

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

Black Voters Matter Capacity
Building Institute, Inc., *et al.*,

Plaintiffs,

Case No. 2022-ca-000666

v.

Cord Byrd, in his official capacity as
Florida's Secretary of State, *et. al.*,

Defendants.

EXHIBIT APPENDIX - VOLUME 2 OF 4

Exhibit Letter	Exhibit Description	Reference to Factual Stipulation	Volume Number
A	J. Alex Kelly presentation to Florida House	Joint Factual Stipulation (2)(1): "Transcripts of legislative committee and floor proceedings" are "judicially noticeable"	1
B	J. Alex Kelly presentation to Florida Senate	Joint Factual Stipulation (2)(1): "Transcripts of legislative committee and floor proceedings" are "judicially noticeable"	1-2
C	VAP summary report, enacted map	Joint Factual Stipulation (1): "demographic information" "available on floridaredistricting.gov"	2
D	VAP summary report, benchmark map	Joint Factual Stipulation (1): "demographic information" "available	2

		on floridaredistricting.gov”	
E	Senate session, March 4, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	2
F	Senate session, April 20, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	2-3
G	House congressional redistricting subcommittee, February 18, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	3
H	House redistricting committee, February 25, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	3-4
I	House session, April 20, 2022	Joint Factual Stipulation (2)(1): “Transcripts of legislative committee and floor proceedings” are “judicially noticeable”	4
J	VAP summary report, 8019	Joint Factual Stipulation (1): “demographic information” “available on floridaredistricting.gov”	4
K	Benchmark north Florida districts, heat map & population density	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional	4

		elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	
L	Benchmark map packet	Joint Factual Stipulation (2)(5): redistricting committee meeting materials from the 2022 regular session	4
M	District compactness report, 8015	Joint Factual Stipulation (1): “demographic information” “available on floridaredistricting.gov”	4
N	Popper written legislative testimony	Joint Factual Stipulation (2)(5): redistricting committee meeting materials from the 2022 regular session	4
O	Benchmark districts, heat map, Duval County	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	4
P	Benchmark districts, heat map, Leon County	Joint Factual Stipulation (1): “demographic information, political information, and other districting criteria” “for all districts used for the 2016-2020 congressional elections (“Benchmark Plan”)” “as available on floridaredistricting.gov”	4

<p>96:7,21 99:19 100:22 103:8 104:10,13 108:12 109:22 111:1 113:21 114:4 115:7,16 117:6 121:18 122:4 124:6 125:18 129:24 132:5 133:4 143:7,22 144:1 144:2 today's 3:23 4:2 4:21,23 115:5 told 32:20 131:9 tomorrow 141:18 top 141:23 topic 45:1 totality 8:20 139:3 140:3 totally 60:9 144:13 touting 40:9 trade 19:22 58:16,20 traded 58:18 trades 19:16 tradition 136:6 143:13 traditional 29:6 33:13,15 transacted 105:22 transcript 147:3 TRANSCRIPT... 1:10 TRANSCRIPT... 147:1 transparency 132:6 traveled 87:9 traverse 50:23 treat 16:7 trend 39:2,22,23 trending 39:23 trends 39:15,16 trickle 102:4</p>	<p>trickles 126:17 tried 50:24 77:18 Trish 109:2 110:13,15,17 troubling 40:8 109:19 Troy 126:2 127:14 true 52:18 93:23 96:10 147:2 truly 9:10 trumps 22:14,14 trust 74:25 try 39:14 41:16 58:14 70:13 79:8 81:19 112:20 139:14 trying 17:12 37:23 38:24 41:2 63:6,20 67:4 82:9 83:22 85:16 117:7,15 138:3 Tuesday 3:14 turn 38:18 93:19 turned 94:12 tweaked 73:20 Twenty 97:24 twenty-seven 123:17 twisting 107:11 Twitter 136:11 two 7:20 12:10 12:14 20:13 25:15 31:9 39:19 46:11 49:18 50:10 52:10 55:18 60:11 79:4,15 79:19 80:5,7 83:15 89:4 92:13 93:17,18 95:3 96:24 99:3 100:16 101:16 101:25 102:24 103:4,11 106:20 107:3,9</p>	<p>109:25 110:19 111:12 112:10 113:3 119:14 141:4,9 143:19 two-for-one 17:22 two-map 124:1 two-thirds 22:2 105:23 type 58:8,9 72:6 85:3</p> <hr/> <p style="text-align: center;">U</p> <p>U.S 8:12 35:19,21 41:4,14 66:9 125:20 131:3 Ukrainians 126:13 Ukranian 126:20 ultimate 23:11 132:17 ultimately 8:15 35:18 unaware 58:6 unchanged 5:25 10:3 unclear 73:16 unconstitutional 116:23 unconstitution... 130:8 underlying 89:3 understand 14:7 14:15 16:1 26:16 35:24 37:19,23,24 38:20 39:21,25 42:3 46:1 62:19 63:7 66:14 69:18,25 76:11 82:9 83:22 85:16 93:11 102:1 111:12 111:14,17 112:18 113:23 122:16 140:3 140:11</p>	<p>understandable 19:5 34:23 understanding 38:3,12,16,25 44:21 70:13 86:1 113:17 understands 40:10 111:18 139:2 understood 25:2 40:6 41:13 48:9 62:9 85:16 unequivocally 48:13 unfair 102:5 110:9 116:22 unfortunate 95:17 107:1 unfortunately 40:3 96:2 119:17,24 140:16 unincorporated 55:24 66:11 unintended 21:14 union 100:3 117:5 United 11:21 15:3 27:16 78:19 96:4 104:6,10 105:11 126:14 unity 136:15 unlawful 28:19 unnecessarily 140:18 unprecedented 109:15 115:10 uphold 108:14,16 upward 139:24 urban 53:4 urge 123:13 urging 124:7 usage 13:7 17:3,4 18:13,14 21:3 56:16</p>	<p>use 17:1 32:9,12 35:21 50:24 64:18 66:5 69:15 82:11 102:7,7 106:3 utilities 105:18 utilize 57:10 81:3 utilized 23:18 58:22 73:19</p> <hr/> <p style="text-align: center;">V</p> <p>v 1:4 Val 66:24 71:8 Van 112:8,11 various 10:5,7 74:14 vast 135:21 vein 97:17 version 8:8 versions 11:13 12:1 versus 52:24 97:25 veteran 104:6 125:20 veto 4:1 10:18 11:11 13:24 14:2,11,13 23:8 23:11 25:17 26:7,21 30:15 42:6 43:4,9,11 43:13 136:23 vetoed 3:11 46:13 94:11 107:7 109:14 vetted 94:10 Vice 2:7 40:21 66:25 145:24 145:25 video 103:19 view 20:15 villages 71:10 142:9 violate 23:14,18 35:22 81:20 84:18 85:19,21 88:3 98:1</p>
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<p>107:22 violated 67:13 85:6 134:1 violates 11:20 15:2 25:9 26:10 27:5 78:18 83:20 111:8 142:2,3 violating 33:23 35:19 109:25 violation 26:1 27:15 visible 17:25 21:4 visual 13:5 20:13 20:16,17 77:12 visualize 53:9 visually 10:10 19:1,4 56:15 vital 132:16 voice 93:6 98:19 102:17 113:5 115:7,8 118:12 122:3 129:24 voices 98:20 128:12 vote 71:16 94:20 95:18 99:10 101:4 102:2,13 104:16 106:2 117:21 118:4 118:10,12 122:2 123:13 126:25 127:3 128:23 129:11 129:12 137:19 146:3 voted 46:4 99:23 116:13 voter 75:21 102:11 117:8 117:19 voter's 121:24 voters 11:22 15:4 27:6 38:7,9 39:4 43:7 57:24 57:25 102:11 116:15 117:17</p>	<p>124:20 128:12 128:18 130:9 131:13,18,22 133:8,10 votes 135:13 138:4 voting 7:23,24 30:21 31:6,22 34:8,10,14,14 35:25 36:8 38:16,17 39:3 58:7 63:17 68:7 68:14 69:3,16 70:1,2,6,7,8,12 70:12,20,21 71:2,13,23,24 72:4,11,15,25 73:21 75:22,22 75:25 76:13,19 80:17 85:19,21 86:2,3,5,9,12 95:23 98:4,5 99:11 100:2,24 101:24 102:12 107:23 109:25 111:8 113:25 120:17 132:7 134:14 136:4 142:4 vulnerable 93:9</p> <hr/> <p style="text-align: center;">W</p> <p>wage 117:23 Wagner 91:14 waiting 13:21 waive 3:7 112:12 115:23 116:11 Waives 115:25 waiving 89:25 90:4,6,8,10,12 90:14,16,19,21 90:23 91:1,5,7 91:9,11,13,15 91:17,18,20,23 91:25 92:1 114:21 wake 95:7</p>	<p>walk 5:4 10:9 17:16 68:16 walked 25:19 walking 23:19 wall 54:10,12 Wallace 136:18 Walter 129:18 130:18,21,23 131:1,2 want 6:18 12:7 14:16 34:6 40:15 46:2 47:4 50:9 51:8 53:17 69:19 84:5 87:8 87:9 96:10,11 96:16 100:8,23 102:3,24 116:6 118:13 122:7 126:9,14,15,20 127:5,9 129:13 137:6,25 138:22 143:3,3 143:6,11 144:20 wanted 21:1,13 25:1 46:18 52:2 97:22 101:25 113:5 138:23 wants 24:17 102:8 107:24 107:24 108:1 123:23 141:15 war 126:13,18 warriors 99:13 Washington 1:24 wasn't 32:25 73:17 wasting 97:6 watching 103:12 water 131:25 waterways 17:4 18:12 way 8:11 18:10 20:9 22:25 23:1 23:13 24:6 27:2 27:4 29:13,15 33:17,21 35:16</p>	<p>38:20 39:21 41:24 42:6 53:14 57:8,22 58:23,24 61:23 63:3 66:1 71:24 76:21 78:20 80:12,14 81:4,8 81:18 86:13 89:10 94:7 101:22 102:5 123:3 140:15 ways 9:24 10:5 11:15 17:23 29:10,10 30:12 54:14 67:14 80:23 we'll 8:1 19:2 20:17 26:22 54:15 59:5 88:13 94:23 106:11 116:8 123:4 127:14 131:10 135:15 we're 13:21 24:5 25:24 34:21 40:16 46:3 47:10 48:24 49:6 52:13 54:11 55:15 60:20 62:14 73:1 74:13 75:11,13 82:22 83:15,24,24 84:4,6 89:23 90:13,22 92:4,5 92:7,11 93:10 94:18 96:3,3,3 101:23 114:2 116:4,6 119:13 122:14 137:22 143:6,10,17 144:17 we've 7:4,25 35:12 41:12,13 41:17 49:8 73:2 82:11 94:15 109:13,22</p>	<p>114:4 115:1 116:5 Webber 131:12 131:14,16,17 132:24 website 10:23 week 4:5 105:22 141:18 weeks 7:3 weighing 33:10 weighting 33:9 weird 112:19,21 Welch 96:23 99:1 99:3,5,7,8,8,10 Weldon 128:2 129:8 well-thought-out 25:23 went 14:12 23:7 39:10 47:15,18 48:4 65:4 weren't 60:19 99:17 139:22 west 48:5 51:6,25 56:23 66:20,21 71:8 whammy 141:8 whatsoever 65:22 Whitfield 101:15 103:2,4,6,7 104:25 Whitney 112:8 113:1,4,5 wholly 56:21 Williams 117:2 118:20 119:2 willingness 97:11 win 121:8 Winter 68:23,23 80:20 Wisconsin 6:23 wise 77:22 wishing 3:4 withdrawn 89:22 Wogen 112:9 113:1,3,4,5</p>
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<p>Women 133:7,10 wonder 93:23 wonderful 122:22 wondering 107:9 135:12 word 77:4 words 7:23 9:1 18:9 43:3 44:1 72:10 112:13 work 6:3,15,16 7:19 10:20 20:8 21:12 24:25,25 40:6 41:19 56:6 57:8 66:10 82:21 worked 7:5 10:16 24:10 56:8 58:23,23 69:7 107:3 144:21 worker 117:4 workers 105:14 118:12,14 working 56:23 100:5 105:12 105:17 107:10 works 111:13 world 89:7 94:19 118:10 worlds 89:7 Wormer 112:8 112:11 worries 106:18 worth 142:5 worthwhile 53:21 wouldn't 72:15 76:15,17 writer 119:5 written 43:4 wrong 24:5 96:1 144:1,18 wrote 43:13 119:8,12 138:11</p> <hr/> <p style="text-align: center;">X</p>	<hr/> <p style="text-align: center;">Y</p> <hr/> <p>yea 89:14 Yeah 38:24 48:12 80:1 year 6:11 47:21 year's 124:1 years 39:19 47:7 61:11 101:23 111:11 117:24 120:7 123:11 131:3 139:6 140:4,10 141:19 yeas 89:15 yelling 118:9 yield 24:15 yielding 55:1 York 115:12</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zephyrhills 55:9 Zion 92:22 Zonia 103:3 104:24 105:4 zoom 20:17 21:5 zooming 50:10 56:18 ZsaZsa 105:2 106:8</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>0.2 18:25 0079 6:19,21 9:21 0094 7:2 9:21 16:23 0109 5:20 7:9 9:11 10:22 15:11 16:24 18:19 19:6 45:25 76:15,19 79:13,14,20 115:3 019 111:2</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 4:25 10:2 22:13 22:13,15,22</p>	<p>23:2,4,9,16,17 29:22,24 51:15 60:20 64:4 65:2 65:8 67:13 68:12 81:9,13 81:14,20,22 82:14 83:20 84:14,16,18,25 85:7 103:16 104:1 133:16 134:1 138:2 144:8,12,14 1-2 11:4 1.5 18:7 10 9:16 15:18 16:7,14 25:9,20 25:20 26:13 27:4,17 30:23 31:4 34:24,25 35:14 36:1,7,8 37:11 38:4,17 40:11 60:8,17 61:3,5,7,8,11 61:14 66:15,19 67:19,22,25 68:2,6,20,23 69:1,23 70:23 72:23 75:8 80:8 80:12,15,19 82:25 86:1,14 86:18 92:24,25 101:21 110:23 120:7 121:21 123:11,19 136:12 141:14 141:19 102 6:1 11:14 45:22 46:12 109 12:10,24 45:23,24,24 54:11 75:24,24 79:12 112:22 113:6 115:3 10th 87:14 94:2 11 16:21 68:24 80:25 11.5 18:8</p>	<p>12 54:23,25 55:7 55:11 73:24 75:25 77:2 12.5 18:7,8 12th 3:14 13 57:1,7,22,22 63:19 66:2,7,8 87:18 14 53:8 57:2,7,9 57:22,23 58:7 63:15,19 66:2,9 69:23 87:17 99:22 141,000 55:2 14th 11:21 15:2 25:9 26:10 78:19 85:17 15 55:3,7,7,9 66:3 117:5 150 123:11 16 19:8 54:21 57:13,13,16 66:3 17 17:20 55:13 111:10 1730 1:24 1773 120:24 18 5:24 6:4,6 10:10 17:9,20 22:1,3 56:4 136:5 19 1:12 2:1 66:9 100:6 120:7 19-whatever 139:10 1960 121:22 1965 98:4 100:2 102:12 1982 136:4</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 10:2,7,14 12:20 13:7 16:16,19 17:5,8,12,15,17 18:11,14 19:17 20:2,25 21:10 21:16,21,25</p>	<p>22:12,14,15 29:21 45:21 49:24 51:5,6,11 51:12,15,22 52:3 53:16,21 54:13,16,18 56:16 57:12 60:21 63:24 65:5 66:4,5 80:23 81:8,23 82:14 97:19 98:4 99:22 117:22,22 118:5 144:11 144:11 2-adherent 68:3 2-C 3:19 4:25 5:19 9:11 45:24 49:17 111:2 112:22 113:6 115:3 130:7 137:19 145:2 146:3 20 97:24 110:6 124:22 20-25 10:3 200 51:21,23 52:3 20036 1:24 2009 117:20 2010 110:2 124:20 128:15 2015 47:15 2016 24:4 47:16 2017 114:7 2018 138:13 202 1:25 2020 39:8 2022 1:12 2:1 20th 136:2 21 53:9 124:22 232-0646 1:25 25.96 68:11 25.98 68:11 26 10:5 68:9,12 71:25 72:1 26-something 70:4,5</p>
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27 10:3 68:8	86:14,14,18		
28 5:24 10:3 70:8	87:12 99:10		
72:2	101:6 103:7,8		
295 50:21	110:23 114:13		
<hr/>	114:14 128:4		
3	128:16 130:4		
<hr/>	131:19 136:12		
3 16:20	139:5 140:17		
3-19 10:4	5's 76:13		
30 76:23 131:3	50 38:8,17 39:11		
30-second 135:1	39:22,24 72:11		
31.66 76:19,20	111:5 117:15		
33 82:8	123:18 128:11		
35 73:22,22 76:3	57 101:23		
78:11	58 101:23		
35.32 76:14	5th 97:2		
<hr/>			
4	<hr/>		
<hr/>	6		
4 12:11,15 50:3	6 16:20 101:6		
50:12,22 76:18	128:16		
76:23 77:19,22	60 136:5		
79:17	60s 100:18		
4-5 49:7	139:10		
4:22-cv-109 1:4	644248 89:20		
4:27 137:19	<hr/>		
144:24	7		
4:30 4:17 134:25	<hr/>		
40 116:5	7/10 68:13 80:16		
<hr/>	70 139:10		
5	713 99:11		
<hr/>	<hr/>		
5 4:17 8:8 11:14	8		
11:18 12:11,15	8 110:6		
15:1 23:7 25:8	8/10 68:13 80:16		
26:13 27:2,13	8011 9:23 13:12		
27:14 30:22	15:14,17		
31:3,5 32:9,14	8015 46:11		
32:23,24 34:24	8019 6:2 7:15		
35:14,14,25	10:17,20 46:2,3		
42:18,20 43:23	46:10 76:3,12		
44:7,8 47:5,5,9	76:13		
47:25 48:4 50:4	8060 13:14 15:15		
51:20,24 52:4	812 1:24		
59:21 60:9,17	<hr/>		
60:18 61:16,20	9		
66:14 75:2,7,24	9 68:20 80:24		
75:25 76:12,15	90s 47:20		
77:1,17,21 78:2	917356 87:2		
82:15,25 85:15			
85:16,20 86:10			

Exhibit C

VAP Summary Report

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D1	769,221	605,557	436,951	79,650	2,341	38,161	48,454	40,502	81,991
	3.57%	78.72%	72.16%	13.15%	0.39%	6.30%	8.00%	6.69%	13.54%
D2	769,221	619,356	405,585	140,300	2,706	37,071	33,694	39,777	143,006
	3.57%	80.52%	65.48%	22.65%	0.44%	5.99%	5.44%	6.42%	23.09%
D3	769,221	624,295	422,810	95,612	3,547	62,860	39,466	66,407	99,159
	3.57%	81.16%	67.73%	15.32%	0.57%	10.07%	6.32%	10.64%	15.88%
D4	769,221	590,934	326,940	182,187	4,921	41,271	35,615	46,192	187,108
	3.57%	76.82%	55.33%	30.83%	0.83%	6.98%	6.03%	7.82%	31.66%
D5	769,221	606,741	409,497	73,378	4,306	61,575	57,985	65,881	77,684
	3.57%	78.88%	67.49%	12.09%	0.71%	10.15%	9.56%	10.86%	12.80%
D6	769,221	634,516	474,364	67,915	3,259	58,769	30,209	62,028	71,174
	3.57%	82.49%	74.76%	10.70%	0.51%	9.26%	4.76%	9.78%	11.22%
D7	769,221	616,306	398,072	57,638	7,276	109,646	43,674	116,922	64,914
	3.57%	80.12%	64.59%	9.35%	1.18%	17.79%	7.09%	18.97%	10.53%
D8	769,221	633,719	474,699	57,761	3,594	60,099	37,566	63,693	61,355
	3.57%	82.38%	74.91%	9.11%	0.57%	9.48%	5.93%	10.05%	9.68%
D9	769,221	593,636	191,983	59,872	17,442	279,590	44,749	297,032	77,314
	3.57%	77.17%	32.34%	10.09%	2.94%	47.10%	7.54%	50.04%	13.02%
D10	769,221	610,303	235,180	146,153	12,378	162,333	54,259	174,711	158,531
	3.57%	79.34%	38.53%	23.95%	2.03%	26.60%	8.89%	28.63%	25.98%
D11	769,221	618,709	391,486	73,527	5,418	100,342	47,936	105,760	78,945
	3.57%	80.43%	63.27%	11.88%	0.88%	16.22%	7.75%	17.09%	12.76%
D12	769,221	626,932	490,923	29,363	3,829	69,636	33,181	73,465	33,192
	3.57%	81.50%	78.31%	4.68%	0.61%	11.11%	5.29%	11.72%	5.29%

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D13	769,221	650,487	502,137	43,119	2,970	59,195	43,066	62,165	46,089
	3.57%	84.56%	77.19%	6.63%	0.46%	9.10%	6.62%	9.56%	7.09%
D14	769,221	620,281	306,560	109,170	9,471	151,597	43,483	161,068	118,641
	3.57%	80.64%	49.42%	17.60%	1.53%	24.44%	7.01%	25.97%	19.13%
D15	769,221	599,800	329,426	84,551	7,838	128,582	49,403	136,420	92,389
	3.57%	77.97%	54.92%	14.10%	1.31%	21.44%	8.24%	22.74%	15.40%
D16	769,221	607,353	391,827	66,902	5,836	107,573	35,215	113,409	72,738
	3.57%	78.96%	64.51%	11.02%	0.96%	17.71%	5.80%	18.67%	11.98%
D17	769,221	654,821	517,830	33,705	2,709	72,861	27,716	75,570	36,414
	3.57%	85.13%	79.08%	5.15%	0.41%	11.13%	4.23%	11.54%	5.56%
D18	769,221	603,562	360,926	74,433	5,316	137,606	25,281	142,922	79,749
	3.57%	78.46%	59.80%	12.33%	0.88%	22.80%	4.19%	23.68%	13.21%
D19	769,221	650,465	481,820	36,050	3,431	102,096	27,068	105,527	39,481
	3.57%	84.56%	74.07%	5.54%	0.53%	15.70%	4.16%	16.22%	6.07%
D20	769,221	595,408	140,153	289,430	8,953	127,858	29,014	136,811	298,383
	3.57%	77.40%	23.54%	48.61%	1.50%	21.47%	4.87%	22.98%	50.11%
D21	769,221	629,736	428,764	74,848	3,723	91,628	30,773	95,351	78,571
	3.57%	81.87%	68.09%	11.89%	0.59%	14.55%	4.89%	15.14%	12.48%
D22	769,220	625,981	346,268	93,681	5,725	148,600	31,707	154,325	99,406
	3.57%	81.38%	55.32%	14.97%	0.91%	23.74%	5.07%	24.65%	15.88%
D23	769,221	632,647	369,529	77,823	5,471	124,270	55,554	129,741	83,294
	3.57%	82.25%	58.41%	12.30%	0.86%	19.64%	8.78%	20.51%	13.17%
D24	769,221	611,792	111,522	241,702	16,303	218,970	23,295	235,273	258,005
	3.57%	79.53%	18.23%	39.51%	2.66%	35.79%	3.81%	38.46%	42.17%
D25	769,221	607,264	208,608	96,002	10,414	246,216	46,024	256,630	106,416
	3.57%	78.95%	34.35%	15.81%	1.71%	40.55%	7.58%	42.26%	17.52%

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D26	769,221	623,498	122,723	30,246	12,914	443,598	14,017	456,512	43,160
	3.57%	81.06%	19.68%	4.85%	2.07%	71.15%	2.25%	73.22%	6.92%
D27	769,221	636,002	107,346	33,366	11,580	460,183	23,527	471,763	44,946
	3.57%	82.68%	16.88%	5.25%	1.82%	72.36%	3.70%	74.18%	7.07%
D28	769,221	609,131	92,771	52,023	10,829	435,999	17,509	446,828	62,852
	3.57%	79.19%	15.23%	8.54%	1.78%	71.58%	2.87%	73.35%	10.32%
TOTALS	21,538,187	17,339,232	9,476,700	2,500,407	194,500	4,138,185	1,029,440	4,332,685	2,694,907

Exhibit D

VAP Summary Report

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D1	807,881	636,380	462,630	81,824	2,381	39,618	49,927	41,999	84,205
	3.75%	78.77%	72.70%	12.86%	0.37%	6.23%	7.85%	6.60%	13.23%
D2	727,856	588,566	446,456	71,246	1,838	37,495	31,531	39,333	73,084
	3.38%	80.86%	75.85%	12.11%	0.31%	6.37%	5.36%	6.68%	12.42%
D3	766,133	609,560	407,610	94,262	3,859	58,894	44,935	62,753	98,121
	3.56%	79.56%	66.87%	15.46%	0.63%	9.66%	7.37%	10.29%	16.10%
D4	871,884	691,279	502,634	67,654	3,988	57,126	59,877	61,114	71,642
	4.05%	79.29%	72.71%	9.79%	0.58%	8.26%	8.66%	8.84%	10.36%
D5	748,910	580,527	233,591	262,625	5,569	47,515	31,227	53,084	268,194
	3.48%	77.52%	40.24%	45.24%	0.96%	8.18%	5.38%	9.14%	46.20%
D6	796,254	658,454	484,011	62,079	4,547	74,950	32,867	79,497	66,626
	3.70%	82.69%	73.51%	9.43%	0.69%	11.38%	4.99%	12.07%	10.12%
D7	788,518	634,763	356,239	67,341	10,044	146,435	54,704	156,479	77,385
	3.66%	80.50%	56.12%	10.61%	1.58%	23.07%	8.62%	24.65%	12.19%
D8	783,753	645,163	481,232	58,661	3,770	62,985	38,515	66,755	62,431
	3.64%	82.32%	74.59%	9.09%	0.58%	9.76%	5.97%	10.35%	9.68%
D9	955,602	737,088	297,589	86,830	18,287	287,852	46,530	306,139	105,117
	4.44%	77.13%	40.37%	11.78%	2.48%	39.05%	6.31%	41.53%	14.26%
D10	873,804	669,945	241,146	167,012	11,852	182,072	67,863	193,924	178,864
	4.06%	76.67%	35.99%	24.93%	1.77%	27.18%	10.13%	28.95%	26.70%
D11	820,835	694,239	546,990	46,488	3,666	66,566	30,529	70,232	50,154
	3.81%	84.58%	78.79%	6.70%	0.53%	9.59%	4.40%	10.12%	7.22%
D12	807,137	653,760	498,107	33,908	4,235	77,472	40,038	81,707	38,143
	3.75%	81.00%	76.19%	5.19%	0.65%	11.85%	6.12%	12.50%	5.83%

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D13	727,465	614,181	441,135	69,654	3,341	56,919	43,132	60,260	72,995
	3.38%	84.43%	71.82%	11.34%	0.54%	9.27%	7.02%	9.81%	11.88%
D14	787,447	626,311	283,087	100,802	11,246	177,612	53,564	188,858	112,048
	3.66%	79.54%	45.20%	16.09%	1.80%	28.36%	8.55%	30.15%	17.89%
D15	819,853	639,081	362,661	90,104	8,273	137,027	41,016	145,300	98,377
	3.81%	77.95%	56.75%	14.10%	1.29%	21.44%	6.42%	22.74%	15.39%
D16	884,047	715,022	501,672	61,989	4,733	109,262	37,366	113,995	66,722
	4.10%	80.88%	70.16%	8.67%	0.66%	15.28%	5.23%	15.94%	9.33%
D17	779,955	650,151	495,237	43,628	2,828	83,390	25,068	86,218	46,456
	3.62%	83.36%	76.17%	6.71%	0.43%	12.83%	3.86%	13.26%	7.15%
D18	794,724	649,064	435,722	80,020	4,049	97,224	32,049	101,273	84,069
	3.69%	81.67%	67.13%	12.33%	0.62%	14.98%	4.94%	15.60%	12.95%
D19	835,012	700,605	501,876	43,510	3,998	122,686	28,535	126,684	47,508
	3.88%	83.90%	71.63%	6.21%	0.57%	17.51%	4.07%	18.08%	6.78%
D20	776,283	593,894	106,904	300,408	10,595	148,295	27,692	158,890	311,003
	3.60%	76.50%	18.00%	50.58%	1.78%	24.97%	4.66%	26.75%	52.37%
D21	788,007	643,275	369,534	90,976	5,297	139,951	37,517	145,248	96,273
	3.66%	81.63%	57.45%	14.14%	0.82%	21.76%	5.83%	22.58%	14.97%
D22	785,756	645,611	361,940	92,277	5,980	131,997	53,417	137,977	98,257
	3.65%	82.16%	56.06%	14.29%	0.93%	20.45%	8.27%	21.37%	15.22%
D23	769,356	613,268	239,876	84,327	8,970	234,773	45,322	243,743	93,297
	3.57%	79.71%	39.11%	13.75%	1.46%	38.28%	7.39%	39.74%	15.21%
D24	742,542	587,681	68,900	236,579	19,751	243,946	18,505	263,697	256,330
	3.45%	79.14%	11.72%	40.26%	3.36%	41.51%	3.15%	44.87%	43.62%
D25	771,434	623,579	124,213	21,117	9,193	454,547	14,509	463,740	30,310
	3.58%	80.83%	19.92%	3.39%	1.47%	72.89%	2.33%	74.37%	4.86%

District No.	Total Population	Total Voting Age Population	Single-Race Non-Hispanic White Voting Age Population	Non-Hispanic Black Voting Age Population	Hispanic Black Voting Age Population	Hispanic not Black Voting Age Population	Other Voting Age Population	All Hispanic Voting Age Population of any race	All Black Voting Age Population
D26	787,914	623,565	94,477	59,535	11,203	440,479	17,871	451,682	70,738
	3.66%	79.14%	15.15%	9.55%	1.80%	70.64%	2.87%	72.44%	11.34%
D27	739,825	614,220	131,231	25,551	11,007	421,097	25,334	432,104	36,558
	3.43%	83.02%	21.37%	4.16%	1.79%	68.56%	4.12%	70.35%	5.95%
D28	0	0	0	0	0	0	0	0	0
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
TOTALS	21,538,187	17,339,232	9,476,700	2,500,407	194,500	4,138,185	1,029,440	4,332,685	2,694,907

Exhibit E

Common Cause, et al.)
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v.) 4:22-cv-109
)
Cord Byrd)
)
)

TRANSCRIPTION OF AUDIO FILE
SENATE SESSION PART 2
March 4, 2022

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

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.

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.

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

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,

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

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

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

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

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

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?

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.

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

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

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

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

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

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

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.

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.

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,

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?

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

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.

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?

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.

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

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

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.

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

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.

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

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,

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

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.

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

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.

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,

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.

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

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

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,

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

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

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.

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

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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.

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.

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.

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

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

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.

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

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

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.

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

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.

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

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.

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

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.

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.

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

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

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

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

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

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

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

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

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

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.

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.

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?

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

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?

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

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

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.

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.

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?

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?

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

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

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

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

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.

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

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

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

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.

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

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.

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.

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.

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

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,

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

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.

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.

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

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

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.

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.

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

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

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

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?

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?

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

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

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

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?

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?

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?

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.

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?

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?

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

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

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

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.

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.

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

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?

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

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

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?

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

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-

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

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

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

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.

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

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

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

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

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

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

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

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

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

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.

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.

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

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.

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.

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.

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

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

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

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

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

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

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,

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

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

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,

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,

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.

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

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.

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

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,

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.

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.

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.

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

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.

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?

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.

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,

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

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?

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

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

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

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

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 Gibson. 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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

1 communication. They're prohibited from initiating
2 communications on items that have been placed --

3 (End of recording.)

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C E R T I F I C A T I O N

I, DIANE OTTO, do hereby certify that I have carefully transcribed from and compared the foregoing pages with the original digital audio recording from said proceeding and that this transcript is true and correct to the best of my ability.

Dated this day March 8, 2023.



(Electronically signed)

DIANE OTTO, CET, CER 1353

A	19:9	182:19 183:13	213:22 215:3	99:7
A1A 55:18	accomplish 46:15	184:11,22	additionally 4:1	adopted 45:13
ability 82:8 93:17	204:17	185:11 186:18	101:5	51:11,21 54:19
98:22 121:7,13	accord 172:13	187:4,18	address 11:1	62:22 78:8
126:2 129:24	account 76:6	188:14 189:24	12:13 40:6	81:24 85:7
131:18 133:12	accountability	190:5,12,12	92:19 201:12	107:11 149:11
159:15,22	192:23 203:16	191:7,19 192:8	201:22 202:2	152:24 160:9
204:1 217:7	205:15 206:18	193:10 207:19	203:6,7,10	162:20 166:13
able 15:25 24:1	accountable 22:9	Act's 10:7	212:14,25	170:5 179:7
31:7 64:23	22:11 171:15	action 4:2 19:4	214:14 215:17	180:17 181:18
87:25 88:12	accounting 181:9	33:13 34:9	addressed 35:11	182:16 184:8
98:1,23 104:10	accounts 44:20	167:15 207:10	35:12 98:2,2	184:20 187:1
104:20 117:23	accreditation/	actions 2:10	203:24	188:12 191:3
120:3 133:20	154:5	162:15	addresses 11:5	211:1
134:13 138:7	act 2:22 4:2	active 114:25	18:6,11 20:13	adoption 101:13
146:8 154:1	10:22 18:2	activities 48:22	21:4 48:10	adults 150:25
155:5 175:14	28:20 45:25	activity 77:24	153:14 211:17	156:9
177:2 202:17	47:9,17 48:5	186:10	212:15	advance 4:8 5:1
202:17 204:9	49:13,21 50:10	actual 41:7	addressing 48:18	88:15
205:4 213:11	51:13,24 52:12	added 205:4	103:2	advancing 93:3
213:18 214:3	54:14,23 55:13	adding 166:6	adds 64:22	adverse 159:9
214:13 215:14	56:20 57:5 61:8	addition 52:19	adequate 54:3	advertisements
abrupt 92:9,12	62:16,24 64:1,7	86:14 111:15	adjudicated	48:16
Abruzzo 172:3	65:22 66:7 67:8	156:22	106:23 107:15	advising 130:23
178:13	67:20 68:4	additional 5:15	108:3 164:1	advisory 10:4,5
absolutely 30:18	69:12,22 70:10	9:7 13:18 16:3	adjuster 48:14	10:12 17:23
81:9 89:19	71:15 72:1,14	27:5 28:12	adjustment	18:10 20:8
175:9 204:13	74:25 106:22	29:10 31:1	205:3	190:14,15
absorbed 87:15	107:14 108:2	32:16 34:14	administer 122:5	advocacy 202:15
abuse 169:2	108:16 109:20	35:23 37:11	150:25 151:2,7	advocates 88:20
176:21	110:7,20 111:9	39:7,24 45:1,2	156:4	202:10
academically	112:16 113:2	46:16 49:16	administered	affirmatively
148:15	114:2,7,13	54:1 56:15	70:17	138:19 142:25
accept 19:2	116:9,20	57:23 76:20	administering	affluent 76:16
134:12 139:22	117:15 118:18	79:19,20 83:21	127:16	afford 154:3
159:4	119:6 130:8	97:17,17 100:3	administration	affordable 89:4
accepted 7:3	147:4,11	106:16 136:7	136:19 150:20	affording 155:5
129:12 209:12	149:20 150:19	137:14 139:20	153:2,16,25	afraid 140:13,24
accepting 7:5	151:10 153:1	140:5,5 142:18	160:19 170:9	140:25
205:11	153:19 155:4,6	146:21,22	179:10	African 6:10,22
access 7:19 18:17	156:1,6 160:18	149:7,8 162:11	administrative	17:1 34:21
33:15 99:19	161:10 162:23	168:24 172:23	151:8	afternoon 55:7
151:14	163:8,25	172:24 174:11	administrator	58:20 123:19
accessing 52:25	165:16 166:16	176:3,3 182:12	161:20	aged 53:6
accommodate	167:2 168:17	182:13 189:5	admit 210:4	agencies 211:18
41:25 42:9	170:8 179:9	189:19 204:7	adopt 73:4 89:20	agency 50:16
accompanies	180:5,21	204:20 207:4,6	89:22 98:23	agent 48:17

aggregate 8:15	204:21 205:6,7	80:5,8 81:18,20	46:7 48:24	Andreas 60:7,7,9
ago 13:4 63:16	205:23,24	81:22,23,24,25	50:21 53:13	Angela 60:10
117:11 129:23	206:7,8,15,16	82:2,4,6,9,16	55:22 56:22	angry 141:1
132:22 146:24	alert 201:7	82:19,24 83:18	62:2 65:6,24	announce 47:23
150:13 161:4	alignment 7:25	83:22 84:4 85:3	68:19 69:13	50:3 52:6 55:3
166:7 198:15	allegations	85:5,7,7 95:21	70:24 71:17	60:23 61:3
198:15 201:15	171:16	121:5 133:11	75:1,7 107:17	63:10 67:1 70:3
agree 10:16	allow 60:20 64:17	147:20,21,22	109:1,22	72:7 103:10
15:22 18:5	83:3 109:11	147:24 148:2,3	111:22 112:18	110:13 113:20
25:18 27:2	130:14 146:12	148:5,7,16,18	115:19 116:11	117:7 150:9
28:16 40:10	153:25 159:19	149:9,11,12	118:1,19	160:24 163:13
119:1 146:3,16	168:2 171:23	152:1 153:6,7	147:18 151:16	165:4 167:10
146:19 175:9	197:17 204:3,4	153:11,14,18	153:3,9 161:23	168:9 185:4
176:6	208:19 212:16	154:11,14	162:24 166:18	187:11 192:1
agreed 51:19	allowed 46:20	156:11 157:22	169:6 170:10	announced 124:7
65:20 69:9	83:2 84:8	160:4,4,7,9	177:23 180:22	annually 156:21
71:11,22 74:21	171:12 178:14	169:9,10,12,15	183:23 184:14	answer 97:9
78:8 81:23 85:6	199:18 204:7	169:17,18,20	185:23 186:20	98:12 100:5,11
109:16 112:13	213:18 214:9	170:12,13,15	188:3,16	124:1 200:20
112:25 116:7	214:22	170:17 171:22	190:17 191:9	204:18,19
116:17 118:15	allowing 64:24	172:2,5,7,24	193:11 208:4	206:24 209:14
136:13 171:8	79:15 135:3	174:13 175:22	211:25	213:13
191:3,15 193:6	161:17 197:21	176:3 177:17	American 6:10	answered 206:25
210:25	allows 61:21	177:22 178:2	17:1 34:21	anticipated
agreement 73:19	72:20,21 162:6	178:23 179:1,1	132:18	135:25
171:7 176:19	alternative 29:23	180:13,25	Americans 6:22	anticipating
179:4 182:14	61:21	181:1,3,5,14,17	amorphous	39:12
agrees 138:20	amazing 156:3	181:18,19	84:17	anybody 58:5
Agriculture	Amen 150:6	182:2 188:24	amount 73:12	96:23 201:3
75:14	amend 152:4,9	193:14,15,17	202:13	apart 37:5
ahead 84:17	152:10 164:6	193:19,23	analogy 159:4	apologize 4:8
93:16 106:2	174:10	195:3,5,9,11	analysis 8:12	153:13
157:21	amended 45:14	196:9,11,15	12:21 13:2,2,4	appalling 34:3
aimed 185:17	207:24 209:10	208:7,8,10,13	13:11,24 14:1,6	apparent 121:6
al 1:2 29:4	amending 181:7	208:14,18,20	14:8,14,20 15:1	Appeals 144:24
albeit 159:20	amendment 2:18	209:2,4,7 210:5	15:1,6,7,9,11	145:7
Albritton 192:11	2:23,25 3:4 4:1	210:7,11,13,18	15:19,24 16:21	appear 4:16
192:12,17	34:16 36:3 37:3	210:24,25	17:2,3,4 24:3,5	appellate 145:8
193:3 195:10	37:3 39:4 45:11	211:1,2,4,6,9	24:19 25:4,10	application 4:24
197:4,5 198:5,6	54:19 55:25,25	211:10,12,15	25:13,18 26:16	29:20 69:4
198:12,13,24	56:2,4,6,9 75:4	211:17,24	26:22 41:12	215:19
198:25 199:13	75:5,10,12,25	212:1,4,4,5,7,9	183:15 184:13	applied 25:9
199:14 200:4,5	76:2,18,21,22	212:10,15,19	184:24	26:15 183:14
200:15,16	77:1,9,19 78:3	212:21,21,25	analyze 31:7	184:12,23
201:11 202:3,4	78:5,6,8,9,10	214:4,10 215:7	Anastasia 60:7	209:25
203:12,13,23	78:12,14,16	215:8,12,19	Anderson 66:17	applies 209:22
204:11,12,21	79:1,21,25 80:1	amendments	Andrea 60:5	apportion 5:12

apportioned 108:20,22	158:1	12:19 13:7,9,21	25:1 29:20,20	21:22 27:21
apportionment 13:3 16:22 28:25 41:16	articulating 7:5 aside 38:12	28:12,13 30:6	29:24 30:8,9	72:23 87:22
apportions 3:11 3:18	asked 2:7 17:21 39:5,12 40:6	196:20,22	45:13 70:12	88:17 96:4
appreciate 59:10 60:10 66:20	59:18 60:16	197:23,24	81:2 86:15 90:4	basically 46:25
135:18 136:11	125:6 141:6	198:8,9,17,18	90:14 91:6 92:6	146:5
136:14 139:16	143:14 172:11	199:6,7 200:2,3	96:4 97:3	basis 81:5
178:7 179:20	200:11 209:11	201:9,10 203:3	110:23 114:17	batteries 84:23
209:1	214:9	203:4,14 207:1	121:21 128:9	battery 82:12
appreciative 59:15	asking 13:21	Australia 177:12	141:4,5 142:22	83:1
approach 27:3,15 42:13 151:14	43:15,20 44:1	author 210:5	146:11 152:19	battle 176:18
185:18 205:9	44:18 199:17	authorities 171:5	164:22 165:9	Bay 35:17
approaches 42:20	214:19	authority 174:11	165:10 167:15	beach 5:24 31:9
appropriate 39:3 104:15 151:1	aspect 88:4	183:3	167:22 178:21	31:12 171:1
155:9 164:9	aspects 36:22	authorize 159:6	180:2 181:8	172:4
appropriately 34:10	75:23 76:7,18	authorized 151:4	182:8,10	beaches 34:23
approval 11:13	assistant 66:16	153:21 181:9	194:18 196:25	Beam 204:15
approved 11:14 47:7 129:3	196:3 200:19	213:20	198:4 199:9	Bean 58:3
183:19 186:14	assistants 204:8	authorizes	200:8 215:20	bearing 98:10,11
arbitrarily 80:15 80:17	associated 75:17	150:24 186:7	backed 15:24	becoming 4:3
arbitrary 81:4	77:3,25	autopsy 133:15	backfilling	bed 200:6,7
Archer 76:12,13 102:13	associates 177:5	133:20	204:16	beginning 3:14
area 5:20 7:16	association 46:6	available 2:10,11	background	3:25 27:20
8:9 17:11 35:4	202:10 212:13	87:24 111:19	68:12	behalf 88:17
35:22 143:14	212:14 213:25	113:11 122:24	bad 35:2 177:16	149:1
areas 5:23 9:5 41:3 190:16	214:2	137:20 141:14	206:20	behave 157:13
argue 175:13	associations	143:6 200:13	Baker 111:9	behavioral
arrival 27:24	162:14 172:13	Avenue 55:18	balance 151:14	183:15,22
arrive 15:19	assuming 155:12	average 24:11,12	155:2,9 203:16	184:13,24
arrogance 34:3	assurances 91:16	42:6 101:4,19	balanced 21:14	behaviors 206:21
articulated 18:2 18:11 19:12	assure 182:23	195:12	21:18 36:24	belief 20:9,12
20:7 21:5,8	atrocities 176:10	awaiting 143:18	ballot 208:3	believe 5:9,11
25:14 30:22	attempts 161:15	aware 102:22	211:20 213:4	7:13 8:6,7 9:1,1
	attendant 204:16	130:21 131:3	213:20 214:25	9:3 11:3 12:4,7
	attention 23:5	131:13,19	bar 2:23 3:4	15:6,12 18:9
	38:22 42:22	132:1 133:20	78:10	19:2 20:5 21:2
	210:2	138:16 197:25	barcode 55:25	21:25 22:13
	attorney 194:4,7	199:16	75:5 81:25	23:11,12,13
	194:9 196:4		147:21 148:3	24:3,22 27:24
	attorney's 173:7	B	153:7 169:10	28:4,19 29:5
	attorneys 172:12	B 31:16 146:12	170:13 181:1	35:14,15,15
	177:15	167:13	193:15 208:8	36:15 38:9,9,10
	audio 1:13 121:8	back 3:6,21 5:22	211:2,10 212:5	40:5 46:6 64:16
	217:5	6:4,7 7:2,13	barriers 52:24	64:20 66:15
	Ausley 9:7,9	10:3 11:17	53:8	77:7 81:13
	11:19,21 12:17	14:16 15:23	base 104:21,25	82:11,12 87:24
		16:22 19:19	based 8:11 14:13	91:11 92:10
		20:22 21:8 23:5	15:19 19:22	98:18 105:25

