District 5—that is not narrowly tailored to achieve a compelling state interest. *See generally* Fla. H.R. Comm. on Redist., recording of proceedings, at 0:00-2:55:19 (Feb. 25, 2022), <https://thefloridachannel.org/videos/2-25-22-house-redistricting-committee/> (committee presentation and discussion of the maps later passed by the Legislature).

In the secondary map, which was the original map reported out of the House Congressional Redistricting Subcommittee, District 5 is a sprawling district that stretches approximately 200 miles from East to West and cuts across eight counties to connect a minority population in

Jacksonville with a separate and distinct minority population in Leon and Gadsden Counties. The district is not compact, does not conform to usual political or geographic boundaries, and is bizarrely shaped to include minority populations in western Leon County and Gadsden County while excluding non-minority populations in eastern Leon County. Because this version of District 5 plainly subordinates traditional districting criteria to avoid diminishment of minority voting age population, there is no question that race was “the predominant factor motivating the legislature’s decision” to draw this district. *Miller*, 515 U.S. at 916.

District 5 in the Secondary Map

In response to federal constitutional concerns about the unusual shape of District 5 as it was originally drawn, and which is now reflected in the secondary map, the House Redistricting Committee drew a new version of District 5, which is reflected in the primary map. This configuration of the district is more compact but has caused the adjacent district—District 4—to take on a bizarre doughnut shape that almost completely surrounds District 5. The reason for this unusual configuration is the Legislature’s desire to maximize the black voting age population in District 5. The Chair of the House Redistricting Committee confirmed this motivation when he explained that the new District 5 was drawn to “protect[] a black minority seat in north Florida.” Fla. H.R. Comm. on Redist., recording of proceedings, at 19:15-19:26 (Feb. 25, 2022).

District 5 in the Primary Map

Despite the Legislature’s attempt to address the federal constitutional concerns by drawing a more compact district, the constitutional defect nevertheless persists. Where “race was the criterion that, in the State’s view, could not be compromised, and race-neutral considerations came into play only after the race-based decision had been made,” it follows that race was the predominant factor, even though the district otherwise respects traditional districting principles. *Bethune-Hill*, 137 S. Ct. at 798 (cleaned up).

Such was the case here. Even for the more compact district, the Legislature believed (albeit incorrectly) that the Florida Constitution required it to ensure “a black minority seat in north Florida.” Fla. H.R. Comm. on Redist., recording of proceedings, at 19:15-19:26 (Feb. 25, 2022). Specifically, according to the House Redistricting Chair, the primary map’s version of District 5 is the House’s “attempt at continuing to protect the minority group’s ability to elect a candidate of their choice.” *Id.* at 19:45-19:54. The Legislature thus used “an express racial target” for District 5 of a black voting age population sufficiently large to elect a candidate of its choice. *Bethune-Hill*, 137 S. Ct. at 800.

Because racial considerations predominated even in drawing the new District 5, the Legislature must satisfy strict scrutiny, the U.S. Supreme Court's "most rigorous and exacting standard of constitutional review." *Miller*, 515 U.S. at 920. And to satisfy strict scrutiny, the Legislature "must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest." *Id.* That, the Legislature cannot do.

There is no good reason to believe that District 5 needed to be drawn as a minority-performing district to comply with Section 2 of the Voting Rights Act (VRA), because the relevant minority group is not sufficiently large to constitute a majority in a geographically compact area. In the primary map, the black voting age population of District 5 is 35.32%, and even in the secondary map, with the racially gerrymandered, non-compact version of District 5, the black voting age population increases only to 43.48%. *Compare* Fla. Redist. 2022, H000C8019, <https://bit.ly/3uczOXb> (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022), *with* Fla. Redist. 2022, H000C8015, <https://bit.ly/36hFRBB> (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022). "When a minority group is not sufficiently large to make up a majority in a reasonably shaped district, § 2 simply does not apply." *Cooper*, 137 S. Ct. at 1472 (citing *Bartlett v. Strickland*, 556 U.S. 1, 18-20 (2009) (plurality opinion)); *see also Thornburg v. Gingles*, 478 U.S. 30, 50 (1986) (explaining that one of the threshold conditions for proving vote dilution under Section 2 is that the minority group is "sufficiently large and geographically compact to constitute a majority").

