



# Journal of the Senate

Number 2—Special Session B

Wednesday, November 17, 2021

## CONTENTS

Bills on Special Orders . . . . . 19  
 Call to Order . . . . . 11  
 Co-Introducers . . . . . 20  
 House Messages, First Reading . . . . . 19  
 Motions . . . . . 17  
 Point of Order . . . . . 15, 16, 17  
 Point of Order, Ruling . . . . . 15, 16, 17  
 Remarks . . . . . 11  
 Reports of Committees . . . . . 19  
 Special Order Calendar . . . . . 14  
 Special Presentation . . . . . 11  
 Special Recognition . . . . . 11  
 Vote Preference . . . . . 17, 18, 19

## CALL TO ORDER

The Senate was called to order by President Simpson at 1:00 p.m. A quorum present—38:

Mr. President	Diaz	Pizzo
Albritton	Farmer	Polsky
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
Berman	Gibson	Rodriguez
Boyd	Gruters	Rouson
Bracy	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright
Cruz	Perry	

Excused: Senators Ausley and Book

## PRAYER

The following prayer was offered by Senator Torres:

We pray for all our people in their daily life and work. We pray for our families, friends, and neighbors, and for those who are alone; for this community, the nation, and the world; for all who work for justice, freedom, and peace. Hear us, Lord, for your mercy is great. Lord, make us instruments of your peace. Where there is hatred, let us show love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

## PLEDGE

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

## SPECIAL RECOGNITION OF SENATOR THURSTON

### SPECIAL PRESENTATION

A video tribute was played honoring Senator Thurston.

### REMARKS

On motion by Senator Passidomo, by two-thirds vote, the following remarks were ordered spread upon the Journal.

**Senator Thurston:** My wife told me to be brief so I'm going to be brief. I'm glad I got the notice kind of short so if I miss anybody, I'll just blame it on that notice requirement. I want to take this opportunity to thank the residents of House District 93 and Senate District 33 for the privilege of a lifetime to serve in the Florida Legislature and to represent them.

I want to thank my staff, Kirstie Clinton, La'Toya Jones, and Malcolm Robbs. Many of you may remember Ella Phillips, who has been with me from the beginning. I met Ella at the Public Defender's Office. She got an amazing opportunity to go back to the Public Defender's Office, where she is currently serving. She is doing an excellent job. She was with me from the beginning in the House and in the Senate. I also want to thank my amazing family—my wife, Dawn, and I have two kids, Trey Perry Thurston III and Allison—for giving me the opportunity to come here and serve. Thank you for allowing me the opportunity to be here. I'm happy that they are truly proud of me for living out my dream. I want to thank them.

I would like to start by thanking the caucuses. I had the pleasure of being the Leader in the House and being the Chairman of the Black Caucus and also being unanimously selected to be the Leader in the Senate. I want to thank those caucuses for the support and confidence they have shown me. In the House when I was the Leader, we had an excellent team. I want to thank Derwood Brewer, Mark Hollis, David Cox, Sarah Berner, Sarah Shuler, Carlos Nathan, Chris Tucker, and Judy Mount. Here in the Senate, David Cox, Margaret Thomas, Gail Vail, Michelle DeMarco, Nikema St. Fleur, Stuart Rimland, Mattletha Bennett, and of course, Sherese Gainous. I say "of course" with Sherese Gainous and Judy Mount because they are the face of the office and they did an excellent job of making sure we were always prepared and I personally was prepared. Judy Mount made sure I had the best legislative interns that existed, so well that Malcolm Robb is one of those interns that I turned around and hired to be on my staff.

It's amazing when you come into this process, a lot of times we think that the lobbyists get a bad rap. We are a part-time legislature so we don't always know everything about everything. I am fortunate to have had several good friends and people who became my friends and have helped me along the way. They helped me by making sure I knew exactly what the legislation stood for and the pros and cons of the legislation. People who have been in the process long before I got in the process. I'm making sure I don't miss any names. I know that this gentleman, Bob Astollis—when I came, I didn't know much about healthcare and nursing homes—was very instrumental in helping me. Rich Templin and Mike Williams were individuals who were there and made sure we had all the information we needed. I'm going to get in trouble for calling names but I am going to call a couple of names: Jack and Kena Cory, Pamela Burch-Fort, Scott Dick and Kaye, Mike White, Eric Riley, Andrew Spars, Eli Nortellus, Mario Bailey, Bob Coker, and Gus Canteers. I want to say a special thanks to Yolanda Cash-Jackson and Sean Pittman. A lot of members of the Black Caucus rely on them to

make sure that we get all the things that we need. I just wanted to thank them and let them know how much we appreciate them. You know there are some unusual associations that you gain from being in this process, and I'm a true believer that the relationships that we build are the things that we'll carry on more than anything.