126:17 137:6	46:11,17,17,23	73:2,4,24,25	139:18,23,24	181:7,11,14,23
139:9 149:5	47:1,5,6,7,9,9	74:8,13,17,19	140:3 146:5,12	182:9,13,15,16
157:7 159:24	47:12,12,13,15	74:20,22,24,24	146:14,23	182:18,18,21
165:21 169:17	47:17,17,21	77:4,14 80:3	147:1,2,3,3,7,9	182:24 183:4
175:3 177:19	48:1,2,4,4,8,10	85:11,11,17	147:11 149:5	183:10,11,13
177:20 180:2	48:22 49:2,9,10	88:6 91:13	149:16,18,19	183:13,17,19
180:11 198:7	49:13,13,16,18	93:21 95:12	149:19 150:7	184:3,6,7,9,11
204:13 205:8	49:21,21 50:7,8	96:4 98:2,13,14	150:12,15,17	184:11,18,20
206:17 207:1	50:10,10,14,16	99:22 100:16	150:19,19,22	184:22,22
believed 31:5	50:25 51:5,9,10	102:10,18	150:24 151:5	185:7,8,10,10
177:6 199:25	51:11,13,13,18	103:2,18	151:21,22	185:14,22
believer 82:25	51:21,24,24	105:25 106:17	152:3,8,22,23	186:3,6,12,12
believes 143:21	52:9,10,11,11	106:18,19,21	152:24 153:1,1	186:15,18,18
benchmark 6:6	52:13,15,17,20	106:21,25	153:18 154:12	186:24,24
6:15 7:7 24:7	52:23 53:1,4,10	107:9,10,12,14	156:18 159:16	187:1,4,4,14,15
43:1,12,13,16	53:21 54:9,11	107:14,22,25	160:14,16,18	187:17,17,21
43:18,25 44:2,7	54:13,13,16,17	108:2,2,10,12	160:18 161:2,6	187:24 188:2,6
44:11,15	54:20,22,22	108:13,14,15	161:7,10,10,15	188:10,11,12
benefit 24:6	55:6,11,12,12	108:15,20	161:21 162:1,4	188:14,14,24
benefits 77:3,5	55:16 56:7,10	109:5,10,17,19	162:6,8,13,16	189:2,20,21,23
Benny 60:10	56:16,17,18,19	109:19 110:1,2	162:18,19,20	189:23 190:1,2
Berman 31:1,3	56:19 57:1,2,3	110:3,6,6,17,18	162:22,22	190:4,4,8,11,16
79:3,5,18 82:21	57:4,4 59:4,10	110:19,19,24	163:3,5,7,7,16	190:21,21
82:21,23 83:9	60:16,22 61:6,7	111:12,21	163:21,22,23	191:1,2,4,7,7
210:4	61:7,7,13,14,15	112:1,5,6,11,12	163:25,25	191:13,16,19
best 11:3 31:7	61:21 62:6,12	112:14,16,16	164:4,10,17,20	191:19 192:4,5
70:10,16 71:16	62:14,15,15,19	112:22,23,25	164:20,23	192:7,7,13,16
72:2 203:7,10	62:20,22,23,23	113:2,2,6,18,24	165:7,9,13,13	192:18,20
203:14 217:7	63:13,23,25,25	113:25 114:1,1	165:16,16,19	193:5,5,7,9,9
better 29:23 30:2	64:3,4,4,6,6,10	114:3,5,6,6,9	165:21,23	194:12,21
34:1 39:20	64:12,16 65:4	114:11,13,13	166:11,11,13	195:11 196:5
43:16,16 44:2,3	65:10,14,15,18	114:18,23	166:16,16,22	198:4 199:21
136:1 137:8	65:18,20,22,22	115:2,2,6,10,16	166:24 167:2,2	200:1 202:6
betterment 83:15	66:3,5,7,7,11	115:19,23	167:14,23,24	204:16,21,22
83:15 149:3	66:18,23 67:4,5	116:5,6,7,9,9	168:3,15,17,17	206:6,18,21
beyond 21:15	67:8,8,12,18,18	116:16,18,20	168:21,23	207:2,5,8,12,13
182:12	67:20,20 68:1,1	116:20,24	169:5,21,24	207:16,18,18
big 206:20	68:3,3,6,13,18	117:3,10,12,13	170:3,4,6,8,8	207:21,23
bill 2:18,21,22	68:23 69:4,7,7	117:13,14,14	175:22,25	208:13,16
4:4 10:16,17	69:9,11,11,17	117:20,25	177:24,25	209:10,10,24
11:4 19:11	69:18,21,21,25	118:7,14,15,16	178:10 179:4,4	billing 73:8,9
20:14 27:10	70:6,7,9,9,14	118:17,17	179:6,7,9,9,12	bills 41:1 46:15
33:22 37:12	70:16,23 71:4	122:6 128:2,6	179:13,20	49:7 53:19
40:13,16,17,18	71:10,10,12,15	131:10 134:4	180:1,2,3,5,5,9	65:13 71:7,8
40:21 41:4,5	71:15,20,23	135:25 136:1,3	180:11,12,13	146:24 161:3,4
45:13,19,20,22	72:1,1,10,11,14	136:11 137:18	180:15,16,18	164:6,11
45:24,24 46:2,4	72:14,18,20	138:22 139:16	180:20,20	169:25 189:21

207:9,11 bipartisan 28:3 birth 53:5 bit 86:5 101:10 109:11 159:20 204:10 207:11 black 9:11 38:8 39:15 blackmailing 177:7 blame 199:20,22 202:15 blatant 29:5 blending 208:17 blessed 41:16 58:11 blessing 30:5 Bletch 66:17 blue 38:24 board 45:14,15 47:22,23 50:1,3 52:5,6 55:2,3 60:16,20,22,23 61:2,3 63:9,10 66:25 67:1 70:1 70:3 72:6,7 80:24 81:3,3,7 89:22 110:12 110:13 113:19 113:20 117:4,6 150:8,9 153:20 154:20 159:15 160:1,23,24 163:11,12 165:2,4 167:8,9 168:2,7,9 179:22,23 183:6,7 185:3,3 187:9,11 191:24 192:1 bodies 58:21 174:21 body 5:12 27:17 28:5 34:18 36:14 41:20 61:14 74:8 133:9 134:10	163:20 167:23 192:15 215:11 Bonnie 60:6 bonus 155:11 Book 57:9,11,24 58:9,10 60:13 60:14,19 61:11 61:12 62:8,8,9 62:12,19 63:2,3 63:7 176:4,5 179:16 180:8 180:10,15 181:2,4,6 182:1 182:4,6,15,21 182:23 border 173:1 borders 41:17 bottom 181:11 bound 128:24 boundaries 41:15 41:21,22,23 42:3,9,12,13,13 42:14,15,17 44:13,14,24 boundary 42:6 Boyd 68:5,7,23 68:25 69:6,17 69:24,25 168:20,22 169:20,23 170:2 178:24 179:5,12,14 185:14,15 186:2,5,11,24 187:8 Bracey 18:13,15 Bracy 16:4,5,9 17:6,8 39:7,9 39:24 45:7 Brad 60:5 176:18 Bradley 72:17,19 74:18 76:23,24 79:22,23 80:10 83:22,23 85:14 85:24,25 87:10 87:11,19 88:1,2 89:10,17,18	90:2,16,17 91:5 91:19,20 93:5,6 93:23 94:4,5,12 94:13 95:6,7,18 95:19 96:7,8,17 96:18 97:6,7 98:5,6 99:20,21 100:6,12,14,24 100:25 101:7,8 101:21,22 102:20,21 103:23 104:2,4 104:13,14,22 104:23 105:5,6 105:21,22 106:12,13,25 107:1,2,6,7,9 107:21 108:6,7 108:9,12 163:19 164:3,5 164:16,23,25 209:20 Bradley's 59:9 103:17 164:20 Brand 206:18 Brandes 78:11,13 78:14,15 79:1,1 79:11,12,20,21 79:24 80:6,7,9 81:19,20,21 82:1,3,4,5,18 82:19 83:21 84:3,4,5 85:2,3 85:5 93:25 94:1 94:8,9,25 95:1 95:14,15,25 96:1,14,15,22 96:23 97:15,16 118:23,25 119:8,9,17,18 120:4,5,11,12 120:23,24 121:18,20,25 122:1,25 123:1 123:14,15 189:5,7,15,16 Brandes's 138:5	brave 181:13 breakdown 24:10 breaking 164:13 Brevard 103:12 124:8 briefs 17:22 bring 81:2 83:11 90:14 162:15 167:22 172:20 178:8 209:11 bringing 83:12 210:1 broad 68:11 119:10,12 broadens 126:19 broadly 86:6 Brodeur 161:7 161:12,14 162:2,4,17 163:3,9 189:25 207:12,15,21 207:22 208:13 208:21 210:12 210:14 Brodeur's 209:10 bromide 132:16 132:17 brought 25:11 66:14 80:25 178:9 202:23 BROWN 2:1 Broxson 114:16 117:12,13,16 117:19 118:6,6 118:10,11,12 119:1,4,5,15,16 119:21,22 120:9,10,17,18 121:2,3,23 122:12,13 123:6,7,19,24 124:1 125:8,13 125:14,19,20 126:8,15,16,24 127:1,2,9,10,19 127:20 128:4,5	128:15,16,23 129:1,2,8,9,19 129:20 130:10 130:11 131:1,2 131:20,22 132:4,5,20,21 133:13,14,19 133:23,24 134:4,9,16,17 135:10,11,16 135:17 136:10 136:23,25 137:22,23 138:3,10,11,25 139:1,12,13,25 140:2,8,17,18 141:9,10,17,18 141:25 142:1,9 142:13,14,23 143:7,8 144:6,7 145:13,14 146:10,17,18 Broxson's 139:23 budget 12:23 21:14,18 36:23 36:24 168:25 205:3 budgeting 183:3 buffer 86:11 builders 162:14 building 41:19 59:20 161:11 161:16,20 162:15,23 163:8 166:6 205:17 builds 52:15 147:9 built 42:18 94:19 bullhorns 189:13 burden 88:10,10 93:9 98:11 99:17 burdening 85:22 Burgess 46:1,3 46:14 47:5,13 47:20 150:14
---	---	--	---	---

150:14,15,22 150:23 151:20 151:22,25 152:6,12,15,17 152:21 153:8 153:10,11,12 154:11,14,17 154:18 155:13 155:19,21 156:14,16 157:5,6,22 158:1,5,6,17,18 159:11,12 160:4,4,6,7,13 160:21 190:8,9 190:20,23,25 191:13,22 business 72:22 91:11,14,18 96:12 185:20 businesses 68:4 68:11 69:12,22 193:1 butler 177:2 buy 120:19,20 121:13 126:4 128:17 152:5 buying 129:11 BVAP 22:19,20 Byrd 1:6 125:1	campaign 189:24 207:19 campus 52:18,22 53:22 cancel 48:13 candidate 10:24 24:2 candor 4:8 cap 209:13 capacity 46:22 capital 145:1 Capitol 103:13 165:9 capitulating 9:15 capricious 81:5 caps 209:23,25 card 53:2 108:24 care 52:16,25 53:3 70:21 115:8 132:14 182:2 192:21 194:19,25 195:11 197:6 197:10,13,19 198:3,22 199:12,19 201:23 204:16 205:14,22 cared 201:1 career 148:13 carefully 204:10 217:4 caring 122:21 Carol 124:14,15 Carolina 83:10 carried 122:17 carries 149:18 160:15 carry 99:17 117:23 121:7 135:21 carrying 136:11 cars 166:8 cartography 30:9 case 4:16 16:22 41:11 52:17 83:16 86:12	91:18 101:15 104:15 131:10 136:18 145:8 171:17 177:19 178:21 cases 159:17 169:2 171:2 174:12 Cassie 60:4 Catalina 60:8 catch 51:1 165:3 cats 202:25 cause 1:2 120:2 150:5 causing 133:7,8 CD 3:20 5:19 9:12 12:21 13:10 20:9 22:19 32:21 CDC 156:4 cease 68:12 ceased 121:8 celebrity 63:14 cell 37:22 census 21:23,24 center 35:25 36:5 75:16 Central 7:15 8:8 32:9,18,23 cents 102:1 CER 217:19 certain 39:13 52:18 certainly 31:24 156:17 158:19 175:24 178:7 192:17 195:9 certainty 73:14 certificates 161:19 certification 70:11,17 71:16 72:2 154:6 158:13 certified 52:24 53:6,7 64:21 151:1,3	certify 217:3 CET 217:19 CFO's 48:11 chair 12:23 20:20 27:9 85:14 87:18 89:10 90:2 91:5 102:8 124:23 130:15 137:9 138:8,23 141:5,7 142:9 143:11 200:5 chairman 124:16 chairs 204:2 challenge 129:24 132:8 199:23 200:23,25,25 201:7,14 challenged 11:14 130:16 challenging 4:2 148:15 chamber 3:21 27:11 30:15 40:8,14 113:9 123:20 135:23 146:14 157:16 157:20 champion 150:5 chance 159:8 168:23 change 4:3 41:18 41:23 42:6 64:12 69:4 81:1 86:3 89:21 92:12 121:14 140:10 177:24 178:16 195:1 197:3,22 199:21 215:14 changed 10:9 12:11,12 23:19 54:5 188:25 198:10 changes 33:1 44:21,22,22 73:17 89:16 90:11 92:14	97:12,13 152:16 changing 42:4 98:25 200:6 chapter 68:18 charge 81:16 84:20 charged 80:19 charges 74:1 171:6,9,20 176:22,23 cheap 99:8 checking 81:7 checks 68:12 Chief 55:8 child 52:12 67:21 111:20 176:21 180:6 181:10 183:2 children 111:11 156:7 181:12 choice 10:25 24:2 40:18 84:16 choose 19:13 82:13 84:10,14 84:22,24 121:20 choosing 34:8 chose 19:10 20:5 chosen 20:16 143:10,11 Christina 60:6 chutzpa 33:6,7 33:11 Cindy 66:14 circle 34:22 circuit 168:18 170:22 circumstance 143:15 175:12 circumstances 142:5 153:22 174:9 178:1 cited 92:6 cities 42:7,16,19 44:6,15,19,23 45:1 212:12
<hr/> C <hr/> C 146:12 217:1,1 C8019 3:7 cab 108:24 calculate 104:20 calendar 73:7 106:18 146:23 189:21 California 93:10 93:12,14,14 102:4 106:6 call 173:2 called 33:6 58:3 59:6 173:7 calls 77:16 144:2 196:5				

citizen 115:2	67:2,6,19 68:2	185:2,5,9,24	CNAs 197:10	156:19 159:10
city 42:6,14	68:20 69:10,14	186:16,21	198:4 200:20	174:23 178:21
83:14 213:1	69:20 70:1,3,4	187:2,9,10,12	co-equal 42:12	203:24 214:1
214:3	70:8,25 71:13	187:16 188:4	co-located 164:9	comes 4:10 29:20
civil 162:15	71:18,24 72:5,6	188:13,17	co-sponsor 149:5	35:23 73:21
clarification	72:8,12 74:23	189:22 190:3	167:23	84:19 125:22
215:19	75:2,5 78:10	190:18 191:5	co-sponsors	143:11 153:24
clarifies 52:23	81:25 85:8	191:10,17,24	60:24	156:23 176:21
70:16	106:20 107:13	191:25 192:2,6	co-sponsorship	208:11
clarify 134:8	107:18 108:1	193:8,12,15	60:20,22 168:2	comfortable 26:9
clarifying 87:18	108:15 109:2	196:16 207:17	168:8	136:3,4 159:14
112:4 124:1	109:18,23	208:5,8 211:2,7	co-sponsorships	195:17
164:10,11	110:5,12,13,15	211:10 212:2,5	168:11	comforting 58:18
clarity 85:16	110:19 111:23	clerk's 168:24	Coach 52:18	coming 27:16
class 150:2	112:15,19	clerks 64:17	Coaching 52:22	39:11 92:18
Claudio 60:3	113:1,19,20,22	168:18 170:22	Coalition 121:5	94:20 99:1
clause 2:25 41:2	114:1,6,12	clients 177:10	coastal 5:23	114:17 124:13
41:4 181:3	115:20 116:8	close 9:4 29:3	Cobitz 125:3	124:18 168:5
CLE 156:21	116:12,19	37:12 39:25	cocktail 140:15	176:1 201:13
clean 100:2 182:9	117:4,6,8,14	40:4 49:25 52:3	cocktails 132:16	commanded
182:9,24 183:1	118:2,17,20	55:1 59:3 63:5	code 2:23 3:4	174:3
190:11	147:3,19,21,23	63:7 66:10	78:10 161:20	commenced 4:2
clear 6:4 8:13	147:25 148:3	69:24,25 72:4	codify 153:18,18	commend 37:25
10:18 27:19	149:13,19	77:9,18 80:7	codifying 151:9	commensurate
31:20 33:14	150:7,9,10,16	84:4 108:8	159:24	4:22
39:4,14 82:7	150:18 151:17	110:11 113:5	cohesively 24:13	comment 25:2
84:8,9,21	152:25 153:4,7	116:23 160:6,7	cold 204:25	90:19 106:17
100:15 142:4	160:10,17,22	160:21 163:10	collaborative	202:24 207:6
181:11	160:23,25	164:25 167:6	208:24	comments 40:9
clearly 174:8	161:8,24	179:12 181:8	collapse 57:14	83:9 146:22
clerk 2:15,20	162:21,25	182:22 185:1	collapsed 59:20	178:7 189:19
45:17,23 46:8	163:6,11,12,14	187:8 191:23	colleague 83:9	commercial
47:8,16,21,23	163:24 165:1,3	210:21	colleagues 40:7	108:16,23
47:24 48:3,25	165:5,14	closed 47:20	209:19 210:11	109:20 110:7
49:11,15,19	166:14,19,25	66:23 78:5	collect 98:3	Commission
50:1,3,5,9,22	167:7,9,11,16	81:20 85:3	100:23	75:13 90:12,18
51:12,23 52:4,6	168:9,11,16	113:17 117:3	Collins 55:18	commit 130:25
52:7,11 53:14	169:7,10 170:7	150:7	color 31:11 35:6	179:15
54:12,21 55:1,3	170:11,13	closely 3:20	76:17	commitment
55:4,12,23	172:3,11	closer 7:17,18 8:9	come 11:17 14:16	52:16
56:19,23 57:4	178:13 179:2,8	closing 30:23	18:3 27:25 28:1	committed 113:9
60:21,22,24	179:24 180:4	185:20	58:4,4 85:19	committee 2:17
61:1,2,4,6 62:3	180:19,23	club 124:15,25	88:14 89:21	2:21 7:14 40:8
62:15,23 63:8,9	181:1,20	CNA 192:20	95:16 96:4 98:8	45:23,24 47:8
63:11,24 64:5	182:17 183:8	197:13,14,22	124:9 142:19	47:16 48:3,4
65:7,21,25 66:6	183:12,24	198:22 199:21	146:11 155:14	49:11,12,12,19
66:14,24,25	184:10,15,21	204:5	155:18,24	49:20,20 50:9

51:12,23 54:12 54:13,21,22 63:24,25 64:5,6 65:21 66:6 67:6 67:7,7,19 68:2 68:3 69:10,11 69:20,21 70:8,9 71:13,14,14,24 71:25,25 72:12 72:13,13 73:24 74:23,24 103:13,24 106:20,21 107:13 108:1 109:14,14,18 109:19 110:5,6 112:11,15 113:1 114:12 116:8,19 150:18 152:21 152:22,25 160:17 161:5,5 161:6,8,9,9 162:21,22 163:6,7,18,18 163:20,24 165:11,12,12 165:14,15,15 166:14,15,15 166:25 167:1,1 168:16 170:7 179:8 180:4,19 180:20 182:17 182:18,25 183:12 184:10 184:21 185:9 185:10 186:16 186:17,17 187:2,3,3,16,17 188:13 189:22 189:23 190:3,4 190:14,15 191:5,6,6,17,18 191:18 192:6,7 193:8,9 202:24 207:12,13,17 207:18 210:6	committees 21:9 37:19 105:17 196:23 Common 1:2 commonly 40:25 communicate 196:3 212:16 213:2,20 214:13 communication 193:24 194:2,3 196:2 213:13 213:14 215:22 216:1 communications 211:22 216:2 communities 9:11,13 31:6,11 32:22 35:6 70:22 76:16,17 97:23,25 98:10 98:20 99:17 101:6 102:17 community 32:15 35:4 57:13,16,21 76:12 87:7 88:9 90:3 111:19 164:8 comp 185:17 compact 10:25 17:10,11,24,25 20:4,11 34:19 34:23 43:2,8 45:3,3 compactness 17:14 28:21,23 43:4 companies 46:21 86:7 91:10 121:8,10 126:10 131:14 142:11 185:19 185:19 companion 46:11 65:10 67:15 68:23 71:3	109:5 184:3 186:3 188:5 190:21 company 46:22 80:24 91:9 125:11 128:13 141:2,2,6,7,15 141:24 company's 131:17 compare 122:19 compared 44:21 217:4 compassionate 122:21 compelling 170:20 171:21 compels 33:8 Compensation 185:21 complained 17:9 134:10 complete 148:11 148:12 completed 94:6 completely 44:20 123:3 complicate 215:7 complication 126:1 comply 17:15 39:13 complying 17:13 component 102:24 components 48:10,11 195:10 composed 15:9 compound 126:19 129:25 131:4 compounded 126:2,3 127:24 compounding 125:24,25 127:15	compounds 127:17 132:9 comprehensive 198:2 205:8,17 compromise 78:23 198:3 201:20 compromised 173:12 concern 5:4 11:1 11:2,5 17:20,23 18:6,11 20:6,12 20:13 21:4 31:14 41:8 91:14 97:22 132:7 159:25 174:20 199:19 215:17 concerned 28:18 31:9 32:10,14 32:19 38:1 96:2 132:2,6 206:12 208:18 concerns 12:14 30:5,11 32:7 35:8,10,12 40:6 46:24 175:20 176:15 177:14 208:22 212:14 212:15,25 concert 166:4 concluded 79:19 93:21 97:16 123:15 142:18 146:21 157:21 172:23 189:4 207:4,7 215:2 concur 45:10 57:24 concurrence 2:19 concurrent 166:5 concur 118:8 condition 164:11 condolences 59:14 conduct 52:21 conducted 90:12	confidence 36:1 36:2 confidential 127:7 175:11 confidentiality 170:21 175:6 configuration 3:12,20 5:22 6:20 9:24 10:8 11:9 12:21 13:10,12 20:9 23:8,11,15,17 28:22 32:20,21 configured 10:22 confirm 137:17 145:17 conflict 194:10 conform 10:21 congressional 2:23 3:11,12,15 3:19,22,24 5:12 6:8 7:11 9:12 9:21 11:9 12:8 21:22 28:22 29:4 36:3,6 38:17 44:16 Congressman 36:4 connect 83:25 84:10 connection 208:2 conscience 33:20 consider 62:7 75:20 77:6 175:4,4 consideration 102:25 174:2 175:7 considerations 99:16 considered 28:23 122:20 considering 19:20 77:21 131:10 142:2 consistently 206:20
---	---	--	---	---

constituents 57:16 103:11	contests 24:8	corner 37:15	104:20,24	144:17,19,21
constituents' 32:5	contiguous 19:21 19:22 20:3,3,4 34:20,24 41:18	correct 25:25 26:23 89:16,19 94:3 97:4 119:2 119:14,15 120:8,10 121:22,23,24 122:11 123:23 125:11 127:3 128:25 130:2,3 138:24 139:2 140:16 141:16 142:5 144:5,8 154:19 155:23 205:13 207:14 207:14,15 215:8,9,10 217:7	counsel 44:6	144:23,24 145:6,6,7,9 168:18 170:9 170:22,24 172:4,11 173:17,20,21 179:10
constituted 154:3	continue 57:20 88:7 89:15 93:8 93:9 101:15 106:4,5 137:12 138:7 139:17 155:5 172:21 176:8 212:16	correctional 50:18	count 197:19,21	Court's 10:10 173:24
Constitution 21:20 22:12 27:22 28:20 29:6 144:18,20 144:23 173:25	contract 48:13 130:24	corrections 50:17 143:3	countenance 33:19,20	courtesy 30:20
constitutional 7:6,20 8:1,5,7,8 8:15,19,24 9:1 9:2,4 10:10 11:12,25 12:5 15:11 19:3 21:3 21:14,25 22:14 23:12 24:22 26:15 28:8,24 34:16 35:14,15 37:3 39:4 40:5 42:19 44:25 45:5 117:24 145:1,10,12 210:7	contracting 186:10	correctly 130:4 157:9	counties 41:17 42:17 44:7,9 212:13,14	courts 22:6 30:11 121:13 130:4 174:4,6,11
constitutionality 10:5	contracts 129:16 131:18	corrects 111:12	country 89:5 114:24 193:22	cover 127:23 133:4,11,16 134:14
constitutionally 5:10 7:11 34:11 42:15 119:7	contribution 208:1	corridor 32:11 32:16	county 3:13 5:21 5:21,24 9:22,22 17:25 18:8 20:11 31:7,9,12 32:8,13,20,22 32:24,25 41:15 42:13 45:2 55:19 83:14 124:8 164:9 171:1,12 172:4 211:19 213:2 214:3,18,21,24	coverage 81:7,10
construction 33:18	control 24:16 68:10,16,17 69:3,4	cost 74:6 77:16 77:17 78:18 79:13,14 80:2 86:4,5,22,24 87:4,5,6,13,20 88:5 90:13 94:19 96:9,19 97:9,24 98:11 98:16,19 99:8 99:19 101:13 101:15,19,24 102:4,15 103:25 104:5 105:23 106:1	couple 73:15 92:7 199:15 207:9	COVID 156:6
consult 194:6,8	controls 24:20	costs 74:2 75:17 77:2,5,12,20,25 79:9 86:22,23 87:14 88:14 90:23 97:23,23 99:1,3 101:4	courage 177:9	cracking 41:11 44:24
Consumer 75:15	controversial 172:19		course 18:19 63:17 70:10,19 71:16 72:2 119:5 156:20 158:24 159:23 184:2	cracks 31:10,11 32:22 35:3,3,6
contact 53:23 212:17 214:24	convene 21:13 190:13		courses 70:21	create 101:12 126:1 143:17 152:17 190:15
contacted 214:8	conversation 85:15 175:21 175:25 196:25 212:24		court 3:16 6:7 7:3,10 9:24,25 10:1,4,6,8,11 10:21 11:2,7,13 11:13 12:6 13:3 16:22 17:21 18:10 20:8 22:2 22:3 23:10,23 25:14 33:10 40:22 41:3,16 42:23 43:2,5,5 45:1 64:17 66:14 121:12 130:8 136:2	creates 93:15 187:25
contain 41:1 164:10	converse 155:1		crack 73:13 147:15 148:11 148:13 209:19	credit 73:13 147:15 148:11 148:13 209:19
contained 6:23 18:8 44:16,17 74:15 95:21	convex 43:6,13 43:15		cracked 73:9,12 78:21	credited 73:9,12 78:21
contains 3:12,19 6:25 186:6	convey 173:17		court 3:16 6:7 7:3,10 9:24,25 10:1,4,6,8,11 10:21 11:2,7,13 11:13 12:6 13:3 16:22 17:21 18:10 20:8 22:2 22:3 23:10,23 25:14 33:10 40:22 41:3,16 42:23 43:2,5,5 45:1 64:17 66:14 121:12 130:8 136:2	creepy 175:13
contemplate 99:22	cooler 2:6		course 18:19 63:17 70:10,19 71:16 72:2 119:5 156:20 158:24 159:23 184:2	crime 142:3,4 145:1
content 147:13	coordination 112:9		crises 174:22	crimes 174:22 178:18 187:25
	coordinator 112:7		crisis 198:1 201:15,17,22 202:2 203:6,8 203:11 205:10	critically 15:20
	copies 64:22		crisis 198:1 201:15,17,22 202:2 203:6,8 203:11 205:10	
	Cord 1:6		crisis 198:1 201:15,17,22 202:2 203:6,8 203:11 205:10	

crucial 115:1	83:25 86:16	108:20 139:15	184:25 187:6,7	defended 136:2
cruel 133:4	102:1,5	dealt 102:12	187:7 191:22	definition 68:13
crux 77:11	customers 72:25	dear 150:1	191:22 195:5,5	68:15 69:2
105:18,25	72:25 75:18	death 119:1,19	209:5,5,6	164:6
Cruz 34:14,15	78:17 79:8 82:7	122:2,15	210:13	definitions 68:9
64:9,11 65:9,12	82:9,12 85:23	133:21 134:19	debates 57:24	degree 115:16
65:17 66:2,10	86:8,9,9,10	138:17,18	167:4 195:4,4	166:4
66:12,23	185:19	140:8 141:22	209:5	degrees 2:5,8
114:16,17,19	cycle 12:16 16:23	141:22,24	debating 210:18	delays 161:16
115:18,22	22:6 42:5 73:9	142:24,25	Debra 60:4	delegation 21:22
116:2,4,15,23	73:9	143:10,15,18	decade 13:3	delegations 21:24
116:25 117:2		143:22 144:12	21:20 42:7	delete 56:1 75:6
136:8 139:21	D	144:25 146:1	deceased 134:2	78:11 126:1
140:6,7,20,21	D 146:12	177:21	170:20 171:3	148:4 153:8
141:12,13,20	D&O 81:7,10	debate 15:15	171:25 177:19	181:2 193:16
141:21 142:7,9	D.C 1:24	16:3,3,4 21:9	178:18	208:9 212:6
142:17 154:9	dad 59:18	27:5,6,7 28:12	decedent 134:9	deliberate 174:16
154:10,13,19	danger 138:21	29:10,11 31:1,2	December 89:20	deliberation
155:10,12	data 14:5,6 21:22	33:4,18,22	decide 5:22 12:10	56:12
156:10,11,17	21:24 25:3 30:8	34:14 37:11,13	deciding 56:12	delivered 78:20
156:25 157:2	30:9 42:4 77:18	39:7,8,24 40:2	decision 7:4 13:3	delta 89:3
157:10,12,17	90:11,21 94:22	47:19,20 49:23	41:20 79:17	demand 86:13
157:20,21	98:4 100:23	49:24,24 52:2,3	81:8,11,16	democracy 37:5
CS 107:3,4,4	101:1	54:24,25 57:7,8	88:16,23 99:2,6	37:6,8
180:2,15,15,16	date 70:20	57:8,9 63:1,2	99:10,11 206:4	Democrat 16:12
curious 145:3	Dated 217:8	66:9,10 69:23	decisions 10:6,7	24:7,20,21
current 9:12 11:9	David 60:6	69:24 72:3	10:9,21 11:2	179:5 182:14
12:21 20:9 29:3	day 38:6,24,24	76:21,21,22,22	12:7 18:3 81:13	Democratic
73:6,20 120:22	42:6 47:2 57:14	76:23 79:20,21	98:11	51:20
125:16 151:5	57:21 59:18,22	79:22,22 82:20	declare 133:9	demonstrating
153:20 158:24	61:24 63:14	82:20,20,22	declared 46:21	33:11
159:14,16	81:12 91:7	83:7,20,21,22	48:15 130:9	DEP 190:12
197:2 205:21	143:11 151:20	108:5,6,6,7,18	declined 10:11	departing 82:15
213:19	171:13 186:1	110:10,10	declines 144:21	department
currently 6:8	199:10,10	113:4,5 116:22	decrease 92:3	75:14,15 111:9
9:20 36:4 52:25	206:24 217:8	116:23 122:15	decreased 23:22	111:11 125:24
73:7 83:24	days 4:3 58:25	122:15 142:19	dedicated 53:22	131:3 137:12
89:11 120:21	64:22 171:13	148:19,20	deemed 164:9	178:20 185:11
131:5 143:10	208:17	149:8,8,22,23	deeply 31:22	185:16 186:19
151:4 156:24	Daytona 5:24	160:5,5,20	default 143:4	187:5
172:3 203:25	DCF 164:10	164:17,17,18	144:13 158:20	department's
curricular	de 90:25 101:24	164:18,24	defaulted 154:20	127:21 128:2
147:12	dead 27:24	167:5 172:25	defeat 210:20	DeSantis 37:7
curriculum	deal 171:8	172:25 173:1,3	defect 33:18	describe 101:24
148:9,15	dealing 10:21	176:3,4,4,6,13	defendants 65:1	described 33:7
customer 74:6	111:6 134:4	179:11 181:17	106:22 107:15	54:10 58:9
75:24 78:20,22	deals 93:22	182:20,21	108:3 164:1	74:16,19

164:23 describing 86:6 deserve 171:18 176:9 187:24 designate 112:7 designated 55:20 100:16 147:10 designates 55:18 designation 59:25 designations 55:14 56:21 57:6 designed 70:19 designee 143:3 desire 77:1 desk 3:8 4:10 5:2 46:8 48:25 50:22 53:14 55:23 56:23 62:3 65:7,25 68:20 69:14 70:25 71:18 75:2 85:8 107:18 109:2 109:23 111:23 112:19 115:20 116:12 117:17 118:2,20 147:19,25 149:13 151:17 153:4 160:10 161:24 162:25 164:14 166:19 169:7 170:11 179:2 180:23 181:20 183:24 184:15 185:24 186:21 188:4 188:17 190:18 191:10 193:12 196:16 208:5 211:7 212:2 detailed 105:8 detection 48:21 determination 24:4 94:2	determine 26:14 79:14,15 80:21 81:17 97:4 133:20 154:1 201:25 determined 100:18 deterrent 122:3 devastating 35:20 develop 102:14 devices 61:17 devised 115:10 Devon 66:17 dialogue 196:25 DIANE 217:3,19 died 134:10 difference 17:12 18:16 51:5 54:6 65:13 73:23 109:9 112:5 156:12 166:3,9 186:10 206:20 differences 46:12 46:12 49:4 51:2 53:11,17 54:8 56:10 62:6,8 65:11 68:24 69:1 71:4 74:19 107:6 109:6 112:1 115:25 118:7,9 151:23 152:3,7 162:3 166:1 169:22 170:1,3 184:3 186:4 188:7 190:22 192:15 193:4 different 9:12 40:25 42:20 95:9,9 98:9 99:24 128:9 131:11 139:5 166:6 difficult 89:1,6,7 175:23 189:11 digital 1:23 217:5	diminishment 22:21 23:24 diploma 147:17 direct 73:4 75:12 158:22,25 161:20 192:21 197:6,13,19 198:22 199:19 directed 2:16 74:3 105:15,16 direction 90:9 143:2 205:13 directly 120:19 131:16 207:25 director 194:4,5 194:8,15,17 196:2 director's 196:3 directs 52:21 disabilities 61:9 62:17,25 183:21 disability 115:6 disabled 114:14 115:3,5,11,12 116:10,21 disagree 30:11 79:25 disagreement 28:18 disagrees 96:24 disappointed 38:2 disappointing 38:13 disclose 131:15 disclosed 121:11 172:1 disclosure 121:6 disconnect 82:8 82:10,13 84:18 84:23 discounting 15:17 discovered 176:24 discovery 137:20	discretion 171:24 discuss 175:9 214:1 discussed 208:16 discussing 131:15 discussion 46:23 95:11,12 138:4 173:8 174:15 178:8 discussions 202:11 disfavor 29:2 disfavoring 29:3 disingenuous 174:17 dispensing 127:15 disproportiona... 98:18,19 dispute 77:12 disputed 121:10 disrespect 105:13 disruption 91:1 distributed 77:21 distributing 120:25 distribution 143:22 distributor 123:12 126:4 128:20,24 distributors 120:20,25 123:4 128:17 129:3 district 3:13,15 3:22 5:20 9:13 9:21,24 10:2,6 10:8,19,23 11:10 12:8,14 13:5,6 17:24 18:6,7 20:10 23:9,10,14,15 23:20,21 24:7 26:21 28:22 29:1,4 32:14	34:21 35:17 36:3,3,6 40:23 44:16,18,20 58:10 70:13 72:17 79:3 87:7 110:23 112:6,8 145:7 148:24 196:20 209:19 209:20 District's 28:24 districts 2:23 3:12,19,24 5:13 6:5,10,13 9:12 14:21 16:10,20 16:24 17:1 25:8 25:9,15,16,17 26:7,9,15 34:17 34:19,20,24 35:5 37:4 38:12 39:15 42:11 53:2 211:19,20 disturb 188:2 divergent 77:15 division 185:17 DOC 117:22,23 120:3 122:18 125:25 134:19 143:21 doctor 196:1 documentation 53:25 54:2,2 documents 64:19 64:24 dogs 202:25 doing 11:11 31:17 34:10,10 34:11 40:16 81:3 83:14 105:16 119:13 123:8 130:4,13 132:6 137:6 158:21 159:13 197:11 200:9 212:18 dollars 211:21 domestic 64:12 64:15 65:4
--	--	---	---	---

Don 63:20	140:16,23,25	130:17 133:4	eliminated 65:16	74:1,5 155:4,6
Dorothy 147:10	141:13,15	146:8 159:23	eliminates 137:5	159:25 181:12
doubt 200:4	142:12	201:1 215:20	emanated 11:2	193:24
Douglas 111:3	due 105:13	effectiveness	emblematic	ensures 117:20
113:11	duty 22:15 50:2	52:21 90:15	76:13	117:23 194:21
dozen 171:4	173:24	efficiency 65:2	emergencies	ensuring 48:12
176:17	Duval 3:13 9:21	75:22	48:15 61:20	75:23
draft 15:1	10:19,25 17:24	efficient 204:4	emergency	enter 89:24 194:1
drafting 169:25	18:8 20:10	effort 4:22	151:13	195:13
draw 11:17 23:4	124:25	179:16	emotional 4:23	entering 148:11
28:7 31:12		efforts 15:18	employee 214:3	entire 27:12
39:16 42:22	E	31:23	employees	entirely 42:21
drawing 22:7	E 217:1	eight 198:15	135:20	entitled 2:22
27:16 34:21,22	e-mail 214:13,14	either 6:7 8:25	employing 50:16	45:25 47:9,17
38:21,23	214:18	19:4 21:2 22:7	employment 53:9	48:5 49:13,21
drawn 9:24 12:8	earlier 85:15	40:18 41:11	en 177:13	50:10 51:13,24
23:13 26:4,6,21	92:18 102:13	81:13 123:12	enacting 2:25	52:12 53:4
29:1 30:3,4	124:8 138:3	143:14 145:4,5	181:2	54:14,23 55:13
38:18 73:3	182:1 212:25	173:17	encourage 130:3	56:20 57:5 61:8
198:2	early 197:1 198:1	either/or 33:21	encouraging	62:16,24 64:1,7
drew 23:16 25:15	earn 147:14	elect 10:24 16:11	83:17	65:22 66:7 67:8
26:9 28:6 39:2	earning 88:22	16:12 24:1	ended 93:2	67:20 68:4
41:14	easier 89:3	144:2,5,8 146:3	energy 72:15	69:12,22 70:10
driver's 169:4	easily 85:1	elected 6:9 22:10	73:8,10,11	71:15 72:1,14
driving 67:9	east 124:11	143:6,23	75:14,16,16	74:25 106:22
165:17	east-west 23:16	election 208:2	76:14 77:3	107:14 108:2
drug 120:13	23:19	elections 3:14,25	78:17,20 82:11	108:16 109:20
125:22 126:2	easy 37:16	electors 211:24	82:25 83:1	110:7,20
127:8 129:15	echo 83:8	214:8	84:15 86:16	112:16 113:2
133:7 134:25	economic 75:21	electric 74:7	93:11,22 94:18	114:2,7,13
140:12,23,24	Edgar 60:8	78:18 89:2,3	100:2 102:10	116:9,20
141:14,24	eds 85:18	102:15 130:15	103:18	117:15 118:18
142:11	educated 154:25	137:9 138:8,23	enforced 174:3	136:22 139:3
drugs 117:22,23	education 52:20	141:5,6,7	enforcement	147:4 149:20
119:19,24,25	111:10 148:14	143:11	50:17 166:17	150:19 153:1
120:3,5,6,8,14	151:1	electrocution	167:3 172:2,12	160:18 161:10
120:16 121:1,9	educational 54:5	138:19,21	174:20	162:23 163:8
121:14 122:23	114:14 116:10	143:1,6,24	enforcements	163:25 165:16
123:3,10,12	116:21	144:4,16 145:4	177:15	166:16 167:2
126:4,14,20	Edwards 176:18	electronically	engaged 123:5	168:17 170:8
127:24 128:13	effect 3:23 73:23	64:19,25	173:8	179:9 180:5,21
129:16,22,25	151:10	217:18	engaging 102:23	182:19 183:13
130:17,22,25	effective 6:17	elects 138:19	enhance 148:15	184:11,22
131:16 132:15	40:24 122:4,16	143:1	enhancement	185:11 186:18
132:24 135:2	135:3 137:11	Elena 60:4,5	190:16	187:4,18
136:19 137:19	156:2	eligibility 54:1	ensure 23:4	188:14 189:24
140:13,14,15	effectively	eliminate 33:15	52:19 70:19	190:5 191:7,19