Nor is there good reason to believe that District 5 is required to be drawn to comply with Section 5 of the VRA. Section 5 is no longer operative now that the U.S. Supreme Court invalidated the VRA's formula for determining which jurisdictions are subject to Section 5. *See Shelby Cnty. v. Holder*, 570 U.S. 529, 553-57 (2013); *see also Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 279 (2015) (suggesting that continued compliance with Section 5 may not remain a compelling interest in light of *Shelby County*). In any event, even before the coverage formula was invalidated, the State of Florida was not a covered jurisdiction subject to Section 5. *See In re Senate Joint Resolution of Legislative Apportionment 1176 (Apportionment I)*, 83 So. 3d 597, 624 (Fla. 2012). Only five counties in Florida were covered—Collier, Hardee, Hendry, Hillsborough, and Monroe—and none of them are in northern Florida where District 5 is located. *See id.*

The only justification left for drawing a race-based district is compliance with Article III, Section 20(a) of the Florida Constitution. But District 5 does not comply with this provision. Article III, Section 20(a) provides that "districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice." The Florida Supreme Court has noted that these "dual constitutional imperatives follow almost verbatim the requirements embodied in the Federal Voting Rights Act." *Id.* at 619 (cleaned up). The first imperative, which prohibits districts that deny or abridge the equal opportunity of minority groups to participate in the political process, is modeled after Section 2 of the VRA, and the second imperative, which prohibits districts that diminish the ability of minority groups to elect representatives of their choice, is modeled after Section 5. *Id.* at 619-20.

Like the VRA, these provisions of the Florida Constitution "aim[] at safeguarding the voting strength of minority groups against both impermissible dilution and retrogression." *Id.* at 620. Although judicial interpretation of the VRA is relevant to understanding the Florida Constitution's non-dilution and non-diminishment provisions, the Florida Supreme Court nonetheless recognizes its "independent constitutional obligation" to interpret these provisions. *Id.* at 621.

Relevant here is the Florida Constitution's non-diminishment requirement. Unlike Section 5 of the VRA, this requirement "applies to the entire state." *Id.* at 620. Under this standard, the Legislature "cannot eliminate majority-minority districts or weaken other historically performing minority districts where doing so would actually diminish a minority group's ability to elect its preferred candidates." *Id.* at 625. The existing districts "serve[] as the 'benchmark' against which the 'effect' of voting changes is measured." *Id.* at 624 (cleaned up). Where a voting change leaves a minority group "less able to elect a preferred candidate of choice" than the benchmark, that change violates the non-diminishment standard. *Id.* at 625 (internal quotation marks

omitted); *see also id.* at 702 (Canady, C.J., concurring in part and dissenting in part) (noting that the dictionary definition of "diminish" means "to make less or cause to appear less" (citation omitted)).

The Florida Supreme Court has acknowledged that "a slight change in percentage of the minority group's population in a given district does not necessarily have a cognizable effect on a minority group's ability to elect its preferred candidate of choice." *Id.* at 625. The minority population percentage in each district need not be "fixed" in perpetuity. *Id.* at 627. But where the reduction in minority population in a given district is more than "slight," such that the ability of the minority population to elect a candidate of choice has been reduced (even if not eliminated), the Legislature has violated the Florida Constitution's non-diminishment requirement as interpreted by the Florida Supreme Court.