Who would have thought I would be good friends with Senator George Gainer? He and Senator Montford are individuals that say I talk slow, but I have to really listen when I'm talking to Senator Gainer and Senator Montford. It turns out that when they speak, I really do need to listen because they may not say something all the time, but that which they say is critically important. I came to rely upon some of their positions on issues that I knew nothing about. For instance, worm grunting. We don't do that in South Florida. When Senator Montford and Senator Gainer talked to me about it, I listened and tried to learn. I think the relationships we build in this process are the most critical thing.

I want to thank you, President Simpson. Thank you for your leadership. I want to thank past President Bill Galvano. I had an opportunity to work with him and work beside him in the House and then in the Senate. Senator Passidomo, our future leader, thank you for the opportunity to work and to serve with you as well. You know, we have some experiences. Leader Gibson and I had a little incident with one of our former members who was removed. We were friends before, but that allowed us to be closer and become better friends. I thank her for her friendship. Senator Rouson, when I started working in the banking industry, I didn't drink scotch. All of the people in banking drank scotch. That was their thing. It became an acquired taste. That's what Senator Rouson was to me—an acquired taste. He and I didn't hit it off initially, but I can say he is probably one of my best friends in the process now.

Sometimes, when we are talking about these issues, we talk about things that may be a little different than in some of your communities. For instance, when we talk about our fraternities, we don't talk about it like it's a past tense, like it's something we did in college. Historically, coming back from school, we would come to neighborhoods, and we had to continue to lead. They would see that you were in this fraternity. They expected things. The fraternities delivered. We would go back, and we worked with the youth and the young men. Although Bracy and I are in the greatest fraternity, there are other fraternities like Senator Rouson's fraternity, the Omegas, and Shevrin Jones' fraternity, the Alphas. We all do good things in our community. One of the things you might not know, there are a lot of members here who belong to those fraternities. I want to shout out a couple of the members, not just because they are my fraternity brothers, but because they do so much back in the community. In this legislative process, your congressman in this area, Congressman Al Lawson, would be a member who worked with us to get things done. I mentioned Randolph Bracy, Representatives Travaris McCurdy and Bobby Dubose and some nonelected like Mario Baily, Mike White, Sean Pittman, the Secretary of the Lottery, John Davis, and the Secretary of Enterprise Florida, Jamal Sowell; all members of our fraternity. I mention that because they have worked together when we are doing things, even craft legislation. The longer we can actually meet with these guys, sitting down as a fraternity, we get things done. I wanted to mention them and Tori Austin over at the Department of Transportation. I say that because I was at a meeting last night and one of the lobbyists, Doug, says to me, "You guys talk about your fraternity so much we kind of know you by your colors and what your symbols are." He tells me he is at a concert, the traffic is heavy, and he can't get into the line. No one was letting him in. Some guy comes up with an Alpha Phi Alpha tag. He hits him with this, Shevrin. I said, "You can't do that, Doug. You are not a member of that fraternity." He said, "No, I am not. Amazingly, the guy let me right on in." We share these experiences with you. I know you learn about everything in the community, but I think that's a good thing. I think that helps to build relationships. When Doug told me that last night, I couldn't help but chuckle because I know he is telling the truth. I know that that Alpha guy let him in when he did that. We have some experiences in our neighborhoods that our relationships and our interactions allows us to share that and get a knowledge of what's going on within our community.

A lot of times, like the bills that we are talking about today, we are going to disagree. We will not be on the same page. We do need you to know that although we are fighting for our communities, when it comes to the appropriations process, we need those appropriations for our communities as well. We want to be sure that is not held against us.