192:8 193:10 207:19 entity 22:8 environment 83:16 environmental 70:20 75:22 190:5 191:8,20 Epstein 171:4,6 171:19 176:17 176:21 177:12 177:20 equally 209:25 equation 89:6 equity 102:10 erased 38:8 error 181:9 escaped 177:12 especially 32:8 65:3 196:4 202:14 esquire 146:6 essentially 151:9 197:22 202:18 establish 147:12 established 128:11 establishes 168:25 Establishing 2:22 Estelle 60:8 Esther 124:25 125:1 estimate 104:10 estimated 104:5 104:6 et 1:2 Europe 128:18 European 128:12 128:13 130:24 eve 38:5 events 111:2 everybody 24:6 60:17 99:25 182:24 everyday 204:1 evidence 1:23	79:9 80:14 85:21 121:12 evidentiary 192:24 206:19 ex-prosecutor 173:6 exact 213:2,12 exactly 8:11 77:25 86:4 87:12 119:24 136:5 188:23 190:16 201:25 examination 51:14,25 examinations 50:11 examine 77:19 examined 42:4 exceeds 74:10 Excel 148:16 excellent 29:21 173:5 exception 36:16 53:19 146:7 162:5 exceptions 173:13 excess 73:8 86:16 94:18 excited 103:10 114:22 168:23 excuse 37:12 45:20 91:10 143:17 executable 144:1 execute 122:21 144:4 145:9 executed 138:17 138:19 142:24 143:1,2,24 145:1 executing 136:20 execution 121:9 121:15,22 125:23 126:14 128:14 129:17 129:23 132:16	132:22 133:6,8 133:16 137:1 137:19 139:6 143:5,18 144:22 145:2 145:10,18 146:2,13 executioner 126:13 127:14 executions 122:8 122:11 130:16 130:25 134:5 146:4,9,15 Executive 103:12 exempt 117:22 126:5,18,20 127:18 exempted 125:16 exemption 53:5 120:14 123:22 125:12 128:10 exhausted 96:5 exist 77:16 170:21 existing 109:10 143:22 exists 85:22 94:20 expand 41:25 expands 52:18 53:4 183:19 expect 4:21 97:2 119:12 155:1 expectation 200:22 201:2 expected 156:23 expenditure 208:1 expensive 88:20 122:4,10 experience 151:12,15 158:13 experienced 133:21 expertise 199:9 experts 94:11	95:2,5 201:16 201:24 202:19 expire 151:12 155:6 explain 46:11,12 48:7 49:4 50:14 51:2 52:13 53:11,17 55:16 56:10 62:6 64:9 65:11 67:12 68:6,23 70:14 71:4 72:18 107:5 109:6 110:24 112:1 114:18 115:24 118:7,9 125:21 133:22 147:7 150:22 151:23 152:2 153:11 162:2 164:4 165:19,25 168:20 169:22 180:9 183:17 184:2 185:14 186:3 187:20 188:7 190:22 192:14 195:8 195:16 explained 51:9 115:19 123:8 148:18 193:4 explaining 87:4 173:15 explanation 3:2 explanations 214:14 explicitly 82:7 84:7,9,20 explore 175:8 exposure 117:22 expound 101:1 express 41:8 94:17 expressed 20:11 30:21 40:7 extend 127:22 extends 108:22	148:12 extensive 161:15 extra 87:13 extraordinary 175:12,12 extreme 33:11 178:1 extremely 31:18 38:2 extremism 38:11 <hr/> F <hr/> F 217:1 face 34:5,6 173:12 facilities 76:14 facility 55:13 56:20 57:5 155:23 164:7,7 194:5 facing 22:5 201:14 fact 27:13,22 80:13,14 81:5 87:25 128:11 129:15 136:11 137:3 138:6 158:20 177:5 201:21 208:18 factor 28:23 factors 77:16 186:8 failed 171:22 failing 93:14 fair 28:24 34:17 34:19,23 35:25 35:25 36:2 37:4 42:11 faith 15:17 fall 205:25 falling 37:5 falls 98:18,19 falsely 166:5 familiar 196:24 families 28:1 57:20,21 58:21 61:25 90:5
--	---	--	--	--

111:11	favor 29:1 78:6	filing 64:13	40:21 55:24	124:23 125:2,5
family 111:15	81:21 85:4	104:11 105:2,4	58:16 59:18	130:4,12,22
115:9 194:8	140:8 160:8	169:2	75:3 79:7 85:17	132:8,24
195:20 196:3	210:23	final 29:18,18	88:3 91:15 96:2	134:14 135:12
fantastic 174:14	favorable 45:6	49:25 52:4 55:1	98:9 121:5	136:21 138:16
far 16:11 38:7,11	74:14 113:15	63:8 66:24 72:5	153:5 162:8	138:21 139:3
90:5 134:24	favorite 174:4	97:13 110:11	166:4 169:8	144:17,23,25
145:18	favoritism 35:3	113:18 159:4	180:24 193:13	145:5,9 151:5
Farmer 33:3,5	38:21	160:22 163:10	208:6 212:3	159:15 168:13
34:7,8 75:6,8,9	FBI 68:8	165:1 167:7	fiscal 170:9	197:21 202:10
75:9,11 76:2,8	FDA 129:4,12	185:2 187:9	179:10	206:9 208:25
76:9,20,20,22	fear 91:10,17	191:24	five 50:20 51:6	212:12,13,14
76:25 77:8,9,10	February 111:2	finally 151:19,20	101:25 154:3	Florida's 3:24
78:4,5,6 82:21	federal 10:6 54:4	157:12 162:13	154:16 159:6	98:15 132:14
83:6,8 103:20	121:4,12 139:3	174:8	fix 36:12 92:8,18	153:20 193:21
103:22 104:8,9	139:10 151:10	finance 88:12	fixed 32:12 68:13	Floridian 84:21
104:17,18	153:19 171:8	financial 55:9	68:13 74:2	Floridians 88:4
105:1,2,10,11	197:17	68:9 88:16,23	75:17 104:19	88:17 96:10
106:7,8,14	Federated	89:6 99:2,11	FJA 202:17	98:22 99:6,23
123:16,18	103:12 124:12	100:18 114:7	flat 129:15	flow 132:23
125:6,9,10,17	124:25	147:4,11,12,13	flexibility 97:12	focus 22:1
125:18,22	Federation	147:15 148:13	106:4 154:1,3	folks 34:2 77:23
126:6,8,22,23	124:23 125:3	149:3,20 150:2	155:5 159:19	95:9 173:9
127:4,5,12,13	Federerhoff	185:11,16	flight 177:3	199:20 200:19
127:25 128:1,7	66:19	186:19 187:5	flip 29:24	200:23 202:23
128:8,17,21,23	fee 53:4 108:25	financing 88:25	floor 3:6 4:16 6:4	follow 27:17 87:1
129:5,6,13,14	169:2	88:25 189:24	6:18 43:11	105:7,7 123:21
130:6,7,19,20	feedback 90:20	207:19	63:18 190:7	131:12
131:6,8,25	feeding 200:19	find 11:7 23:15	195:16	followed 82:21
132:1,10,12,25	204:7	40:22 77:24	Florida 7:3,16	136:8 139:20
133:2,18,19,25	feeds 141:6	105:3 156:19	8:9 9:25 10:4	144:3
134:6,7,18	feel 38:18 39:2	165:22	10:11 17:10	following 27:13
135:6,8,13,14	159:14 195:16	fine 29:15 92:15	20:8 28:19 29:5	37:3 39:4 44:24
135:17 136:8,8	202:22 203:1	174:18	32:9,18,23 35:5	53:20 60:2
136:10,16,17	feels 125:25	fines 48:14 186:8	37:8 41:10 42:8	145:17 213:24
137:15,16,25	131:4	finger 34:5	46:5 53:1 57:25	follows 19:20
138:2,13,15	fees 74:1	finished 157:17	58:11 63:14	force 84:13
139:7,9,20,21	fellow 168:1	fire 133:10	75:12,14,16	102:10,14,17
139:22 176:12	felt 155:8	134:10 186:7,9	76:12 78:24	102:23 141:15
176:14 202:24	fantanyl 132:17	firefighter 50:17	89:1,4 93:13	198:2 201:24
208:9,12,12,14	field 202:19	51:6,14,25	94:3 97:10	202:19 206:5
208:15 209:4,7	fight 27:14	firefighters 58:16	101:12 102:25	foregoing 217:4
210:16,19,22	figure 77:19	firing 143:25	103:16,25	foreign 207:24
210:24,25	figures 22:25	145:11	111:3 115:1,14	forensic 164:7
Farmer's 139:16	file 1:13 146:11	firm 176:16	117:1 119:10	forget 36:7,9
farther 177:25	filed 17:22 55:25	first 2:13 16:23	122:11,19,24	form 125:23
father 33:9	169:10 202:7	21:12 37:16	124:12,17,21	126:11 139:5

formal 94:6	77:5 81:10,14	32:24	201:21	150:1 205:12
former 172:3	86:4,18 90:20	generation 72:15	gives 12:6 21:5	goals 46:16
forth 11:3,12	94:18	75:24 77:24	22:14 63:6	God 178:22
24:3 200:8	functional 8:12	78:17,21 93:22	167:5	goes 23:23
fortunate 149:4	12:20 13:1,2,4	103:18	giving 61:25	109:11 172:18
forward 11:24	13:11,23 14:7	Gentis 103:14	203:9	211:24
21:3 25:12 32:5	14:20 16:21	gentleman 91:12	glib 105:12	going 2:9 4:9 5:2
35:11 98:4	24:3,5,19 25:4	gentlemen	glide 72:23 73:16	7:14 8:4,5
132:2 144:15	25:10,13,18	123:25	73:21 74:4,12	11:23 23:15
146:10,15	26:16,22 29:22	geographic 41:21	77:4 88:13,16	26:11 27:20,21
174:23 176:1	Fund 185:21	41:22 42:8,12	89:11,14,22,24	29:7,12 30:2,13
foster 52:19 53:5	fundamental	42:14,16	90:21 92:8,21	31:21 32:6,8
fought 176:18	139:15 174:6	gerrymander	93:18 94:21	34:5,25 36:20
found 7:10 23:23	funding 67:21	23:12	96:5 98:14,23	37:6 38:3 39:18
68:9 76:12	180:6,21	gerrymandered	98:25 99:2	39:21 40:4
145:5,12	182:19 205:4	43:10	100:17 106:5	43:22 45:22
165:24	205:16 208:19	gerrymandering	109:11	46:25 51:17
foundation 41:15	funds 215:21	35:2	go 7:2,13 10:3	57:18 58:2,13
41:17,19 42:18	funeral 58:2	getting 38:4	19:13 24:4 25:1	63:3 64:21
four 6:23,25	further 106:16	57:18 58:6	26:11 27:5	67:14,15 77:23
16:24 17:2,2	116:15 160:12	200:7	31:16 33:22,24	81:1,8,9 84:19
59:19 132:15	169:2 172:18	GI 115:6	35:10 41:5 44:5	85:17 86:3 88:7
195:13	172:21 207:6	giant 202:22	50:12 58:1,2,3	88:13,23 90:25
framework 151:7	further 61:13	Gibson 22:17,18	67:10,23,24	91:17 93:4,11
Frank 60:9	future 88:7,13	22:24 24:23,25	70:12 77:4	97:11 98:4 99:3
frankly 135:25	175:5 196:13	25:20,22 26:17	84:17 88:7 90:3	106:3,4 121:14
199:20	196:14	26:19 97:18,20	90:4,22 91:11	124:9 126:9
fraud 48:5,11,21		98:7 99:12,14	91:13 92:6	128:9 132:2
49:13,21	G	100:4,7,9,19,20	93:24 95:3	135:4 136:13
174:23	g 125:21 127:11	101:3,4,17,18	103:5,20 106:6	142:22 144:14
free 83:4	127:13	102:6,8 193:16	106:15 115:8	146:3,10,12,15
frequency 48:15	Gadsden 9:22	193:18,19,20	115:11,15	152:4,8,9,15,17
frequently 33:23	10:19 17:25	195:3,3,5,6,7,8	119:24 121:16	156:3 157:9
freshman 63:16	20:10	195:15,18	121:21 123:9	165:21 173:3
168:4	gain 53:8	196:11,11	125:8 127:11	173:13 176:6
friend 83:9 150:1	gallery 103:7,11	Gino 60:5	134:20,24	180:2 197:2
172:2	124:2,10,18	girls 171:4 177:4	137:4,7 139:5	199:11,25,25
friendship 59:11	game 193:1	177:8	141:4,5 144:15	200:13 205:9
front 43:14,20	garage 84:23	give 5:3 9:2 10:4	150:16 157:21	206:14,19
44:9 97:2	Garcia 52:13,14	55:9 63:5,19	157:23 159:17	210:19 213:3
164:14	53:18 54:9,10	83:13 91:16	159:24 165:10	215:20
fulfill 5:11 22:3,4	54:16,17,25	94:21 97:12	172:21 173:1	gold 122:20
22:15	57:14,17	134:22	177:25 195:13	golf 70:10,19
fulfilled 21:14	Gary 60:5	given 22:8	202:1 205:16	71:15 72:1
fulfilling 150:4	Gates 63:20,21	134:13 138:20	211:23 214:22	golfing 71:3
fulfills 51:7	general 74:8	155:23 173:24	goal 33:14 80:3	good 21:16 29:20
full 73:6 74:6	generally 31:5	176:22,22	98:13,13 147:9	30:13 33:20

37:1 44:11 45:5 51:8 56:14 59:9 63:23 103:4 119:17 123:19 123:19 124:20 140:4 152:20 161:22 164:16 165:3,25 177:22 189:16 206:25 208:24 210:17 goosebumps 58:7 gotten 35:13 38:10 59:21 90:19 government 65:2 119:13 162:11 185:21 211:23 211:23 213:19 government's 121:7 governments 211:19 215:21 governor 4:9 10:3,14,17,18 11:6,13,22 17:9 17:20 19:3,4,10 20:7 27:14,23 28:2,8 30:3 31:23 33:10,25 37:7 38:16,25 39:1,12,22 40:15,17 governor's 10:17 18:18,20 31:22 38:4,6 Graciela 60:5 grades 148:11 gradual 73:12 graduate 150:3,3 graduation 148:14 grand 170:19,25 171:5,16,23,25 173:9,11 177:18 178:17 grandfather	73:18 92:10,22 grandfathered 73:20,22 89:23 grant 174:10 granted 146:7 Grass 70:18 grateful 58:10,24 59:2 149:1 gravy 21:16 gray 143:14 great 21:16 56:11 81:2 82:24 83:18 greater 13:22 20:14 21:5 greatest 22:14 176:20 grid 82:8,10,13 82:15 83:2,25 84:10,18,24 93:15 gross 176:25 ground 131:4,9 grounds 7:6 group 1:23 34:22 65:15 80:21 95:11 124:7 141:1,22 201:16 202:7 groups 189:14 202:15 grow 88:10 93:8 growing 32:15 100:1 grown 177:11 grows 101:13 growth 32:8 35:21 92:3 96:3 Gruters 48:7,9 49:5,6,8,16,24 70:13,15 71:2,6 71:20 72:4 guarantee 46:6 155:17 guess 22:25 28:18 34:4 97:23 99:15	101:5 106:8 132:23 143:13 157:9 203:16 204:18 guest 63:15 guests 103:6 124:2,22 guidance 19:10 151:13 153:19 156:1,7 guidances 186:8 guys 59:12 124:13,17 157:13 210:9 <hr/> H <hr/> H000 3:7 H000C8015 3:7 3:17,23 H000C8019 3:10 hacks 81:14 half 129:22 132:22 147:14 148:13 hall 4:22 hand 49:3 154:10 176:22 handcuffs 61:18 handle 204:1 hands 11:12 105:19 happen 66:19 86:15 145:16 176:10 195:23 207:2 happened 57:25 88:8 133:6 195:20 happening 38:10 64:21 89:16 happens 84:19 93:4,7 113:14 193:1 195:23 196:6 208:25 happy 93:1 101:10 150:5 179:19 192:17	197:5 harass 188:2 harassing 189:12 hard 4:21 36:23 36:25 37:16,21 37:25 57:13 59:15 149:2 harder 155:24 harm 202:16 Harrell 108:17 108:18,19 109:4,8,13 110:1,10,22,24 110:25 111:25 112:3,10,22 113:5,7,16,17 172:8,10,22,23 173:4 175:18 175:19 176:16 203:20,22 212:22,23 213:9,11,23,24 214:11,12 215:1,2 hate 122:23 HB 107:3 109:15 166:3 187:23 head 157:8 headed 30:11 health 110:20 111:5,15 112:7 112:17 113:3 113:10 132:14 132:18 164:7,8 169:1 194:22 hear 2:12 30:10 88:19 100:8 heard 40:14 41:8 100:9,10 154:22 hearing 106:10 137:2 171:1 208:21 hearings 40:8 heart 135:1 held 143:20 144:16,18	146:5 171:15 208:2 help 53:8,9 73:13 77:19 114:23 117:1 155:18 161:15 169:3 171:17 172:2 177:10 179:19 201:25 202:2 helpful 173:16 174:4 hey 33:25 81:9 hide 119:19 hideous 142:4 hiding 119:23 high 89:2 111:3 147:16 148:24 higher 86:18,19 157:7 highest 119:2 193:22 highlight 39:21 highways 67:9 165:17 hijack 31:23 36:21 hijacked 36:18 hinted 178:15 Hispanic 6:13,22 17:3 32:15 35:23 36:16 hit 159:9 hold 92:11 202:16 holding 144:21 holds 122:5 holistic 75:21 home 59:21 88:22 115:1 187:24 188:1 194:1,5 197:19 201:7 202:18 206:5 homeless 52:17 52:19,24 53:6,7 54:14,23 homelessness
--	---	---	---	---

54:3 homeowners 213:25 214:2 homes 192:8,24 193:10,23 195:12 196:7 202:9,9 205:5 205:13 honest 30:14 172:16 honesty 133:25 honor 150:5 honorable 2:15 36:17 37:1 Hooper 50:13,15 51:4,9,17 52:3 64:2 157:23,25 158:8,10,20 159:1,3 183:17 183:18 184:1,4 184:6,18 185:1 Hooray 151:22 hope 29:7 97:22 195:9 hopeful 35:9 hopefully 59:8 151:15 192:25 205:16 horrible 179:17 horrific 111:2 113:12 hospital 155:16 199:5 hour 199:19 hours 133:9 134:11 154:6 156:17,21 157:3 158:2,3 158:14,15,23 159:6,10 171:13 192:21 192:21,22 197:6,13,14,15 197:22 198:3 199:9,10 200:9 200:12 204:9 206:14,22	house 2:10,17 3:4 4:1,4,15 6:20 6:25 7:4,14,24 8:19 9:15 10:13 10:15,22 11:4 13:12 14:5,25 16:1,14 18:4,17 19:19 20:5,16 21:24 25:3,8,15 26:6 33:23,24 37:21 39:10 41:9 42:15,24 44:14 45:10 46:17 47:1,4,6 47:7,9,12,12,17 49:2,9,10,12,20 50:25 51:9,11 51:13,24 53:10 53:21 54:9,11 54:13,16,22 56:6,10,16,17 56:18,19 57:4 60:15 62:6,12 62:14,15,19,23 65:14,18,20,22 66:7 67:14,15 69:2,7,9,11,21 71:3,10,12,14 71:25 74:16,19 74:20,22,24 83:11 84:9,18 89:12 102:11 107:9,11,14 108:2 109:5,17 109:19 110:6 112:1,6,11,14 112:16 113:2 116:5,7,9,20 118:7,14,16,17 146:14 151:21 151:22 152:3,8 152:21,24 153:1 154:12 154:19 156:18 159:16 160:18 161:21 162:1,4 162:6,13,16,18	162:20,22 163:7,20,22,23 163:25 164:4 164:10,20 165:9,21,23 166:11,13,15 167:1 169:18 169:21,24 170:3,6,8 179:9 180:11,12,15 180:17,20 181:7 182:18 184:6,9,11,22 186:6,12,15,17 186:24 187:3 188:10,12,14 189:23 190:21 191:1,4,6,18 192:13,15 193:5,7,9 206:9 207:13,18 209:11,15 House's 13:23,25 182:7 household 86:23 88:24 99:11 111:16 households 73:7 87:14,15 93:8 98:17 99:3 105:24,25 Hudson 147:6,8 147:22 148:4,6 148:7,8,17,18 148:23 149:9 149:11,15,23 149:24 150:6,7 168:2,14 Hudson's 146:25 167:23 huge 64:14 101:12 Hugel 147:10,10 150:1 168:4,5 hull 43:6,13,16 human 123:5 136:20	humane 122:16 122:22 137:11 146:16 hurricane 35:20 hygiene 199:2 hypothetically 140:22 <hr/> I I-4 32:11,15 35:21 I-75 41:23 I-95 41:23 idea 58:6 124:8 174:14 175:8 194:18 identical 49:9 53:19 62:10,11 62:12 71:9,10 93:11 107:7,8,9 116:2,3,5 118:11,14 152:4,11,15 164:12 184:4,5 184:6 188:8,10 190:25 191:1 identification 48:20 identifies 75:17 121:11 127:14 identify 200:24 200:25 identities 117:20 identity 126:12 127:7,18 ignores 32:24 illegal 130:8,9 illegally 129:11 130:5 illustrated 210:8 imagine 64:22 135:1 154:23 immediate 3:23 immediately 58:22 59:13,21 97:11 173:6 imminent 61:22	immoral 201:6 immunity 176:22 176:23 immunizations 158:14 impact 64:14 69:5 77:23 95:12,23 121:10 132:14 199:12 impacting 201:23 impacts 12:9 impeding 131:17 impersonating 166:5 implementation 65:14 implemented 20:15 96:6 implications 30:7 30:23 implying 129:14 importance 38:12 important 15:21 22:10 23:3,18 36:22 38:16 39:20 61:13 64:18 73:15 74:4 91:22 112:8 158:22 172:20 178:11 194:21 195:25 196:1 199:10 impose 139:4 186:7 imposes 119:3 imposing 186:9 impossible 135:5 impressed 37:17 37:19,23 improve 185:17 improvement 43:12 44:1,10 improvements 168:24 improves 185:21
---	---	---	---	---

65:3 inappropriate 27:25,25 incentives 48:20 87:21 incident 113:12 134:13 incidents 133:4 133:12 include 48:12,17 80:2 82:14 104:11 149:3 164:7 183:21 included 2:11 46:22 53:20 104:24 202:8,9 202:9,10 includes 53:3 74:8 156:7 194:23 208:3 including 61:18 75:21 102:16 156:21 income 88:4,9,12 90:3,5 97:25 98:10,19,20,22 99:3,17,23 100:16 101:5 incoming 213:13 incompetent 106:23 107:15 108:3 164:1 incorporating 68:17 increase 65:1 88:5 104:11 192:23 increased 86:21 205:15 increases 101:14 102:2 increasing 48:13 incredibly 59:14 122:4,10 178:17 incumbent 29:2 29:4	incumbents 38:22 independence 53:7,9 indicate 17:5 168:8 indicated 10:14 10:18 indication 43:9 indicting 171:19 indirectly 208:1 individual 30:16 48:12 88:22 individuals 28:5 87:7 96:24 175:2 189:14 induce 174:9 indulge 59:24 173:19 215:11 indulgence 91:4 industries 72:22 industry 46:19 92:14 93:19 94:10,22 95:9 95:24 96:10 97:12 100:1 203:9 ineffective 122:9 inferring 129:10 infirmed 145:5 infirmary 5:3 info 53:24 inform 2:16 information 16:10,12,15,19 16:20 48:18 53:3 105:9 111:14,17 127:14 134:4 137:19 162:11 173:14 212:17 213:18 214:9 214:23,24 informed 68:8 Ingrid 60:3 initial 29:6 initiate 74:11	214:19 initiated 211:23 initiating 214:7 214:24 216:1 initiative 209:16 initiatives 90:7 208:3 inject 36:19 injecting 38:20 injection 117:22 121:16 127:16 129:17,25 130:18 131:16 138:8,18,24 139:5 142:24 143:5,19,19 144:14,16 145:4 146:2 injunctio 64:13 64:18 injunctio 64:7 65:1,23 66:8 injure 200:1 injury 61:23 injustice 175:2 inmate 143:6 inmates 143:23 145:10 146:4 input 32:6 202:23 inquiry 171:25 insert 2:25 27:16 56:1 75:6 78:11 82:1 147:22 148:5 153:8 169:12 170:14 181:3 193:16 208:9 211:3,12 212:7 inserting 33:12 inside 75:14 insiders 94:10 95:2 insist 31:24 insolvent 45:25 46:4,21 47:10 47:18	inspection 161:16 instability 93:15 install 149:2 installation 91:9 91:9 instance 156:5 213:1,25 214:12 institution 53:24 54:5 institutions 53:21 instructed 130:13 instruction 114:8 147:5 149:21 158:2,4 159:10 instructional 183:14,20 184:12,23 instruments 204:3 insurance 46:6 48:17,19,20 185:18 insurers 45:25 46:5 47:10,18 integrity 131:18 173:9,11 175:10 intellectually 4:23 intend 172:18 intended 140:14 140:25 175:24 intent 29:1 38:19 119:14 188:1 intention 33:19 intentionally 94:16,19 intentions 18:20 interacting 200:24 interconnection 73:19 interest 31:6 73:3 interests 131:17	interim 100:21 intern 151:4 154:2 155:8,23 156:13 157:4 159:21 interns 153:14,23 154:24,24 155:13,17 157:7 159:6 interpret 143:4 173:24 interpretation 127:21 139:10 145:3 174:15 interpreter 145:23 interpreting 173:21 interrupt 132:23 interruption 121:8 122:23 interrupts 74:11 introduced 124:4 introduction 103:6 invalidated 3:16 3:23 invalidates 40:22 invest 48:21 investigation 170:20 173:10 investigations 173:11 investigative 48:22 67:22 180:7 investigators 181:11 183:2 involved 28:14 28:15 38:4 66:18 77:13 161:18 171:3 171:23 involving 76:11 171:1 issue 42:2 47:1 66:15 76:13
--	---	---	--	--

77:11,18 90:19 93:15 94:3 101:9 154:23 172:17,19 173:20 182:3 196:24 201:12 201:17 209:23 214:2,15 issues 4:21 32:12 41:3 93:17 98:4 211:20 issuing 76:7 it'd 83:11 items 216:2 iterations 14:15	89:25 90:1 91:2 91:3 92:24,25 93:20 145:25 167:16,18,21 168:1,1,9,15 Jordan 124:15 Joseph 172:3 judge 121:4 139:3 141:23 171:23 178:15 judgment 144:21 judgments 193:2 judicial 174:1 judicially 174:7 Julio 60:10 jumped 153:13 jurisdiction 144:24 145:8 170:24 jury 142:6 170:19,25 171:6,16,19,23 171:25 173:9 173:11 177:18 178:17 justice 176:9,20 176:25 178:20 202:10	kids 59:17 140:10 149:1 174:21 kill 140:14,16 killed 33:8 kind 35:5,11 154:25 156:9 159:25 162:7 172:17 195:23 199:10 203:2 208:24 209:22 213:3 King 38:5 knew 168:5 know 2:4 11:24 17:9 21:8 25:16 26:6,8,11,13 28:17 36:1,12 36:13 37:21,23 38:7 58:14,25 59:1,13,25 73:3 77:11 79:9 80:11 81:15 88:19 90:3,6,8 90:10 92:5 94:20 96:19 97:9,10 99:8,10 99:25 100:5 101:19 103:25 106:3 111:1 119:12 120:7 120:13,13,16 124:16 128:11 128:20,25 133:12,25 134:18 136:12 136:14,22 137:3 143:9 145:3 149:25 168:4 171:14 171:15,18,22 172:19 176:9 178:9 179:17 195:13,21 198:3,10,14 200:20 201:11 201:14 203:14	203:15 knowing 93:3 knowledge 80:22 129:23 141:11 known 71:3 knows 2:4	158:24 159:15 166:17 167:3 172:1,12 173:24 174:2 174:20 176:16 177:15 178:14 178:16 213:19 laws 119:11,11 128:24 135:22 Lawson 29:4 36:4 lead 171:6 Leader 2:5 22:16 26:17 27:2 33:3 57:9,24 58:9 60:13 62:8,12 62:19 63:2,7 67:24 75:9 76:8 76:20 77:8 78:4 82:21 83:6 97:18 99:12 100:4,7,19 101:3,17 102:6 103:5,7,20 104:8,17 105:1 105:10 106:7 123:16 124:3 124:20 125:6,8 125:17 126:6 126:22 127:4 127:12,25 128:7,21 129:5 129:13 130:6 130:19 131:6 131:25 132:10 132:25 133:17 134:5 135:6,13 136:8,8,16 137:15,25 138:13 139:7 139:20,21 180:8,15 182:14 193:18 195:3,7,15 196:10,19 208:11,12 210:16,22,23
<hr/> J <hr/> Jack 66:17 jackets 61:19 Jacksonville 23:8 jail 164:9 January 3:6,21 6:4,18 21:8,10 43:14,17,19 44:3 73:5 74:4 Jason 27:12 jaws 210:20 Jay 27:12 60:9 Jean 124:14,15 Jeff 2:19 Jeffrey 171:3 176:17 177:12 177:19 Jenna 66:16 Jill 103:14 Jimmy 55:10 job 34:10,10,11 38:16,16 92:4 92:16 join 29:8 joint 42:24 joke 105:14 Jones 19:15,16 20:17,19 27:6,8 28:16 29:21 85:12,13 87:2,3 87:16,17 89:8,9	<hr/> K <hr/> keep 2:6 18:16 42:19 45:1 89:15 193:25 196:1 203:8 keeping 4:24 5:20 18:7 42:9 42:16 61:25 152:9,13 keeps 3:13 44:19 kept 5:19 44:6,6 44:7,8,9,15,17 44:23 key 23:25 24:16 48:10 79:17 Keys 53:6 kicks 206:2 kid's 34:5	<hr/> L <hr/> L 147:10 lab 194:12,16,17 194:19 lacking 95:13 Ladies 123:25 lady 60:10 168:6 laid 3:8 41:14 language 46:24 76:18 112:5 126:25 127:6 127:22 159:5 173:23 177:17 182:8,8 188:23 208:19 209:12 213:2,12 large 58:6 76:15 205:11 largely 201:6 202:21 larger 63:18 101:15 lastly 74:13 late 55:25 169:10 178:10 lately 33:23 latent 33:17 Latino 32:11 Lauren 145:25 law 4:3 19:5,21 19:23 27:13 38:13 40:19,19 50:17 53:1 83:24 84:6 109:10 120:22 122:17,22 125:16,18 126:3,5,19 128:12 130:24 142:3 151:5		

215:1	190:11 196:14	limited 155:25	lock 45:15 47:23	188:23
leaders 51:20	length 207:24	158:21	50:3 52:6 55:3	Lorenzo 60:6
179:5 182:14	lesser 141:3	limiting 200:12	60:23 61:3	lose 121:13
leading 58:18,25	let's 36:7,8 38:5	line 39:17 134:8	63:10 66:25	loss 92:4
leads 15:12	39:1,1 41:7	135:18 139:14	70:3 72:7	losses 92:16
League 212:12	49:23 50:12	139:16 153:8	110:13 113:20	lot 8:24 33:23
leak 2:24 173:14	56:18 63:18	174:4 181:11	117:6 150:9	59:17 88:20
learned 33:18	67:10,23,24	206:25 209:11	160:23 163:12	90:10 91:25
learning 148:15	70:12 77:22,24	lines 8:11 26:14	165:3 167:9	95:11 105:13
leased 75:24	81:16 84:20	56:1 75:6 78:11	168:9 179:23	124:4 171:14
78:20	86:1 93:24	82:1 147:22	183:7 185:3	174:14,15
leasing 78:17	126:23 128:8	148:4 169:11	187:10 191:25	love 37:24
leave 21:17	131:10 140:22	170:14 193:16	logs 177:3	low 88:4,9,12
114:25 171:12	146:2 157:22	208:9 211:3,11	long 32:18 88:25	89:1 90:3,5
199:24	165:10 167:15	212:6	92:21 93:18	98:10,18,20,22
leaves 12:14	lethal 121:16	list 183:19	171:24 198:1	99:2,17,23
79:17	127:16 129:17	214:19,20,20	203:24 204:18	100:15
led 103:13 206:4	129:25 130:15	listed 132:17	205:16	lower 44:5 97:25
ledger 192:22,23	130:18 131:16	listen 32:7	longer 109:11	101:5 145:8
leeway 174:11	138:7,18,24	literacy 114:7	170:21	lowering 159:20
left 7:18 103:16	142:24 143:5	147:4,11,12,13	longtime 32:18	lowers 192:20
111:7 165:8	143:19,19	147:15 148:13	look 7:2,13,16	lowest 89:5
175:13	144:14,16	149:3,20 150:2	10:3 18:9 19:21	206:13
legacy 150:5	145:4 146:2	litigate 104:16,19	28:4 36:3 38:5	Lucia 60:8
legal 28:7 33:7	letter 11:18 19:9	litigation 10:1	41:7 42:11 44:5	lucky 57:22
42:21 117:21	letters 130:21	137:21 201:18	44:21 60:1 81:9	Luis 60:3
125:24 129:24	letting 58:15	201:19 209:22	88:7 90:6 91:7	Luma 60:8
135:21 139:4	level 151:11	little 2:6 13:22	93:10,16	Luther 38:5
142:2 145:18	157:7	35:23 36:5 86:5	102:15 124:10	luxury 92:21
146:5 210:9	Lewis 60:4	109:11 159:20	126:9,17	lying 29:13
legislation 31:15	liaison 53:23	178:9 189:11	172:17,18	
31:17 60:18	liaison's 53:23	204:10 207:10	195:10 200:23	M
80:16 100:22	license 108:23	live 34:21	204:4,9	M 1:24
132:3,13 133:3	162:7,10 169:4	lived 38:22	looked 7:6 41:12	ma'am 108:7
134:14 138:6	licensed 48:17	151:12	42:3 80:13,23	197:5 198:14
209:22	158:2	lives 84:9 175:13	92:12 201:16	204:19 205:25
legislative 5:12	lieu 71:10 138:23	living 111:16	201:17	206:2,17
10:15 33:12	life 63:18 123:5	164:15	looking 9:20	Madam 207:14
124:23 173:22	137:5 196:6	load 82:15	13:10 15:2	madams 177:4
legislators	199:11	loan 89:13	19:17,18 32:5	Magali 60:6
142:11,16	lifespan 195:12	local 53:1 156:4	63:22 85:19	Maggie 57:17
legislature 20:13	lift 204:2	162:10 172:11	90:10 92:1	59:19
21:10 40:25	light 55:21 141:3	185:21 211:18	94:15 153:17	magnitude 58:6
80:22 121:15	lights 166:4	215:21	153:24 159:19	mail 64:20
130:14 145:17	liked 29:6	located 76:16	165:8 201:12	213:12
173:22,25	likelihood 20:14	location 102:16	210:17	maintain 50:18
174:8,10	limbo 146:5	locations 155:18	looks 31:9 41:8	53:24

maintained 6:16 10:1 205:14,15	120:13,15 123:4 126:11	15:9 16:13,14 19:2 20:2 21:10	143:4 174:5 206:11	metering 72:21 74:6,25 85:19
maintains 6:20 108:24 151:5	127:22,23 129:15 130:22	21:25 22:2 25:11,24 26:4,5	means 10:15 89:15 105:14	90:8 91:25 93:12,12,13,13
maintenance 51:6	131:16 140:12 141:14	27:15 28:3,4,6 28:7 30:2 31:8	164:17 measured 151:13	93:14,22 98:15 102:24 103:3
major 81:1 90:11 111:4,4,6 112:5	manufacturing 131:14	32:7 36:15 37:20 38:17,18	measures 155:7 206:19	103:18 104:16 method 95:16
132:7 152:16 175:25	map 3:14,19,22 4:15 6:3,15,19	38:18,18,21 39:10,18 40:13	meat 204:25 mechanical	121:14,22 143:5 144:14
majority 6:10,14 6:16,20,24,25	6:23,24 7:7,9 7:10,12,14,20	40:15,17 41:13 42:25	61:16,17 medical 52:25	144:21 145:2 145:10 146:4
16:24 17:2 23:9 23:13,20,22,22	7:24 8:5,10,19 8:20 9:1,2,3,3	March 1:15 217:8	194:4,15,17 196:2,3	146:12 methods 134:21
38:8 146:13	9:10,11,13,22 10:2,10 11:4,6	Marcus 60:8 margin 24:11	medically 115:5 medication	metric 43:6,7,7 43:23,24 44:4
making 21:16 89:13 99:9,9	11:7,12,15,24 12:5,10,13	Maria 60:4,4 Maricel 125:3,4	194:10 medicines 127:17	metrics 43:4,8 metro 5:19
120:15 156:8 183:1 190:7	17:12 18:5,11 18:18 19:12	Marjorie 111:2 113:11	meets 54:3 member 41:8	Miami-Dade 55:19
205:16 207:25	20:6,13,15,16 20:21 21:2,4	market 83:4 94:18 204:25	146:21 members 13:23	Michael 60:3 midazolam
mal 33:19 man 33:8 177:1	22:7,7,13 25:8 25:16 26:16,20	markings 166:8 marshal 186:7	30:15,16,21,22 34:16 40:2,9	132:16 middle 36:7,8
management 70:10,17 71:16	26:20,21,21 27:16,24 28:9	Martin 38:5 mask 34:9	59:6 111:1,16 114:24 124:10	Miguel 60:9 million 104:6
72:2 147:14,16 190:5 191:8,20	28:19 29:6,23 31:5,5,10,13,21	matched 8:10 materially	149:7,8 168:4 212:13	mind 33:14 61:25 mine 130:12
mandate 86:8,15 86:17	31:24 32:13,21 33:14 34:12,25	materials 101:10 mathematical	212:13 men 181:13	145:3 minimal 95:22
mandated 74:2 121:16 122:17	35:3,12,13,13 35:22 36:17,21	43:24 mathematically	mental 110:20 111:4,14 112:7	minimis 90:25 101:25
135:22	38:2,6,23 39:2 39:3 40:5,10,20	45:3 matter 33:2	112:17 113:3 113:10 164:7,8	minor 169:25 minorities 10:24
manifest 175:1 manner 12:9,14	40:21,22,24 41:7,14,19	170:24 matters 215:7	169:1 mention 87:23	24:1 35:16 minority 6:5,10
48:13 178:18	42:24 43:1,2,8 43:9,11,12,13	Mayfield 103:5,7 103:9 124:3,6	89:13 142:22 148:12	6:11,12,14,15 6:16,17,17,21
manufacture 120:8	43:13,14,17,18 43:19,20,21,25	124:21 mean 28:14,20	206:2 213:1 Mercedes 60:7	6:21,22,24,25 7:8,19 8:14
manufactured 128:13	44:1,3,7,8,8,11 44:15,17,18,18	33:21 36:23 37:21 38:15	mercy 33:9 merit 46:23	10:23 13:5,6 16:20,24,25,25
manufacturer 120:1,20	44:21,22 45:3,5 45:5	76:6 96:2 103:1 104:18 105:12	mess 197:7,8 message 2:12,14	17:3 18:7,17 23:9,13,14,20
123:22 125:22 126:4,14,18	maps 3:8 5:3,10 5:11 7:4,5 12:4	105:12,18 119:3 122:7	38:20 messages 2:10	23:20,21 24:12 24:15,16,20
127:7 128:10 128:24 130:24	12:5 14:14 15:1		met 15:10	25:9,12,17,19
140:23 manufacturers 117:21 120:7				