Given these principles, there is no good reason to believe that District 5, as presented in the primary map, complies with the Florida Constitution's non-diminishment requirement. The benchmark district contains a black voting age population of 46.20%, whereas the black voting age population of District 5 in the primary map is only 35.32%.¹ *Compare* Fla. Redist. 2022, FLCD2016, <https://bit.ly/3Iv6FeW> (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022), *with* Fla. Redist. 2022, H000C8019, <https://bit.ly/3uczOXb> (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022). This nearly eleven percentage point drop is more than slight, and while the House Redistricting Chair represented that the black population of the district could still elect a candidate of choice, *see* Fla. H.R. Comm. on Redist., recording of proceedings, at 59:44-1:00:17 (Feb. 25, 2022), there appears to be little dispute that the ability of the black population to elect such a candidate had nevertheless been reduced, *see id.* at 1:00:18-1:00:58 (noting that the benchmark district performed for the minority candidate of choice in 14 of 14 previous elections and that the new district would not perform for the minority candidate of choice in one-third of the same elections).

Moreover, the House Redistricting Chair claimed that the only criterion that mattered was whether the new district still performed at all. *See id.* at 1:06:09-1:06:30 ("It is not a diminishment unless the district does not perform."); *see also id.* at 1:05:05-1:05:13 ("Is it less likely to perform? Honestly, I don't know."). But that view is plainly inconsistent with the Florida Supreme Court precedent described above, which prohibits any voting change that leaves a minority group "less able to elect a preferred candidate of choice." *Apportionment I*, 83 So. 3d at 625 (internal quotation marks omitted). In sum, because the reduction of black voting age population is more than slight and because such reduction appears to have diminished the ability of black voters to elect a candidate of their choice, District 5 does not comply with the non-diminishment requirement of Article III, Section 20(a) of the Florida Constitution. Therefore, compliance with the Florida Constitution cannot supply the compelling reason to justify the Legislature's use of race in drawing District 5 in the primary map.

In the secondary map, by contrast, District 5 complies with the Florida Constitution's non-diminishment requirement, but in doing so, it violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The U.S. Supreme Court has warned that a "reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid." *Shaw*, 509 U.S. at 647. As described earlier, District 5 in the secondary map does precisely this.

That the district is believed to be necessary to comply with the Florida Constitution's non-diminishment requirement does not alone suffice to justify the use of race in drawing bizarre, non-compact district boundaries for the sole purpose of cobbling together disparate minority populations from across northern Florida to form a minority-performing district. Mere compliance with a state constitutional requirement to engage in race-based districting is not, without more, a compelling interest sufficient to satisfy strict scrutiny. The Fourteenth and Fifteenth Amendments to the U.S. Constitution and the VRA, which enforces the Fifteenth Amendment, exist to *prevent* states from engaging in racially discriminatory electoral practices. Indeed, one such weapon that states long used, and that the VRA was designed to combat, "was the racial gerrymander—the deliberate and arbitrary distortion of district boundaries for racial purposes." *Id.* at 640 (cleaned up).

Here, the Florida Constitution's non-diminishment standard would be satisfied only by a sprawling, non-compact district that spans 200 miles and repeatedly violates traditional political boundaries to join minority communities from disparate geographic areas. Such a district is not narrowly tailored to achieve the compelling interest of protecting the voting rights of a minority community in a reasonably cohesive geographic area. As applied to District 5 in the secondary map, therefore, the Florida Constitution's non-diminishment standard cannot survive strict scrutiny and clearly violates the U.S. Constitution.

For the foregoing reasons, Congressional District 5 in both maps is unlawful.

¹ The benchmark district itself is a sprawling, non-compact racial gerrymander that connects minority communities from two distinct regions of the State; however, for purposes of this point, I assume that the district can be used as a valid benchmark against which to judge the new maps.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 24, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Senate Bill 406 (SB 406), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Secured Transactions

If SB 406 were to become law and be given retroactive effect as the Legislature intends, it would unconstitutionally impair certain vested rights and contracts. See art. I, §§ 9, 10, Fla. Const. While the prospective policy reforms are sound this does not cure the legal infirmities of the legislation.

For this reason, I withhold my approval of Senate Bill 406 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 24, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objections to Committee Substitute for Senate Bill 620 (CS/SB 620), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to the Local Business Protection Act

CS/SB 620 authorizes private, for-profit businesses to claim damages from a county or municipality if the county or municipality enacts or amends certain non-exempt ordinances or charter provisions that have the effect of reducing profits beyond the designated threshold.