When I'm talking to you, President Simpson, about what FAMU and Bethune-Cookman need, I know that you are listening and you are delivering. I am confident as we move forward, even though we may disagree on many of the red meat issues, when it comes down to what we need for our communities—many of the communities we represent have a lot more needs than some of the communities you represent. The chain is only as strong as its weakest link. We need you to make sure that all the links of the chain are strong. Even if we disagree on some issues that you may deem as critical, we may deem as unnecessary. When it comes down to what we do for our communities back home, we praise the fraternities, sororities, and churches for what they are doing. We appreciate the fact that we can work together to make those things happen.

When I was first elected, I had an opportunity to pass a bill for Minouche Noel. She was a lady who was injured in an operation in high school. That bill had gone over and had never passed. We were able to get it done. I remember Charlie Dean, who was in the House at the time and later became a Senator. He was a big sheriff guy and a good ole boy. When he stood up and supported the bill, it was just like the Red Sea opening up. We got it done, and it was an incredible thing to see the family and the lawyer downtown. It just showed me the benefit of serving in the Legislature and the things we could accomplish. There were some criminal justice reform bills that I filed and we didn't get it passed. Later on, Senator Baxley was able to steal my bill and get it passed right away. To me, that showed that if you didn't care who got the praise for it, you could accomplish all types of things. That was a lesson that I learned. If you want to get this done, then don't worry about who gets credit for it. Let's just get this done. Those are a couple of the lessons I've learned from this process.

I also want to give a shout out to Tim Perrier, the Chaplain. You all may not know this, but we have meetings every Wednesday. We meet with some individuals in this body and in the House. It's a diverse body. We probably don't agree on anything else, but we do agree when we go to the fellowship to talk about what is going on. It keeps us grounded. It helps us to understand that Lori's going to be upset if she gets "JC." We have a couple of Jewish members in the fellowship and we actually agree to disagree on a lot, but it is also a good experience here in the Legislature. I'm glad to have been a part of that group to help us stay grounded. I'm going to take my seat here shortly.

Part of the things that I am proud of is the help of Mr. President for those HBCUs and the Urban Leagues in our community. Those things that are not specific for one individual but that provide a benefit to all of the community. When we get your support and get all the Senators to support those things, I think it shows what a great body we are and what we can do when we work together.

Finally, when I think about what I'm most proud of, it would be the fact that this Legislature came together to make Mary McLeod Bethune the first African American Representative from any state to be represented in the Statuary Hall. We passed that bill back in 2018, but on December 11, that will become a reality. The statue has been completed in Italy and brought to Daytona and will be in Washington, D.C. The fact that we all came together, I believe that was a unanimous vote to replace a Confederate general as one of our representatives and place a black woman, Dr. Mary McLeod Bethune, in its place. I'm very proud to have sponsored that legislation. I want to thank the leadership and all of my friends and colleagues for allowing me to serve here with you and to debate and discuss some of the critical issues that face the state. We can agree without being disagreeable. I just want to thank you all for this opportunity to serve with you, and looking forward, I know that the State of Florida will be in good hands.

**Senator Powell:** I figured if I go ahead and go first, I don't have to leave all the funny stuff out because other people got a chance to say it. I want to tell Senator Thurston thank you for all of his work. He's still getting his hugs! That's okay. His dedication to the process, of course. Also, I'm checking where the cameras are—my good side. Thank you, Senator Thurston, for your years of service and dedication. When you came into this process way back when I was in my twenties—now I'm in my forties—what I can say is that I appreciate you. We worked together in the House. You were the Leader. We've had the opportunity to work together in the Senate, and you share with many people the wonderful opportunity to have sat next to me. Obviously, you know when we sit next to each other, Senator Passidomo, we have candid conversations and we've had the opportunity to talk about a lot of things. I will tell you

that in this process, it's going to be a little bit different without you. I can make it, right? Because you always stand on your truth. You don't back down, even when you're talking to me, because you know I'm tough. You don't back down. You stand for what you believe in. Senator Joyner talked about the loyal opposition and you've been that. We can always agree. A lot of times we can disagree. But we always walk away holding our camaraderie and being agreeable to move forward. We will miss you.