33:15 38:12 97:22 minute 59:24 mirroring 156:22 miscarriage 176:20,25 miscommunica... 29:14 87:5 misdeemeanor 166:3 mislead 8:4 missed 13:24 97:21 mistake 136:19 mistakes 135:14 136:18 137:1 mixture 155:8 model 72:22 96:12 155:3 molested 171:5 moment 108:10 117:11 146:24 150:13 161:4 167:16 203:18 money 36:25 68:4,10 69:12 69:22 147:13 147:15 183:3 209:15,17 210:6 211:21 monitors 204:2 monopoly 84:12 84:14,15 month 102:1,5 171:11 month's 73:9 monthly 169:3 months 171:11 195:13 Morales 114:21 116:3 Morales' 115:23 moratorium 206:1 moratoriums 205:11 morning 3:8	27:23 45:21 59:20 mother 33:9 motion 45:8,13 47:4,7 51:11,21 54:19 60:21 62:21 65:19 69:8 71:11,22 74:21 78:7 81:23 85:6 107:11 109:16 112:13,24 116:6,17 118:15 149:18 152:24 160:9 160:15 162:20 166:12 167:18 167:20,22,24 168:6 170:5 179:7 180:17 182:16 184:8 186:14 187:1 188:12 191:3 191:15 193:6 210:25 motor 48:18 108:16 109:20 110:7 166:16 167:2 move 21:3 45:10 51:17,17 107:3 112:2 128:8 131:11 139:18 139:23 moved 7:17 8:9 9:4 35:11 41:23 41:24 152:21 154:16 198:20 movement 61:18 moves 47:6,13 49:8,16 51:9,18 54:9,17 56:16 57:1 60:19 62:12,19 64:2 65:17 66:2 69:6 69:17 71:20 74:19 107:9,21	108:12 109:13 110:1 112:10 112:22 116:4 116:15 118:6 149:15 160:13 162:17 163:3 166:10,22 170:2 179:5 180:15 182:15 184:6,18 186:11,24 188:9 189:25 190:25 191:13 193:4 moving 7:17 198:20 199:9 205:13 multiple 77:14 95:3 200:5 203:17 multiplied 195:21 municipal 41:21 42:2,13 44:12 44:14,24 municipalities 42:10 211:19 muster 11:25 12:5 15:11 myth 77:16	nay 78:7 81:23 85:6 160:8 210:25 nays 45:17 47:24 50:5 52:7 55:4 61:4 63:11 67:2 70:4 72:8 110:15 113:22 117:8 150:10 160:25 163:14 165:5 167:11 179:24 183:8 185:5 187:12 192:2 nearest 173:6 necessary 111:14 138:6 156:12 205:9 necessitate 11:16 23:24 necessity 155:2 need 21:25 52:16 66:16 81:9 106:2 120:14 120:24 128:2,6 144:1 146:13 170:20 171:21 176:10 177:23 202:1 210:8 needed 58:19 59:21 needle 159:9 needs 111:16,20 158:15 175:16 175:21,24 194:19 195:1 201:8 205:14 negative 132:13 negatively 77:23 negotiated 58:22 negotiation 202:14 neighbors 93:10 98:12 nerve 159:9 net 72:21 74:6,25 85:19 90:7	91:25 93:12,12 93:13,13,14,22 98:15 102:24 103:2,18 104:16 network 177:3 Nevada 92:5 never 38:7 85:16 113:14 129:24 175:14 176:10 177:6,13 new 5:22 68:16 68:17 74:3 90:7 99:4 152:18 178:10 187:25 205:11 206:18 news 164:14 Nicole 60:6,9 nine 148:11 noes 30:17 non 22:20 non- 88:17 143:25 non-answers 136:14 non-paid 155:18 non-prosecution 171:7 176:19 non-rooftop 86:10 non-solar 72:24 85:23 86:23 87:14 93:8 98:17 99:5 105:24 normal 2:6 normally 134:23 North 17:9 83:10 north-south 23:7 23:11 note 73:15 notebook 177:3 notice 94:22 95:24 96:11 144:3 notifies 54:4 notify 185:19
---	--	--	--	---

notorious 171:2	116:6,17,17	165:1 167:7	one-size-fits-all	opted 143:23
number 20:21	117:12 118:13	185:2 187:8	185:18	option 17:10
29:23 81:4	118:15 130:15	191:23 210:23	ongoing 113:8	19:19,20 86:13
82:14 95:17	134:21 147:1	odd 158:11	online 73:21	87:21 142:2
106:9 153:14	149:10,10,10	offender 171:2	op 85:18	optional 150:4
201:18,25	149:17,17	offense 187:25	open 60:17,20,21	options 148:16
206:13	152:23,24	offer 10:11 59:13	61:2 117:1	Orange 5:21 32:9
numbers 80:16	160:15,15	74:14 139:23	150:8 168:1,7	32:20,25
80:18 97:4	161:7 162:19	140:13	openly 200:21	order 2:4 23:14
nurse 194:24,25	162:19 163:4,5	offered 7:5,7	operated 164:8	24:4 26:14
197:9	163:21,22	40:12	operators 202:18	45:21 64:13
nursing 192:8,24	165:10,13	offering 18:5	opinion 10:5,12	95:23,23 138:7
193:10,23	166:12,12,23	207:25	17:23 18:10	147:16 167:15
194:1,5 195:12	166:24 168:7	offers 119:2	20:9 33:7 36:21	167:15 168:6
196:7 197:18	169:19 170:4,5	office 38:4,7	121:5 139:11	170:23
202:17 204:5	178:25 179:6	64:19 68:8	140:10	ordered 6:7 9:25
205:5,12 206:5	180:17 181:18	75:13 173:7	opinions 77:15	10:8 12:8,9,15
NW 1:24	182:16 184:7,8	officer 50:17,18	OPPAGA 52:21	16:21 43:1
	184:19 186:13	50:18 51:14,25	90:10	133:7 194:11
	186:14,25,25	55:9 166:5	opponents 85:20	194:12
	188:11,11	officer's 50:19	87:6	ordering 194:16
O 217:1	190:1 191:2,3	officers 46:21	opportunities	organized 58:12
o'clock 59:19	191:14,15	offices 174:25	7:10 35:16	organizing 58:19
oath 22:12	193:5,6 196:11	181:9,13 183:2	114:14 116:10	original 5:19,19
object 186:13	207:16	officially 11:5	116:21	7:14 31:4 32:10
objecting 40:10	objects 41:3	officials 22:11	opportunity 6:5	35:9 39:1 53:25
objection 40:13	obligation 51:7	58:14,23 133:7	6:11,14,17,21	128:9 156:18
45:12 47:4,7,14	obtain 117:23	135:20	6:23 7:8 8:14	202:6 217:5
47:15 49:10,10	obvious 33:19	offset 73:10,11	10:23,24 12:6	originally 177:25
49:17,18 51:10	35:1	oftentimes 76:14	13:5 16:25 17:1	Orisme 60:8
51:11,19,21	obviously 4:23	140:9 155:22	18:7 21:6 22:14	Orlando 5:20
54:10,18,19	155:3,25 156:6	Oh 45:20 182:12	23:4 25:12,17	23:9 35:22
56:8,17,17 57:3	158:12 174:20	OIR 46:18	25:19 59:8,24	orphan 33:10
60:21 62:13,13	175:16	okay 10:14 13:17	77:2 97:25	Osceola 32:9
62:21,21 64:3	occur 19:1,1	27:5 39:10	99:19 190:10	OTTO 217:3,19
65:19,19 66:4,4	61:21 133:5,5	43:22 100:4	oppose 208:21	outcome 171:5
67:17,25 69:8,8	134:14	105:11 106:8	opposed 78:7	outcomes 156:3
69:18,18 71:9	occurred 22:5	127:13 167:24	81:22 85:6	194:22
71:11,11,21,22	23:6 57:15 58:1	167:25	138:8 160:8	outgoing 213:13
74:20,21,21	occurring 122:9	Oklahoma 133:6	210:24 214:25	213:14
107:10,11,23	occurs 47:21	134:9 135:9,12	opposing 199:21	outside 22:8 94:9
107:23,23,24	49:25 52:4 55:1	old 105:14 141:5	209:13,25	95:1 102:18
107:24,25	63:8 66:24 70:1	177:11	210:7	188:1
108:11,13	72:5 78:5 81:21	once 50:25 63:14	opposite 33:17	overall 82:15
109:15,16	85:4 110:11	89:14 143:10	opposition	overcome 30:8
110:3,3 112:12	113:18 117:3	one-person	209:17 210:1	overly 68:11
112:13,24,24	160:22 163:10	176:18	opt 146:3	override 31:25
114:4,10 116:6				

overriding 174:19	particularity 13:22	110:17 117:10	143:16	24:20 201:3
overseeing 154:16	particularly 9:20 32:21	150:12 161:2	penetration 74:9 101:11,14,23	period 24:11 86:12 102:15
owned 75:24 78:20	parties 24:15 66:18 202:14	163:16 165:7	102:1 104:7	108:22
owners 162:14	partisan 17:5 24:9 35:2	167:14 180:1	106:3	permanent 150:2 150:4
owning 78:17	partner 71:3 176:18	183:10 185:7	people 30:4 34:17,18,20	permits 162:15
<hr/> P <hr/>	parts 5:21 57:19	187:14 192:4	37:4,24 57:19	permitted 170:23 174:1
pack 23:14	party 24:14 29:2 124:17	Passidomo 2:5	80:18,19 87:20	permitting 161:16
package 48:11 185:16	pass 12:4 15:10 21:13,25 22:2	passing 5:1 113:25	87:22,24 89:21	perpetually 206:20
packing 41:11 44:23	22:13 33:21	patent 33:16,17	91:17 97:1	Perry 187:20,22 188:6,8,9,23
page 215:12,12	38:19 41:2 59:9	path 53:9 72:23 73:16,21 74:4	105:13 119:12	189:1,2,9,10,18
pages 217:5	89:14 137:18	74:12 77:4	120:6 135:3,14	person 53:22 68:10,16,16,17
paid 73:7 80:19 101:5	146:7,14	88:13,16 89:11	136:18,21	69:3 80:20
pain 133:8,21 135:5	174:17	89:14,22,24	140:14 141:1	105:15 127:15
palm 31:9,12 171:1 172:4	passage 52:4 55:1 63:8 66:24	90:21 92:8,21	143:17 144:1,4	127:18 138:18
pandemic 59:16 132:15 151:11	72:5 110:11	93:18 94:21	145:25 146:14	142:25 143:9
panels 75:19,21 84:22	113:18 160:22	96:5 98:14,24	162:10 173:25	162:6 189:8
pans 200:7	163:11 165:1	98:25 99:2	177:7 195:24	person's 61:18 188:1
paper 77:16	167:7 185:2	100:17 106:5	200:7 202:21	personal 147:13 147:15 193:24
papers 105:4	187:9 191:24	109:12	203:8 214:14	194:2,6,9,11,13
paralyzed 115:4	passages 49:25	pathway 148:16	people's 87:8	194:14,18
parameters 115:5	passed 2:17 3:6 3:21 4:15 6:3	pathways 148:14	percent 22:19,20 73:10,11,12	195:14,19
parents 111:13	6:16,18,23 7:11	patient 199:2,4 199:12	74:10 78:22	199:2 204:15
part 1:14 16:21 104:21 111:8	8:6 9:14,22	Patient's 185:20	84:24 95:17,20	personnel 61:17 61:23 183:14
123:9 124:15	21:18 31:15	patients 197:9 200:14	101:12,23	184:12,23
128:19 137:6	34:16 36:2	pay 78:1,2,18 79:8,13 84:20	102:2,3,3,3	204:7
139:11 143:4	43:11,14,17,19	205:4	104:6 106:3	persons 121:10 144:25
199:19	43:25 44:3,8,10	payers 86:25	115:6,7,12,14	perspective 21:7
participate 24:2 143:21	44:17 60:16	paying 38:22 79:16 87:8	115:14,15,15	pertinent 53:3 135:19
participating 143:20	61:14 67:16	89:12 94:17	percentage 23:21 23:23 24:13,18	petition 74:1,15
particular 19:11 41:9 98:4 156:5	73:24 91:13	payment 169:3	101:14 102:2	petitioned 10:4
173:19	175:23 190:11	payments 105:24 169:4	193:21	petitioner 64:15
	204:15 207:9	pays 74:6	perfect 41:19 perfectly 42:19	petitioners 65:3
	209:24	peace 61:25 187:24	perform 13:5 16:11,14 24:1,7	Petronex 55:10
	passes 11:25 45:19 48:1 50:7	peak 86:12	25:19 146:9	ph 29:4
	52:9 55:6 60:21	peers 141:23 142:6	performance 13:24,25 14:15	pharmaceutical
	61:6 63:13 67:4	penalties 186:9	17:5	
	70:6 72:10	penalty 119:2 122:2,15 140:9	performed 8:12 12:20 13:1	
			14:20 25:13	
			performing 14:7	

125:11 126:10 pharmaceutica... 143:21 pharmaceuticals 139:4 pharmacies 155:16,16 pharmacist 151:3,6 153:15 153:21 154:1 154:15,16 158:3,12,23,24 159:6 pharmacists 132:19 pharmacy 150:24 151:4 153:14,15,21 153:22 155:14 156:4 158:15 159:15 160:1 pharmacy's 154:21 phase 143:16 phone 37:22 196:5 photograph 63:22 physical 50:11,19 51:7,14,25 61:22 69:5 200:9,18 206:12 physically 42:1 physician 151:8 158:25 193:25 194:3,6,9,11,13 194:14,18,24 physician's 194:15,16 pick 34:1 40:15 46:18 115:13 115:14 177:11 picketing 187:18 187:25 188:15 picking 81:4 97:23 161:3	207:10 pictures 58:5 piece 31:17 60:17 80:16 132:3 133:3 138:6 pieces 31:16 pile 57:19 pill 182:2 pimps 177:4 pinnacle 37:2 Pizzo 4:6,7,17,19 13:18,20 14:9 14:11,22,24 15:13,15 29:10 29:12,17 55:15 55:17 56:1,3,5 56:11,15 57:1,8 57:12 58:3,11 58:24 59:5 60:15 67:11,13 142:20,21 143:12,13 144:9,11 145:16,20,22 146:20 148:21 148:22 165:8 165:18,20,24 166:1,2,10,22 167:5 172:25 173:3 176:16 178:15 179:15 188:20,22 189:3,4 209:21 215:3,4,5,11,15 215:16 place 74:3 92:7,9 93:18 155:7 162:8 192:25 205:12 placed 22:15 106:18 144:12 146:23 189:20 207:8 214:19 216:2 places 37:5 213:19 plain 33:15	plaintiff 22:8 plan 3:5,10,10,14 3:17,18,23 6:6 6:6 28:25 78:23 194:25 plans 3:6 162:7 169:3 planted 196:12 plate 108:23 play 38:14 202:5 playing 38:21,23 plea 171:7 please 46:12 51:3 55:9 63:19 65:11 68:23 71:4 72:6 78:2 78:6 81:22 85:5 106:9 112:1 124:25 127:6 150:16 151:23 157:14 160:8 169:22 180:12 184:2 186:3 190:21 192:13 210:24 pleasure 55:8 192:10 plus 127:24 145:25 point 23:3 29:21 57:16 79:7 80:3 90:24 98:9,15 98:21 99:5 101:13 127:6 130:16 162:8 210:3 pointed 209:14 209:21 210:5 points 55:20 74:5 poisoned 182:2 police 166:8 policies 102:22 policy 21:16 81:1 81:10 84:25 88:6 93:11 94:11 103:1 104:16,19	152:18 political 24:15 29:2 36:20 210:6 politics 38:11,20 38:23 Polk 32:13 POLKSY 172:16 Polsby- 43:6 Polsby-Popper 43:18 Polsky 169:11,14 169:14,16,20 170:14,16,17 170:18 172:7,7 172:14,24,24 173:5 174:16 176:7 178:4,6 179:15 pool 144:1 poor 88:9 Popper 43:7 population 193:22 portion 41:5 55:18 192:21 197:13,14 position 7:17,18 7:18 8:9 10:10 12:9,11,12 18:4 122:5 128:2 135:20,21 136:2 137:12 154:20,21 174:13 181:8 181:14 202:16 possibility 132:13 135:4 possible 180:11 post-secondary 52:20 53:21 postponed 64:3,4 68:1 108:12,13 114:4,10 117:11 146:25 150:13 161:4 163:17,17	164:22 190:1 207:11 postpones 148:9 posturally 118:8 potency 140:15 potential 121:6 137:1 159:5,8 potentially 11:6 11:16 21:5 84:20 126:1 159:21 189:11 power 82:12 83:1 86:8 113:13 194:4,7,9 196:4 powered 77:24 powers 38:15 174:6 practically 45:4 129:21 practices 48:14 70:11 71:16 72:2 practitioner 194:25 pre-employment 50:19 51:7 precisely 77:20 preclude 212:18 predator 175:13 177:1 preface 86:2 prefer 9:3 18:25 19:2,11 39:19 139:17 preference 9:2 11:8 pregnant 8:25 preliminary 172:17 premature 178:9 premise 79:25 Prep 151:9 153:19 155:4,6 156:1,6 prepared 11:4 150:14 preparing 26:7
---	---	---	--	---

prescribe 186:8	34:15 37:9,10	87:12,16,18	120:11,17,19	148:1,6,9,17,22
prescribed 13:2	37:15 39:6,9	88:1,3 89:8,10	120:23 121:2,4	149:7,14,15,22
prescribes	40:2 45:10,12	89:17,19,25	121:18,24,25	149:25 150:6
162:10	45:18,19 46:1,4	90:2,16,18 91:2	122:12,14,25	150:11,12,21
prescribing	46:7,9,10,15	91:4,5,19,21	123:2,6,7,14,19	150:24 151:16
127:15 194:10	47:3,11,19,25	92:24 93:1,5,7	123:24 124:7	151:18,19,25
prescription	48:1,6,10,23,24	93:20 94:4,6,8	124:20,24	152:2,7,10,14
126:13	49:1,2,7,8,23	94:12,14,25	125:2,13,15,17	152:20 153:3,4
present 2:1 90:22	50:6,7,12,16,21	95:6,8,14,18,20	125:19 126:6	153:5,10,13
130:3 190:7,10	50:23,24 51:5,8	95:25 96:7,9,14	126:15,17,22	154:8,13,17,19
presented 21:10	51:16 52:2,8,9	96:17,19,22	127:1,3,4,6,9	155:10,19,22
54:16 94:23	52:15 53:12,15	97:6,8,15,21	127:11,12,19	156:10,14,25
120:2 174:9	53:16,19 54:7	98:5,7 99:12,15	127:21,25	157:2,5,7,10,13
preserve 7:19	54:15,24 55:5,6	99:20,22 100:3	128:4,6,7,15,17	157:15,18,19
23:4 131:18	55:15,17,22,23	100:7,12,15,19	128:21 129:1,3	158:1,5,7,8,11
preserved 6:5 7:9	55:24 56:3,5,8	100:21,24	129:5,8,10,13	158:16,19
9:23,23	56:14,22,24,25	101:1,3,7,9,17	129:19,20	159:1,4,11,13
preserving 8:14	57:7,11,23 59:5	101:19,21,23	130:6,10,19	160:3,11,12,20
10:23	59:25 60:12,14	102:6,9,20,22	131:1,3,6,20,23	161:1,2,12,15
president 2:2,3	60:19,25 61:1,5	103:4,10,14,15	131:24 132:4,6	161:22,25
2:16 3:1,4 4:4,5	61:10,13 62:1,2	103:23 104:2,5	132:10,20,22	162:1,17,24
4:7,12,15,17,19	62:4,5,9,11,18	104:8,10,13,15	132:25 133:3	163:1,2,9,15,16
5:6,9,14,18,25	63:1,4,12,13,16	104:17,22,24	133:13,15,17	164:3,6,13
6:3 7:21 8:2,3	63:20,21 64:2,8	105:1,5,7,10,21	133:23,25	165:6,7,18,20
8:16,21,24 9:6	64:11,17 65:5,6	105:23 106:7	134:3,16,18	165:22,25
9:10,16,19	65:8,9,12,17,24	106:11,15,24	135:6,10,12,13	166:2,10,18,20
11:19,22 12:1,4	66:1,2,9,13,22	107:3,5,8,17,19	135:16 136:7	166:21 167:4
12:17,20,22	67:3,4,10,13,17	107:20 108:5,9	136:15,23	167:12,14,19
13:1,7,10,13,16	67:23 68:5,7,18	108:11,20	137:1,14,17,22	167:20,21,25
13:17,20 14:2,5	68:19,21,22,25	109:1,3,4,9,13	137:24,25	168:12,13,19
14:9,11,17,22	69:6,13,15,16	109:22,24,25	138:10,12,13	168:22 169:5,6
14:24 15:3,6,13	69:23 70:5,6,12	110:9,16,17,22	138:16,25	169:7,8,13,17
16:2,7,9,16,19	70:16,23,24	111:1,22,24,25	139:2,7,12,14	169:19,23
17:6,8,16,19	71:1,2,7,8,17	112:4,10,18,20	139:14,19,25	170:2,10,11,12
18:13,16,22,25	71:18,19 72:3,9	112:21 113:4,8	140:3,4,7,17,19	170:16,19
19:14,17,24	72:10,16,20	113:16,23,24	140:20,21	172:6,14,22
20:2,17,20,23	74:16,18 75:1,2	114:3,9,15,20	141:9,11,12,17	175:17,20
21:1 22:16,19	75:3,8,12,25	115:17,18,21	141:19,20,25	176:2,5,12,15
22:22 23:2	76:1,6,8,10,19	115:22 116:4	142:7,13,15,17	178:4,7,25
24:23 25:1,5,8	76:25 77:8,11	116:11,13,14	142:21 143:7,9	179:2,3,11,14
25:20,23 26:1,4	78:4,13,16,25	116:22,25	143:12 144:6,8	179:21,25
26:17,20,24	79:6,11,18,24	117:2,9,10,16	144:9,11	180:1,8,10,14
27:2,4,9,19	80:6 81:19 82:3	117:17,20	145:13,15,20	180:22,23,24
28:11,14 29:9	82:6,17,24 83:6	118:1,3,4,12,19	145:22 146:17	181:4,7,15,16
29:15,17 30:25	83:20,24 84:3,6	118:21,22	146:19,20	181:21,22
31:4 32:1,3	85:2,9,10,14,24	119:4,8,16,21	147:6,9,18,19	182:1,4,6,11,20
33:2,6 34:7,13	86:1 87:1,4,10	119:23 120:4,9	147:20,23,25	183:4,5,9,10,16

183:19,23,25	215:9,13,16,23	137:5,7 144:2	59:10	66:8 67:21
184:1,5,14,16	215:25	procedures	profit 202:9,9	180:6 181:10
184:17,25	pretty 63:23	102:23	program 52:18	183:2
185:6,7,13,15	102:12	proceed 45:15	52:22 53:7	protects 126:12
185:22,23,25	preventing 174:5	47:22 50:1 52:5	70:17,18,18	protester 189:8
186:1,5,11,20	prevention 48:5	55:2 61:2 63:6	72:21 94:16	protesting 188:1
186:22,23	48:11,21 49:14	63:9 66:25 70:2	99:23	protocol 151:8
187:6,13,14,19	49:22	72:6 110:12	prohibit 61:15	proud 59:1 66:13
187:22 188:3,4	previous 43:9	113:19 117:5	prohibited	prove 77:2
188:5,9,16,18	previously 27:10	117:13 146:15	215:25 216:1	proved 137:10
188:19,22	142:22 172:1	147:1 150:8,15	prohibiting	proven 31:12
189:1,3,9,15,17	primary 3:10,22	152:3 160:23	207:24	provide 13:23
189:25 190:6	18:5 20:6,16	163:12 165:2	prohibits 128:12	14:8,21 53:2,23
190:10,17,19	24:17,21	167:8 179:23	211:21 215:20	73:14 86:8,10
190:20,24	principle 174:20	183:7 185:3	project 36:18	86:11 101:11
191:9,11,12,21	principles 174:6	187:10 191:25	projects 64:1	106:5 113:10
192:3,4,9,13,14	prior 89:16	192:15	promoting 174:5	141:15 142:11
193:3,11,12,13	143:22 185:19	proceeding	proof 53:25	175:6 183:20
193:18,21	215:8	207:15 217:6	proper 48:19	198:23 203:8
195:2,6,7,15,19	prioritize 41:21	process 7:15	properly 122:23	213:18 214:9
196:8,10,17,18	44:13	10:15 22:1 25:3	proponents	provided 14:14
196:23 197:4	prison 171:9	25:11,23,23	208:20	15:12 52:25
197:23,25	177:21	26:4,5,10,12,13	proportion	77:3 175:5
198:5,7,8,10,12	prisoner 133:9	31:23 33:12	201:15	provider 86:20
198:14,17,19	134:22 138:20	35:11 36:11	propose 77:7	164:8
198:24 199:1,6	privacy 170:21	38:3 64:13 86:3	proposed 8:13	providers 161:17
199:8,13,15	187:23	97:5 123:5	33:14	183:20
200:2,4,15,17	private 161:17	125:25 142:1,2	proposing 68:16	provides 4:1
201:9,11 202:3	175:11 183:14	159:17 161:17	205:2	19:10 73:18,25
202:5 203:3,5	183:20 184:12	161:18 162:10	proscribed	74:13 162:13
203:12,14,19	184:23	162:13 168:25	144:14	168:24 204:16
203:23 204:11	privy 26:7	169:1 173:22	prosecutorial	providing 48:20
204:13,20	pro-life 122:2	175:10 185:22	174:21	67:21 111:4
205:1,6,8,19,23	probably 77:14	202:5 209:16	prosecutors	121:9 180:6
206:3,7,9,10,15	95:20 99:4	processing 68:12	171:8,19	183:14 184:12
206:17 207:3	203:17	produce 75:16	protect 64:23	184:23
207:20,23	probation 50:18	produced 10:2	119:25 120:25	province 94:24
208:4,5,6,11,16	problem 130:12	25:24 86:16	123:11 173:10	provision 46:17
209:3,9 210:12	200:24 201:5	128:18	protected 120:21	46:20 73:18
210:15,16,20	203:25	product 5:19	120:21 174:24	74:9 92:10
210:22 211:5,7	problems 92:17	15:8,19 29:19	181:12	186:7 213:3,17
211:8,13,17,25	137:10	30:2 32:10	protecting 64:23	provisional
212:2,3,8,12,20	procedurally	33:21 35:9	120:13	161:19 162:7,9
212:24 213:5,8	118:13	39:20 203:1	protection 70:21	provisions 46:5
213:9,15,17,22	procedure	professional	186:9	52:23 53:20
214:5,7,11,16	123:10 129:12	58:15	protective 64:7	PSC 73:4 74:1,2
214:18 215:1,5	134:20,25	professionalism	64:18 65:23	74:11,15 77:4

79:14,15,17 80:13,20 81:12 81:13,17 94:7 94:23 95:10,24 96:13 97:14 98:3 100:22 101:9 102:14 102:18,23 public 38:3 48:14 58:14 61:9,16 62:17,25 74:14 75:13 78:16,21 79:8 90:12,18 111:20 114:2,8 117:15 118:18 119:11,11 120:1,14 125:16 126:20 134:4 146:6 147:5 149:21 170:22 171:17 171:18,21 211:18,22 public's 133:12 Puerto 35:20 pull 57:19 pulled 202:7,20 202:24 punishment 133:5 purchase 84:13 84:14 86:15,17 86:19 purported 176:23 purpose 60:13 94:17 139:15 167:17 purposes 121:9 134:7,11 pursuant 106:17 146:22 189:20 207:8 212:24 pursue 171:9 purview 145:7 push 5:22 140:12 210:17	pushed 35:24 put 5:23 7:25 11:3,12,24 24:2 36:8 38:17 41:4 42:14,16 46:24 53:9 84:22,23 88:20 92:9 93:17 94:21 95:24 98:24 119:19 126:3 134:24 140:24 178:3 182:8 192:24 201:15 209:12 213:3 215:13 puts 136:1 137:11 putting 32:13 38:12 96:10,25 119:1 <hr/> Q <hr/> quality 33:8 190:15 196:6 199:11,12 201:23 205:21 quarter 35:22 quarterly 194:23 194:24 question 4:6 5:9 5:16,18 9:19 13:21 16:6,8 17:19 19:14,15 19:17 22:17,17 23:2,25 24:16 47:5,21 49:25 52:4 53:12 55:1 56:15 63:7 66:23 70:1 72:4 76:4,10 78:5 79:4 81:20 85:3 85:12 86:1 88:11 90:4 91:6 91:21,22 93:1 93:25 97:19 98:8 99:13 100:6,8 102:7	103:19,21 104:19 106:9 106:12 110:11 113:18 117:3 118:24 121:19 123:17 125:7,7 125:9,10 126:7 128:10,22 129:7 131:7,24 132:11 133:1 133:18 134:6,8 134:11 135:7 136:9,15,16,17 137:15 138:1,3 138:14 139:8 139:20 140:6,9 140:11 142:8 142:20 144:10 145:21 146:21 148:20,21 154:11 155:11 157:1,11,21,23 157:24 158:9 158:19 159:2,4 160:21 163:10 165:1 167:6 172:9 173:1,5 181:24 185:1 187:8 188:21 189:4,18 191:23 196:21 200:21 203:5 203:21 204:23 210:23 212:22 213:10,14 215:15 questioning 134:8 139:14 questions 4:5 5:15 9:7 13:18 16:3 27:5 46:10 47:3,11,12 49:15,16 50:24 51:16,18,18 54:7,8,15 56:15 56:25 57:1 62:18 68:22	69:16 71:19 76:1,2,2,19,20 76:21 78:25 79:2,19,19,20 82:18,18,19 85:10,11,12 90:2 93:21,21 93:23 97:16,17 97:18,21 100:3 103:5,17,24 106:16 107:20 109:25 112:21 112:22 116:14 118:4,5,5,6,22 118:23 123:15 123:21 134:3,5 135:18 136:7 136:14 137:14 138:5 139:17 139:18 140:5,5 142:19 143:13 148:19,19 154:9 157:14 157:22 160:3,5 160:13 163:2 164:24 166:21 172:6,23,25 174:18 179:3,4 181:16,22 182:12,13 184:17 186:23 188:19,20 189:5,5,18 191:12 195:2,4 195:4 196:18 196:19 203:19 204:20,22 207:1,4,5,6 209:3,4 212:20 213:22 215:2,3 quibble 20:2 quick 19:17 quickly 66:12 195:14 quicksand 131:9 quite 85:18 94:19 101:10 199:20	203:24 quo 73:17 89:21 quorum 2:1 quote 131:15 quotes 30:17 <hr/> R <hr/> R 217:1 race 14:15 24:14 racial 13:24,25 14:6 35:16 raise 2:7 raised 11:1 154:9 176:15 215:17 raises 86:22 raising 49:3 ran 15:8 25:17 random 81:4 range 198:16 ranking 115:6 rapid 32:15 35:21 rapidly 98:25 rate 73:6,13 74:9 78:22 79:8 80:1 80:19,20,22 81:16,17 86:18 86:18,19,25 88:18 89:15,23 104:11,15,21 104:25 105:4 ratepayers 74:8 75:23 78:1,19 rates 89:2,3,5 100:17 ratio 153:24 154:15 159:17 197:2 201:19 202:1 205:3 ratios 159:16 197:8 reached 59:13 171:8 215:18 reaction 159:9 read 2:12,13 7:4 14:13 15:20,22 40:8 45:20,22
--	--	---	---	---

47:7,14,15 48:2 49:10,17,18 50:8 51:11,18 51:21 52:10 54:10,18,19 55:11,24 56:18 57:2,3 61:7 62:14,20,22 63:23 64:4 65:20 66:3,4 67:5,18 68:1 69:9,17,18 70:7 71:12,21,22 72:11 74:22 75:3 78:8 81:24 85:7 106:19 107:11,22,25 108:14 109:16 110:2,3,18 112:13,23,25 113:25 114:4 114:10 116:7 116:16,18 117:13 118:15 121:4 126:18 126:23 139:11 142:23 147:1 147:20 148:1 149:11,16,18 150:16 152:24 153:5 160:9,14 160:15 161:7 162:20 163:4,5 163:22 165:13 166:13,23,24 167:15 168:15 169:8 170:5,12 179:1,6,7,18 180:3,17,24 181:18 182:15 182:16 183:11 184:8,19,20 185:8 186:14 186:24 187:1 187:15 188:12 189:21 190:2 191:3,14,15	192:5 193:6,13 196:15 207:16 208:6 211:1,8 212:3 reading 30:17 105:17 106:18 146:24 164:14 164:15,16,22 189:21 207:9 reads 127:13 144:16 ready 109:5 125:8 150:16 real 38:5 77:12 104:19 137:9 205:10 realities 100:18 reality 130:1 realized 156:2 really 28:14 29:21 34:3 37:18,19,22 38:1,1 59:10,15 64:14 76:13 77:18 88:16 92:22 93:18 102:22 103:10 105:14 111:4 113:9 122:14 136:12 142:10 149:2,2 155:17 168:3 175:4 177:16,16 178:8,20 199:10,24,24 201:12,21 203:6 204:4,8 207:1 reapportion 21:21,21 reapportionme... 42:5 reason 8:7 9:23 18:21 19:12 20:5 32:25 40:12 41:15,22 83:3 88:25	102:12 119:12 123:8 159:13 reasonable 78:18 78:23 79:8,13 79:14 80:1,11 80:14,19,20 81:16,17 204:9 reasonableness 79:16 80:21 reasons 8:8 recall 6:3 23:6 76:11 138:9 209:9 recap 164:19 receive 115:7 123:12 147:16 197:19 214:20 received 6:19,24 38:2 151:1 209:14 receives 40:18 recess 209:18 recognition 103:8 124:5 recognize 41:2 49:4 55:8 115:25 201:4 recognized 3:2 4:6,13,18 5:7 5:15 6:1 7:22 8:3,17,22 9:8 9:17 11:20 12:2 12:18,24 13:8 13:14,19 14:3 14:10,18,23 15:4,14 16:4,7 16:17 17:7,17 18:14,23 19:15 19:25 20:18,24 22:17,23 24:24 25:6,21 26:2,18 26:25 27:6 28:12 29:10 31:1 32:2 33:4 34:14 37:11,13 39:7,25 43:5 45:8 46:2 48:7	49:3 50:13 52:13 53:17 55:16 56:4 57:10 59:3 61:11 63:4 64:9 66:10 67:11 68:6 69:24 70:14 72:17 75:9 76:3,23 78:14 79:3,22 80:7 82:4,22 84:4 85:12 93:25 97:19 100:13 103:8 103:21 106:25 108:7,18 110:24 113:5 114:18 116:23 117:17,18 118:23 123:16 124:5 126:7 132:11 133:18 134:6 136:9,24 140:1,6 142:20 147:7 148:7,20 149:23 150:22 153:11 154:11 155:11 160:6 161:13 162:2 164:4 165:19 167:5 168:20 169:14 170:17 172:8 175:18 176:4,13 178:5 179:12 180:9 181:5,23 182:5 182:22 183:17 187:20 188:7 188:21 189:4 190:8 191:23 192:11 193:19 196:20 203:21 204:23 207:21 208:14 209:6 210:13 211:14 212:9,22 215:4 215:15	recognizes 187:23 Recognizing 61:20 recommendation 2:13 95:4 190:14 recommendati... 90:13 reconsider 167:24 record 45:16 120:14 125:16 126:21 179:23 183:7 recording 216:3 217:5 records 50:11,19 51:15 52:1 53:5 114:2 117:15 118:18 119:11 119:11 120:1 134:5 146:6 170:23 178:14 178:17,19 recourse 175:3 175:14 recovered 58:21 recovery 74:1 recruit 203:9 red 38:24 124:2 124:13,18,22 redistrict 21:23 redistricting 3:5 12:15 16:23 18:1 22:6 23:5 23:7 28:16 31:11 36:22 redress 175:14 reduce 33:14 161:15 169:4 199:25 reduced 197:15 reducing 48:15 reduction 73:13 refer 126:10 142:22
---	---	--	--	--

reform 201:19	147:4 149:20	93:22 103:18	require 51:6	respectfully
refusal 131:15	150:19 153:1	renewal 108:22	88:24 119:7	178:23
regard 88:4,11	160:18 161:10	Reock 43:7,25	158:13	respond 104:3
136:19 179:19	162:23 163:8	Rep 66:19	required 9:5	131:21 136:24
regarding 137:19	163:25 165:16	repeals 68:15	15:10 24:5	155:20 156:15
regardless 201:2	166:16 167:2	185:20	53:21 65:15	172:15 213:6
registered 24:10	168:17 179:9	repeat 97:22	156:21 158:2,3	responders 58:16
24:13,14	180:5,21	100:8	159:7 190:12	response 86:2
150:24 183:21	182:19 183:13	replacement	197:7	103:23 138:4
194:24 197:9	184:11,22	177:11	requirement	197:11 199:22
registration	185:11 186:18	replaces 3:4	148:10,12	206:12
24:15 108:17	187:4,18	replacing 200:9	requirements	responses 91:5
109:21 110:8	188:14 189:24	reply 80:10	28:24 51:15	responsibilities
regular 81:7	190:5 191:7,19	report 75:17,20	52:1 117:24	21:11,15
regulation 68:9	192:8 193:10	76:7 194:19,24	requires 2:5	responsibility
161:11	207:19	reported 16:13	50:16 53:1	5:11 21:12,19
regulations	relationship	reporting 111:9	83:25 86:17	22:4,4 23:3
162:23 163:8	30:14	185:22	112:6 147:11	135:21 145:18
reimbursement	relative 200:20	represent 34:20	147:14 174:14	responsible
115:7 169:1	relax 134:22	representation	185:18 194:12	68:10,15 81:6
reinstated 69:3	release 58:23	32:11,16 35:24	requiring 48:16	rest 32:19 41:5
relate 135:24	171:24 178:13	36:17	48:19 158:11	115:13
related 46:4	178:17,19	representative	194:5	restate 125:7
48:10 52:23	released 38:6	2:24 60:16	reroute 194:17	restrain 57:18
53:3 170:8	reliable 77:17	114:20 115:23	rescue 58:15	restraint 61:8,14
relates 4:24	relied 14:25	representatives	research 39:3	61:19 62:16,24
14:15 84:15	159:16	2:17 6:8	90:12 199:8	restraints 61:16
197:9	relocated 42:1	represented	resembles 3:20	61:17,22
relating 45:25	rely 43:3	176:17	resident 32:19	restrict 61:18
47:9,17 48:5	remain 41:6	representing	194:1,20 197:7	restricting 64:13
49:13,21 50:10	175:10	57:22	199:3,4 200:1	restroom 200:8
51:13,24 52:12	remedied 201:1,8	Republican	200:24 201:5	result 88:6 198:4
54:14,23 55:13	remedy 173:18	16:11 24:8	resident's 193:24	203:1
56:20 57:5 61:8	remember 10:14	30:18 51:20	194:2,3,6,7,9	retail 73:6,13
62:16,24 64:1,7	44:13 197:16	103:12 124:17	194:11,13,14	78:22 86:18
65:22 66:7 67:8	204:15	124:24,24	residential	94:18 155:15
67:20 68:4	remembering	125:3,4 179:5	187:18 188:15	retailers 117:21
69:12,22 70:10	135:4	182:14	residents 32:24	retain 11:9 203:9
71:15 72:1,14	remind 12:22	request 10:9	194:22 195:1	retrograde 7:9
74:25 106:22	remove 2:24	17:22 18:9,12	195:25 197:19	return 196:5
107:14 108:2	39:14 52:24	20:7 137:20	201:4 205:11	returning 2:10
108:16 109:20	194:15 206:5	162:11	resilience 75:22	revamps 46:5
110:7,20	rendered 143:25	requested 123:22	resolution 42:24	revealed 128:20
112:16 113:2	renewable 72:15	125:12 128:10	respect 36:15	reveals 13:4
114:2,7,13	75:24 76:14	214:1,23	38:4 105:14,15	revenues 90:23
116:9,20	78:17,21 82:11	requests 2:19	173:4,21	104:24
117:15 118:18	82:25 83:1	54:2	respected 31:5	review 3:9 15:25

22:3 144:3,21 145:8 162:7 170:23 194:25 reviewed 105:2 revise 91:24 revised 69:2,2 revising 92:1 revision 92:2,7,8 revisions 72:20 Richard 60:2 Rico 35:20 rid 37:22 53:8 166:8 ride 51:1 Ridiculous 36:6 right 13:11 25:4 26:20 27:14,18 27:21,22 28:4,6 28:10 36:5,7,8 38:17 77:23 78:23 82:7,10 82:13 84:21,25 86:7 87:12 88:5 90:9 101:11,23 105:19 110:23 114:17 124:7 128:3 140:15 144:13 152:14 157:20,21 176:7 177:16 177:21 178:16 180:3 187:23 193:25 201:1 201:13,18,25 206:23 210:9 210:17 Rights 10:7,22 18:2 28:20 risk 61:22 road 19:13 55:21 56:12 59:25 92:20 106:6 roads 41:24 robbing 32:14 rocuronium 132:17 Rod 13:17	Rodrigues 3:1,3 4:12,14,20 5:6 5:8,18,25 6:2 8:2,21,23 9:16 9:18 12:1,3,24 12:25 13:13,15 14:2,4,12,17,19 15:3,5 16:16,18 17:16,18 18:22 18:24 19:18,24 20:1,20,23,25 22:22 23:1 25:5 25:7 26:1,3,24 27:1,9,12 30:12 32:4 33:3 37:11 37:17 39:25 40:1 45:7,9 173:16 208:22 209:6,8 211:3 211:11,13,14 211:16 212:6,8 212:11,21 213:5,7,15,16 214:5,6,16,17 215:6,23,24 role 158:22 173:21 roles 156:1 158:21 roll 181:10 183:3 rolled 164:21 207:5 roof 84:23 89:12 97:1 rooftop 72:24 75:18 86:9,9,16 88:21 98:12 103:3 room 26:12 202:18,21 round 10:1 23:5 23:6 Rouson 76:3,5,11 181:23,25 182:7 route 177:13 row 134:19	143:10,18,23 144:13 146:1 ruined 175:13 rule 2:11 74:5 106:17 146:23 186:8 189:20 207:8 rulemaking 74:5 74:11,12 99:5 159:18 rules 27:17 36:8 47:13 54:17 57:2 62:19 66:3 71:20 73:5 74:3 107:21 110:1 112:22 116:15 149:16 153:20 160:13 163:3 166:22 184:18 190:13 191:13 ruling 139:10 173:20 174:11 run 23:19 67:14 193:1 running 165:8 Ryan 121:6 <hr/> S S 173:16 S035C8060 3:5 sacrificed 114:24 sad 38:24,24 58:8 58:8 safe 61:21,25 156:2 safely 159:23 safety 64:14 65:3 126:3 151:14 155:7 187:23 194:21 195:11 Sandoz 131:14 Sandra 147:22 148:4 satisfied 39:14 saving 87:20 saw 38:9 42:5 58:5,5	saying 7:24 40:5 78:7 79:13 81:22 85:5,21 85:21 87:9,20 89:13 119:23 129:15 160:8 210:24 says 4:9 5:1,2 31:15 60:13 82:9,14 115:10 126:19 146:12 150:15 213:17 SB 59:9 107:4 109:15 146:25 scale 205:11 schedule 156:5 scheme 177:5 school 53:1 61:16 61:23 111:3,20 112:6 115:8,15 147:16 148:10 148:24 211:19 schools 61:9,16 62:17,25 111:5 111:18 114:8 147:5 149:21 155:15 Science 70:18 scientific 70:20 95:16 scope 69:3 screen 215:14 scrutiny 22:2 sea 124:12,18,22 seat 6:11,12,15 6:16,18 7:15 17:10 23:7 24:20,21 seats 6:11,14,17 6:23,24 7:1,7,8 7:19 8:13 17:2 17:3,4 18:17 25:10,12,18,19 38:8 Seclusion 61:14 second 21:19 23:18 40:24	73:18 98:21 105:17 164:15 173:19 193:22 secondary 3:17 11:7 12:13 secrecy 173:10 secret 63:5,6 171:7 Secretary 2:1 45:14 143:2 179:22 183:6 207:14 Secretary's 143:3 section 10:7,22 18:2 144:15 164:11 174:10 209:9 securities 177:7 sedative 135:8 see 10:9 15:10 17:13 18:16 19:3,11 25:18 32:25 35:1,23 36:18,18 37:5 44:21 83:3 84:18,19 87:23 88:8 92:18 101:15 119:24 122:23 123:20 159:8 seeds 196:12 seeing 38:14 seek 155:2 seeking 91:24 seeks 80:17 seemingly 173:12 seen 38:7 85:17 92:3,4,15 95:3 97:10 141:2 159:21 176:20 177:2 sell 120:3 Seminole 5:20,23 32:20,22,24 senate 1:14 2:3 2:11,13,16,18 2:19,21 5:19,22
---	---	---	---	--