Local governments do overstep their authority and unreasonably burden businesses through policies that range from the merely misguided to the politically motivated. Indeed, this was illustrated by the bizarre and draconian measures adopted by some local governments during COVID-19, necessitating the state to overrule these edicts to protect freedom and opportunity for Floridians. Incredibly, this bill exempts compensating businesses due to "emergency" orders of local government. However, the broad and ambiguous language of the bill will lead to both unintended and unforeseen consequences and costly litigation.

Because of this, the better approach is to enact targeted preemption legislation when local governments act in a way that frustrates state policy and/ or undermines the rights of Floridians.

For the reasons stated above, I withhold my approval of CS/SB 620 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 24, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Committee Substitute Senate Bill 1260 (CS/SB 1260), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Independent Hospital Districts

As Governor, I have approved local legislation for independent hospital districts. CS/SB 1260 intends to solve a priority of one independent hospital district through broad statewide policy changes, rather than through the local bill process. Florida's public hospitals serve our medically indigent population and support the state share of the low-income pool. Under these circumstances, each policy change to the governance structure of our independent hospital districts should be reviewed on a district-by-district basis.

For this reason, I withhold my approval of CS/SB 1260 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 24, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Committee Substitute for Committee Substitute for Senate Bill 1382 (CS/CS/SB

1382), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Tax Administration

I appreciate the Department of Revenue and their efforts to protect the rights of taxpayers, and I understand the problem this bill seeks to address. Some of the provisions within the bill are already authorized in law, and I fully expect the Department to faithfully enforce those laws against anyone who would violate our tax code.

However, I have concerns that this bill may subject small businesses to additional administrative processes that could prove challenging in a year where the Biden Administration's policies have led to record inflation and economic turmoil.

For this reason, I withhold my approval CS/CS/SB 1382 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 24, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Committee Substitute for Committee Substitute for Senate Bill 1796 (CS/CS/SB 1796), enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Dissolution of Marriage

If CS/CS/SB 1796 were to become law and be given retroactive effect as the Legislature intends, it would unconstitutionally impair vested rights under certain preexisting marital settlement agreements. See art. I, § 10, Fla. Const.

For this reason, I withhold my approval of CS/CS/SB 1796 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 8, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objection to Senate Bill 2508, enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Environmental Resources

While the bill that was ultimately passed by the Legislature is an improvement over what was initially filed, SB 2508 still creates unnecessary and redundant regulatory hurdles that may compromise the timely execution and implementation of Everglades restoration projects, water control plans and regulation schedules.

For this reason, I withhold my approval of SB 2508 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 2, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8 of the Constitution of Florida, I do hereby veto and transmit my objection to Senate Bill 2512 (SB 2512), enacted during the 124th Session of the Legislature of Florida, during the Regular Session 2022 and entitled:

An act relating to Aircraft

The Legislature passed SB 2512, which in part, creates the executive aircraft pool for two new aircrafts that could be utilized by over 100 government officials, available 24/7, 365 days a year, requiring additional 17 staff positions within the Department of Management Services for the purpose of providing multiple state-owned aircrafts for executive air travel.

This is an inadvisable expense, especially under current economic conditions, and could have unintended consequences given the breath of the officials included in the authorization.

For this reason, I withhold my approval of SB 2512 and do hereby veto the same.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

Secretary Cord Byrd
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

June 2, 2022

Dear Secretary Byrd:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and withhold my approval from the following specific appropriation contained within Senate Bill 2526 (lines 78-93):

(2) Beginning in the 2022-2023 fiscal year, and annually through the 2052-2053 fiscal year, the sum of \$20 million is appropriated and shall be transferred to the Board of Directors of the

H. Lee Moffitt Cancer Center and Research Institute for construction and development of Moffitt's Pasco County life sciences park. Monies transferred to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute pursuant to this subsection may be used to secure financing to pay costs related to the construction and development of Moffitt's Pasco County life sciences park. Such financing may include the issuance of tax-exempt bonds or other forms of indebtedness by a local authority, municipality, or county pursuant to parts II and III of chapter 159. Such bonds shall not constitute state bonds for purposes of s. 11, Art. VII of the State Constitution, but shall constitute bonds of a local agency as defined in s. 92159.27(4).