He started doing it earlier when you get up—I know you're from Pompano, but you've got a little bit of an Alabama drawl, all right. You get up and you start talking. You walk to the center of the aisle and you start rocking. That kind of helps us get our footing in terms of where we are in the process. We will miss that. But what I will tell you, I always say that a life of service is a life that counts. You've had an impact on this process. You've had an impact on each and every one of us in this process. And it's not over. Of course, in the Senate, for now, it's over. But you go back to a community that you'll continue to serve. You go back to a bunch of people who need a champion who can stand in the gap for them. You talked about the funding for the HBCUs. That's super important. You talked about the funding for the Urban Leagues. That's been super important. Being a champion, not just for your community, but for all of the State of Florida, has been tremendously important. You've done that. You've been here. Your picture may not go on the wall, but the impact you've had on this process will maintain. What I will tell you is that you leave today, but you've instilled in a lot of us the ability to fight, and we won't take that for granted. We won't forget. Plus, as I said, it's not over. You're just leaving the Senate. You're not leaving life, so we'll continue to see you. You work in Palm Beach County so we'll do lunch. I'm sure you'll continue to build me up and also grill me when you think I haven't done enough. So, I appreciate you. Good luck and thank you.

**Senator Jones:** To follow off what Senator Powell just spoke of, and I'm sure, Senator Thurston, as you look at Senator Powell and Senator Bracy and I now, you remember those times in the House. If you all didn't know, we came in, about forty-one of us, over in the House. Many of us were under the age of thirty, under Senator Thurston's, at that time Leader Thurston's leadership in the House. I'll never forget, myself and Senator Powell and Senator Bracy and a few others—we thought we could come into the House and do our own thing. And Senator Thurston, I will never forget, he pulled us into his office and he said, "Let me tell y'all something. This is my caucus. You're not going to do what you want to do." At that moment, I'm like, "I'm elected just like you. I'm a grown man." But come to find out, he was actually teaching us a lesson. Not just about leadership, but he was also teaching us a lesson about camaraderie even to the point of transitioning over to the Senate.

Senator Thurston knows that we have very lively conversations, and even sometimes in our conversations where I don't agree with him on policy things, and we totally go in separate directions. He knew that we always brought it back center. Because the one thing that he told us in the House is, "Be true to your core." And, Senator Thurston, I want to tell you, thank you so much for that. Although you talked about my fraternity, we're good on that. I can deal with you on that later. But, thank you so much for allowing individuals like myself, Senator Powell, Senator Bracy, and some other black young men legislators who came in. Because we really did not have a real guidance in what we do and how we lead, especially going back home into our districts and making sure that we represent our districts well. You taught us that along with Oscar and Chris. You taught us how to do that. Even just taking the boys, us, out to lunch or taking us to dinner to speak with us. So I really appreciate that for what you have done for us. I'll end with this: although things did not go as planned a few weeks ago, I do know for a fact everyone knows who Perry Thurston is in South Florida. Everyone knows the work that you have done. So, I follow Senator Powell in saying I know that this is not the end. I'm looking forward to you coming back somewhere down in Pompano and continuing the good work that you've done. Thank you so much for being a leader—not just over in the House, but being a leader to us. Thank you.

**Senator Cruz:** Senator Perry Thurston, I will miss you. I will miss you very much. It was Senator Thurston that gave me my first opportunity at leadership as a young State Representative. I will never forget those meetings and all that I learned from you. You're an even-tempered man of integrity and truly honest. Oftentimes, I would call Perry, could be Sunday, could be in the evening. I would be ranting and raving

about something that was really bothering me, and Perry would talk me through it. We could talk about it. He was always so even and slow to anger. He oftentimes gave me a different perspective. One day I called and I was just so angry. I know you're going to be shocked, but I was cursing at Perry. Once he hung up the phone, his wife Dawn said, "Who was that?" He said, "That was Senator Cruz." She said, "I like her."

Perry, thank you for the person that you are, much more than just a Senator, but an absolute gentleman and an honorable man in this process. I appreciate you for that. I laugh when I think that you are the South Florida version of Ben Albritton, wherever he may be. You're a great man, Perry, and I'll miss you.

**Senator Berman:** I've had the privilege of serving with Perry for twelve years, so I've really gotten to know him. He does practice in my county, Palm Beach County, and he lives in Broward County where I grew up, so I feel a real affinity to him. I have always loved serving with Perry. We've done a lot of things from our dinners with George Moraitis. In our very early days, we always were bipartisan early on. We recognized how important it was. Perry has been my North Star. I can say that whenever I talk to Perry about an issue, however he's coming down, I don't think I've ever disagreed with you on an issue. We always talk about things. He really has a true sense of right and wrong. He has a great moral compass, and, as all of you know, he's an amazing orator. When he gets up to make his arguments and sways to the middle of the aisle and starts talking, we all stop to listen to what he has to say. Because he always has cogent, rational arguments and is truly my North Star. I will say one thing—he will call you at 11:30 on a Saturday night to talk about something that's not even important. But it's okay. I still love you and I'm so happy that you've been here. I'm sure that this is not the end and that we will continue our friendship.