7:3,9,25 8:10	8:18,21,23 9:7	65:9,12,17 66:2	105:22 106:8	131:8,20,22
8:19 10:16	9:9,16,18 11:19	66:10,12,23	106:12,13,13	132:1,4,5,12,20
12:20 14:7	11:21 12:1,3,17	67:11,11,13,24	106:25 107:1,2	132:21 133:2
16:13 21:23	12:19,23,23,25	68:5,7,23,25	107:6,7,9,21	133:13,14,17
25:3 31:4 32:10	13:7,9,13,15,17	69:6,17,24,25	108:6,7,9,12,17	133:19,19,23
39:18,22 42:23	13:18,20,21	70:13,15 71:2,6	108:17,18,19	133:24,25
43:8 45:10,24	14:2,4,9,11,12	71:20 72:4,16	109:4,8,13	134:7,9,16,17
46:17 48:4	14:17,19,22,24	72:17,19 74:18	110:1,9,10,22	134:18 135:8
50:10 51:10	15:3,5,13,15	75:6,8,11 76:3	110:23,24,25	135:10,11,14
52:11,17 55:9	16:4,5,9,16,18	76:5,9,10,22,24	111:25 112:3	135:16,17,17
55:12 61:7,15	17:6,8,16,18	76:25 77:10	112:10,22	136:8,10,10,17
63:15,16,19,25	18:13,15,22,24	78:11,13,15	113:5,7,16,17	136:23,25
64:6,16 65:15	19:14,16,18,24	79:1,2,3,5,11	114:15,16,16	137:16,22,23
65:18 67:7,20	20:1,17,19,23	79:12,18,19,22	114:17,19	138:2,3,5,10,11
67:24 68:3,13	20:25 22:18,22	79:23,24 80:6,9	115:18,22	138:15,25
69:7 70:9 71:10	22:24 23:1	80:10 81:19	116:2,3,4,15,23	139:1,9,12,13
72:13,20 73:24	24:23,25 25:5,7	82:1,3,5,18,20	116:25 117:2	139:16,20,22
103:14,16	25:20,22 26:1,3	82:21,23 83:8,9	117:12,16,19	139:22,25
106:21 107:10	26:19,24 27:1,6	83:22,23 84:3,5	118:6,6,9,11,12	140:2,5,7,8,17
108:15 109:10	27:8,11 28:12	85:2,11,13,24	118:23,25,25	140:18,20,21
110:19 112:12	28:13,16 29:10	85:25 87:1,3,10	119:4,5,5,8,9	141:9,10,12,13
114:1,6,13	29:12,17,21	87:11,16,17	119:10,15,16	141:17,18,20
115:23 116:5	30:6,12 31:1,3	88:1,2 89:8,9	119:17,18,21	141:21,25
117:11,14	32:1,3,4 33:3,5	89:17,18,25	119:22 120:4,5	142:1,7,9,13,14
118:8,14	34:7,8,14,15	90:1,16,17 91:2	120:9,10,11,12	142:17,19,20
124:21 125:5	35:17 37:11,12	91:3,19,20	120:17,18,23	142:21,23
147:3,9 149:19	37:14,17 39:7,9	92:24,25 93:5,6	120:24 121:2,3	143:7,8,12,13
150:19 152:23	39:24,25 40:1	93:20,23,24,24	121:18,20,23	144:6,7,9,11
161:6,9 162:18	45:7,7,9 46:1,3	94:1,4,5,8,9,12	121:25 122:1	145:13,14,16
165:12,15	46:11,14 47:5	94:13,25 95:1,6	122:12,13,14	145:20,22
166:11 168:14	47:13,20 48:6,7	95:7,14,15,18	122:25 123:1,6	146:10,17,18
168:17 170:4	48:9 49:5,6,8	95:19,25 96:1,7	123:7,14,15,18	146:20,25
180:2,5,16	49:16,24 50:13	96:8,14,15,17	123:19,24,25	147:6,8,10
182:8 183:13	50:13,15,25	96:18,22,23	124:6 125:8,10	148:6,8,17,21
184:7 185:10	51:1,4,8,17	97:6,7,15,16,20	125:13,14,18	148:21,22,23
186:12 187:17	52:3,12,14	98:5,6,7 99:14	125:19,20,21	149:9,11,15,23
188:10 190:4,7	53:16,18 54:9	99:20,21 100:6	126:8,8,15,16	149:24 150:1,6
191:2 192:7	54:10,16,17,25	100:9,12,14,20	126:23,24	150:7,13,14,15
193:5 198:4	55:15,17 56:1,3	100:24,25	127:1,2,5,9,10	150:21,22,23
208:25	56:5,9,11,15	101:4,7,8,18,21	127:13,19,20	151:20,22,25
Senate's 15:1	57:1,8,11,12,14	101:22 102:8	128:1,4,5,8,15	152:6,12,15,17
35:8 181:8,14	57:17 58:3,9,11	102:20,21	128:16,17,23	152:20 153:8
senator 3:1,3 4:6	58:24 59:5,9	103:5,7,9,17,19	128:23 129:1,2	153:10,12
4:7,12,14,17,19	60:14,15,19	103:20,22,23	129:6,8,9,14,19	154:9,10,10,13
4:20 5:6,8,15	61:10,11,12	104:2,4,9,13,14	129:20,21	154:14,17,18
5:17,18,25 6:2	62:5,8,9 63:3	104:18,22,23	130:7,10,11,12	154:19 155:10
7:21,23 8:2,16	64:2,8,9,11	105:2,5,6,11,21	130:20 131:1,2	155:12,13,19

155:21 156:10	187:19,20,22	senators 2:4,9	141:21,22,24	159:16 177:8
156:11,14,16	188:6,8,9,20,22	45:15,20 47:22	142:25 143:19	seven 73:5 88:13
156:17,25	188:23 189:1,2	50:1,2 52:5	144:25	99:24
157:2,5,6,10,12	189:3,4,5,7,9	54:8 55:2,7	sentencing	severability 41:2
157:17,20,21	189:10,15,16	57:23,24 60:12	143:16 146:2	41:4
157:23,23,25	189:17,18,25	61:2 63:9,14	separate 99:22	severe 92:11,14
158:1,5,6,8,10	190:6,8,9,20,23	66:25 68:8 70:2	separation 50:20	171:20
158:17,18,19	190:25 191:13	70:2 72:6 78:6	174:6	severity 142:3
159:1,3,11,12	191:21,22	81:21 82:17	separations	sexual 171:2
160:6,13,21	192:9,10,10,12	83:21 85:4	38:15	176:21
161:6,12,14	192:17 193:3	103:16 106:16	sergeant 2:7	shape 126:11
162:2,4,17	193:16,20	110:12 113:19	serial 177:1	share 24:12 30:6
163:3,9,19	195:6,8,9,18	117:4,4,11	serious 61:22	77:1 87:22
164:3,5,16,19	196:19,20,22	118:5,13	93:17 171:6	175:20 199:15
164:23,25	197:4,5,23,24	142:18 146:24	seriously 174:25	shark 153:13
165:8,10,18,20	198:5,6,8,9,12	150:8,13	serve 3:14,24	sheer 34:3
165:24 166:1,2	198:13,17,18	151:10 160:23	46:21 52:18	shell 193:1
166:7,10,22	198:24,25	163:11,17	served 65:1	sheriff's 64:19
167:5,13,16,18	199:6,7,13,14	165:2,3 167:8,9	171:11	181:9,13 183:1
167:21,22,25	200:2,3,4,15,16	168:1,3,7,23	serves 53:22	sheriffs 67:21
168:1,2,3,4,8	201:9,10,11	179:20,22	service 48:13	180:6,21
168:14,15,19	202:3,4,23	183:6 185:3	74:7,10 75:13	182:19
168:20,22	203:3,4,12,13	187:10 191:25	84:13 90:12,18	shift 72:22 77:17
169:11,13,14	203:14,20,20	204:14 207:9	114:23,25	80:2 86:4,5,24
169:16,20,23	203:22,23	send 10:16 11:15	115:11	87:4,5,6 88:5
170:2,14,16,18	204:11,12,15	11:23 19:3,19	services 67:22	90:13 94:20
172:3,7,7,8,10	204:22,23,24	20:6,12 29:24	68:4,10 69:12	96:9,20 97:9
172:14,16,16	205:2,6,7,19,20	33:25 36:24	69:22 75:15	98:11,16,19
172:22,23,24	205:23,24	39:1 40:14 81:2	78:18 111:5,15	101:13,16,19
172:25 173:3,4	206:3,4,7,8,10	152:18 214:13	111:19,21	101:24 102:4
173:5,15	206:11,15,16	sending 20:22	112:9 113:11	103:25 104:5
174:16 175:17	207:1,3,12,20	40:17 182:10	180:7 183:15	105:23 106:1
175:19 176:4,5	207:21,22	senior 193:21	183:20 184:13	shifted 86:23
176:7,12,14,16	208:9,15,21,22	sense 31:19 83:14	184:24 185:12	87:13,14
176:16 178:4,6	209:5,6,8,10,20	122:6,7	185:16 186:19	short 204:19
178:15,24	209:20 210:4	sent 5:1 8:6 13:12	187:5 197:18	shortage 132:18
179:5,12,14,15	210:12,14,19	14:14 15:23	198:22 199:11	197:12 205:21
179:15,16	211:3,11,13,16	20:8 28:3 29:20	200:12,13	shorten 64:25
180:10,14	212:6,8,11,22	30:8 37:20	201:4	shoulder 93:9
181:2,4,6,23,25	212:23 213:5,7	38:19 42:24	serving 75:18	shouldering 88:9
182:1,4,6,7,21	213:9,11,15,16	64:24 130:21	session 1:14	show 48:1 50:7
182:23 183:16	213:23,24	171:9 177:10	11:16 27:20	52:9 55:6 56:9
183:17,18	214:5,6,11,12	194:13	41:1 61:15	61:6 64:4 67:4
184:1,4,6,18	214:16,17	sentence 138:17	146:11 176:8	67:18,25 70:6
185:1,13,14,15	215:2,3,4,5,6	142:24 143:1	set 26:14 77:15	72:10 90:14
186:2,5,11,13	215:11,14,16	171:12	94:16,17 97:5	110:17 113:24
186:24 187:7,7	215:23,24	sentenced 138:18	149:1 151:11	114:3,9 117:10

126:24 150:12	8:2,16,21 9:6	92:24 93:5,20	138:10,13,25	186:1,11,20,23
161:2 167:14	9:16 11:19 12:1	94:4,8,12,25	139:7,12,19,25	187:6,14,19
179:1,6 180:1	12:17,22 13:7	95:6,14,18,25	140:4,17,20	188:3,5,9,16,19
180:17 181:18	13:13,17 14:2,9	96:7,14,17,22	141:9,12,17,20	189:1,3,9,15,17
182:16 183:10	14:17,22 15:3	97:6,15 98:5	141:25 142:7	189:25 190:6
185:7 187:14	15:13 16:2,7,16	99:12,20 100:3	142:13,17	190:17,20
192:4 196:11	17:6,16 18:13	100:7,12,19,24	143:7,12 144:6	191:9,12,21
showed 59:7	18:22 19:14,24	101:3,7,17,21	144:9 145:13	192:4,9,14
showing 177:3	20:17,23 22:16	102:6,20 103:4	145:20 146:17	193:3,11,13,18
215:12	22:22 24:23	103:15 104:2,8	146:20 147:6	195:2,7,15
shown 50:25	25:5,20 26:1,17	104:13,17,22	147:18,20,23	196:10,18
shows 24:19	26:24 27:4	105:1,5,10,21	148:1,6,17	197:4,23 198:5
90:24	28:11 29:9,15	106:7,11,15,24	149:7,15,22	198:8,12,17,24
side 30:12,16	30:25 32:1 34:7	107:5,8,17,20	150:6,12,21	199:6,13 200:2
123:20 151:15	34:13 37:10	108:5,11 109:1	151:16,19	200:15 201:9
192:22,22	39:6 45:12,19	109:4,13,22,25	152:2,10,14,20	202:3 203:3,12
209:23	46:1,7,10 47:3	110:9,17,22	153:3,5,10	203:19 204:11
sides 30:16	47:11,19 48:1,6	111:22,25	154:8,17	204:20 205:6
201:13,20	48:24 49:2,8,23	112:10,18,21	155:10,19	205:19,23
209:25	50:7,12,21,24	113:4,16,24	156:10,14,25	206:3,7,10,15
sign 19:4,5 40:18	51:8,16 52:2,9	114:3,9,15	157:5,10,15,19	207:3,20 208:4
40:19 48:12	53:12,16 54:7	115:18,22	158:5,8,16	208:6,11 209:3
signal 63:5,6	54:15,24 55:6	116:4,11,14,22	159:1,11 160:3	210:12,16,22
167:6	55:15,22,24	117:2,10,16	160:12,20	211:5,8,13,25
signature 10:17	56:3,8,14,22,25	118:1,4,12,19	161:2,12,22	212:3,8,20
signed 20:15 21:6	57:7,23 60:12	118:22 119:4,8	162:1,17,24	213:5,9,15,22
217:18	60:19 61:1,10	119:16,21	163:2,9,16	214:5,11,16
significant 92:3,4	62:2,5,11,18	120:4,9,11,17	164:3,13 165:7	215:1,9,13,23
92:16 102:5	63:1,4,13 64:2	120:23 121:2	165:18,22,25	Simpson's
121:11 197:12	64:8 65:6,9,17	121:18,25	166:10,18,21	117:17
199:17 205:10	65:24 66:2,9,22	122:12,25	167:4,14,20,25	single 32:14
signify 78:7	67:4,10,17,23	123:6,14,24	168:13,19	single-member
81:22 85:5	68:5,19,22 69:6	124:20 125:13	169:6,8,13,19	3:11,18
160:8 210:24	69:13,16,23	125:17,19	170:2,10,12,16	singular 22:1
similar 46:15	70:6,12,24 71:2	126:6,15,22	172:6,14,22	sir 45:13 53:11
65:13 162:5,18	71:8,17,19 72:3	127:1,4,9,12,19	175:17 176:2	159:25
170:3 196:25	72:10,16 74:18	127:25 128:4,7	176:12 178:4	sit 37:19 106:24
simple 33:15	75:1,3,8 76:1,8	128:15,21	178:25 179:3	202:18
64:12 69:1	76:19 77:8 78:4	129:1,5,8,13,19	179:11,21	site 58:12,25
136:1	78:13,25 79:11	130:6,10,19	180:1,8,14,22	sitting 28:6
simplicity 29:22	79:18 80:6	131:1,6,20,24	180:24 181:4	202:21
simply 77:17	81:19 82:3,17	132:4,10,20,25	181:16,22	situation 22:5
80:18 82:6 84:8	83:6,20 84:3	133:13,17,23	182:4,11,20	54:5 76:11
177:7	85:2,10,24 87:1	134:3,16 135:6	183:5,10,16,23	102:13 143:17
Simpson 2:3,15	87:10,16 88:1	135:10,13,16	184:1,5,14,17	179:17
3:1 4:5,12,17	89:8,17,25	136:7,15,23	184:25 185:7	situations 120:2
5:6,14,25 7:21	90:16 91:2,19	137:14,22,25	185:13,23	six 153:22 154:6

156:19,19 157:3 158:15 159:18 171:13 skip 15:15 slain 202:22 slow 192:25 slows 162:12 small 88:6 smooth 92:22 social 75:23 76:7 76:18 Society 132:18 Sofia 60:7,9 soil 70:22 solar 72:25 73:7 75:16,18,21 77:3,17,21,24 83:17 84:22 86:9,10 87:12 87:13,21,25 88:12,14,21 89:12,20,20 91:8,9 92:3 93:7,9 95:9 96:25 97:24 98:1,12,23 99:4 99:7,8,18 100:1 101:11 102:16 102:16,24 103:2,3 105:24 solely 10:25 solicitations 48:16,19 solid 29:19 131:4 solution 205:18 solved 203:17 somber 119:6 137:4 somebody 34:4 83:1 84:9 119:1 119:19 122:1,5 122:8 133:21 162:9 201:7 someone's 137:5 somewhat 76:15 196:24 soon 91:13	sorry 13:5 16:5 100:15 102:9 136:4 140:22 182:12 195:22 199:3,5 206:11 sort 113:13 143:25 145:23 155:2 174:19 199:8 sound 29:19 sounds 196:12 source 123:11,13 South 35:5 41:10 57:25 spam 214:22 Sparky 141:5 speak 17:20,21 18:19 26:5 85:23 156:12 194:22 200:17 214:18 speaker 214:1 speaking 87:6 91:12 101:2 155:13 special 11:16 45:21 48:21 63:15 103:6 124:2,5,21 142:5 167:15 168:6 211:20 specialists 200:10 specific 95:10 specifically 35:22 55:20 73:1,4 129:16 198:14 specificity 200:17 specifics 73:2 speculate 18:25 speeds 65:14 spend 36:24 spending 96:25 181:10 211:18 215:21,25 spent 58:25 59:16 209:15 209:17 210:6	spirit 4:24 29:19 splits 9:11 spoke 90:5 91:12 102:13 spoken 77:13 94:10 95:2,5,8 95:8 sponsor 2:13 93:23 103:19 106:17 146:22 189:2,19 196:19 207:7,7 209:15 sponsorships 168:10 spread 86:25 squad 143:25 squads 145:11 Stacy 60:7 staff 4:20 13:1 14:7 15:11 30:3 37:18 53:22 66:17 staffing 197:2,12 199:23 201:17 201:19,22 202:1,2 203:6,7 203:10 205:3 206:1 staged 177:20 stain 36:5,6,9,11 36:12 37:7 stakeholders 46:19 154:22 202:8 stand 39:1,22 91:24 106:23 107:16 108:4 164:2 177:21 standalone 209:24 standard 122:20 147:16 154:7 156:20,23 standardizes 169:3 standards 15:10	18:1 54:4 70:21 147:12 192:24 197:17 204:5 206:19 standby 114:16 standing 38:25 70:13 114:20 162:13 standpoint 210:9 stands 37:6 174:14 Stargel 12:23 start 6:9 96:11,15 100:22 148:25 151:11 178:8 198:20 started 42:17 182:9 197:1 state 2:23 3:11,18 7:3,4 21:17,23 21:24 31:6 32:6 35:25 36:23 37:8 41:24 42:8 42:23,24 48:15 57:22 72:24 80:12 83:4,24 84:6,25 91:24 92:5,6 94:3 99:24 108:21 108:21 111:3 113:9 115:1,11 119:2,3,6 122:4 122:11 129:11 129:16 130:22 130:23 131:15 135:20,20 136:21 137:4 138:21 141:23 142:10 144:18 145:9 147:11 167:20 172:12 173:7 177:15 186:7 195:22 200:21 208:2 state's 72:21 190:13 stated 11:5 68:11	153:17 statement 4:25 79:7,10 131:13 131:19 states 75:15 78:16,19 88:8 89:2 90:8,9 91:23 92:1,2,13 95:3 97:10 122:20 138:17 139:3 143:24 144:19,20,20 144:24 145:6 145:11 206:13 statewide 24:8 64:17 103:1 168:25 status 73:17 89:21 statute 125:20 126:9,12,17 138:16,20 159:24 173:21 173:23 213:20 statutes 111:6 174:7 stay 58:15 staying 45:21 stays 160:1 steal 210:19 steered 171:19 Stella 60:5 step 26:8 57:15 73:1,6 95:22 122:10 Stewart 66:14 stick 156:9 stockade 171:12 Stoneman 111:3 113:11 stood 150:16 stop 20:21 122:8 157:16,19 182:25 192:25 stopping 122:11 stops 182:25 stories 88:19
---	--	---	--	---

stormwater 190:13	177:18	63:24,25 64:5,6	207:18 211:5,8	supplies 117:21
straight 7:24 61:19	submitted 53:25	65:21 66:6 67:6	211:10,14	support 31:21
straightened 63:21	submitting 33:13	67:7,7,19 68:2	212:1,4,5,10,18	33:2 35:13 45:6
Street 1:24 55:19	subordinates 151:6	68:3,24 69:1,10	212:21	60:11,17 78:2
stretched 10:19	subpoena 137:20	69:11,20,21	substituted 47:6	83:19 85:1
stretches 9:21 20:10	subpoenaed 137:2	70:8,9 71:5,7	49:9 51:9 54:9	100:1 113:15
stretching 17:24	subpoenaed 137:2	71:13,14,14,24	56:16,18 62:13	178:2 179:20
strides 111:4	subsection 142:23	71:25,25 72:12	65:10,18 69:7	209:2 210:11
strong 38:20 82:25	subsections 24:9	72:13,13 74:17	107:3,10 109:5	supporters 209:13,16
student 32:22 53:24,25 54:4 148:10	subsections 24:9	74:20,23,24	109:15 112:12	supporting 17:22 114:25
student's 54:3	subsequently 164:12	106:20,21	115:24 148:7	supposed 36:9
students 61:8,23 61:25 62:16,24 110:21 111:5 111:14 112:17 113:3 147:14 148:24 149:4 155:14 183:21	subsidiary 128:14	107:13 108:1	162:18 163:19	Supreme 7:3 9:25 10:4,11 16:22 17:21 18:10 20:8 144:17,19,20 144:23 145:5,6
studied 80:10,23 81:2 94:15 96:13 97:14 179:18	subsidiaries 99:15	109:14,14,18	163:20 164:20	sure 11:15 27:13 36:24 37:24 63:22 67:15 77:1,22 81:8,10 86:12 97:8 100:10 111:9 111:10,13,17 111:20 113:10 113:12 126:3 127:23 135:18 156:8 175:24 176:10 183:1 195:22 196:5 196:13 200:25 201:22 205:14 205:17
studies 90:11 94:2	subsidiarization 77:20	109:19 110:5,6	166:11 180:16	
study 52:21 80:12 86:4 90:20 94:6,22 95:23 96:1,3,5 96:6,16 97:2,3 98:3,14,24 100:17	subsidize 75:24 93:9 96:24	112:2,11,15	184:7 186:12	
stuff 60:1 174:23 208:25	subsidized 74:7 78:19 88:18	113:1 114:12	188:10 191:1	
stunt 67:8 165:16	subsidization 77:20	116:1,5,8,19	substituting 62:7 71:9 118:14	
stylistic 170:1,3	subsidize 75:24 93:9 96:24	147:24 148:1,3	suburbs 5:20	
subcommittee 7:15	subsidized 74:7 78:19 88:18	148:18 149:9	success 52:20	
subject 11:18 146:1 171:25 172:20 175:25	subsidized 74:7 78:19 88:18	149:11 150:18	successfully 59:8	
	subsidy 72:23,24 77:13 80:2 85:22 92:23 94:16,18 96:12 96:20 98:10,16 105:23	151:23 152:21	sudden 173:13	
	substance 3:5 169:1	152:22,22,25	sued 136:2	
	substantial 129:24	160:17 161:5,5	suffer 196:8	
	substantially 77:7 162:5 169:25	161:6,8,9,9	sufficient 206:18	
	substantive 166:3	162:21,22	suggest 80:1,14 84:1 93:11 143:14 202:13	
	substantively 190:25 191:1 192:19	163:6,7,18,18	suggesting 204:17	
	substitute 2:17 2:21 45:23,24 46:13 47:8,16 48:3,4 49:11,12 49:12,19,20,20 50:9 51:2,12,23 54:12,13,21,22	163:20,24	suggestion 173:18 204:14	
		165:11,12,12	suggests 85:22	
		165:14,15,15	Suite 1:24	
		166:14,15,15	sunsets 109:10	
		166:25 167:1,1	sunshine 123:2	
		168:16 169:21	superintendent 112:7	
		170:4,7 174:1	superintendents 70:19	
		179:8 180:4,19	supervise 153:15 153:21	
		180:20 182:17	supervising 151:8	
		182:18 183:12	supervision 151:3 158:23 158:25 161:20	
		184:10,21		
		185:9,10 186:4		
		186:6,16,17,17		
		187:2,3,3,16,17		
		188:13 189:22		
		189:23 190:3,4		
		190:22,24		
		191:5,6,6,17,18		
		191:18 192:6,7		
		193:4,8,9		
		207:13,13,17		

system 73:14 86:22 91:1,25 92:1,22 94:14 94:15 96:21 98:15 111:20 132:14,18 171:22 systems 88:21 99:8	talking 4:10 9:10 26:10 85:21 86:24 94:14 98:22 151:21 178:1 198:21 203:2 talks 177:18 Tampa 35:4,6,17 target 170:19 task 4:25 102:10 102:14,17,23 198:2 201:24 202:19 206:5 tasks 204:1,17 taxpayer 211:21 211:21 taxpayers 115:13 team 27:12 tech 156:13 157:3 158:15 technical 75:22 112:4 148:14 190:13,14 technician 154:2 154:15,25 155:8,24 159:21 technicians 150:25 153:15 153:22,23 154:24 155:25 159:18 183:22 technology 88:15 93:3 98:25 99:25 203:23 techs 159:7 tee 118:8,13 178:11 telegraph 173:17 tell 15:16 35:1 36:13 40:15 43:22 59:20 91:23 105:3 120:6 152:6 173:17 188:25 197:1 telling 58:7	tells 199:9 Temple 35:6 temporarily 64:3 68:1 108:12,13 114:4,10 117:11 146:25 150:13 161:3 163:17 164:21 190:1 207:11 temporary 121:8 209:18 ten 32:16,17 35:19 58:25 156:17 198:15 tend 28:16 76:15 term 31:10 68:16 terminology 192:19 199:4 terms 73:20,22 74:14 102:9,23 155:13 156:3 Terrace 35:7 55:19 territory 74:10 testimony 91:8 134:1 172:1 175:2,5 texted 59:7 thank 3:3 4:7,14 4:19 5:8,9,17 6:2 8:3,23 9:6,9 9:18,19 11:21 12:3,19,25 13:9 13:15,20 14:4 14:11,24 15:5 16:2,9,18 17:8 17:18,19 18:15 18:24 19:16 20:1,19,25 22:18 23:1,2 24:25 25:7,22 26:3,19 27:1,8 27:9 28:13 31:3 31:25 32:3 33:2 33:5 34:12,15 37:8,14 39:5,9 39:23 40:1,2	45:9 46:3,14 48:9 49:6 50:15 51:4 52:14 53:18 55:17 57:11,12 59:5,6 59:12 60:14 61:12 62:1 64:11 65:12 66:12,14,17,20 66:22 67:13 68:7,25 70:15 71:6 72:19 75:11 76:5,9,10 76:24,25 77:10 78:15 79:5,12 79:23,24 80:9 82:5,23 83:5,23 84:5 85:13,14 85:25 86:1 87:3 87:4,11,17,18 88:2 89:9,10,18 90:1,17 91:3,4 91:20,21 92:25 93:6 94:1,5,13 95:7,19 96:8,18 97:7,20 98:6,7 99:14,21 100:14,20,25 101:8,18,22 102:8,21 103:9 103:22 104:4,9 104:14,23 105:6,11,22 106:10,13 107:2 108:19 109:8 110:25 112:3 113:7,17 114:19 116:25 117:19 118:25 119:9,22 120:18 121:3 122:13 123:1 123:18 124:6 124:13,17,18 125:14 126:16 127:2,5,10,20 128:5,16 129:2	129:9,20 131:2 131:22 132:5 132:21 133:2 133:14,24 134:17 135:11 136:25 137:16 137:23 138:11 138:15 139:1 139:13 140:2,7 140:18,21 141:10,18 142:1,14,21 143:8 144:7,11 145:14,22,25 146:18 147:8 148:8,22,23 149:4,24 150:23 152:9 152:12 153:12 154:13,18 155:21 156:16 157:2,6,25 158:6,10,18 159:3,12 161:14 164:5 165:20 166:2 168:8,13,14,14 168:22 169:16 169:23,24 170:18 172:10 175:17,19 176:5,14 178:6 178:24 179:14 179:21 180:10 181:6,25 182:6 183:5,18 185:15 186:5 187:22 188:22 189:7 190:9,23 192:12 193:20 195:18 196:8 196:22 197:24 198:6,9,13,18 198:25 199:7 199:14 200:3 200:16 201:10 202:4 203:4,13
---	---	---	--	---

203:22 204:12 204:25 205:7 205:24 206:8 206:16 207:22 208:15,21,22 209:8 210:1,10 210:14 211:16 212:11,23 213:7,16 214:6 214:17 215:5 215:16,24 theater 36:20 therapies 197:18 199:18 201:3 therapist 200:18 therapists 200:10 Theresa 60:10 thing 7:12 21:13 23:18 27:18 28:10 39:15 58:16 81:6 84:6 84:7,12,13 105:18 121:17 123:11 173:16 177:16 192:20 197:10,16 199:24 201:24 203:2 210:3 things 15:23 19:7 27:20,21 39:13 73:15 85:16,19 85:20 86:14 87:19 93:4 103:1 111:7 135:24 162:6 177:17,21 189:13 195:20 195:23 199:1,2 199:15 202:12 204:1,2,8 think 5:3 7:16 16:13 20:3 21:7 21:9 22:10 25:2 28:8 29:22,23 30:5,6,21 33:10 36:4 39:16,19 39:21 77:14	78:23 82:24,25 83:18 88:3 91:12 92:17 93:7,10 96:23 97:1,9 98:8,21 99:23,25 101:25 105:23 106:1,11 121:17 122:3,3 122:9,14,19 123:7 124:11 125:8 130:13 136:5,20 137:11 138:2,4 139:15 142:3 143:24 144:2 145:24 149:6 152:5 157:8 158:16,20 167:24 173:5 174:2,16 175:15,21 177:22,22 178:2 189:11 198:15 208:16 thinking 174:17 third 43:24 45:4 47:14,15 49:17 49:18 51:19,22 54:18,20 57:2,3 62:20,22 66:3,5 69:17,19 71:21 71:23 106:10 106:18 107:22 107:25 110:2,3 112:23,25 116:16,18 146:24 149:16 149:18 159:7 160:14,16 163:4,5 164:14 164:16,21,22 166:23,24 179:6 182:15 184:19,20 186:25 187:1 189:21 191:14	191:16 207:9 thirds 146:6 thought 39:20 57:17 58:12 100:4 172:19 178:10 thoughtful 95:22 106:5 thoughtfully 92:19 threatened 28:2 three 6:14 9:11 19:7 45:4 105:17 108:23 134:21 162:5 162:11 threshold 206:1 throes 59:16 throw 33:9 80:17 throwing 80:16 thrusting 28:17 thwart 121:7 tick 43:21 44:5 ticked 142:10,15 tie 45:4 tied 10:6 tier 28:25 42:12 42:20 44:25 ties 61:19 till 96:5 time 28:7 29:25 43:2 46:25 47:14,15 49:17 49:18 51:19,22 54:18,20 57:2,3 57:17 59:17 62:20,22 63:17 63:17 66:3,5 69:17,19 71:21 71:23 72:22 73:23 74:9 77:6 84:1 85:17 94:22 96:20 101:13 107:22 107:25 110:2,4 112:23,25 116:16,18	132:23 135:15 137:4 146:9 148:23 149:4 149:16,18 153:16 155:23 160:14,16 163:4,5 166:23 166:24 172:18 175:16,23,23 177:24 179:6 182:15 184:19 184:20 186:25 187:1 191:14 191:16 195:1 201:5 208:12 timeline 64:25 65:14 96:2 timely 169:3 times 33:21 77:14 86:11 105:13 119:13 158:25 162:12 162:12 194:7 tirelessly 66:16 title 57:3 62:20 66:4 71:21 107:22 110:2 112:23 116:16 149:17 160:14 166:23 184:19 191:14 today 4:11 17:13 29:7 31:8,22 32:12 35:13 36:13 40:3 42:5 43:15,21 44:2,9 44:19 60:2 63:18 85:15 97:5 103:24 178:3 179:20 197:6,14 205:12 told 115:3 171:4 tomorrow 142:19 ton 39:3,3 top 57:18 88:21 97:1 157:8	topic 95:3 128:9 131:11 175:21 Torres 5:15,17 7:21,23 8:16,18 32:1,3 35:17 tossed 23:10 total 77:21 totality 102:15 totally 81:4,4 175:20 touched 88:3 TP 67:15 108:10 139:23 140:3 TP'd 67:18,25 163:21 track 152:13 196:13 trade 95:11 trader 177:6,7 traditional 18:1 Traditionally 19:8 traffic 41:25 trafficked 177:4 tragedy 57:25 111:7 trained 154:25 training 151:2 156:12,18,21 156:24 157:3,8 158:13 159:8 200:11,18 201:2 transcribed 217:4 transcript 171:24 217:6 TRANSCRIPT... 1:13 transcripts 171:16 transition 96:20 97:11 98:1 transitioning 96:11 transmit 64:18 transparent
--	--	---	--	---

<p>123:3 transportation 55:13 56:20 57:5 64:1 travel 108:21 treasury 211:22 treat 55:7 treatment 106:22 107:15 108:3 164:1 trial 106:23 107:16 108:4 143:15 164:2 tribute 168:3 tried 15:18 39:13 troubled 31:22 true 115:2 126:11 127:18 128:14 129:18 129:22 134:12 143:9 204:13 217:6 trued 90:24 97:13 truly 35:14 58:7 58:11,20 105:12 trust 81:13 truth 152:7 202:25 try 11:17 36:19 47:1 58:14 84:17 105:8 149:2 160:1 trying 36:21 39:23 50:25 119:25 135:19 135:19 166:7 201:12,21 203:6,8,15,18 tucked 124:22 tuition 54:1 115:7 Turf 70:18 turned 136:12 turning 199:1 TV 58:5</p>	<p>tweaks 41:9 Tweet 4:8 27:23 twenty 101:25 two 6:11,16,21 10:21 11:2 16:24 19:20 20:21 21:2,11 31:15 33:25 35:5 40:13,15 40:17 42:20 45:4 58:21 81:14,15 82:4 82:19 83:21 84:4 85:3,5 86:14 98:8 114:21 120:7 120:15 129:22 132:22 146:6 156:21 159:22 202:14 215:12 two-pronged 31:17 twofold 159:14 type 99:16 101:1 145:18 154:22 198:22 200:6 types 197:17,18 199:2 200:11</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S 128:18 144:22 145:6 UF/IFAS 70:18 ugly 36:12 ultimately 90:24 unable 178:13 unanimously 9:14,14 28:2 unconscious 134:24 135:4 unconstitutional 10:20 11:8 12:12 23:16 30:19 40:23 41:10 133:4 144:17,18,22 unconventional</p>	<p>31:18 uncovered 177:13 underage 171:4 177:8 underlying 177:25 undermines 35:16 131:17 underneath 197:10 understand 29:16 31:16 35:18 39:11 79:7 86:6 119:10 137:7 158:19 171:17 176:15 177:14 199:19 understanding 11:22 14:25 140:13 145:11 145:15 198:19 undertake 130:8 undertaken 92:2 undo 176:19 unemployment 59:17 unethical 201:6 unfortunately 31:8 80:12 unfriendly 77:6 80:4 84:2 unifies 9:13 unique 174:12 unit 48:22 United 75:15 144:19,19,20 144:24 145:6 university 32:23 35:4 115:12 unlicensed 48:14 186:9 unlimited 162:12 unlock 45:14 47:22 50:1 52:5 55:2 63:8 66:24</p>	<p>70:1 72:5 110:12 113:19 117:4 160:22 163:11 165:2 167:7 179:22 183:6 185:2 187:9 191:24 unnecessarily 78:1 196:8 unnecessary 84:1 unprecedented 27:15 33:13 unreasonable 80:12,15 unsightly 76:15 unusual 133:5 update 111:6 190:12 upheld 42:23,25 45:1 uphold 22:12 urge 83:19 usage 73:10,11 99:18 use 36:19 61:15 83:17 119:25 123:10 126:2 129:22,25 130:14,17 131:4 132:8 134:25 135:3 138:7 139:4 140:23 145:19 166:4 users 97:24 utilities 87:8 90:20 95:10 utility 73:25 74:10,14 75:18 77:2 78:16 79:8 81:14 82:7,9 84:20 86:7,19 90:22 94:9 95:1 96:13 99:15 utilized 14:7</p> <hr/> <p style="text-align: center;">V</p> <hr/>	<p>v 1:4 vaccine 153:16 153:25 156:6 vaccines 150:20 150:25 151:2,7 153:2 156:5 158:14 160:19 Valeria 60:4 valid 5:10 7:11 42:14,15 91:14 139:10 162:14 202:23 validity 173:11 valium 134:22 value 75:21 77:21 variety 204:2 vecuronium 132:16 vehicle 48:18 108:16,23 109:20 110:7 166:17 167:3 178:16 vehicles 108:21 Velcro 61:19 venue 104:16 verbatim 173:18 188:24 verifiable 48:18 verify 172:12 vernacular 31:10 versa 32:25 version 33:22,23 33:24,24 69:2 169:18 209:11 versions 18:17 33:22,25 versus 97:2,4 156:13 vessel 166:17 167:3 vests 61:19 veteran 115:3 veterans 114:14 115:2 116:10 116:21 117:1</p>
---	---	--	--	--

10:18 11:18,23 18:21 19:6,8,9 19:9,10 28:9,9 31:25 38:17 39:12 40:20 vetoed 5:5 11:6 11:15 17:11 19:13 vetoing 31:24 vetting 77:5 vibrant 100:1 vice 32:25 victimizations 175:15 victims 171:18 174:22 176:9 176:17 victory 24:11 210:20 viewed 10:20 violate 128:12 violated 19:12 violates 28:19 violation 18:1 29:5 130:23 violence 64:12,15 65:4 violent 174:22 visual 43:3 visually 43:2 45:2 voices 202:8 voluntarily 146:4 voluntary 70:16 141:14 Volusia 5:24 vote 14:13 15:24 24:12 29:7 30:1 31:21 34:12 36:13,14 39:18 43:15,20 44:2 44:19 45:15,16 47:22,23 50:2 52:5 55:2,3 60:23 61:2,3 63:9,10 66:25 67:1 70:2,3	72:7 80:5 110:13,14 113:20,21 117:5 122:6 146:6 150:9,9 160:23,24 163:12,13 165:2,4 167:8 167:10 179:23 179:23 183:7,7 185:3 187:10 187:11 191:25 192:1 voted 15:23 27:11 31:4 37:20 50:2 70:2 165:3 167:9 188:25 voters 6:6 7:8 8:14 22:9,11 23:14,21 24:10 24:12,14 38:19 39:5 212:17 213:21 votes 30:12 50:4 52:6 72:6 117:7 183:1 185:4 voting 10:7,22 18:2 28:15,20 31:25 vulnerable 174:22 <hr/> W <hr/> wag 34:5,5 wait 63:3 92:19 96:5 106:6 177:23 waited 151:20 186:1 waiting 65:10 115:24 123:25 waive 167:6 191:23 210:21 waived 47:13,20 49:24 52:3 54:17,25 57:2	62:20 63:7 66:3 69:25 71:20 72:4 107:21 110:1,11 112:23 116:15 149:16 160:13 160:21 163:3 163:10 166:22 184:18 185:1 191:13 waiver 53:5 175:6 waives 160:7 164:25 187:8 walk 24:6 123:10 134:19 want 8:4 11:11 13:22 25:1 29:13 30:4 31:20 32:4 34:17,19,19,23 36:17,18 37:4,4 37:16 40:20 57:12 58:1,1,3 58:17 59:12 66:13 73:1 79:6 79:6,9 83:2,4 88:20 93:15,16 99:7 111:17 113:12 119:18 123:11 136:5 137:17 156:9 173:4 174:24 182:23 195:13 195:16,22 208:21,22 209:19 210:1 210:10 wanted 27:17 59:1 85:16 98:1 115:8,8 122:7 195:8 wanting 27:16 wants 27:23 28:8 39:14 122:8 warm 55:9 63:19 warranty 48:16	48:17 Washington 1:24 wasn't 17:10 26:12 29:12 44:23 92:8 100:10,15 177:9 watched 37:20 40:7 watching 28:15 water 70:22 83:11,13,13 190:15 Waterways 190:12 wave 58:4 way 19:6 26:8 33:11,13 56:12 56:13 57:15 58:13,17,18,18 59:1 64:21 95:22 97:8 102:10,18 122:16,21,22 126:11 168:5 174:17 177:25 182:9,10 190:7 197:20 203:7 203:10,15,15 203:24 204:4 205:14,16 206:25 ways 98:9 203:17 we'll 58:4 71:7 115:13 155:17 172:20 we're 7:24 9:20 10:14 11:11 13:10 15:2,23 15:25 17:13 18:5 21:16 23:15 26:7,22 28:17 30:14 31:17 34:9,10 34:11 36:9 38:11,14,15 40:16,16 43:15	43:20 44:1,18 45:22 46:25 56:12 59:16 76:19 77:23 79:12,15 80:15 80:25 81:11 82:17 86:24 88:13 90:9 93:21,23 94:14 96:2 97:11 105:16 106:2,4 110:23 114:21 117:1 119:23 119:25 120:6 121:14 122:20 123:8,25 134:3 134:5 135:19 135:19 146:12 149:8 151:12 152:8,15 153:24 154:5 155:4,7,13 156:7,22 158:11 159:13 159:19,20 160:3 164:14 164:17,22 165:21 173:13 180:2 182:12 195:4 197:11 198:19,21 200:8 201:22 203:5,15,18 204:21,21,22 204:25 205:17 206:13,14 207:10 215:14 we've 6:19,24 21:7 27:3 28:20 31:12 35:21 38:18 41:6 44:4 51:19 55:7 56:13 65:15 77:13 94:1 95:5 95:11 97:5,10 98:24 114:21 115:10 124:1,4
---	--	---	--	--