I do hereby sign and transmit the remainder of Senate Bill 2526 enacted during the 124th Session of the Legislature of Florida, during the Regular Session of 2022 and entitled:

An act relating to Health

The Freedom First Budget provides \$100,000,000 to support the Florida Consortium of National Cancer Institute Centers Program, of which the H. Lee Moffitt Cancer Center and Research Institute is one of three eligible institutions. This funding represents an increase of \$37,771,257 over the previous year. I requested this additional funding because I am committed to enhancing Florida's competitiveness in cancer research and care at national and international levels to ensure that all Floridians have access to the highest quality of care.

However, I do not support the provision of funding that will tie the state to a long term, thirty-year commitment that inhibits budget flexibility. These state funds could be used to support more than \$300 million of bonding capacity that would impact the state's debt capacity without any state oversight.

For the reasons stated above, the \$20,000,000 appropriation contained in Senate Bill 2526 is hereby vetoed, and I hereby approve the remainder of the Act.

Sincerely,

Ron DeSantis
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules.

EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

SUSPENSION REPORTS

EXECUTIVE ORDER NUMBER 22-02 (Executive Order of Suspension)

WHEREAS, Article IV, Section 7(a) of the Florida Constitution provides that the Governor may suspend from office any county officer for commission of a felony; and

WHEREAS, Gary Robert Search is presently serving as a County Commissioner for Sumter County, Florida, District 1, having been elected in 2020 to serve a four-year term; and

WHEREAS, on December 14, 2021, Gary Robert Search was charged by Information with the felony charge of perjury in an official proceeding, in violation of section 837.02(1), Florida Statutes; and

WHEREAS, a violation of section 837.02(1), Florida Statutes, constitutes a felony in the third degree; and

WHEREAS, it is in the best interests of the residents of Sumter County, and the citizens of the State of Florida, that Gary Robert Search be immediately suspended from the public office that he now holds, upon the grounds set forth in this executive order.

NOW, THEREFORE, I, RON DESANTIS, Governor of Florida, pursuant to Article IV, Section 7(a), find as follows:

- A. Gary Robert Search is, and at all times material hereto was, County Commissioner, District 1, Sumter County, Florida.
- B. The office of County Commissioner, District 1, Sumter County, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7(a).
- C. The Information alleges that Gary Robert Search has committed felony acts in violation of the Laws of Florida. This suspension is predicated upon the attached Information, which is incorporated as if fully set forth in this Executive Order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the Laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Gary Robert Search is suspended from the public office, that he now holds, to wit: County Commissioner, District 1, Sumter County, Florida.

Section 2. Gary Robert Search is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at the Capital, Tallahassee, Florida, this 6th day of January, 2022.

Ron DeSantis
GOVERNOR

ATTEST:

Laurel M. Lee
SECRETARY OF STATE

Mr. Gary Search
577 Inner Circle
The Villages, Florida 32162

January 21, 2022

RE: Executive Order of Suspension, Executive Order 22-02

Dear Mr. Search:

The Florida Senate has received Executive Order 22-02 in which the Governor has suspended you from office as member of the Board of County Commissioners, Sumter County, District One. Pursuant to Article IV, s. 7(b) of the Florida Constitution, the Florida Senate may either remove you from office or reinstate you to office.

You have a right to a hearing conducted in accordance with Part V, Chapter 112, Florida Statutes and Senate Rule 12. However, Senate Rule 12.9(2) requires all inquiry, investigation, or hearings to be held in abeyance and not considered by the Senate until the pending charges are dismissed or until final determination of the criminal charges is rendered, including the exhaustion of all appellate remedies. Given the pending criminal charges against you, the Senate's consideration of your suspension is held in abeyance pursuant to Senate Rule 12.9(2).