**Senator Farmer:** Judging by the video presentation and Senator Thurston's remarks, you might not know that we served together. I am going to miss you very much. We have had a lot of fun joking around about things. I don't know who we're going to have here to mispronounce people's names anymore. We're going to have to find somebody else to pick up that mantle. One funny story I'll share—when I was first elected we got a call from the teachers, from the FEA, and they said, "Oh, we're going to give you an award. We'd like you to come to our convention and receive this award." It was after my first session. One of the first awards I ever got for legislative work. "Oh great, okay." So, we show up and they're still doing some of their delegate business. They've still got stuff to do and so they bring us up and ask, "Can you just wait a little while?" And, Senator Thurston was there and Senator Montford was there and the business was taking a little bit longer, so they made the mistake of offering us some refreshments while we were waiting. I believe they even had Hennessy, if I remember correctly. And, we sat there for a while and then I got my award and it was the Freshman of the Year Award. And, I went up there and I got the award and I came back, sitting next to Senator Thurston. "Hey Gary, let me see that award." I show him the award and he's like, "That's a cute little award. Now watch me go get the Big Boy Award." He went up and got the Legislator of the Year Award. So, when I received the Legislator of the Year Award from the FEA this year, I made sure to say that I was proud to finally receive the Big Boy Award that my friend had received so many years ago. Y'all might not have noticed, but along with Leader Gibson, Senator Thurston and I have kind of been the more progressive members of the Senate, taking positions and advocating for the progressive liberal wing of our party. We've done a lot of collaboration and work together, and we always used to joke around about being Batman and Robin. And the joke was, who is Batman and who is Robin? All I'm going to say at this point is Robin I'm going to miss you, man.

**Senator Taddeo:** Senator Thurston, I am going to miss your loud voice. We share a wall between our offices, and you can hear everything. So I already know how you feel about certain bills before we get on the floor, before we get to committee, because I can hear you, loud and clear, arguing with someone. I can also hear your singing, and that is very enjoyable because you sing a lot. I am going to miss the singing in my office. Your happiness is clearly the reason why you sing so often. And you have a beautiful voice, although your wife says you don't—your better half, I might add.

I am also going to miss you in Banking and Insurance. I think Senator Rouson and I are going to get a lot more visits from Eli. You were always very kind to take more of the amendments, so it is going to be a heavy lift for those of us who are left, but we will try to make it without you.

We are going to miss you. I am so proud to call you a friend, and, you know, friends sometimes are the ones that kick you or elbow you when you fall asleep like I have. In all seriousness, I just love you. You are such a good public servant. You care tremendously for your community. What you just told all of us is so true—we are here to do the work of the people, and you took that very seriously. I am sure you made your constituents very proud. I am proud to call you a friend. I am proud to call you a colleague. Like everyone else has said, you are not done. I know you will continue to serve—if your wife permits. Because she is the boss, as she should be. Smart as a whip and you are lucky to have her.

Thank you for your service. Thank you for your friendship. Thank you for your wonderful demeanor whether it was in committee or on the floor, for always being there for us, and always answering our calls—even those that got here after you were already here. Thank you for teaching us the ways, talking through some of the issues, and the best way to go about it. For me, you have been a true friend.

**Senator Rouson:** Perry said that I was “an acquired taste.” But Sir, you are an acquired taste. In fact, I will never forget the first time I met this guy named Perry Thurston. Franklin Sands had me fly to Fort Lauderdale. I was thinking about running in a special election to succeed Frank Peterman. They didn’t like some of my platform. Franklin Sands picked me up and drove me to his house, and there was Perry Thurston, Joe Gibbons, and Evan Jenne sitting around the table waiting on me. That was the first chest bump I got—the push from you because of your passion about the process, about the allocation of scarce resources for the greatest good. You wanted to make sure everyone who ran, who got elected, did so with heart; did so with courage; did so with the intention of helping the people that elected them to that position. I will never forget that first meeting.