128:11 129:23 130:13 131:14 132:6 135:21 151:20 153:19 154:15,21 156:1 159:21 176:20 186:1 198:20,20 199:23 202:22 204:6 wealthy 34:22 87:21,25 wear 34:9 wearing 124:2 website 119:24 123:9 week 59:18,19 171:13 weigh 10:11 12:6 17:21 welcome 2:8 55:8 55:9 63:19,20 103:14,15 124:25 125:1,4 142:15 welcoming 58:19 welfare 52:12 wells 83:11 went 23:8 25:13 34:18 42:8,25 43:6 60:15 91:6 92:7 111:9,10 173:23 178:1 182:24 197:25 202:5 209:18 west 103:11 124:10 wheelchair 115:4 whisperers 30:10 white 34:22 whoever's 178:22 wholly 3:13 18:7 44:16,17 wider 41:24 widespread 177:6 wild 81:11	willing 175:6 178:22 Wilton 2:15 wins 24:10 wiring 141:8 wish 46:11,13 49:4 51:1 57:8 68:24 69:1 71:4 74:17 103:19 109:6 125:7 140:3 151:23 169:21 186:4 190:22,24 210:17 215:6 wished 58:22 wishes 74:14 168:1 wishing 49:3 142:18 186:13 187:7 189:18 withdraw 56:6 178:23 196:9 withdrawn 56:9 169:17,20 179:1 196:12 witnesses 174:22 woke 59:19 women 103:12 124:12,24 125:3,4 181:13 Women's 124:25 wonder 140:9 wonderful 52:15 175:8 wood 141:7 word 33:6 176:7 wording 174:7 work 14:12 15:17 27:10 29:18,19 30:2 32:25 36:15,22,23,25 37:1,2,17,21,25 39:3 47:1 57:13 57:19 61:13 65:15 66:13 75:13 93:18 97:11 113:8	135:8 172:21 176:8 179:16 194:12,16,17 197:20 200:6 202:14,25 203:1,10 worked 4:20 42:18 66:16,19 114:21 137:8 149:2 159:23 171:22 202:11 208:23 212:12 workers 205:4 working 66:18 92:22 96:12 155:3,4,15 162:9 209:1 workman's 185:17 works 34:2,2 workshopped 90:19 101:9 world 37:6 59:1 128:19 171:3 worldwide 177:3 worse 35:13 wouldn't 83:3 122:7 131:9 133:3,11 134:14 201:23 wrapping 204:24 written 126:13 144:3 wrong 20:21 21:1 133:7 199:3 210:4	year 21:12 51:6 59:15 68:8 73:6 73:8 88:13 89:14 96:4,16 104:12 108:23 108:24,25 111:6,8 145:17 148:10 176:1 178:12,22 179:16 188:24 195:9 204:15 209:24 210:7 years 32:17,17 35:19 50:20 63:16 73:22 89:16,23 90:6 92:7 99:24 108:24 114:21 129:23 132:7 132:22 137:8 159:22 166:7 171:10,15 198:15,15 201:15 203:24 yeas 45:17 47:24 50:5 52:7 55:4 61:4 63:11 67:2 70:4 72:8 110:15 113:22 117:8 150:10 160:25 163:14 165:5 167:11 179:24 183:8 185:5 187:12 192:2 yelled 148:25 yeses 30:17 yesterday 7:2 91:7,7,12 173:16 207:24 208:17 Yiddish 33:6 young 177:4 youth 52:17,19 52:19,24 53:2,5 53:6,7 54:14,23	<hr/> Z <hr/> Z 60:3 zenith 37:1 zero 47:24 50:5 52:7 55:4 61:4 63:11 67:2 70:4 72:8 110:15 113:22 117:8 150:10 160:25 163:14 165:5 167:11,13 179:24 183:8 185:5 187:12 192:2 zip 61:18 zone 58:15 164:15 Zoom 148:25 149:1 <hr/> 0 <hr/> 1 <hr/> 1 3:4 4:1 13:3 16:22 28:25 73:5 74:4 101:12,23 104:6 106:2 1/2 74:10 192:21 1:1 154:14 159:5 1:5 153:24 155:8 159:20 1:6 154:21 10 56:1 101:20 102:3 115:15 10-15 102:5 10.1 125:21 100 84:24 104:6 102 2:18,21 1023 47:9,17 1024 72:14,20 1054 114:6 146:25 147:3,9 149:19 167:22 12 16:14 171:13 12/31/23 73:20 1202 198:4
---	---	--	--	---

1204 114:1 117:12,14	17th 103:7	190:11	30-day 144:3	4 1:15 36:6
1209 152:22 153:1 160:18	18 156:8 171:11	2022 1:15 3:15,25	30,000 88:21 96:25 99:9	4.19 106:17 146:23 189:20 207:8
1239 193:9	18-year-old 158:15	2023 89:20 109:10 217:8	300 145:24	4:22-cv-109 1:4
1240 110:19 112:12	1874 185:10	2024 73:5,16 109:11	31 89:20	40 115:14
1249 107:3,14 108:2 163:21 163:25	1892 150:14,19 152:23	2026 73:10	31st 79:3 82:22	40th 204:22
1292 48:4	18th 64:9 114:16 114:18 140:6 154:10	2029 74:4	32nd 57:10 61:10 67:25	412 42:7 44:14,19
13 102:3 171:11	1998 137:10	20th 150:21 190:6	33 110:15	42 43:21
1353 217:19	19th 76:3	214 169:11	330 145:25	423 162:22 163:7
136796 153:7	<hr/> 2 <hr/>	215 169:11	331 145:25	43 22:20 43:19
137 193:16	2 1:14 10:7,22 18:2 29:23 42:12,20 44:25 192:21,21 197:15 199:10 215:12	21st 168:20 185:13	340 145:24	430624 181:1
137756 212:6 215:17	2.0 198:21 206:14 206:22	22 132:7 137:8 201:15	34th 103:20 123:16	44 43:25
14 111:2	2.5 197:14 198:11 198:21 199:9 206:14,22	23 75:6	35 22:19 160:25 208:9	45 116:9,20
1426 190:4,10	2.9 198:7,10,20	23- 148:9	35th 67:24	451514 148:4
1430 45:24	20 73:22 89:14,15 89:23 115:15 157:8,9,9 158:7 158:14,23 159:6 203:24	232-0646 1:25	36 43:19 47:24 55:4 78:11	453 51:13,24
1452 67:20 180:3 180:5,16	2000 121:16 130:14	235 62:15,23	368 44:17	46 44:1
146078 170:13	2000s 197:1 198:1	23rd 48:6 70:13	37 185:5	477848 211:11 215:8,20
1469 56:19 57:4	20036 1:24	24 45:17 148:10 212:6	373 44:15	48 44:2,8
15 6:7 45:17	2006 170:25 171:17	24-25 73:8	38 52:7 63:11 70:4 72:8 113:22 117:8 150:10 163:14 179:24 183:8	49 44:7,9 148:4
1536 68:3,14	2008 94:17	24th 93:24 189:6	389 69:11,21	<hr/> 5 <hr/>
154 170:14	2012 24:8	25 212:6	38th 55:16 67:11 142:20 148:21 165:11 188:20 209:20 215:3	5 3:13,15,20,22 9:12,21 11:10 12:8,21 13:10 20:10 22:19 28:22 29:4 36:3 40:23 101:20 102:2
155 170:14	2014 6:7	255 184:11,22	39 50:5 60:24 61:4 67:2 165:5 167:11 168:11 187:12 192:2	50 73:11 95:16
1556 70:9	2015 133:6 143:9	25th 108:17 110:23 172:8 203:20	390 61:7,15	50,000 88:23 99:10
1571 187:23 188:14	2016 32:6	26 45:1 208:9	391790 147:21	538 183:13
1577 54:13,22	2018 111:2	269533 2:18,24 3:4 45:11	392960 55:25	541830 78:10
1582 108:15 109:15	2020 59:15 101:9	26th 192:9,10	394 44:19	552 168:17
16 16:14 56:1		27 73:11	397 170:8 179:9	554 114:13
1600 106:21 107:1,4 163:19		27th 209:6 211:14 212:9	398 63:25	59 78:11
166 75:6 82:1		28 3:11,18 73:11 108:25	399 166:3,16 167:2	5th 72:17 164:4 209:19
1664 187:17		29th 169:14 170:17	<hr/> 4 <hr/>	<hr/> 6 <hr/>
167 82:1		2e 44:8		6 74:10 102:2 159:10
1682 55:12,18		<hr/> 3 <hr/>		60 73:10 115:6,7 115:12
16th 50:13 157:23 183:16		3 144:15		644 161:6,10
1702 59:9		3.6 197:6,13		
1708 52:11,17		30 4:3 115:14		
1730 1:24				
1736 50:10				

65 2:5 193:22	915 109:15,19			
654 64:6,16	110:6			
67 41:17	918938 169:11			
68-9 2:7	921 189:23			
6th 97:18 193:19	207:12,13,15			
<hr/>	207:18			
7	922.105 138:16			
<hr/>	142:23 143:4			
7 5:19 32:21	922.15 144:15			
7.8 2:12	945 125:20			
70 115:12	945.10 126:25			
71 153:8	959 186:18 187:4			
74 153:8	963 180:15,20			
741 74:24	182:18			
749 49:13,21	965 191:7,19			
75 73:10 78:22	967 71:15 72:1			
95:16,20	967140 75:5			
754062 193:15	972756 81:25			
76 193:16	98 55:20 147:22			
77 43:13 211:3,11	148:4			
78 211:3,11	99 147:22			
7th 147:7	9th 161:13			
<hr/>	207:20			
8				
<hr/>				
8 217:8				
80 43:14				
8015 19:18,19,20				
20:4 22:20				
8019 19:18,20,22				
20:5,6 22:19				
804 192:7				
8060 43:12				
812 1:24				
82 43:16				
873 118:17				
876 67:8 165:13				
165:16				
87th 55:19				
889914 211:2				
88th 55:19				
892588 208:8				
899 112:6,11,16				
113:2				
8th 187:20				
<hr/>				
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905 65:22 66:7				
905.27 174:10				
175:9				

Exhibit F

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TRANSCRIPTION OF VIDEO RECORDING
 SENATE SESSION
 APRIL 20, 2022

 DIGITAL EVIDENCE GROUP
 1730 M Street, NW, Suite 812
 Washington, D.C. 20036
 (202) 232-0646

1 APRIL 20, 2022

2 UNIDENTIFIED FEMALE: All unauthorized
3 persons will please leave the chamber. All Senators
4 and guests in the gallery, please silence all
5 electronic devices.

6 All Senators, please indicate your
7 presence.

8 A quorum is present, Mr. President.

9 PRESIDENT SIMPSON: The Senate will be in
10 order. The Senators and guests in the gallery will
11 please rise for the opening prayer to be given by
12 the Senator of the 8th District, Senator Perry.

13 SENATOR PERRY: Good morning. If you would
14 bow your heads and pray with me.

15 Father God, we come before you today and
16 acknowledge your sovereignty and your goodness to
17 each of us and collectively to our state. We know
18 from scripture that you ordained the institutions of
19 the church, the family, and the government. We are
20 humbled that we have the opportunity to serve in the
21 government of this great state.

22 Thank you for the collective experience,
23 talent, and diversity represented by the men and
24 women serving here today. Each of us has a unique
25 story that has led us here and we are strengthened

1 by the gifts that each legislator brings to this
2 body. We acknowledge that even with our individual
3 successes we have blind spots. We ask that in spite
4 of our biases, our backgrounds, and our politics
5 that you bless the work that we do here, that you
6 use each of us to bring about your purpose in our
7 state.

8 In Proverbs, it says that, "The king's
9 heart is a stream of water in the hand of the Lord;
10 he turns it wherever he will." We ask that you
11 direct our hearts that we can make decisions, that
12 we are wise, and that we truly serve the communities
13 of this state; that we represent and promote liberty
14 and justice for all and allow for all the citizens
15 of this state to have an opportunity to live lives
16 full of your blessings.

17 Grant us unity in spite of our diversity,
18 humility in spite of our successes, clarity in spite
19 of the many distractions, and wisdom in spite of our
20 humanity. I pray in the name of Jesus, all these
21 things. Amen.

22 PRESIDENT SIMPSON: Amen. Please remain
23 standing for the Pledge of Allegiance to be led
24 today by the Senator of the 33rd District, Senator
25 Osgood.

1 SENATOR OSGOOD: Good morning.

2 (Pledge of Allegiance)

3 PRESIDENT SIMPSON: We will now continue
4 with the order of business. Are there reports of
5 committees?

6 THE SECRETARY: None on the desk,
7 Mr. President.

8 PRESIDENT SIMPSON: Are there motions
9 relating to committee reference?

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

12 PRESIDENT SIMPSON: Are there messages from
13 the Governor or other executive communications?

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

16 PRESIDENT SIMPSON: Are there messages from
17 the House of Representatives?

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

20 PRESIDENT SIMPSON: Are there matters on
21 reconsideration?

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

24 PRESIDENT SIMPSON: Take up the bills on
25 third reading. Read the first bill.

1 THE SECRETARY: Senate Bill 2-C, A bill to
2 be entitled "An act establishing the congressional
3 districts of the state."

4 PRESIDENT SIMPSON: Senator Rodrigues, you
5 are recognized to explain the bill.

6 SENATOR RODRIGUES: This is the bill that
7 creates the congressional map that we discussed
8 yesterday.

9 PRESIDENT SIMPSON: Are there amendments?

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

12 PRESIDENT SIMPSON: Is there debate on the
13 bill? Seeing none --

14 PRESIDENT SIMPSON: Senator Bracy, you're
15 recognized in debate.

16 SENATOR BRACY: Thank you, Mr. President.

17 Yesterday we had a committee, and we had
18 Mr. Kelly, the Governor's attorney, present the
19 maps. And I must say that his presentation was
20 comical at many times. He said that he had no idea
21 that he was drawing a map that gave Republicans the
22 largest advantage possible. He said that he had no
23 idea that he was putting a swath of black folks into
24 a district with The Villages to dilute their vote.
25 He just was drawing, had no idea, didn't look at any

1 data. And I find it comical that he would even say
2 that.

3 And the fact that this chamber would agree
4 with that I find it disappointing, just --
5 especially when three weeks ago we basically said
6 that his map was unconstitutional. Now, we've
7 totally reversed course. I would rather us just say
8 the Governor holds all the cards, he's threatened a
9 primary opponent from your party, he's going to veto
10 projects in the budget. At least I could respect
11 that. But the fact that we all were here and agreed
12 to a map just three weeks ago, and now you all are
13 telling me that what we passed three weeks ago is
14 unconstitutional I think is ridiculous.

15 And I'll just say this, you know. He's a
16 bully. And bullies don't respect weakness; they
17 only respect power and strength. And if we continue
18 to do this, it's only going to get worse.

19 I remember in the 6th grade there was a
20 young man who bullied me. His name was Olleen
21 (phonetic). He was from a place -- I grew up in
22 Philadelphia, and he was from the worst part of
23 Philadelphia, north Philly. And he would always
24 threaten me to get all his older cousins and come
25 and jump me. And it scared me. He would call me

1 after school, and it worked. I'd get to school.
2 Sometimes I'd hide in the bathroom because I thought
3 he'd have all of north Philly coming to beat me up.

4 And finally I said, you know what, bring
5 it. Bring it. You know what, if I get beat up, so
6 be it. And I told him that. And I never had any
7 problems with this kid again.

8 And I say that to say that this will
9 continue. It will get worse. He will continue to
10 threaten to primary endorse candidates from the
11 leadership of this chamber. If you think that he's
12 going to endorse anybody's candidacy because we're
13 doing his bidding, it's not going to happen. It's
14 going to be something else. Okay. Let's see how
15 you do in the next special session. Oh, well, let
16 me just wait and see until qualifying in June.
17 That's how they work.

18 And you're going to continue to play this
19 game with him. And before you know it, we're not
20 going to have --

21 PRESIDENT SIMPSON: Senator Bracy, please
22 stay on the content of the bill and not the
23 Governor. Thank you.

24 SENATOR BRACY: I think I made my point.
25 If we continue to go down this road, it will not be

1 well for this chamber. And I say all of this out of
2 respect for everyone - for you, Senate President,
3 for every member of this chamber. I love this
4 chamber.

5 I came from the House, and when I came to
6 the Senate I was so proud to be here. I got a
7 chairmanship. I couldn't even get a bill heard over
8 there. In my first year I got a chairmanship, I got
9 onto props, vice chairman. I mean, I really
10 appreciate how we do business in this Senate. And
11 so I don't mean to call out my colleagues and my
12 friends, but I don't like how this process has been
13 going, and I wouldn't be myself and I didn't say it.
14 And so I say it out of love and respect for every
15 member. So with that, I will oppose this map.
16 Thank you.

17 PRESIDENT SIMPSON: Thank you. Is there
18 any additional debate? Leader Gibson, you're
19 recognized in debate.

20 LEADER GIBSON: Thank you, Mr. President.

21 In November 2010, as is printed in the
22 Florida redistricting 2022 information that we
23 received when we started this process, in November
24 2010 Florida voters added amendments to the State
25 Constitution in Article 3 Sections 20 and 21.

1 These amendments prohibit line drawing that
2 intentionally favors or disfavors a political party
3 or an incumbent. The amendments also afford
4 protection of racial and language minorities.
5 Districts may not be drawn with the intent of
6 denying or abridging the equal opportunity of racial
7 or language minorities to participate in the
8 political process or to diminish their ability to
9 elect representatives of their choice.

10 The maps that we have -- I think it's 109 -
11 - are certainly counter to this information and the
12 Florida Constitution. Period. There's no question
13 about that. The secondary map that came to us from
14 the House before the end of session has a
15 configuration of District 5 that is very similar,
16 almost identical, to what the courts drew in 2016.
17 In the secondary map that we received, the black
18 voting age population is at 43 percent. Even in the
19 primary -- the secondary -- the primary map that we
20 received from the House has 35 percent BVAP.

21 And so when I look at the information that
22 we received and heard yesterday in the committee,
23 the BVAP in -- there are two districts now split
24 Jacksonville in half pretty much. Or maybe not half
25 because the percentages aren't really half. So in

1 the District 5 -- in the District 4 configuration in
2 Duvall, the black voting age population is 30
3 percent. In the District 5 configuration of the map
4 that also includes Duvall, it's 12 percent. I call
5 that diminishment by any means.

6 And so the other situation with this map is
7 that an entire swath of this state, there will be no
8 African American -- no African American member of
9 Congress. And likely no African American member
10 could be elected, while thousands of African
11 Americans live in this entire swath of the state. I
12 call that taxation without representation. And that
13 should be a compelling interest of this state.

14 Thank you, Mr. President.

15 PRESIDENT SIMPSON: Thank you. Senator
16 Stewart, you are recognized in debate.

17 SENATOR STEWART: Thank you, Mr. President.

18 I served on the reapportionment committee,
19 and I do want to say -- and I know I've said it over
20 and over again, Senator Rodrigues was an excellent
21 chairman. He listened to everybody. The audience
22 would come, he would listen. We made changes to the
23 Senate map based on input. Some were accepted, some
24 weren't. That's the process. And we had a nearly
25 perfect map when we brought this to you. I was very

1 proud of that. I was very proud of the process.

2 And it just hurts me to see that we have

3 now come full around to a map that was not really

4 discussed in the public, and that the public has no

5 input. And then when we hear from the person who

6 did the map from the Governor's office, it was

7 explained to us that they worked really hard on Tier

8 2, which they did. It's compact, it's, you know,

9 all that. But they didn't even look at Tier 1. And

10 Tier 1 is to me the more important part of the

11 process. And since that wasn't even considered, and

12 they were using roadways to determine the lines, and

13 that they had -- very well they said they did not

14 want to look at Tier 1 because they didn't think it

15 applied. And I have to disagree. I think that that

16 number -- Tier 1 is the most important aspect of any

17 map that we draw. And that is why I can't support

18 this, because I don't think that they've looked at

19 everything. And I think that the constituents

20 probably are not going to be particularly happy with

21 the outcome of this map, and I'm sure we're going to

22 march ourselves off to court, and everybody here I

23 think agrees to that. But that's not what we --

24 that's not what our role should be is pass something

25 that goes to court. So I'm just not going to be in

1 a position to support this, because I really think
2 we did a good job the first time. Thank you.

3 PRESIDENT SIMPSON: Senator Jones, you're
4 recognized in debate.

5 SENATOR JONES: Thank you, Mr. President.

6 Members, just three weeks ago this body --
7 we came together and we argued and we defended a map
8 that we said was constitutional. Yesterday my good
9 friend, Senator Rodrigues, made it clear that the
10 Governor's office said that this map was now
11 unconstitutional and it was gerrymandering. Do you
12 all know how many black members have ever served in
13 Congress since reconstruction in the State of
14 Florida? I'll tell you -11.

15 Now we have five black members of Congress.
16 And of those five black members of Congress in a
17 state with 22 million people, where black people
18 make up 16 million -- I mean 16 percent of this
19 state, we now run the risk of only having two black
20 members of Congress; that's Byron Donalds and
21 Frederica Wilson. Two.

22 After Governor DeSantis made the veto of
23 the maps, which we know -- which we knew he was
24 going to do because he tweeted about it during the
25 time when we were in session, this body, we said

1 that it didn't matter and we were going to do the
2 right thing. We voted for it, we went home with the
3 understanding what the Governor was going to do.
4 But what I did not think was going to happen was
5 that we were going to acquiesce to the Governor and
6 allow him to hijack this process.

7 I think Senator Bracy made it clear a few
8 minutes ago that a lot of this stuff that I see now
9 in the Senate, we used to see in the House, to where
10 there was no say. It was a top-down approach on how
11 things are done. And when we came up to the Senate,
12 for those of us who served in the House together,
13 whether Democrat or Republican, we used to be happy
14 when bad bills came over to the Senate, because we
15 knew where bad bills came to die. Because we are an
16 independent body.

17 But in this instant I ask all of us in this
18 chambers, who are we? Are we the Senate, or are we
19 going to allow this process to be hijacked in the
20 way that it's being hijacked in -- right now? And
21 it's clear -- and I don't want to spend time talking
22 about the Governor, because I think we see that in
23 the news and all this other stuff. But I even think
24 that while we are here in this chamber and we know -
25 - we know -- that what we are doing right now is not

1 right. We know it's going to court, because
2 yesterday we put an amendment in place that is a
3 total violation of the law as it pertains to
4 separation of powers. But yet still we moved on and
5 we did it anyway.

6 There's an old saying that when people show
7 you who they really are, believe them. Yesterday on
8 the steps of the old Capitol over 200 black leaders
9 from across this state came together to make it
10 clear that what we were doing in this chamber is
11 wrong. It's wrong. There's no need for me and the
12 other members to get up here and scream and yell and
13 all this other stuff.

14 But my dad used to always say we -- I hope
15 you get convicted by words. So it's my hope that
16 you recognize that when you begin to trample on
17 marginalized people in the manner that you're doing
18 when you know it's wrong, that's when you have to do
19 some self-reflection on whether or not we are doing
20 the right thing, which it's not.

21 And I'll end with this. If we are going to
22 go down this road and we're going to set this new
23 norm to where we allow the executive branch to play
24 the Legislature at the same time, there is no need
25 for all of us to show up. Let the executive branch

1 do what they want to do. But when we know for a
2 fact that we are an independent body that every last
3 one of us have been elected by somebody -- or
4 people, excuse me -- to come up here and do the
5 right thing, I think we should do that. Thank you,
6 Mr. President.

7 PRESIDENT SIMPSON: Thank you. And I think
8 Leader Gibson had one more sentence she wanted to
9 add. And you are recognized.

10 LEADER GIBSON: Thank you, Mr. President.
11 It is a very important one. I didn't flip my page
12 up trying to be brief.

13 But I wanted everyone in this chamber to
14 know that I was the only Democrat before we left the
15 Senate that voted for the two maps that left this
16 chamber. And that has come up in the media. And it
17 was all about Jacksonville, because Jacksonville was
18 front and center. And so I just wanted for the
19 record to make sure this chamber knows that in
20 Jacksonville the totality of our people is bigger
21 than discriminatory maps. Thank you, Mr. President.

22 PRESIDENT SIMPSON: Thank you. Senator
23 Osgood, you're recognized in debate.

24 SENATOR OSGOOD: Thank you.

25 Good morning again. You know, as I looked

1 at what you all did a couple of weeks ago, what the
2 House did, the maps went to the Governor, the
3 Governor vetoed the maps and declared that they were
4 unconstitutional, yesterday we were told that the
5 House maps, that some of the methods that they used
6 was then used again to create the Governor's maps.
7 We had long conversations and presentations about
8 the intent, the interests of the state.

9 And I just want to be clear today that
10 black people are in this state. They make up a
11 large portion or sector of the state, and they're
12 not going away. And right now the people that I
13 represent are hurting. They feel disrespected.
14 They feel that we're not even allowing the process
15 that works with the three branches of government to
16 be played out. They feel like we're just caving in,
17 we're just giving in.

18 And we can make our legal arguments, but at
19 the end of the day people matter. And for people of
20 color, a lot of times the law works against us. And
21 when we bring out maps in this way that clearly,
22 clearly targets people of color, clearly puts people
23 of color at a disadvantage, we're taking a step
24 back.

25 We've had many constitutional amendments.

1 We've had amendments to the state constitution. And
2 as we look at this state as a whole, how do we build
3 consensus, even when we don't always agree, where
4 people at least feel like they have an equal
5 opportunity in this process. I came here to work,
6 to represent the people that elected me, regardless
7 of their race, their religious background, their
8 sexual orientation.

9 And when it's being displayed that we're
10 not doing our jobs, that we're giving in -- Senator
11 Bracy talked about bullying. And you know, I'll
12 just say in certain neighborhoods we just don't
13 tolerate that. We take a stand, and we're willing
14 to pay whatever consequence. I think that we all
15 have a moral obligation to be accountable to the
16 people that elect us and to be accountable to a
17 higher being.

18 And as we sit here today, if we lived in
19 District 5 or if we lived in District 10 and we were
20 people of color, how would feel about this major
21 injustice? How do we balance the love for this
22 great nation, this great state? All we're asking
23 for, as people of color, in the words of Aretha
24 Franklin, just a little respect.

25 When I go home to my district, I want the

1 Senate to be respected. I don't want us to be seen
2 as a body that just kowtows and just rolls over.
3 And I can tell you as a person of color who believes
4 in democracy, who spent their career in formal
5 training in public administration, who has taken the
6 time to be theologically trained, this hurts. It
7 kind of puts all of my moral beings, all of my
8 theological perspectives -- it's a major dichotomy
9 now because government is for the people, by the
10 people. And we're supposed to take care and look
11 out and create opportunities for people, not take
12 them away.

13 So let's think about that real hard today.
14 And we don't have to be afraid of any person or
15 anything, because, ultimately, there is a higher
16 being that we, ultimately, have to give an
17 accountable to. And for me when it's a choice, I'm
18 going to always look to do what's going to put me in
19 the best light with that higher being.

20 So I ask you today to just imagine you were
21 in one of these districts, and these maps were being
22 pushed on you. How would that impact you, your
23 children, your grandchildren for the next 10 years?
24 Thank you.

25 PRESIDENT SIMPSON: Thank you. Is there

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

3 SENATOR BERMAN: Thank you, Mr. President.

4 So if we were truly doing a race-neutral
5 map, we'd start in the panhandle, and we'd have a
6 series of squares and it would go all the way down
7 the state. But we know we're not doing that. We're
8 doing a gerrymandered map based on the Governor's
9 directions. We all know that Florida is a state
10 where elections are decided by margins of three
11 percent or less. Yet we've created a congressional
12 map where there are probably 20 Republicans and 8
13 Democrats.

14 You know, I went to law school so I didn't
15 have to do math, along with Senator Burgess. But
16 that's clearly not a three percent differential. We
17 are creating a map which doesn't reflect the
18 electorate of Florida. And the changes to the map
19 are telling. We reduced the number of African
20 American majority minority seats from four to 2.
21 The Voting Rights Act was put in place to ensure
22 minority representation, and we are destroying it
23 with the action today.

24 In 2010 over 60 percent of Floridians
25 supported fair districts, which clearly provided for

1 Tier 1 minority representation. There is no
2 justification for not following fair districts. We
3 have seats that go almost 200 miles in the present
4 map, so that's clearly not a justification for
5 eliminating minority representation. We also have
6 seats that cross the Everglades to assure
7 minority/majority Hispanic representation, so that's
8 not a basis for eliminating it -- African American
9 districts. There really is none, other than the
10 fact that, that is our Governor's direction.

11 I want to talk a little bit about the
12 timing of this also. We are one of only three
13 states in the country that do not have a
14 congressional map as of this date. This could and
15 should have been done a long time ago, and I
16 understand that the Governor's veto resulted in
17 where we are today. But I'm worried that we haven't
18 given the courts enough time. We know that there
19 are people who want to challenge this map.

20 And what's probably going to happen,
21 because we have qualifying in June, is that we are
22 going to be stuck with a map that hasn't been
23 adjudicated. And I believe that it's very likely
24 that the court system would put a new map in place,
25 just as they did in the previous maps that we put in

1 place. And in that situation we had the same thing,
2 where we had a map for several years that was
3 unconstitutional. And I really feel that this is --
4 I worry that we're not going to have enough time
5 before the November election to have it be reviewed
6 before we have this map put into place.

7 Some of the amendments that we put on the
8 bill yesterday were really troubling. The issue of
9 where you can bring a lawsuit is not one that we
10 should be deciding here in this Legislature. And
11 then the money for legal fees, we have seen so many
12 times that this Legislature has passed bills that
13 the courts have deemed unconstitutional. And yet
14 we're spending our taxpayer dollars to go and defend
15 those actions, and we're doing the same thing here
16 with this map. And I really find it unfair to our
17 citizens, and I'm outraged that this is another case
18 where we would have to do this.

19 You know, as I was coming here yesterday in
20 the airport, a gentleman stopped me as I was coming
21 through in Miami. And he could see that I was
22 heading toward the plane from Tallahassee.

23 And he said to me, "Are you going to
24 Tallahassee?" And I said, "Yes." And he said, "Can
25 I ask you a favor?" And I said, "Sure."

1 And he said, "Can you make sure that my
2 vote and my voice is heard in Tallahassee?" And I
3 turned to him and I said, "I absolutely will."

4 And I want you to know that this was just
5 an employee working in the airport who understood
6 what was going on here in this state. So I want you
7 to know that people are watching. People are aware.
8 So make sure when you vote today that you remember
9 that the people in the state of Florida are
10 watching. We were put here to do fair maps. This
11 is our responsibility once every 10 years. And I
12 don't believe we're doing it with this map, and I
13 ask you to vote it down today. Thank you.

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

17 SENATOR CRUZ: Thank you, Mr. President.

18 Of course I oppose this map, because on its
19 face I believe it violates the fair district
20 amendments in the Florida Constitution. Instead of
21 keeping the south portion of Pinellas County whole
22 it splits this community, taking the eastern portion
23 and jumping the bridge -- is what we call it -- and
24 putting it in Tampa and other sections of
25 Hillsborough County. Looking at this map, one

1 cannot even say that it works to respect
2 geographical boundaries. Section of the Pinellas
3 portion of the map appear to cut neighborhoods in
4 half, and in one instance even appears to cut a
5 building in half.

6 Publicly available performance data
7 suggests that these changes were made to create a
8 South Pinellas seat that significantly favors a
9 Republican. Because of these gerrymanders in the
10 obvious partisan favoritism in this map, it's really
11 very unconstitutional. And Senators, ignoring fair
12 districts -- which oh, by the way, is an amendment
13 to the Florida Constitution, which oh, by the way,
14 happened because the people had to go around this
15 body and put an amendment to our Constitution in an
16 effort to force fair districts -- totally, in my
17 opinion, being ignored.

18 What I'm really worried about is this
19 persistent abuse of power and a total and complete
20 disregard for the laws. You know what this is?
21 This is a stage 4 malignancy, and this will be the
22 death of democracy. Thank you.

23 PRESIDENT SIMPSON: We are in debate. We
24 are in debate. let's go to the Senator of the 3rd,
25 Senator Ausley, followed by the Senator of the 38th,

1 Senator Pizzo. Senator Ausley, you are recognized
2 in debate.

3 SENATOR AUSLEY: Thank you, Mr. President.

4 And I want to start out by echoing my --
5 the sentiments of my colleagues. Senator Rodrigues,
6 I have nothing but respect for you. Since I moved
7 to this side of the floor I've been able to see you
8 up close and personal, and I've watched you
9 patiently and stoically answer our questions. And
10 we were proud, most of us, to support your work on
11 the House and the Senate maps. But I for one did
12 not support the congressional map because I believed
13 it violated fair districts and drawing a Duvall only
14 seat that clearly disfavored Congressman Al Lawson,
15 the current incumbent in House District 5.

16 Now, in the Governor's veto message he
17 describes District 5 and secondary map as this
18 sprawling district that stretches approximately 200
19 miles from east to west and cuts across 8 counties
20 to connect a minority population in Jacksonville
21 with a separate and distinct minority population in
22 Leon and Gaston Counties, suggesting that House
23 District 5 is only about connecting Jacksonville and
24 Tallahassee. And members, that is not true.

25 I am very familiar with these counties

1 across north Florida. I've lived here my entire
2 life. The current House District 5 includes all or
3 part of eight counties. My Senate district shares
4 five of these counties. On average these counties
5 or the part of the counties that make up House
6 District -- current Congressional District 5 have an
7 average African American population of 25 percent or
8 more, making up a cohesive community of urban and
9 rural voters, many of whom have lived in these
10 communities since the 1800's.

11 While this body has not provided us with
12 partisan performance data, the publicly available
13 data shows that in the current version of the 5th
14 District this cohesive community of black urban and
15 rural voters makes up a Democratic primary that is
16 70 percent black. In fact, all of the counties in
17 this district but one are majority black in the
18 Democratic primary, allowing the historic African
19 American community of north Florida to elect the
20 candidate of their choice.

21 As I said, I voted against our
22 congressional map because I believed it violated the
23 fair districts, but this map goes even farther than
24 that. This map shows us that it's not about
25 compactness. This is about limiting minority

1 access. To be clear, under this map north Florida
2 black voters will not have a district that
3 represents them, not in Duvall, not in Tallahassee,
4 not in any points in between.

5 This map is unconstitutional on its face,
6 and it violates the Voting Rights Act. And for
7 these reasons I will be voting no, and I urge you to
8 do the same.

9 PRESIDENT SIMPSON: Thank you, Senator
10 Ausley. We have on the lineup Senator Pizzo,
11 Torres, Stargel. The Senator Ann Burgess will be
12 added to that list. Senator Powell will be added to
13 that list. The Senator of the 38th, Senator Pizzo,
14 you are recognized in debate.

15 SENATOR PIZZO: Thank you, Mr. President.

16 So I was pretty good at math, even though I
17 got a law degree. None of my math books I don't
18 think indoctrinated me. They just taught me the
19 right answer, because math only has one right
20 answer. So here's from math. The Florida Senate is
21 the closest representation on count for constituent
22 numbers as Congress. If you take 21,800,000 people,
23 you divide it by 28 seats, 778,000 constituents.
24 Take 21,800,000 Floridians, divide it by 40 Senate
25 districts. It's 545,000. Closer in number, a large

1 number, than any other representation throughout
2 Florida in 11-plus municipalities and 67 counties.
3 Miami-Dade County, the most populous county with 2.8
4 million people or there around; roughly 212,000
5 constituents per district holder of 13
6 commissioners. We are the closest thing to
7 congressional.

8 Here's what's really interesting about the
9 math. There are 6 black members of the Florida
10 Senate. That's 15 percent of the body. There are
11 21 black members of the house. That's 17 and a half
12 percent. The blended average of those two is
13 roughly 16 and a half percent, which is exactly the
14 black population in the State of Florida. That's
15 math; it has one right answer.

16 In Florida we're about to go from four to
17 two. Maybe even less, because I've gotten six phone
18 calls to run for Congress where I live because two
19 black members have filed, will poach each other's
20 vote, and I can win. I'm running for the Florida
21 Senate. Because I think this place is not one of
22 435, it's one of 40. We have the ratio of members
23 to constituents, the greatest power influence and
24 ability potential to do good and bad. Remember
25 those numbers - 21 black members in the House, 6

1 here; 16 and a half percent blended average,
2 reflective almost exactly to the black population of
3 the State of Florida.

4 These maps do not. CD proposed 10 did not
5 have to split a minority district. I keep hearing
6 compactness as an argument, which is always
7 secondary to minority protection in Tier 1. Alex
8 Kelly is not a lawyer, and if he was, he wouldn't be
9 a good one.

10 Here is what everyone was trying to say,
11 but I realize the utility of my position, folks, is
12 to lay a record. And I hate being right about these
13 things. Some of the amendments that we've had over
14 some of these bills that we've discussed, the
15 million dollar cap on legal fees, that's called bath
16 faith. That means that you are entering into a
17 contract, a negotiation, or an agreement knowing
18 it's likely to fail, be challenged, or be infirm.
19 That's what you're doing. You're doing it for your
20 political futures, and I understand it.

21 But I don't know if that's what you want me
22 to continue to tell my constituents about why things
23 are so crazy up here. Because you were told to do
24 it. But that's what I'm telling them. If there's
25 something else you would like me to tell my kid's

1 baseball coach, my next door neighbors, my wife, let
2 me know. Because I have been given no reason other
3 than some very smart people -- what do we have?
4 One, two, three, four -- what do we have, nine
5 lawyers in here? Some very smart people are walking
6 into things they know will be struck down, rejected.
7 So you tell me after we leave here what you would
8 like me to tell intelligent, engaged and informed
9 constituents about why you continue to do things
10 that you know either make sense, don't save kids in
11 my district's lives or yours, don't improve streets,
12 roadways or infrastructure. You tell me what you
13 want me to tell them.

14 PRESIDENT SIMPSON: Senators, we're in
15 debate. On the lineup is Torres, Stargel, Powell
16 and Burgess. From the 15th, Senator Torres, you're
17 recognized in debate.

18 SENATOR TORRES: Thank you, Mr. President.
19 Mr. President, I rise in opposition to these maps.
20 Under the Florida Constitution the Legislature is
21 charged with the responsibility of drawing
22 congressional district maps based upon population
23 changes after each decade of census counting. But
24 today we're allowing the Governor to draw and
25 propose these maps instead of drawing them ourselves

1 through normal staff and committee process. This
2 Legislature is a core equal branch of the government
3 with the Governor, but we have given him authority
4 over this issue which is clearly our responsibility.

5 The recent census data showed increased
6 population growth in Florida, which is why we added
7 one new Congressional seat. The largest population
8 growth in Florida was in the Hispanic community.
9 There was also a growth in the African American
10 community as well, but the proposed map eliminates
11 two current African American seats and does not
12 increase the number of Hispanic access seats, even
13 though those two communities are larger today than
14 they were a decade ago.

15 Mr. President, establishment of minority
16 access district has been affirmed by the courts for
17 several decades to be constitutionally compliant and
18 ensures opportunities for minority communities to
19 elect Congressional candidates that will represent
20 their interests. Why should we deviate from the
21 longstanding tradition by passing maps that
22 decrease, not increase, minority access
23 Congressional seats?

24 I object to both subsets of this
25 congressional map's districts and the process that

1 brought us here to address the issue. For these
2 reasons I cannot support the maps on -- that are
3 before us today, based upon the reduced access of
4 representation of minority communities. I fully
5 expect that the courts will have the ultimate settle
6 -- ultimate settle this issue, just as they did when
7 this body approved unlawful maps last decade. Thank
8 you, Mr. President.

9 PRESIDENT SIMPSON: Thank you, Senator
10 Torres. We're in debate. You're in debate.
11 Senators on deck: Stargel, Powell, Burgess, Rouson.
12 Let's go to the District of the 22nd. It's Senator
13 Stargel is recognized in debate.

14 SENATOR STARGEL: Thank you, Mr. President.

15 And I will start this debate by saying I
16 liked our Senate maps. I will submit that. We
17 voted on the Senate maps. I like it when everyone
18 does things my way. That's typically the way I am.
19 But unfortunately we all have to work together in
20 this process. And if there was only one right way
21 to draw a map, that would be something that could be
22 discussed. But there is not. There are multiple
23 ways to draw these maps. There are multiple ways to
24 draw these maps constitutionally.

25 If each of us were to -- I would submit

1 that many of the drafts of maps that we've seen were
2 probably constitutional. But we all have to agree
3 we've done a lot of legislation over the years. And
4 again, I like it when we do legislation my way, but
5 we have to work with the house and we have to work
6 with the Governor.