At the conclusion of the pending criminal matter, should you wish to have a hearing, it is your responsibility to submit your written request to the Office of the Senate Secretary. Until the criminal matter is resolved, please direct any questions to the Secretary of the Senate at the contact information below. It is your responsibility to make sure the Senate has your correct contact information.

If you choose to submit your written resignation to the Governor's Office, please provide a copy of the resignation to the Office of the

Senate Secretary. The Secretary will record your decision to resign in the official records of the Senate and this matter will be closed.

To learn more about the Senate's process, or to access applicable statutes and rules, please visit the Senate website, www.flsenate.gov, and navigate to the Executive Suspensions webpage, <http://www.flsenate.gov/Session/ExecutiveSuspensions>.

If you have any questions concerning this notice, please contact the undersigned.

Debbie Brown
Secretary

January 12, 2023

Mr. Gary Search
577 Inner Circle
The Villages, Florida 32162

VIA CERTIFIED MAIL

Re: Executive Order of Suspension, Exec. Order No. 22-02

Dear Mr. Search:

The Florida Senate received Executive Order 22-02 in which the Governor suspended you from office as a member of the Board of County Commissioners, Sumter County, District One.

Your term of office having expired, there is no further action required by the Senate on this suspension, and the matter is closed.

If you have any questions concerning this notice, please contact the undersigned.

Respectfully,

Tracy C. Cantella
Secretary

[Gary Search's term having expired prior to Senate action, this matter was closed.]

COMMITTEES OF THE SENATE

(As released December 5, 2022)

Agriculture

Senator Collins, Chair; Senator Boyd, Vice Chair; Senators Baxley, Berman, Grall, Mayfield, Rouson, Simon, and Thompson

Appropriations

Senator Broxson, Chair; Senator Rouson, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Davis, Grall, Gruters, Harrell, Hooper, Ingoglia, Martin, Perry, Pizzo, Polsky, and Powell

Appropriations Committee on Agriculture, Environment, and General Government

Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Albritton, Boyd, DiCeglie, Garcia, Grall, Gruters, Mayfield, Osgood, Polsky, Rodriguez, Stewart, and Trumbull

Appropriations Committee on Criminal and Civil Justice

Senator Bradley, Chair; Senator Powell, Vice Chair; Senators Baxley, Burgess, Hooper, Ingoglia, Martin, Pizzo, Rouson, Torres, Wright, and Yarborough

Appropriations Committee on Education

Senator Perry, Chair; Senator Jones, Vice Chair; Senators Avila, Book, Broxson, Burton, Calatayud, Collins, Davis, Harrell, Hutson, Simon, and Thompson

Appropriations Committee on Health and Human Services

Senator Harrell, Chair; Senator Garcia, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Burton, Calatayud, Davis, Gruters, Martin, Osgood, Rouson, and Simon

Appropriations Committee on Transportation, Tourism, and Economic Development

Senator Hooper, Chair; Senator Trumbull, Vice Chair; Senators Collins, DiCeglie, Grall, Perry, Polsky, Powell, Stewart, Thompson, Wright, and Yarborough

Banking and Insurance

Senator Boyd, Chair; Senator DiCeglie, Vice Chair; Senators Broxson, Burgess, Burton, Hutson, Ingoglia, Mayfield, Powell, Thompson, Torres, and Trumbull

Children, Families, and Elder Affairs

Senator Garcia, Chair; Senator Thompson, Vice Chair; Senators Baxley, Book, Bradley, Brodeur, Ingoglia, and Rouson

Commerce and Tourism

Senator Trumbull, Chair; Senator Wright, Vice Chair; Senators DiCeglie, Gruters, Hooper, Hutson, Jones, Rodriguez, Stewart, and Torres

Community Affairs

Senator Calatayud, Chair; Senator Osgood, Vice Chair; Senators Baxley, Berman, Bradley, Brodeur, Gruters, Martin, and Pizzo

Criminal Justice

Senator Martin, Chair; Senator Bradley, Vice Chair; Senators Ingoglia, Perry, Pizzo, Polsky, Powell, and Yarborough

Education Postsecondary

Senator Grall, Chair; Senator Stewart, Vice Chair; Senators Book, Collins, Garcia, Harrell, Jones, Perry, Simon, and Yarborough

Education Pre-K - 12

Senator Simon, Chair; Senator Burgess, Vice Chair; Senators Avila, Berman, Calatayud, Collins, Grall, Hutson, Jones, Osgood, Perry, and Yarborough

Environment and Natural Resources

Senator Rodriguez, Chair; Senator Harrell, Vice Chair; Senators Albritton, Martin, Mayfield, Polsky, Powell, Stewart, and Wright

Ethics and Elections

Senator Burgess, Chair; Senator Rouson, Vice Chair; Senators Avila, Garcia, Grall, Ingoglia, Martin, Mayfield, Polsky, and Powell

Finance and Tax

Senator Ingoglia, Chair; Senator Rodriguez, Vice Chair; Senators Albritton, Berman, Boyd, Broxson, Hutson, Jones, Mayfield, Pizzo, and Torres

Fiscal Policy

Senator Hutson, Chair; Senator Stewart, Vice Chair; Senators Albritton, Berman, Boyd, Burton, Calatayud, Collins, DiCeglie, Garcia, Jones, Mayfield, Osgood, Rodriguez, Simon, Thompson, Torres, Trumbull, Wright, and Yarborough

Governmental Oversight and Accountability

Senator Avila, Chair; Senator Polsky, Vice Chair; Senators Albritton, Davis, Hooper, Rodriguez, Rouson, and Wright

Health Policy

Senator Burton, Chair; Senator Brodeur, Vice Chair; Senators Albritton, Avila, Book, Broxson, Burgess, Calatayud, Davis, Garcia, Harrell, and Osgood

Judiciary

Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Albritton, Baxley, Book, Boyd, Broxson, DiCeglie, Harrell, Stewart, Thompson, and Trumbull

Military and Veterans Affairs, Space, and Domestic Security

Senator Wright, Chair; Senator Torres, Vice Chair; Senators Berman, Calatayud, Collins, Pizzo, and Rodriguez

Reapportionment

(Membership to be considered at a later date, if needed.)

Regulated Industries

Senator Gruters, Chair; Senator Hooper, Vice Chair; Senators Bradley, Brodeur, Davis, Hutson, Jones, Osgood, Perry, and Simon

Rules

Senator Mayfield, Chair; Senator Perry, Vice Chair; Senators Baxley, Book, Boyd, Brodeur, Broxson, Burgess, Burton, DiCeglie, Garcia, Hooper, Hutson, Jones, Osgood, Rodriguez, Rouson, Simon, Torres, and Yarborough

Transportation

Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Boyd, Broxson, Burton, Gruters, Hooper, Pizzo, Torres, and Trumbull

Select Committees:**Select Committee on Resiliency**

Senator Albritton, Chair; Senator Pizzo, Vice Chair; Senators Avila, Berman, Bradley, Calatayud, Collins, Davis, Grall, Gruters, Harrell, Ingoglia, Martin, Polsky, Powell, Stewart, Thompson, Trumbull, and Wright

Joint Legislative Committees:**Joint Administrative Procedures Committee**

Senator Ingoglia, Alternating Chair; Senators Burton, Grall, Osgood, and Rouson

Joint Committee on Public Counsel Oversight

Senator Gruters, Alternating Chair; Senators Burgess, Powell, Thompson, and Yarborough

Joint Legislative Auditing Committee

Senator Pizzo, Alternating Chair; Senators Brodeur, Davis, DiCeglie, and Simon

Joint Select Committee on Collective Bargaining

Senator Avila, Alternating Chair; Senators Collins, Hooper, Stewart, and Torres

Other Legislative Entity:**Joint Legislative Budget Commission**

Senator Broxson, Alternating Chair; Senators Albritton, Book, Hutson, Mayfield, Perry, and Powell

ADJOURNMENT

On motion by Senator Mayfield, the Senate adjourned at 2:08 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Wednesday, February 8 or upon call of the President.