7 And before we even passed our maps there
8 were lawsuits filed, because the truth of the matter
9 is that the other side wants the courts to draw our
10 maps. They don't want us to draw the maps. They
11 want to take away our constitutional responsibility
12 to draw maps. They want to take it away and give it
13 to the courts. So before we were even done with our
14 maps in March, they filed a lawsuit against our
15 maps.

16 Now, I've heard a lot of discussion today
17 about the minority districts. And so I asked our
18 staff to poll with regards to our Senate and the
19 math that Senator Pizzo said, and I don't like math
20 or work so I'm not a lawyer or a mathematician. And
21 of our Senators -- and we're doing a representation
22 -- Gibson, Bracy, Rouson, Powell and Jones were all
23 elected not by majority minority districts. And yet
24 they're still here sitting in this chamber, and
25 they're still representing the Florida Senate.

1 Senator Osgood was the only one who was elected by a
2 majority minority district.

3 So to say that these maps as they're drawn
4 today are hurting minorities I believe is not
5 accurate. It depends on who decides to run for
6 those districts. And if that minority is a good
7 candidate -- minority member is a good candidate,
8 then they'll get elected.

9 So as I stand here before you today, I
10 believe these maps are constitutional. I wouldn't
11 vote for them if I didn't. And the funds we put in
12 the budget is because we know they're going to be
13 challenged because of the precedent of the last
14 maps, which many have said they liked in this
15 chamber, were challenged before we even got done.
16 So we know they're going to challenge, because the
17 reality is they want the courts to draw the maps.

18 These are constitutional maps. I think
19 they're very thoughtful. I don't think any of us
20 who vote for them today are racist or following the
21 direct will of the Governor. We're doing our
22 constitutional requirement of drawing maps,
23 submitting maps, discussing maps, working together
24 with our branches of government and making sure we
25 have a constitutional map. And I'd ask for you to

1 please vote for them today.

2 PRESIDENT SIMPSON: In debate: Powell,
3 Burgess, Rouson. The Senator -- Senator Powell of
4 the 30th, you're recognized in debate.

5 SENATOR POWELL: Thank you, Mr. President.

6 The question I have is -- Senator Pizzo
7 said it earlier, approximately nine attorneys in
8 this body of 40 people; 39 when we end at session.
9 How did we end up with compromised maps with all of
10 these attorneys? And I battled that over and over
11 again.

12 I woke up this morning, woke up this
13 morning. I had like the same thought that I had
14 several weeks ago. There's a lion and a gazelle
15 that wake up every morning running. One is running
16 to get food; one is running not to be food. And I
17 wake up knowing in this process that we have to
18 continue to fight. And sometimes you get tired,
19 right? Tired of the book bans, tired of the don't
20 say gay, tired of the maps being changed, tired of
21 the CRT, tired of the race. Tired of wondering when
22 I wake up in the morning am I black today, am I
23 colored, am I a negro? What is my battle today?

24 In a state with 21.5 million people, when
25 we're talking about congressional maps and we talk

1 about the census, Senator Jones said earlier that in
2 this state there has only been a limited number of
3 people who've been black who've been elected to
4 Congress. So you all remember recently, right in
5 the seat that Senator Bracy sits in now, that -- in
6 that chair but in the District 33, we had a former
7 member who ran for Congress and is not here. Why
8 did all of those people run for Congress? And my
9 name was tossed around in that same sentence in
10 terms of potentially running.

11 But prior to 1992 in the statehood of
12 Florida, prior to 1992 there were zero -- well,
13 after reconstruction there was one - Josiah T.
14 Wells. But prior to 1992 there were zero black
15 people in Congress. And then in 1992 we got Corrine
16 Brown, Alcee Hastings, who represented where I
17 lived, and then down in south Florida, Carrie Meek.
18 You all remember Carrie; she recently passed away.
19 She was replaced by Kendrick, who then was replaced
20 by Frederica Wilson.

21 In Jacksonville you had Corrine Brown, who
22 has been replaced by Al Lawson and Val Demings,
23 because that became two different seats. Palm Beach
24 County we recently had an election where all of
25 these people ran for that one Congress seat. Why

1 would all of those people run for one Congress seat?
2 To be one of the 10 black people to ever be elected
3 to Congress here in the State of Florida, where
4 we're going to have 28 congressional seats. And
5 maybe 2 or 3 after we completely pass this map will
6 represent black people.

7 And I tell my daughter every day that you
8 can be anything you want to be, right, because
9 that's what my mother told me. But I wake up every
10 day knowing that I'm going to have to fight. And
11 Senator Bracy said earlier that he had to deal with
12 a bully, right. And I have to remind myself every
13 day -- I listen to all kinds of music -- gospel,
14 rap, country. I have to remind myself that Bone
15 Crusher said it best, "I ain't never scared." Which
16 means sometimes we're going to have to stand in the
17 way, and we're going to get knocked on our backs.
18 Celeste Brown said if you can fight and you knocked
19 on your -- knocked down, try to land on your back,
20 because if you can look up, you can get up.

21 And this process becomes more and more
22 difficult. Because when I got here, boy, there were
23 some fighters up in here. Latvala, he didn't always
24 agree with the Democrats or the Republicans. Boy,
25 but he was a fighter, right. You never knew where

1 he was coming from. Today is a little bit
2 different. A lot of us have lost our fight. A
3 couple people stand up and fight for what they
4 believe in. It doesn't necessarily have to be
5 Democratic, and it doesn't necessarily have to be
6 Republican.

7 But in this world that I live in, this map
8 that we're proposing tells people we don't want to
9 say the words "black lives matter," but you show me
10 this and subconsciously, like the wall I told you
11 all about, you understand what the map says. Is it
12 because 40 members of this body who are
13 professionals pass maps and now we say they're
14 compromised? Is it because we're within 30,000
15 votes of bringing it home? Is that what we're
16 scared of? I wake up every morning knowing that I
17 have to fight.

18 And I know I came from West Palm Beach
19 reluctantly, reluctantly, because I'd rather be home
20 with my wife and daughter. Love, Senator Bracy, is
21 an action. Love is a strong word. I dated a lot of
22 girls -- women -- people, whatever.

23 (Laughter)

24 Not people, but women. At least you all
25 know I dated people, not animals.

1 But it's a lot to love. It's a lot. When
2 you say, "I love you," that's strong, and I don't
3 take it lightly. When you say, "I love," love is an
4 action. I knew my mom loved me, not just because
5 she said it but because of what she did. I know my
6 father loves me, not because of what he says -- and
7 sometimes he don't say it -- but because of what he
8 does. My father and mother were born in 1947. My
9 mother died in 2001 and she couldn't fight for me
10 any longer. So I'm here and I'm ready. And I know
11 I've got to fight.

12 Lauren, you and I talked about what Chris
13 Smith said about rain. I understand. Trevor, you
14 talked about Maya Angelou said, and I'll finish you
15 all with this. Maya Angelou did say that when
16 people show you who are -- who tell you who they
17 are, you believe them the first time. But she also
18 said that, "You may write me down in history with
19 your bitter, twisted lies, banning me out of books.
20 You may trod me in the very dirt, but still, like
21 dust I'll rise."

22 We will continue. We'll battle. We're
23 here today. These will be our words. But we will
24 continue to rise. We'll rise above the pit of
25 mediocrity in which we've tried to be buried. We

1 will rise above any feelings that we may think are
2 racist or negative. We will rise above the times
3 when we were colored to when we were black. We will
4 rise in a chamber, regardless of the banning of
5 books. We will rise, we will continue to rise, and
6 we will rise. But when it comes to this legislation
7 and this map, I will be down. And I would ask you
8 to do the same.

9 Thank you, Mr. President.

10 PRESIDENT SIMPSON: Thank you, Senator
11 Powell. Up next: Burgess, Rouson, Farmer. Senator
12 of the 20th, Senator Burgess, you're recognized in
13 debate.

14 SENATOR BURGESS: Thank you very much,
15 Mr. President. I'll be brief.

16 This is only the second cycle since the
17 Florida constitutional amendment was put in for the
18 fair districts. Unless this is resolved, we're
19 going to be dealing with these types of legal
20 questions every single decade. And the way I view
21 this, as is with many constitutional amendments,
22 however noble their initiative and their passage
23 there are a lot of legal questions that remain
24 unresolved because a constitutional amendment does
25 not contemplate the full left and right limits of

1 the law.

2 And so what we have here and what has been
3 identified by the Supreme Court are two remaining
4 legal questions that have not been thoroughly vetted
5 within these last two cycles, or by the court, or
6 contemplated in our law. And those two questions
7 are the interplay between the Tier 1 standards in
8 our constitution and the equal protection clause, as
9 well as the extent to which the non-diminishment
10 standard of Article 3, Section 21(a) compels map
11 drawers to create districts that conflict with the
12 Tier 2 standards in Article 3 Section B has yet to
13 be clearly interpreted by state or federal courts.
14 So these two legal questions remain unresolved.

15 If the concern is truly legal, then this is
16 an opportunity to resolve these legal questions once
17 and for all. The venue provision from yesterday is
18 a completely normal, completely standard, and
19 completely consistent approach that we have in
20 Florida law, and it's no different here.

21 Florida has led the way, in my opinion,
22 with an incredibly transparent process. And this
23 process is not just the Senate, it's not just the
24 house, it's not just any branch. It takes three to
25 tango. And this map before us does incorporate

1 input from all branches of government here. And
2 because of that and because of what we heard
3 yesterday, with there being the citation of legal
4 precedent and this being a novel legal argument, a
5 case of first impression in which a legal issue that
6 has never been decided is before a governing
7 jurisdiction, I feel very comfortable supporting
8 what is before us.

9 This has been a transparent process.
10 Florida has led the way. If you don't believe me,
11 look at some other states. New York, a special
12 magistrate is now drawing their maps. In New
13 Hampshire the Supreme Court is now taking over.
14 Maryland is on round two. You don't even want to
15 know what's going on in Wisconsin, among other
16 states.

17 So I am very proud of what we've been able
18 to do in the State of Florida. I think that we do
19 have a legal question before us that will be
20 addressed clearly. And that is something we should
21 welcome, because for future redistrictors (sic) this
22 will hopefully resolve this question and make this
23 process more clear for all of us.

24 PRESIDENT SIMPSON: We are in debate.
25 Lineup: Rouson, Farmer, Hutson, Book. Senator of

1 the 19th, Senator Rouson, you're recognized in
2 debate.

3 SENATOR ROUSON: Thank you very much,
4 Mr. President.

5 "A crust of bread and a corner to sleep in,
6 a minute to smile and an hour to weep in. A pint of
7 joy to a peck of trouble, never a laugh and the
8 moans come double. And that is life." See, you can
9 dissect what we've done. You could intersect it,
10 cross-sect it, you could sect it any way you want.
11 I'm not a mathematician.

12 But I'll never forget December 10, 1980,
13 when the late, great Judge James B. Sanderlin, asked
14 me to raise my right hand and accept the oath to
15 become an attorney. He said, "Rouson, your role,
16 your job as a lawyer is to make the law make sense
17 to common people."

18 I can hear the moans of black people in
19 this state because of this map. I hear the moans
20 when I lay my head on my pillow at night and realize
21 that we're removing two African American seats for
22 Congress. I hear the moans. And it's difficult for
23 me to make it make sense.

24 And I'm just going to say it. I don't
25 believe the Governor is a racist. Why would a

1 racist appoint Shawn Hamilton at DEP, or John Davis
2 at the lottery, or Shevaun Harris at DCF, or Simone
3 Marstiller at AHCA? I will never judge a man's
4 heart.

5 But in the political process it is fair
6 game to talk about the impact of policy. And that's
7 what the debates today are about, the impact of
8 policy on a people, on citizens who you can tell all
9 the mathematics to, who you can talk about all of
10 the legal ramification and parameters and boundaries
11 and foundations upon which action was taken. But to
12 them looking at this, there is no explanation.

13 And frankly some have suggested, why do we
14 need to show up up here when it's a fait accompli?
15 Well, like you I showed up because I wanted to be
16 counted. And even if I didn't debate it, I wanted
17 my vote to speak volumes to the people that I
18 represent.

19 I liked the maps that the Senate drew. It
20 was a thoughtful, deliberate process. But we're not
21 voting on what we drew. And Chairman Rodrigues, you
22 did a great job shepherding this through. And I
23 love the Senate. I respect every Senator in here,
24 even the ones I disagree with on policy, because
25 this is the place where great debate should take

1 place.

2 Like Senator Jones said, marginalized
3 people understand marginalization, they understand
4 diminishment, they understand retrogression. And
5 like Senator Gibson reminded me, to add insult to
6 injury, when this does get appealed and challenged,
7 we put an amendment on that directs the forum where
8 it can be challenged.

9 So I'm down on this today. I'm down on it
10 because I hear the moans of a people who you can
11 cross-sect anyway you want, but they believe what
12 they see. Thank you, Mr. President.

13 PRESIDENT SIMPSON: Thank you, Senator
14 Rouson. We had intended to go to Farmer. Let's go
15 to the Senator of the 7th, Senator Hutson. You are
16 recognized in debate.

17 SENATOR HUTSON: Thank you, Mr. President.

18 And I'll be brief, but I will say that
19 first off I know this is an emotional time. Special
20 Session always is. I've been a part of it with
21 bills before, and I just want to say I appreciate
22 all my colleagues for being cordial and collegial
23 and respectful getting through this process. The
24 Florida Senate is always that as a body, and
25 appreciate you guys for that.

1 I wanted to talk about kind of a history
2 lesson. I think someone yesterday talked about
3 civics 101 and kind of where we are today. And I
4 brought this up when I was in the Senate probably
5 before you all were here, because I -- most of you
6 were here, because I was in a special session. But
7 I want to bring up how we are today -- how we got
8 here today with the previous maps. The civics
9 lesson that I always kind of say is you have to --
10 in order to pass a law you have to go through both
11 sides of the legislative branch, survive the veto
12 pen from the Governor, and then go get challenged in
13 court and pass that challenge.

14 The maps previously that were drawn were
15 drawn by the Supreme Court. The maps are actually
16 laws, they're laws on the books. The Supreme Court
17 drew those and we chose not to challenge that. So
18 it's the first time in -- and anybody can fact check
19 me because I'd love to be humbled on this if I'm
20 wrong, but it's the first time that I know of in
21 history that a Supreme Court actually passed a law
22 that did not go through the legislative and judicial
23 branch -- I'm sorry, the legislative and the
24 executive branch. The judicial branch passed a law.
25 So when we come here today and talk about

1 this, we are going through the actual legislative
2 process to put these maps on the books for a law.
3 So when the Governor had talked about some of the
4 things in the past were unconstitutional, I kind of
5 agree with him because I don't think a judicial
6 branch should pass a law. I just don't believe
7 that's the case. I don't think we should ever do
8 that. But those are the maps that were before us
9 that became a law in past history.

10 So we're doing the right thing today in
11 terms of going through the process. And I'm -- I
12 want to bring that up because somebody mentioned a
13 civics lesson in the past. And I know there's nine
14 lawyers in the room, so I want to make sure that
15 that's on the record that this is going through this
16 process like we should be doing. And hopefully a
17 future Supreme Court doesn't just draw the maps and
18 pass a law.

19 So I want to start there, Mr. President,
20 and make sure that that's on the record for
21 everybody, because in the past that was a little
22 different in how it was done. And I thank you for
23 this. And I think, Senator Rodrigues, I know this
24 has not been easy working through this. Working
25 through this in the legislative session but also the

1 special session you've had a lot to do, and you have
2 been a champion in this issue. And proud to support
3 you in your efforts. Thank you, Mr. President.

4 PRESIDENT SIMPSON: Thank you. Additional
5 Senators in Debate? Senator Rodrigues, you're
6 recognized to close on the bill. Senator Rodrigues,
7 will you yield to Leader Book? Leader Book from the
8 32nd, you are recognized in debate.

9 SENATOR BOOK: Thank you so much,
10 Mr. President. And you know, we talk a lot about
11 how we're always so proud to be in the Florida
12 Senate, and you know, the debate today has obviously
13 shown why I'm so proud to be a part of this body.

14 Like my colleagues I oppose this map.
15 Three months ago we began this process in an open,
16 transparent manner, and I was happy at that time to
17 support a map that respected the Constitution and
18 the Voting Rights Act and appeared to have -- we've
19 drawn -- and that map had been drawn in good faith.
20 Now this Legislature is allowing our constitutional
21 duty, our power, to be hijacked by partisan interest
22 in another branch of government. These reasons
23 alone would be enough for me to vote against this
24 map.

25 As my colleagues have highlighted, this map

1 is rife with problems and likely will not pass legal
2 muster. I vote no today because I refuse to do away
3 with the interests of minority voters and because I
4 insist on following the Constitution. And while
5 we've sat here today and listened to a lot of the
6 debate, Senator Powell, Senator Rouson, Senator
7 Bracy, Senator Osgood, Senator Jones, I've been
8 thinking about something that I actually came across
9 a TikTok video about taking the lid off your jar.
10 And I realize this map puts the top back on that
11 jar.

12 So interesting fact, fleas -- if you have
13 dogs, maybe you know a little bit about fleas --
14 have the highest vertical leap based on their size.
15 They can jump 36 inches vertically; that's pretty
16 high. So if you caught a flea, you put it in a jar
17 that flea could still jump 36 vertical inches but it
18 would hit its head when it hit the top of that jar.
19 But that flea could still jump that 36 inches.

20 What we're doing is putting the lid on the
21 dreams of people, of minorities. Let them jump as
22 high. Let us go. We've broken the ceiling. We
23 should not be diminishing minority votes, minority
24 voters, and voices across our state. Thank you,
25 Mr. President.

1 PRESIDENT SIMPSON: In debate, from the
2 34th, Leader Farmer in debate. You're recognized.

3 LEADER FARMER: Thank you, Mr. President.

4 It's with a heavy heart that I rise in
5 debate against this map. The act of redistricting
6 is one of the most important actions that we take as
7 a legislative body and as a republic form of
8 government.

9 But this year we find ourselves in a very
10 unique situation, an historic situation for all the
11 wrong reasons. For the first time ever in our
12 history, our Governor has chosen to insert himself
13 into the legislative process by filing his own map,
14 not once, as he did in regular session, but twice,
15 as we are dealing with today. And we as a
16 legislative body, collectively with the House of
17 Representatives, did not file our own maps. This is
18 unprecedented, and it's unprecedently (sic)
19 dangerous.

20 We have separation of powers for a reason.
21 I hold this document up often. I first got these
22 pocket Constitutions when I participated in the
23 Supreme Court's justice teaching program where you
24 go into classrooms and you teach kids about the
25 importance of the Constitution, particularly the

1 Bill of Rights. The beauty of this document is its
2 fluid nature. The brilliance of our founding
3 fathers is laid to bear in this concept of
4 separation of powers.

5 You see, we didn't want a king. We didn't
6 want a despot to rule us. We had been there, done
7 that, and it didn't work out too well. This was at
8 a time where the individual rights of man -- and
9 yes, sadly it was only men, and only white men --
10 but the individual rights were being debated. The
11 concept of a Bill of Rights was foreign to the
12 entire world. We didn't get it until the Second
13 Constitutional Convention when the colonists and the
14 people said, "Wait a minute. It's great you set up
15 this form of government. What about our rights? Go
16 back and do some more."

17 So we have been there, and we knew that we
18 did not want consolidation of all power vested in
19 one person. But that's where we are here today.
20 And the issue of the Governor's insertion into this
21 process and his openly brazen admission of his goal
22 to eliminate a minority access seat is terrifying.
23 It should be terrifying to everyone who cares about
24 this form of government.

25 And you know, in the history of mankind and

1 the history of civilized society, we as Americans
2 are still in a nascent state. It's only been 260
3 years since we formed this great country. That is a
4 blip in the history of this planet and of civilized
5 societies. It's a grain of sand in the big picture.
6 This is still an experiment in democracy.

7 In the 1860s the validity of our form of
8 government was still being discussed and openly
9 debated. And one commentator wrote, "It is the
10 democratic principal of equal rights, general
11 suffrage, and government by a majority capable of
12 being carried into practical operation, and that,
13 too, over a large extent of the country."

14 There was an English historian named Paul
15 Johnson who wrote a book called "The History of the
16 American People." And he wrote, "The creation of
17 the United States of America is the greatest of all
18 human adventures. No other national story holds
19 such tremendous lessons, for the American people
20 themselves and for the rest of mankind. The great
21 American republican experiment is still the first
22 best hope for the human race." And he hoped that it
23 will not disappoint an expectant humanity.

24 It's often noted that outside observers of
25 this American experiment tend to express a more

1 profound appreciation for the remarkable
2 achievements of our forefathers and the founders of
3 this country, more so than most of us or most
4 Americans. Burke and Telluron (phonetic), Gladstone
5 and Tocqueville, Thatcher and Maruschen (phonetic)
6 have all marveled at the truth of a proposition
7 that, before the exceptional birth of freedom here
8 in America, this concept had been considered at best
9 problematic. The simple concept that people have
10 the right and the capacity to govern themselves.

11 So we have brought into being not just an
12 independent territory that sprung from the colonies,
13 we have brought into being a great experiment, one
14 that George Washington called ordered liberty. An
15 experiment in which men and women would enjoy
16 equality of rights and opportunities in the pursuit
17 of happiness and in service to the common good.

18 Now, this is not the first time the concept
19 of self-governance and the disagreement over how to
20 proceed has vexed this country. We all know about -
21 - and studied and how precariously close things came
22 to falling apart in our Civil War. In the mid-1800s
23 we decided as a country that we were going to deal
24 as a nation with the concept of slavery. The
25 concept that had, heretofore had been enshrined in

1 our governing documents, that a person with black
2 skin was only three-fifths of a person. Three-
3 fifths of a person.

4 We somehow survived this Civil War where
5 Americans killed other Americans, his incredible
6 threat to our republic. And it hearkens to the
7 warnings that our founders provided us. You know,
8 in the aftermath of the insurrection last year, many
9 United States Senators and other legislators
10 reminded us that "we have a republic if we can keep
11 it." The source of this quotation is a journal kept
12 by James McHenry, who is a Maryland delegate to the
13 Constitutional Convention. On the page where
14 McHenry records the events of the last day of the
15 convention, September 18, 1787, he wrote, "A lady
16 asked Dr. Franklin, 'Well, Doctor, what have we got?
17 A republic or a monarchy?' And Franklin famously
18 replied, 'A republic, ma'am, if you can keep it.'"

19 Dr. Franklin was prescient. He knew times
20 like this would come. He knew times like the Civil
21 War would come. He knew that this was an experiment
22 which was going to rely on the collective will of
23 the American people to forge ahead with the
24 principles that are the foundation of this great
25 country - freedom, justice, equality. And nowhere

1 are those qualities more important than in the most
2 fundamental right of all, the right to vote.

3 It's been suggested here that the fact that
4 African Americans have been elected to seats that
5 are not minority access seats is proof that we don't
6 need minority access seats. This hearkens me back
7 to a recent comment that racism doesn't exist
8 anymore because we elected Barack Obama President.
9 Ladies and gentlemen, I'm sad to say racism still
10 exists in Florida and elsewhere. It's invidious,
11 it's hateful. It's based on hate.

12 And guess what? Six years ago a rock was
13 kicked over, and hate spread like ants running out
14 from under that rock. It was okay to hate again.
15 We must protect this cherished right to vote. We
16 cannot succumb to the notions that it's not needed
17 anymore, that minority access is not -- protection
18 is not needed anymore. And we survived that
19 challenge that was the Civil War. But we were able
20 to do so because the nation maintained one key
21 aspect, a respect for the rule of law.

22 That's why this point in time is so scary
23 to me, because I don't feel that respect for the
24 rule of law. I don't see it evinced in the policies
25 and the actions of our highest leaders, and that

1 includes our Governor. And racial intent behind the
2 drawings of these maps is an absolute factor that
3 will be considered when the constitutionality of
4 these maps is determined by the court system. So
5 talking about the Governor's intent is absolutely
6 relevant to this bill.

7 You know, these are dangerous and --
8 dangerous times, yet we keep hearing about freedom,
9 the free state of Florida, the freest state in the
10 country. Well, I don't think that some people have
11 a true understanding or appreciation for what
12 freedom means. For a reminder I turn to the late,
13 great John Lewis who said, "Freedom is not a state,
14 it is an act. It's not some enchanted garden
15 perched high in a distant plateau where we can
16 finally sit down and rest. Freedom is a continuous
17 action we must all take, and each generation must do
18 its part to create an even more fair, more just
19 society."

20 So in passing maps where the open-stated
21 intent is the removal of minority access districts,
22 we are not acting as a more fair, more just society.
23 We are not free. Lewis also said that his greatest
24 fear was that "one day we may wake up and our
25 democracy is gone." I will never rest in my fight

1 and quest to ensure that that day never happens.

2 Individual rights are not subject to a
3 public vote. The majority has no right to vote away
4 the rights of the minority. The political function
5 of rights is precisely to protect minorities from
6 oppression by majorities. And the smallest minority
7 on the earth is the individual, the individual right
8 to vote, to protect and grow and foster this great
9 experiment which we continue to live. This map does
10 none of that. It's an open oppression on minority
11 right to vote. I cannot support it. I urge you to
12 vote no. Thank you, Mr. President.

13 PRESIDENT SIMPSON: The Senator of the
14 29th, Senator Polsky, is recognized in debate.

15 SENATOR POLSKY: Thank you, Mr. President.

16 I'll be very brief, and I can actually
17 touch on something that has not been discussed yet
18 today. There are a little over five million
19 registered Republicans in this state. There's over
20 five million but a little bit fewer registered
21 Democrats in this state. There are four -- more
22 than four million voters who are NPA or with a minor
23 party.

24 So what is happening with this map? This
25 map will favor Republicans in 70 percent of the

1 districts, adding at least 2 seats to what we
2 currently have in the breakdown right now between
3 Democrats and Republicans. But Republicans make up
4 36 percent of the registered voters in this state.
5 So we are going to have an incredible imbalance in
6 this state, and that is exactly what gerrymandering
7 is, where the state does not represent its
8 constituents.

9 So I want you all to think about that - 70
10 percent of the seats will favor Republicans, and you
11 all make up 36 percent of the registered voters. I
12 think that speaks volumes about the intent of the
13 bill and why we should vote against it. Thank you.

14 PRESIDENT SIMPSON: Thank you, Senator
15 Polsky. Let's go to the Senator of the 27th, the
16 bill sponsor, Chairman Rodrigues. You're recognized
17 to close on SB 2-C.

18 CHAIRMAN RODRIGUES: Thank you,
19 Mr. President.

20 And I'll begin by saying it is an honor to
21 serve in this Senate with each of you as my
22 colleagues. And this has been a very long road. We
23 had our first reapportionment hearing in the first
24 week of session back in September, and we've been
25 working all the way through until today. Which begs

1 the question, how did we get here today? We passed
2 a map, we sent it to the Governor, and that map was
3 vetoed.

4 So we're back in special session to come up
5 with a map that we can send to the Governor that
6 will be signed. And my friend and colleague from
7 the 7th District is absolutely correct. All of us
8 were elected to the Senate in a district that was
9 drawn by the court. Because in the last
10 redistricting cycle the court tossed the Senate map
11 and the congressional map, and the court drew those
12 districts.

13 As a Legislature we have one responsibility
14 in 9 out of 10 sessions, and two responsibilities in
15 the 10th. Nine out of 10 it's to pass a balanced
16 budget. That is the only thing we do. We have
17 fulfilled our constitutional obligation. Every 10
18 years it's our responsibility to pass a balanced
19 budget and to pass a reapportionment plan for the
20 Senate, the House, and the U.S. Congress. Those are
21 our duties.

22 And so the choice before us is: do we pass
23 a map that fulfills our constitutional
24 responsibility, or do we declare an impasse and
25 leave it up to the courts for them to draw our map

1 again? Well, in this case it would be they would
2 draw our congressional map again. I think we should
3 fulfill our duty and pass a map.

4 Now, I've heard a number of things through
5 debate, and I listened to each of the debaters. And
6 I'm going to hit or touch on a number of the points
7 because I think the record should be clear. I've
8 heard a number of objections that have said the
9 Legislature is abdicating its responsibility by
10 allowing the Governor to have this role in
11 redistricting. I disagree with that. We would
12 abdicate our responsibility if we failed to pass a
13 map and allowed the courts to do it.

14 The Governor has always had a role in
15 redistricting, not just Governor DeSantis, but every
16 Governor of the State of Florida. Because no
17 reapportionment plan is complete -- or a
18 congressional map -- until the Governor has signed
19 it. Which means if a Governor does not sign that
20 map, it does not take effect.

21 Now, this Governor has been more active
22 than some which begs the question, what is unique
23 here? And what I would submit is this. This
24 Governor actually has people on staff who have
25 experience in drawing maps. The person that drew

1 the map that is before us -- which is a compromise
2 map, including districts that we drew, that our
3 staff drew, districts that were drawn in the House,
4 and districts that they drew themselves -- is Alex
5 Kelly, who is the Deputy Chief of Staff. That's on
6 the record.

7 But what hasn't been elaborated on is that
8 Alex Kelly has experience in drawing maps. He was a
9 former staff director for the Florida House of
10 Representatives during the last redistricting cycle.
11 He has the ability to draw maps because the House
12 map that he drew was the only map that survived
13 judicial review during the last redistricting cycle,
14 and the only map that was implemented as it was
15 passed by the Legislature. And then finally, he's
16 qualified.

17 So what I would say is this. It's not like
18 the Governor put -- or had his staff put a map of
19 Florida on the board and just randomly put districts
20 together. He is a qualified staffer who has been
21 through this process post-fair districts amendment,
22 and drawn a map that has survived judicial review.
23 And the Governor gave instructions that he felt our
24 map did not resolve a conflict between the Florida
25 Constitution and fair districts and the U.S.

1 Constitution on the equal rights -- equal protection
2 clause of the 14th Amendment. And he directed his
3 staff to go draw a map that reconciled that
4 difference, and that's what we have here before us.

5 I've also heard objections to the amendment
6 we did yesterday. It's important to note that
7 nothing in the amendment -- and I want to thank my
8 friend and colleague -- my good friend and colleague
9 from the 20th District for the debate he offered and
10 jumping in and answering questions on that
11 yesterday, where he quoted from the Florida Supreme
12 Court two decisions, one in the '40s, one in the
13 '70s, that has said it is judicial doctrine for
14 challenges to state agencies or government actions
15 to be made here where the cause of action was
16 created by the state agency or the state government.
17 That is what the Florida Supreme Court says is
18 right. That is the current judicial practice.

19 Now, we put that amendment in there to make
20 it clear that the state is not giving consent at all
21 for any challenges to state law to be heard in
22 federal court. That can only be done if the state
23 consents. And with this amendment we're making it
24 clear that we are not giving that consent. What
25 this does is nothing to prevent any individual who

1 believes this map violates their civil rights from
2 going into a federal court and having that case
3 adjudicated in federal court. Nothing prohibits
4 that. All we've done is codify current judicial
5 doctrine.

6 I've heard objections that say the current
7 map ignores Tier 1 and it only focuses on Tier 2. I
8 don't believe that's correct. You go back and you
9 look at Tier 1, the criteria of Tier 1 is that
10 districts have to be contiguous. These districts
11 are contiguous. That you cannot favor an incumbent.
12 Nobody has alleged that this map favors an
13 incumbent. In fact, the incumbents are often drawn
14 out of their districts as it currently resides -- as
15 they currently reside. And it cannot favor a
16 political party. The testimony from the map drawer,
17 who was deposed during the last round of litigation
18 after having drawn the House map, is that he did not
19 draw this map with any political data or political
20 intent. That was his experience in the past. That
21 is what he has testified that he has done this time
22 as well.

23 So what is the question when it comes to
24 Tier 1? The current -- the question is this. And
25 this is also a statement that was made that I need

1 to correct. One of the statements was we have taken
2 away two minority majority districts. That is
3 factually incorrect. The current map that was given
4 to us by the court has five minority majority
5 districts, the current -- the map that we're
6 operating under today. This map before us today
7 that we're going to vote on also has five majority
8 minority districts.

9 Now, CD 5 and CD 10 will no longer have the
10 protection that they had, but neither one of those
11 were minority majority districts. One was a
12 minority effective district, CD 5; and one was a
13 minority opportunity district, CD 10. Regarding
14 Congressional District 5, the Governor's office
15 noted that in order to be in compliance with Section
16 2 of the Voting Rights Act it must satisfy the first
17 Gingles precondition. Gingles is a U.S. Supreme
18 Court case specific to the Voting Rights Act. That
19 precondition is that it must have a minority
20 population sufficiently large enough to constitute a
21 majority of the voting age population in a
22 reasonably compact geographic area. That's what the
23 law says, the U.S. law, federal law.

24 The position of the Governor's office is
25 that because CD 5 cannot be drawn as a majority

1 minority district with a black voting age population
2 of greater than 50 percent in any configuration, let
3 alone one that is reasonably compact, that race
4 therefore cannot be used to justify the
5 configuration of the district. It was also their
6 position that it never should have been drawn that
7 way in the first place by the previous court. And
8 so therefore there is no obligation to redraw it in
9 the current manner that it exists.

10 That is a question where there is a tension
11 between what is in the Florida Constitution and how
12 the U.S. Supreme Court has interpreted the Voting
13 Rights Act. That conflict is going to have to be
14 resolved by a court. We're not the ones that can
15 resolve that conflict. The Governor can't resolve
16 that conflict, and the Attorney General can't
17 resolve that conflict. That is going to have to be
18 adjudicated.

19 When it comes to CD 5 -- I'm sorry, CD 10 -
20 - we're going to the second district. This was the
21 minority opportunity district. In the map drawn by
22 the Governor's office, CD 10 was not considered to
23 be a district protected from diminishment for a
24 different reason. In this case they adopted the
25 House position that based on the functional analysis

1 of the benchmark CD 10, black voters' share of the
2 Democratic primary turnout had fallen below 50
3 percent over the course of the decade since the
4 district had been implemented.

5 And as we discussed yesterday, it went from
6 53.78 percent in 2012 down to 42.53 percent in 2020.
7 In determining whether or not a district performs
8 for a minority voters' candidate of choice, the
9 level of primary control based on voter turnout is
10 evaluated. The House took a different position on
11 this than we did. The House determined because of
12 the downward trend of black voters' control of the
13 Democratic primary, CD 10 was not subject to the
14 non-diminishment requirement.

15 We in the Senate took a different view.
16 Our view was that to the extent that any opportunity
17 did exist in a benchmark district, we would attempt
18 to recreate it at a similar level. That was what
19 was in the maps that we did.

20 Yesterday the Governor's office articulated
21 in committee that because the House and Senate did
22 not agree on the status of the district, that there
23 was no clear and compelling state interest to redraw
24 it that way so that it would perform for the
25 minority candidates -- candidate of choice. The

1 minority voters' -- I'm sorry -- candidate of
2 choice.

3 Once again, that is a question that will
4 ultimately be resolved in litigation. But what I
5 would say is if you look at this, this map checks
6 off all the Tier 1 boxes where there is no conflict
7 alleged between the Florida Constitution and the
8 U.S. Constitution. And what this map does do is it
9 improves the Tier 2 metrics.

10 Now, I touched on this yesterday, but it's
11 important to ensure that this is indeed on the
12 record. This current map improves the convex hull
13 to .81. In the map that we did in the Senate, our
14 convex hull was .80. It retains the same Polsby-
15 Popper score of .43 and it improves the Reock ratio
16 from .46, which is what we drew, to .47. The number
17 of counties kept whole moves from our original 48 to
18 50. The number of cities kept whole moves from 368
19 in our original map that the Senate did to 396, a
20 substantial increase. By all of the Tier 2 metrics
21 this map is as good as or better than the map that I
22 was so proud to present to you the first week of
23 September that we had come up with.

24 And the one thing I'll make clear, because
25 it needs to be made clear, is that the map we came

1 up with, which isn't statistically as good as this
2 map in front of us today, was a significant
3 improvement over the map that the court imposed in
4 the last redistricting cycle. So we took that which
5 the court did, which was given to them by the
6 plaintiffs who overturned the maps that the
7 Legislature did, and we improved upon it.

8 And now before us today is a map drawn by
9 the Governor's Deputy Chief of Staff incorporating
10 concepts from us and from the House that even
11 improves upon that. I believe that this is indeed a
12 constitutional map by looking at the metrics.

13 I'm going to read a quote here that I saw
14 way back in the beginning during committee weeks
15 that I filed away for an appropriate time. And the
16 quote comes from a University of Florida political
17 science professor. You may have heard of him. His
18 name is Michael McDonald. He was one of the expert
19 witnesses used by the plaintiffs to get the maps
20 tossed during the last redistricting cycle. He
21 said, and I quote, "As I like to say, and people
22 don't realize this, there are more redistricting
23 plans for a state like Florida than there are courts
24 in the universe." This is one of those plans.

25 If you go back and look at the litigation,

1 the Florida Supreme Court said, when they were
2 tossing the maps, that the duty is to pass a
3 constitutional map. Nothing more, and nothing less.
4 And that is what we are doing here today. And so
5 with that I would ask for your favorable support.
6 Thank you.

7 PRESIDENT SIMPSON: Thank you. The
8 Secretary will unlock the Board, and Senators will
9 proceed to vote. Lock the board and record the
10 vote.

11 THE SECRETARY: 24 yeas, 15 nays,
12 Mr. President.

13 PRESIDENT SIMPSON: Show the bill passes.
14 Read the next bill.

15 THE SECRETARY: Senate Bill 4-C, a bill to
16 be entitled An act relating to independent special
17 districts.

18 PRESIDENT SIMPSON: Senator Bradley, you
19 are recognized to explain your bill.

20 SENATOR BRADLEY: Thank you, Mr. President.
21 This is the independent special district
22 bill that we discussed yesterday.

23 PRESIDENT SIMPSON: Are there amendments?

24 THE SECRETARY: None on the desk,
25 Mr. President.

1 PRESIDENT SIMPSON: Is there debate?

2 Senator Polsky, you're recognized in debate.

3 SENATOR POLSKY: Thank you, Mr. President.

4 This is not the first time this Democrat or
5 the Democrats in general have stood up in favor of
6 private businesses to fight Draconian, intrusive,
7 overreaching bills brought by this Legislature.
8 Like cruise ships and social media platforms and
9 companies who provide diversity training or, God
10 forbid, vaccine mandates, the Disney corporation is
11 being attacked for expressing support for its many
12 LGBTQ employees and customers.

13 I don't know what happened to all of you,
14 to the Republican party in general, with respect to
15 allowing private businesses to run themselves.
16 Isn't that the definition of capitalism? But when
17 this cross this Governor they will be punished.
18 This is exactly the definition of authoritarianism.
19 How do you stop this tyranny? You exercise the
20 separation of powers and you stop a Governor from
21 going too far, of using his power to punish and not
22 govern.

23 The Senate, this upper chamber, has a duty
24 to stop this ill-thought out, rushed, and likely
25 illegal punitive measure from becoming law. There

1 is no doubt this bill is not accomplishing what it
2 is purported to do. If you truly believe
3 independent special districts need to be reviewed,
4 then review them. This is why we so often turn to
5 studies and we make thoughtful decisions on billion-
6 dollar issues. We don't rush them with no testimony
7 and admittedly not even speaking to stakeholders in
8 a matter of two days with no notice during a special
9 session about redistricting.

10 The bill says the special districts will be
11 dissolved. There is no process in the bill for
12 review, as was stated. We also have Rep. Fine
13 admitting that if you mess with him or the Governor,
14 you will get punished. Are we really making this
15 enormous decision based on spite?

16 If you vote for this bill today you are
17 simply agreeing to revenge governance and you are
18 engaging in the most brutal form of cancel culture
19 we've ever seen. And here we go again with the
20 taxpayers having to pick up the tab of \$600-plus per
21 hour for lawyers to clean up these illegal messes.
22 And what's next? The Governor threatened the board
23 of directors of Twitter yesterday. What bill will
24 magically appear in our next special session on
25 property insurance, an issue we truly need to fix,

1 that will punish Twitter?

2 Is this bill helping Floridians? Are we
3 making wise, sane, thoughtful legislation here that
4 will help our constituents? Ask yourself that when
5 you vote. Ask yourself why you are here as a
6 Senator. If you are being honest about it, you will
7 bill -- excuse me, you will vote no on this revenge
8 bill. Thank you.

9 PRESIDENT SIMPSON: Thank you. Are there
10 any additional debate? Senator Ausley, you're
11 recognized in debate.

12 SENATOR AUSLEY: Thank you, Mr. President.

13 And you know, I just don't understand what
14 we're doing here. The initial reason for coming
15 back is bad enough, and we've dealt with that in the
16 last couple of hours. But now we're adding insult
17 to injury by voting on something today that was
18 proposed yesterday, going after a private business
19 that has literally made our state what it is. All
20 because they've taken a position that the Governor
21 disagrees with. Oh, and by the way, we're going to
22 take out five smaller independent districts while
23 we're at it just to make it look better.

24 Now, we've heard the stated reasons for
25 this. We haven't had meaningful legislative

1 oversight in 50 years and we need a periodic review.
2 And we've been assured that these districts can come
3 back next year and be evaluated and reinstated if
4 they can successfully make their case. So in the
5 case of the Reedy Creek Improvement District we know
6 what that will entail. This is kind of like parents
7 putting their kids on restrictions. If you clean up
8 your act, apologize, say you're sorry, and agree to
9 change your behavior, maybe you'll get your phone
10 back or your other privileges. And if not, who
11 knows?

12 But I am concerned about the fact that
13 we're also talking about these five smaller
14 districts that have just been caught up in this,
15 these districts that deal with economic development,
16 water and sewer, and libraries in our very small
17 counties. I am most familiar with the two that are
18 in my district, the Hamilton County Development
19 Authority and the East Point Water and Sewer
20 District. The Hamilton County Development Authority
21 helps existing businesses in Hamilton County, which
22 is a county of 14,000 people, helps that county
23 think about growing and attracting new investment
24 and industry. It has a dedicated source of revenue
25 and a number of current joint projects underway with

1 the county. The East Point Water and Sewer District
2 serves 1100 customers in Franklin County.

3 I have spoken to representatives from the
4 county government and the independent districts in
5 both counties, and they are very concerned about how
6 this bill will impact their ongoing projects, their
7 current customers, and the budgets of these small
8 counties and authorities. No matter what, they're
9 going to have to hire lobbyists to work the
10 legislative process to make their case and advocate
11 for reinstatement.

12 Here's the deal. As Senator Polsky just
13 said, if we have legitimate concerns about the need
14 for meaningful legislative oversight, we have a way
15 to do this. We could ask for a report, we could do
16 a joint legislative committee study. There are many
17 things we could do. We could come back in session,
18 just as we have done in previous years, recommend
19 changes, recommend no change, or recommend
20 dissolution based on the fact-finding in the report.

21 With all due respect, this is not about
22 meaningful legislative review. This is punishment,
23 it is political theater, and we are better than
24 this.

25 PRESIDENT SIMPSON: Thank you. Is there

1 any additional -- oh. Senator Pizzo, you're
2 recognized in debate.

3 SENATOR PIZZO: Thank you, Mr. President.
4 And I will be brief, relatively speaking.

5 I will get stabbed with a spoon and a long
6 drive home with our Chief of Staff if I don't
7 mention a couple things for the record. Florida
8 Statute 189.068, oversight review process for a
9 special review by a 189.065(1), this section applies
10 to special districts if the special districts fail
11 to file required reports. We've heard for 50-plus
12 years that Disney has always been compliant. The
13 independent special district performance review
14 under 189.069(5), and finally 189.031(3)(b), that a
15 county itself can create its own special district.

16 Senator Brandes said something last night
17 off the floor. He said, "It's not that Disney's too
18 big to fail; it's too big to assign." And really
19 what that means is -- and I -- this is not to
20 provoke a reaction or anything, other than nothing's
21 going to happen. Everyone in this room knows this
22 is not going to happen.

23 I'm just tired of missing my kid's baseball
24 games for stuff that we know is not going to happen.
25 Nothing's going to happen on 1808 with immigration.

1 Nothing's going to happen on 168 from 4 years ago.
2 Nothing's going to happen on -- or never did happen
3 on critical race theory. None of my kids' teachers
4 were teaching anything about sexual orientation in K
5 through 3. It's not happening. This is not going
6 to happen. Two cities and two counties are not
7 going to assume a billion dollars in debt. We're
8 not going to do that. It's not going to happen.

9 I'm excited to see all of you in a couple
10 weeks when we do things that actually mean something
11 to our constituents like property insurance. And I
12 bet you we get condo reform too. I'm excited for
13 that. That's why I serve. It's very, very hard to
14 speak to five-year olds or 50-year olds about what
15 we're doing here when we're up here for a special
16 session being spoon-fed three bills that none of you
17 wrote, that none of you had any input on, and that
18 have to pass. I get it. I get it.

19 But one of the biggest concerns I had last
20 year -- and you'll remember this and you'll recall
21 -- was the buildup -- basically the stalemate of 10s
22 of 1000s of cases caught up in the civil process.
23 Not just criminal court, but also the civil court.
24 The reason why that was so important, they were
25 seeking \$12.5 million dollars in funding over three

1 years in Senator Perry -- in Chair Perry's committee
2 was because companies look to how quickly things are
3 resolved in a legal atmosphere when they're deciding
4 and determining where to set up either a satellite
5 location or a headquarters.

6 That's part of the sort of quality of life
7 assessment for the company, whether or not -- not
8 only about education, location, climate, et cetera,
9 but also how swiftly and promptly issue and
10 conflicts can be resolved. And I sort of urged many
11 of you to adequately fund that to clear that.
12 Remember, in circuit court I think we're now at a
13 \$30,000 or more threshold to be in circuit court,
14 right? So if there were a thousand -- just a
15 thousand cases, at minimum there was \$30 million in
16 dispute - 10,000, \$300 million. And likely it was
17 in the billions that were sitting there, proceeds
18 not distributed, disputes not resolved. That's
19 huge. That's really critically important to the
20 free state of Florida and to be able to resolve
21 that.

22 And when a company comes out because
23 they're worried more about their employees than they
24 are about the cancel culture that is, I don't know,
25 politics today, we get punitive. You know what

1 bothers me the most? The penance that Senator
2 Bradley has to pay right now because she voted no on
3 don't say gay. That's all this is.

4 And I'm sorry for you, I really am, that
5 you're in this spot. But I'll treat you and your
6 family to Disney World if you want to go.

7 (Laughter)

8 You'll vote yes, and it's -- I guess it's
9 okay. Because guess what? Nothing's going to
10 happen. Absolutely nothing is going to happen.
11 This is not going to go forward. It's not going to
12 happen. So vote how you were told to vote, and I'll
13 vote how I know I should vote. Thank you.

14 PRESIDENT SIMPSON: Is there any additional
15 debate? Senator Cruz -- oh, I'm sorry. Senator
16 Torres is next. Senator Torres, you're recognized.

17 SENATOR TORRES: Thank you, Mr. President.

18 Oh, Lord. While this bill impacts six
19 independent districts in the state, Reedy Creek
20 Development District, the largest and most
21 controversial one, is located in my Senate district,
22 is home to Walt Disney World. Reedy Creek directly
23 employs nearly 400 first responders who serve as
24 firefighters EMT. They have an additional 400
25 employees who operate and maintain electrical, water

1 and sewage services. Additionally, there are 2,000
2 private contractors with thousands of employees who
3 work in the district. The district has bonded and
4 incurred nearly one billion dollars of debt service,
5 and the dissolution of the district -- of this
6 district would result in transferring that debt to
7 Orange and Osceola Counties, which I represent.

8 No one discussed these changes and their
9 financial responsibilities the counties would have
10 to assume before proposing this change. There has
11 been no economic impact analysis of our tourism and
12 industry or sales tax revenue could be reduced due
13 to this change.

14 I think we all know that this bill was
15 created by the Governor and not by the bill sponsor
16 who filed it yesterday, which is why my criticism is
17 not aimed at the sponsor. This bill is punitive
18 punishment for political statements Disney has made
19 opposing decisive policies supported by this
20 Governor. This bill is a knee-jerk reaction and a
21 political stunt which is short-sighted and not well
22 thought out.

23 Disney will not be punished, but the
24 thousands of workers will be. The taxpayers of
25 Orange and Osceola counties will be -- and all

1 Floridas will be punished if our numbers of economic
2 industry tourism is negatively impacted by this
3 bill. For this reason I ask my colleagues to vote
4 no on this unnecessary bill. Thank you,
5 Mr. President.

6 PRESIDENT SIMPSON: Thank you. Senator
7 Cruz, you are recognized in debate.

8 SENATOR CRUZ: Thank you, Mr. President.

9 Last week I had a public forum on
10 affordable housing, or I perhaps should say
11 unaffordable housing and unaffordable rent. And we
12 kind of put out a Facebook and said, "If you have
13 issues, come share your story." And three young
14 people joined us and were kind enough to tell their
15 story.

16 But I'm still haunted by one young woman
17 who told her story, which was that she was an event
18 planner before COVID and made a very nice living.
19 But COVID hit and she lost her job, as you can
20 imagine. And she was out of work for a little while
21 and then found a job at the county at nearly half of
22 what she was making. And then her apartment complex
23 went up \$500 a month last month on rent. And as she
24 cried through her story, she said that she sold
25 everything in her apartment because she wasn't sure

1 that she could afford a storage container or
2 whatever. And that she was living on a friend's
3 couch, and the friend and her made a deal that for
4 six months she could stay there. And she was
5 crying. She had no family, she had nowhere to go,
6 and she was doing the best she could.

7 And my heart just broke for all three of
8 these young people. And I thought, "What are we
9 doing for these folks? Why aren't we addressing
10 this issue?" Instead, I'm here today for several
11 days, and I am addressing issues on how we can hurt
12 a major corporation that's been a damn good neighbor
13 in Florida.

14 So I look at this like a one-way street,
15 you know. It's like, there's Disney, a good
16 neighbor, probably a member of associated
17 industries, maybe a member of the Florida Chamber,
18 there for us every time we put our hand out every
19 time we ask them to host an event, a fundraiser.
20 Every time we need Disney, they're there. The
21 happiest place on earth has made us all very happy.
22 Yet one comment, one comment has turned -- it has --
23 they're trying to taint the reputation of Disney, my
24 opinion of a place for families' happiness.

25 For a single mom who saved up so that we

1 could go to Disney when it opened, when they had
2 these little key tickets, all those memories are now
3 tainted because somebody said something that our
4 Governor didn't agree with.

5 So what is the message here, guys? We
6 should be really, really worried about the message
7 is that unless you are a conservative corporation
8 that dare not stand up for the -- perhaps the people
9 that you work for. Or you know, you owned a
10 company. You can say what the heck you want to say.
11 Why are we putting our knee on the neck of the
12 mouse? It's ridiculous. It's nothing short of
13 extortion, it's nothing short of bullying. And
14 that's the reason I won't be voting for this bill
15 today.

16 PRESIDENT SIMPSON: Leader Farmer, you're
17 recognized in debate.

18 LEADER FARMER: Thank you, Mr. President.

19 This is going to sound a little redundant
20 to the debate on the debate on the last bill. But
21 once again, we find ourselves in a very dangerous
22 position and being asked to take a very dangerous
23 act by someone who doesn't really respect the
24 foundations of this government.

25 Once again we are dealing with a candid

1 admission and statement as to the intent behind this
2 legislation. It's to punish dissent. Dissent that
3 arose from one of the myriad of bills we dealt with
4 this past session that were just part of a culture
5 war, the don't say gay bill, a bill that ignited the
6 passion and fears of so many of our fellow
7 Floridians, a bill that after it was passed the CEO
8 of Disney dared to come out in opposition.

9 Now, many of us were frankly disappointed
10 that it took that CEO and Disney that long to weigh
11 in. He himself is gay. So many employees that make
12 Disney the magical place it is, the most magical
13 place on earth, are gay. And there was tremendous
14 disappointment that they weren't stuck up for before
15 that bill passed. But better late than never,
16 Disney came out and expressed its deep concerns
17 about this bill. And the bill once again shows a
18 disregard for the rule of law, as does this bill
19 we're about to vote on today.

20 Let's look at the process that's brought us
21 here in record time. This bill was added to the
22 call for this session two days ago -- two days ago -
23 - independently by the Governor himself. The bill
24 wasn't filed until yesterday. And then in rapid
25 succession it was in a committee, and then it was

1 here on the floor, and it got rolled into second
2 reading. That could have been stopped, but our
3 minority caucus chose not to. And so we just helped
4 and we enabled and we expedited.

5 And you've got to ask yourself, well, why
6 is it so important? What's the compelling need for
7 this bill and to rush it through with so little
8 input, so little study? And we went through so much
9 of this. Our staffs did amazing work, my staff.
10 Thank you for gathering the information they were
11 able to gather in such a short period of time.

12 There is no question as to the economic
13 impact of this legislation, over a billion dollars
14 in debt service on the bonds that are issued by
15 Reedy Creek. The myriad of services they provide --
16 firefighting, road maintenance, water, drainage
17 districts, habitat, ecological matters -- the price
18 tag is huge.

19 Why didn't we study all of that? Well,
20 because we didn't really care. And I've got to stop
21 saying we. Those who support and push for this bill
22 didn't really care. And if you don't believe me,
23 just look at that timeline. Don't say gay happens,
24 Disney objects, hostile communications and social
25 media battles ensue between Disney and the Governor

1 and his communications team, the special session is
2 called, and then a day before we get here this gets
3 added. That's indicative of what the intent is
4 behind this.

5 And we showed no respect for the rule of
6 law by violating statutes that are already on these
7 books. There's no question that under current law
8 when this special district government is dissolved,
9 the liabilities and indebtedness will be assumed by
10 the local general purpose government. That will
11 happen immediately upon the passage and signing of
12 this bill.

13 The notion or argument that this can be
14 done next year is frankly specious, and it is of no
15 legal account. Without an automatic reintegration
16 of this district, it is dissolved by this
17 legislation. The whims of a future legislative body
18 cannot be relied upon to counter the legal reality
19 that the Reedy Creek District will be destroyed and
20 will no longer exist. And then all of that debt,
21 which again we have not begun to get our hands
22 around, will be assumed.

23 Why do we do that? Again, if it wasn't for
24 the political motivation, wouldn't we have done this
25 in a regular session? Wouldn't we have studied all

1 of these economic factors and figured out what's the
2 succession plan? How are these two counties, and
3 maybe even a portion -- only a portion of these two
4 counties get to deal with this tremendous debt.
5 This is the worst way to legislate and govern. I
6 said it yesterday, we're shooting first and we're
7 going to ask questions later. That's not
8 responsible government.

9 Disney dared to say the emperor has no
10 clothes, and the term emperor is especially
11 appropriate here because this is being pushed by one
12 who seeks to be an autocratic despot and not just
13 what he is, the head of one of our three branches of
14 government.

15 The ironies here abound. Will every
16 employee of Disney now be entitled to a Hope
17 Scholarship due to this bullying? The Governor's
18 party has rose to power, it largely due to the
19 effect of the Citizens United case which said that
20 corporations are people, yet here he is taking away
21 the rights of this corporation. Ironies abound in
22 the free state of Florida where there is no real
23 free speech and teachers can't counsel young people
24 who are dealing with their own identity or have the
25 reality of two moms or two dads.

1 Keep it real. Let's call this what it is.
2 It's the punitive, petulant, political payback to a
3 corporation that dared to say the emperor has no
4 clothes. But if they behave this next election
5 cycle, maybe we'll put it all back together. This
6 is bad legislation, this is bad process, this is bad
7 for our republic, this is counter to everything
8 we're supposed to stand for and believe in as not
9 just Floridians but Americans. Another dark day in
10 this chamber. Vote no. Make sure you can sleep
11 tonight. Thank you.

12 PRESIDENT SIMPSON: Is there any additional
13 debate? Any additional? Oh. Senator Berman,
14 you're recognized.

15 SENATOR BERMAN: Thank you, Mr. President.

16 I feel like I'm living in an alternative
17 reality. We came up here to do our once in every
18 ten year constitutional duty, and at the 23rd hour,
19 9:27 a.m. yesterday morning we get notice that we're
20 going to get a bill requiring the dissolution of the
21 Reedy Creek's Independent Special District as well
22 as five other districts that are unfortunately swept
23 up in this. What have these districts done wrong?

24 We heard yesterday that they might have to
25 show a public purpose and that they have legislative

1 oversight. There's nothing in this statute -- in
2 this law -- bill proposed that requires this. It
3 simply says they will dissolve effective next June,
4 and then it's says they can be reconstituted.

5 That's not saying we're going to review this, it has
6 to have a public purpose, that we want to look into
7 legislative oversight. This is just an arbitrary
8 political attack job on the Disney Company.

9 In fact, when you do dissolve an
10 independent special district it has to be done by
11 the electors of the -- or the people in the
12 district. The fact that we can say notwithstanding
13 we're going to ignore this is constitutionally
14 unsound and creates a very bad precedent that no
15 court should support. There's been no thought, no
16 analysis, no economic impact discussion to how this
17 will affect Lake Buena Vista, Osceola County, Orange
18 County, as well as the other special districts. So
19 why are we rushing this through to only please the
20 Governor?

21 You know, I feel like there is a part of
22 this bill which is, look over here, don't look at
23 the shiny object that we're -- that is in the
24 middle. We came up here to discuss a very important
25 constitutional requirement of redistricting, and

1 then they put this other object over here. And
2 we're hearing about banning math books, and today
3 there's discussion about treatment for transgender
4 youth. It seems like we're always throwing out
5 these other issues, so many different issues, that
6 we're not focusing on what we as a Legislature need
7 to do.

8 I just did all my -- I've been going to all
9 my cities, now that we're home, and giving them a
10 report. And I tell them that we didn't do the
11 things as much that affect our pocketbooks because
12 we spent so much time on cultural issues. We didn't
13 do affordable housing. We gave a very minor part of
14 the budget to affordable housing. We didn't do
15 property insurance, and I'm glad we'll be back for
16 that. We barely addressed inflation. Those are the
17 things that matter, not all these crazy cultural
18 issues that we're seeing all around through this
19 process.

20 You know, we know that it's going to be
21 really hard for these companies -- for these
22 independent districts. Because how can a business
23 that be threatened to be dissolved and then allowed
24 to be reconstituted continue to have their business
25 operations? They're not going to be in a very good

1 position what -- because of this legislation. And
2 this is just the Governor trying to throw out all
3 these different issues and make Floridians not focus
4 on all the problems that we have that we're not
5 actually addressing here.

6 So I don't understand what happened to the
7 separation of powers. I feel like we have become --
8 this Legislature has become the puppet to the
9 Governor, and I think it's political theater at
10 worst. And I hope that we don't pass this
11 legislation.

12 PRESIDENT SIMPSON: Thank you. Is there
13 any additional debate? Senator -- Leader Book,
14 you're recognized.

15 LEADER BOOK: Thank you, Mr. President.

16 And I'm going to be very, very brief.
17 We've heard a lot of my -- from my colleagues about
18 bonds and the issues surrounding Reedy Creek. What
19 I would just like to say as a mom who goes to Disney
20 quite a bit, I think some people just need to "let
21 it go, let it go."

22 (Laughter)

23 PRESIDENT SIMPSON: Thank you, Leader Book.
24 Is there any additional debate? Senator Bradley,
25 you're recognized to close on your bill.

1 SENATOR BRADLEY: Thank you,
2 Mr. President.

3 And I will be brief. Members, we have
4 talked a lot today about the appropriate role for
5 the Legislature and what our proper role is. And
6 today we put in place a process for the Legislature
7 to exercise those very appropriate oversight
8 functions. It's a process that's been swift, but
9 it's a bill that is incredibly important and that I
10 am proud to sponsor.

11 Remember, the districts that are affected
12 have not had any legislative oversight in over 50
13 years. And some of the districts have incredibly
14 sweeping powers such that a single company could
15 start construction on a nuclear reactor. At any
16 other time that would not be controversial to say we
17 need to stop and have a little oversight over this
18 process. That's what this bill does.

19 We have a year. We have local governments
20 who will be involved. And I assure you we will have
21 a state Legislature that is involved to make sure
22 that the parade of horrible that has been described
23 does not happen. And we have a Senate President who
24 cares about every corner of this state, and if
25 further study is needed he will be on the front

1 making sure that that happens. So I appreciate your
2 support. This is a good bill. Thank you.

3 PRESIDENT SIMPSON: Thank you. The
4 Secretary will unlock the board, and Senators will
5 proceed to vote. Senator Stewart? Lock the board
6 and record the vote.

7 THE SECRETARY: 23 yeas, 16 nays,
8 Mr. President.

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

11 THE SECRETARY: Senate Bill 6-C, a bill to
12 be entitled An act relating to social media
13 platforms.

14 PRESIDENT SIMPSON: Senator Bradley, you're
15 recognized to explain your bill.

16 SENATOR BRADLEY: Thank you, Mr. President.
17 This is the social platform -- social media
18 platform bill that we discussed yesterday.

19 PRESIDENT SIMPSON: Are there amendments?

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

22 PRESIDENT SIMPSON: Is there any debate on
23 the bill? Senator Pizzo, you're recognized in
24 debate.

25 SENATOR PIZZO: Thank you, Mr. President.

1 Now that we've gotten past the bill that
2 has to do with Disney, let's talk about this bill.

3 (Laughter)

4 What? Sorry. Sort of what I'd like for
5 you to address in close, if you would, is there was
6 something found to be infirm in an early ruling on
7 litigation as it relates to a bill last year that I
8 think Senator Rodrigues carried. And this would --
9 and I think -- if I understand it from you yesterday
10 in answering some of the questions, this would seek
11 to remedy some infirmity found in current or open
12 litigation as it relates to a bill.

13 But if you would address how that will cure
14 or be a remedy to some particular part of that
15 legislation -- that litigation about the
16 legislation. But more broadly, what else have we
17 done for the rest of the bill from last year that
18 may have found to have been infirm, and why are we
19 going back to sort of cure something that may be at
20 its foundation infirm?

21 And if you could do an amazing job at that
22 and make some sense of this, I would consider
23 changing my vote. But right now it's no.

24 PRESIDENT SIMPSON: Is there any additional
25 debate? Seeing none, Senator Bradley -- oh. Leader

1 Farmer, you're recognized in debate.

2 LEADER FARMER: Free speech. Free speech.

3 First Amendment, most important one. We keep doing
4 this. We keep trampling all over the greatest form
5 of government. We're so spoiled. We take it for
6 granted. Look what's happening around the world
7 right now. People are giving their lives to just
8 have a portion of the rights and freedom we have.

9 I could go on and on and on, but I'm just
10 going to say it one more time - punitive, petulant,
11 political payback. It's not how you're supposed to
12 govern. Thank you.

13 PRESIDENT SIMPSON: Is there any additional
14 debate? Any additional debate? Senator Bradley,
15 you're recognized to close on your bill.

16 SENATOR BRADLEY: Thank you, Mr. President.

17 And again, this bill is a good bill that
18 should not be controversial. We're removing an
19 exemption that many -- that troubled many in this
20 chamber, and indeed a court has found to be infirm.
21 It's a simple bill. The court was -- had questions
22 about what our intent was. Do we intend, in fact,
23 for this bill to apply to everyone equally. And
24 this bill removes the exemption, removes the carve
25 out and says, "Yes. Our legislative intent is that

1 this bill apply to all equally."

2 I have a hard time understanding why that
3 would be a controversial issue. Let's apply the law
4 equally to everyone. And in case there was any
5 doubt in the court's mind where the Legislature
6 stood, it's that we do not stand with special carve
7 outs. And I'd appreciate your support.

8 PRESIDENT SIMPSON: Thank you. The
9 Secretary will unlock the board, and Senators will
10 proceed to vote. Lock the board and record the
11 vote.

12 THE SECRETARY: 24 yeas, 15 nays,
13 Mr. President.

14 PRESIDENT SIMPSON: Show the bill passes.
15 Read the next bill.

16 THE SECRETARY: None on the desk,
17 Mr. President.

18 PRESIDENT SIMPSON: All righty, guys.
19 Before I recognize the rules chair for another
20 motion, are there any announcements? Madam Rules
21 Chair, you are recognized.

22 CHAIR POWELL: Thank you, Mr. President. I
23 move that the Senate adjourn to reconvene upon the
24 call of the President.

25 (Laughter)

1 PRESIDENT SIMPSON: Without objection, the
2 Senate is now adjourned for the day.

3 (END OF AUDIO RECORDING)

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CERTIFICATE OF TRANSCRIPTIONIST

I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.



Julie Thompson, CET-1036

A	61:14	10:10 19:19	Amen 3:21,22	appeared 47:18
a.m 86:19	active 59:21	20:8 25:7,18	amendment 14:2	appears 23:4
abdicate 59:12	actual 46:1	30:9,11 42:21	23:12,15 39:17	applied 11:15
abdication 59:9	add 15:9 44:5	54:4	39:24 44:7	applies 74:9
ability 9:8 27:24	added 8:24 26:12	aftermath 53:8	60:21 61:2,5,7	apply 93:23 94:1
60:11	26:12 30:6	age 9:18 10:2	61:19,23 93:3	94:3
able 24:7 41:17	82:21 84:3	63:21 64:1	amendments 5:9	appoint 43:1
54:19 76:20	adding 57:1	agencies 61:14	8:24 9:1,3	appreciate 8:10
83:11	71:16	agency 61:16	16:25 17:1 21:7	44:21,25 91:1
abound 85:15,21	additional 8:18	ago 6:5,12,13	22:20 28:13	94:7
abridging 9:6	19:1 22:15 47:4	12:6 13:8 16:1	39:21 68:23	appreciation
absolute 55:2	71:10 74:1	20:15 30:14	91:19	52:1 55:11
absolutely 22:3	77:14,24 86:12	34:14 47:15	America 51:17	approach 13:10
55:5 58:7 77:10	86:13 89:13,24	54:12 75:1	52:8	40:19
abuse 23:19	92:24 93:13,14	82:22,22	American 10:8,8	appropriate
accept 42:14	Additionally	agree 6:3 17:3	10:9 19:20 20:8	67:15 85:11
accepted 10:23	78:1	32:2 36:24 46:5	25:7,19 30:9,11	90:4,7
access 26:1 30:12	address 31:1	65:22 72:8 81:4	42:21 51:16,19	approved 31:7
30:16,22 31:3	92:5,13	agreed 6:11	51:21,25 53:23	approximately
50:22 54:5,6,17	addressed 41:20	agreeing 70:17	Americans 10:11	24:18 34:7
55:21	88:16	agreement 28:17	51:1 52:4 53:5	APRIL 1:12 2:1
accompli 43:14	addressing 80:9	agrees 11:23	53:5 54:4 86:9	arbitrary 87:7
accomplishing	80:11 89:5	AHCA 43:3	analysis 64:25	area 63:22
70:1	adequately 76:11	ahead 53:23	78:11 87:16	Aretha 17:23
account 84:15	adjourn 94:23	aimed 78:17	Angelou 38:14,15	argued 12:7
accountable	adjourned 95:2	ain't 36:15	animals 37:25	argument 28:6
17:15,16 18:17	adjudicated	airport 21:20	Ann 26:11	41:4 84:13
accurate 33:5	20:23 62:3	22:5	announcements	arguments 16:18
96:3	64:18	al 1:2 24:14	94:20	arose 82:3
achievements	administration	35:22	answer 24:9	Article 8:25
52:2	18:5	Alcee 35:16	26:19,20 27:15	40:10,12
acknowledge	admission 50:21	Alex 28:7 60:4,8	answering 61:10	articulated 65:20
2:16 3:2	82:1	alleged 62:12	92:10	asked 32:17
acquiesce 13:5	admittedly 70:7	66:7	ants 54:13	42:13 53:16
act 5:2 19:21	admitting 70:13	Allegiance 3:23	anybody 45:18	81:22
26:6 47:18 49:5	adopted 64:24	4:2	anybody's 7:12	asking 17:22
55:14 63:16,18	advantage 5:22	allow 3:14 13:6	anymore 54:8,17	aspect 11:16
64:13 68:16	adventures 51:18	13:19 14:23	54:18	54:21
72:8 81:23	advocate 73:10	allowed 59:13	anyway 14:5	assessment 76:7
91:12	affect 87:17	88:23	44:11	assign 74:18
acting 55:22	88:11	allowing 16:14	apart 52:22	associated 80:16
action 19:23	affirmed 30:16	25:18 29:24	apartment 79:22	assume 75:7
37:21 38:4	afford 9:3 80:1	47:20 59:10	79:25	78:10
43:11 55:17	affordable 79:10	69:15	apologize 72:8	assumed 84:9,22
61:15 96:7,8	88:13,14	alternative 86:16	appealed 44:6	assure 20:6 90:20
actions 21:15	afraid 18:14	amazing 83:9	appear 23:3	assured 72:2
49:6 54:25	African 10:8,8,9	92:21	70:24	atmosphere 76:3

<p>attack 87:8 attacked 69:11 attempt 65:17 attorney 5:18 42:15 64:16 96:6 attorneys 34:7,10 attracting 72:23 audience 10:21 AUDIO 95:3 Ausley 23:25 24:1,3 26:10 71:10,12 authoritarianism... 69:18 authorities 73:8 authority 30:3 72:19,20 autocratic 85:12 automatic 84:15 available 23:6 25:12 average 25:4,7 27:12 28:1 aware 22:7</p> <hr/> <p style="text-align: center;">B</p> <p>B 40:12 42:13 back 16:24 36:19 48:10 50:16 54:6 57:24 58:4 62:8 67:14,25 71:15 72:3,10 73:17 86:5 88:15 92:19 background 17:7 backgrounds 3:4 backs 36:17 bad 13:14,15 27:24 71:15 86:6,6,6 87:14 balance 17:21 balanced 58:15 58:18 banning 38:19 39:4 88:2 bans 34:19</p>	<p>Barack 54:8 barely 88:16 baseball 29:1 74:23 based 10:23 19:8 29:22 31:3 48:14 54:11 64:25 65:9 70:15 73:20 basically 6:5 75:21 basis 20:8 bath 28:15 bathroom 7:2 battle 34:23 38:22 battled 34:10 battles 83:25 Beach 35:23 37:18 bear 50:3 beat 7:3,5 beauty 50:1 becoming 69:25 began 47:15 beginning 67:14 begs 57:25 59:22 begun 84:21 behave 86:4 behavior 72:9 beings 18:7 believe 14:7 20:23 22:12,19 33:4,10 37:4 38:17 41:10 42:25 44:11 46:6 62:8 67:11 70:2 83:22 86:8 believed 24:12 25:22 believes 18:3 62:1 benchmark 65:1 65:17 Berman 19:1,3 86:13,15 best 18:19 36:15</p>	<p>51:22 52:8 80:6 bet 75:12 better 66:21 71:23 73:23 82:15 biases 3:4 bidding 7:13 big 51:5 74:18,18 bigger 15:20 biggest 75:19 bill 4:25 5:1,1,5,6 5:13 7:22 8:7 21:8 47:6 50:1 50:11 55:6 57:13,16 68:13 68:14,15,15,19 68:22 70:1,10 70:11,16,23 71:2,7,8 73:6 77:18 78:14,15 78:17,20 79:3,4 81:14,20 82:5,5 82:7,15,17,17 82:18,21,23 83:7,21 84:12 86:20 87:2,22 89:25 90:9,18 91:2,9,10,11,11 91:15,18,23 92:1,2,7,12,17 93:15,17,17,21 93:23,24 94:1 94:14,15 billion 75:7 78:4 83:13 billion- 70:5 billions 76:17 bills 4:24 13:14 13:15 21:12 28:14 44:21 69:7 75:16 82:3 birth 52:7 bit 20:11 37:1 48:13 56:20 89:20 bitter 38:19 black 5:23 9:17</p>	<p>10:2 12:12,15 12:16,17,19 14:8 16:10 25:14,16,17 26:2 27:9,11,14 27:19,25 28:2 34:22 35:3,14 36:2,6 37:9 39:3 42:18 53:1 64:1 65:1,12 blended 27:12 28:1 bless 3:5 blessings 3:16 blind 3:3 blip 51:4 board 60:19 68:8 68:9 70:22 91:4 91:5 94:9,10 body 3:2 12:6,25 13:16 15:2 18:2 23:15 25:11 27:10 31:7 34:8 37:12 44:24 47:13 49:7,16 84:17 bonded 78:3 bonds 83:14 89:18 Bone 36:14 book 34:19 41:25 47:7,7,9 51:15 89:13,15,23 books 26:17 38:19 39:5 45:16 46:2 84:7 88:2 born 38:8 bothers 77:1 boundaries 23:2 43:10 bow 2:14 boxes 66:6 boy 36:22,24 Bracy 5:14,16 7:21,24 13:7 17:11 32:22</p>	<p>35:5 36:11 37:20 48:7 Bradley 68:18,20 77:2 89:24 90:1 91:14,16 92:25 93:14,16 branch 14:23,25 30:2 40:24 45:11,23,24,24 46:6 47:22 branches 16:15 33:24 41:1 85:13 Brandes 74:16 brazen 50:21 bread 42:5 breakdown 57:2 bridge 22:23 brief 15:12 39:15 44:18 56:16 74:4 89:16 90:3 brilliance 50:2 bring 3:6 7:4,5 16:21 21:9 45:7 46:12 bringing 37:15 brings 3:1 broadly 92:16 broke 80:7 broken 48:22 brought 10:25 31:1 45:4 52:11 52:13 69:7 82:20 Brown 35:16,21 36:18 brutal 70:18 budget 6:10 33:12 58:16,19 88:14 budgets 73:7 Buena 87:17 build 17:2 building 23:5 buildup 75:21 bullied 6:20 bullies 6:16</p>
---	--	---	--	---

<p>bully 6:16 36:12 bullying 17:11 81:13 85:17 Burgess 19:15 26:11 29:16 31:11 34:3 39:11,12,14 buried 38:25 Burke 52:4 business 4:4 8:10 71:18 88:22,24 businesses 69:6 69:15 72:21 BVAP 9:20,23 Byrd 1:6 Byron 12:20</p> <hr/> <p style="text-align: center;">C</p> <p>call 6:25 8:11 10:4,12 22:23 82:22 86:1 94:24 called 28:15 51:15 52:14 84:2 calls 27:18 cancel 70:18 76:24 candid 81:25 candidacy 7:12 candidate 25:20 33:7,7 65:8,25 66:1 candidates 7:10 30:19 65:25 cap 28:15 capable 51:11 capacity 52:10 capitalism 69:16 Capitol 14:8 cards 6:8 care 18:10 83:20 83:22 career 18:4 cares 50:23 90:24 Carrie 35:17,18 carried 51:12</p>	<p>92:8 carve 93:24 94:6 case 21:17 41:5 46:7 59:1 62:2 63:18 64:24 72:4,5 73:10 85:19 94:4 cases 75:22 76:15 caucus 83:3 caught 48:16 72:14 75:22 cause 1:2 61:15 caving 16:16 CD 28:4 63:9,9 63:12,13,25 64:19,19,22 65:1,13 ceiling 48:22 Celeste 36:18 census 29:23 30:5 35:1 center 15:18 CEO 82:7,10 certain 17:12 certainly 9:11 CERTIFICATE 96:1 certify 96:2,5 CET-1036 96:19 cetera 76:8 chair 35:6 76:1 94:19,21,22 chairman 8:9 10:21 43:21 57:16,18 chairmanship 8:7,8 challenge 20:19 33:16 45:13,17 54:19 challenged 28:18 33:13,15 44:6,8 45:12 challenges 61:14 61:21 chamber 2:3 6:3 7:11 8:1,3,4</p>	<p>13:24 14:10 15:13,16,19 32:24 33:15 39:4 69:23 80:17 86:10 93:20 chambers 13:18 champion 47:2 change 72:9 73:19 78:10,13 changed 34:20 changes 10:22 19:18 23:7 29:23 73:19 78:8 changing 92:23 charged 29:21 check 45:18 checks 66:5 cherished 54:15 Chief 60:5 67:9 74:6 children 18:23 choice 9:9 18:17 25:20 58:22 65:8,25 66:2 chose 45:17 83:3 chosen 49:12 Chris 38:12 church 2:19 circuit 76:12,13 citation 41:3 cities 66:18 75:6 88:9 citizens 3:14 21:17 43:8 85:19 civics 45:3,8 46:13 civil 52:22 53:4 53:20 54:19 62:1 75:22,23 civilized 51:1,4 clarity 3:18 classrooms 49:24 clause 40:8 61:2 clean 70:21 72:7</p>	<p>clear 12:9 13:7 13:21 14:10 16:9 26:1 41:23 59:7 61:20,24 65:23 66:24,25 76:11 clearly 16:21,22 16:22 19:16,25 20:4 24:14 30:4 40:13 41:20 climate 76:8 close 24:8 47:6 52:21 57:17 89:25 92:5 93:15 Closer 26:25 closest 26:21 27:6 clothes 85:10 86:4 coach 29:1 codify 62:4 cohesive 25:8,14 colleague 58:6 61:8,8 colleagues 8:11 24:5 44:22 47:14,25 57:22 79:3 89:17 collective 2:22 53:22 collectively 2:17 49:16 collegial 44:22 colonies 52:12 colonists 50:13 color 16:20,22,23 17:20,23 18:3 colored 34:23 39:3 come 2:15 6:24 10:22 11:3 15:4 15:16 42:8 45:25 53:20,21 58:4 66:23 72:2 73:17 79:13 82:8</p>	<p>comes 39:6 62:23 64:19 67:16 76:22 comfortable 41:7 comical 5:20 6:1 coming 7:3 21:19 21:20 37:1 71:14 comment 54:7 80:22,22 commentator 51:9 commissioners 27:6 committee 4:9 5:17 9:22 10:18 30:1 65:21 67:14 73:16 76:1 82:25 committees 4:5 common 1:2 42:17 52:17 communications 4:13 83:24 84:1 communities 3:12 25:10 30:13,18 31:4 community 22:22 25:8,14 25:19 30:8,10 compact 11:8 63:22 64:3 compactness 25:25 28:6 companies 69:9 76:2 88:21 company 76:7,22 81:10 87:8 90:14 compelling 10:13 65:23 83:6 compels 40:10 complete 23:19 59:17 completely 36:5 40:18,18,19 complex 79:22</p>
--	---	---	---	--

<p>compliance 63:15</p> <p>compliant 30:17 74:12</p> <p>compromise 60:1</p> <p>compromised 34:9 37:14</p> <p>concept 50:3,11 52:8,9,18,24,25</p> <p>concepts 67:10</p> <p>concern 40:15</p> <p>concerned 72:12 73:5</p> <p>concerns 73:13 75:19 82:16</p> <p>condo 75:12</p> <p>configuration 9:15 10:1,3 64:2,5</p> <p>conflict 40:11 60:24 64:13,15 64:16,17 66:6</p> <p>conflicts 76:10</p> <p>Congress 10:9 12:13,15,16,20 26:22 27:18 35:4,7,8,15,25 36:1,3 42:22 58:20</p> <p>congressional 5:2 5:7 19:11 20:14 24:12 25:6,22 27:7 29:22 30:7 30:19,23,25 34:25 36:4 58:11 59:2,18 63:14</p> <p>Congressman 24:14</p> <p>connect 24:20</p> <p>connecting 24:23</p> <p>consensus 17:3</p> <p>consent 61:20,24</p> <p>consents 61:23</p> <p>consequence 17:14</p> <p>conservative</p>	<p>81:7</p> <p>consider 92:22</p> <p>considered 11:11 52:8 55:3 64:22</p> <p>consistent 40:19</p> <p>consolidation 50:18</p> <p>constituent 26:21</p> <p>constituents 11:19 26:23 27:5,23 28:22 29:9 57:8 71:4 75:11</p> <p>constitute 63:20</p> <p>constitution 8:25 9:12 17:1 22:20 23:13,15 29:20 40:8 47:17 48:4 49:25 60:25 61:1 64:11 66:7 66:8</p> <p>constitutional 12:8 16:25 32:2 32:11 33:10,18 33:22,25 39:17 39:21,24 47:20 50:13 53:13 58:17,23 67:12 68:3 86:18 87:25</p> <p>constitutionality 55:3</p> <p>constitutionally 30:17 31:24 87:13</p> <p>Constitutions 49:22</p> <p>construction 90:15</p> <p>container 80:1</p> <p>contemplate 39:25</p> <p>contemplated 40:6</p> <p>content 7:22</p> <p>contiguous 62:10 62:11</p>	<p>continue 4:3 6:17 7:9,9,18,25 28:22 29:9 34:18 38:22,24 39:5 56:9 88:24</p> <p>continuous 55:16</p> <p>contract 28:17</p> <p>contractors 78:2</p> <p>control 65:9,12</p> <p>controversial 77:21 90:16 93:18 94:3</p> <p>convention 50:13 53:13,15</p> <p>conversations 16:7</p> <p>convex 66:12,14</p> <p>convicted 14:15</p> <p>Cord 1:6</p> <p>cordial 44:22</p> <p>core 30:2</p> <p>corner 42:5 90:24</p> <p>corporation 69:10 80:12 81:7 85:21 86:3</p> <p>corporations 85:20</p> <p>correct 58:7 62:8 63:1</p> <p>Corrine 35:15,21</p> <p>couch 80:3</p> <p>counsel 85:23</p> <p>count 26:21</p> <p>counted 43:16</p> <p>counter 9:11 84:18 86:7</p> <p>counties 24:19,22 24:25 25:3,4,4 25:5,16 27:2 66:17 72:17 73:5,8 75:6 78:7,9,25 85:2 85:4</p> <p>counting 29:23</p> <p>country 20:13 36:14 51:3,13</p>	<p>52:3,20,23 53:25 55:10</p> <p>county 22:21,25 27:3,3 35:24 72:18,20,21,22 72:22 73:1,2,4 74:15 79:21 87:17,18</p> <p>couple 16:1 37:3 71:16 74:7 75:9</p> <p>course 6:7 22:18 65:3</p> <p>court 11:22,25 14:1 20:24 40:3 40:5 41:13 45:13,15,16,21 46:17 55:4 58:9 58:10,11 61:12 61:17,22 62:2,3 63:4,18 64:7,12 64:14 67:3,5 68:1 75:23,23 76:12,13 87:15 93:20,21</p> <p>court's 49:23 94:5</p> <p>courts 9:16 20:18 21:13 30:16 31:5 32:9,13 33:17 40:13 58:25 59:13 67:23</p> <p>cousins 6:24</p> <p>COVID 79:18,19</p> <p>crazy 28:23 88:17</p> <p>create 16:6 18:11 23:7 40:11 55:18 74:15</p> <p>created 19:11 61:16 78:15</p> <p>creates 5:7 87:14</p> <p>creating 19:17</p> <p>creation 51:16</p> <p>Creek 72:5 77:19 77:22 83:15 84:19 89:18</p>	<p>Creek's 86:21</p> <p>cried 79:24</p> <p>criminal 75:23</p> <p>criteria 62:9</p> <p>critical 75:3</p> <p>critically 76:19</p> <p>criticism 78:16</p> <p>cross 20:6 69:17</p> <p>cross-sect 42:10 44:11</p> <p>CRT 34:21</p> <p>cruise 69:8</p> <p>Crusher 36:15</p> <p>crust 42:5</p> <p>Cruz 22:15,17 77:15 79:7,8</p> <p>crying 80:5</p> <p>cultural 88:12,17</p> <p>culture 70:18 76:24 82:4</p> <p>cure 92:13,19</p> <p>current 24:15 25:2,6,13 30:11 61:18 62:4,6,24 63:3,5 64:9 66:12 72:25 73:7 84:7 92:11</p> <p>currently 57:2 62:14,15</p> <p>customers 69:12 73:2,7</p> <p>cut 23:3,4</p> <p>cuts 24:19</p> <p>cycle 39:16 58:10 60:10,13 67:4 67:20 86:5</p> <p>cycles 40:5</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:24</p> <p>dad 14:14</p> <p>dads 85:25</p> <p>damn 80:12</p> <p>dangerous 49:19 55:7,8 81:21,22</p> <p>dare 81:8</p> <p>dared 82:8 85:9</p>
--	---	--	---	---