That gave way to some tension of ideas and of methodology. Instead of ostracizing and criticizing, you were inclusive and you made me a part of your leadership team when you were a leader in the House. I learned a lot from that. I remember Janet and I got into it one day. You remember that, Janet? I can’t tell that story on the floor here, but Perry was the calming influence that diffused the situation. I just want to say thank you for the street fighter in you that turned suit wearer and elected official. The people of House District 93 and the people of Senate District 33 have been blessed to have you represent them. Thank you for the lessons along the way.

**Senator Gibson:** I know Senator Thurston knows that I was not going to sit here and not say anything. Right? So, I am going to tell you all the rest of the story.

So Senator Rouson, the reason you went with Senator Thurston with Franklin Sands is because Senator Thurston brought himself to the House and I was running for Leader, and guess who he nominated? Franklin Sands. So, I said I am going to tell my daddy on you, because my dad was a Kappa. I said, “I don’t know how you can treat the daughter of a Kappa the way you treated me. You are not a real Kappa!” For two years I did not speak to Perry Thurston. I was hot! So if he tried to talk to me, I’m like “don’t talk to me,” “don’t touch me,” “don’t touch my stuff,” “get away from me.” Because you threw me under the bus when you had just gotten to the House, nominating Franklin Sands. I was done. I don’t think I spoke to Perry until he came to the Senate. I never had a conversation with him. I didn’t want him in my circle. I didn’t want him anywhere close to me. So he tried to start talking to me and I’m like, “I am not talking to you.” “We are not having a conversation.” “Don’t sit next to me.” “Don’t touch my things.” “Nothing you can do for me in the Senate.” I don’t even know what turned me around. He has an infectious smile, of course. But the thing about it is, once we became friends, he wanted to tell me what to do all of the time. “Don’t do this.” “Don’t say that.” “Go over there.” “Sit over here.” “Get in the car.” “I don’t want to get in your car.” “Get in the car.” “You are not walking, get in the car.” So, I get in the car. “Perry, I am ready to go.” “No, I am not ready to go.” “Perry, I am ready to go.” “No, I am not ready to go; I will take you home when I get ready.” “What?” There was that. You would have thought I was his girlfriend, but I never have been. We became very, very close, and actually we almost went everywhere together. Right? If I wasn’t with him wherever we were going to whatever reception, he wanted to call me on my cell phone. “Where are you?” “I am where I am, why you asking?” But that meant that he was going to come and join me for a beverage or two.

So, when I went through a distressful situation one evening, Senator Thurston was there for me. He made sure that he followed me out when I left, and we have been very close friends ever since. I never thought it would happen, but it did. So he has been a great friend and a great confidant, a boss, “Big Sexy.” We have become very close friends. He calls me even, you know, when we are not here, or calls very late at night. I looked at my phone last night, and I think he was hunting me down as I was going to different receptions—but that is what a good friend and bodyguard does. I will call him a good friend and bodyguard, and I appreciate you very, very much. I had to put your business in the street because I needed everybody to know what the real story is and how much I appreciate your friendship and that of my sorority sister, his wife, Dawn. It makes a difference who you befriend. It makes a difference who you trust. It makes a difference who has your back. I have appreciated all of those things about you, Senator Thurston, and helping me think sometimes differently about things. Not a lot of times, but sometimes. We can be simpatico, and I appreciate that very, very much. I wish you were coming back because, you know, I still have a little more time left in my own term that I need you to be here for. But, I won’t hesitate to give you a call, and I know that you will give me your straight opinion. Happy trails to you, my friend.

**Senator Torres:** Everything’s been said about Perry, his leadership, and his friendship. He says what he means. If he’s got your back, he’s got your back. You know, I’ll never forget that. It means a lot to me as a Marine and a former cop when somebody says, “I’ve got your back, Vic. I’m gonna look out for you.” It means a lot because you know that they’ll look out for you. If you fail to say something, he will follow up and he’ll continue the dialogue. So, I want to appreciate your leadership and your friendship. May God bless you and keep you moving forward. Thank you, Perry.

**President Simpson:** Senator Thurston, it has been an honor to serve with you here in the Florida Senate. Your staff is not going to be in as good of hands as they are today, but we certainly are going to take care of them as they continue to take care of your district. The Senate’s a very special institution. All of us can really appreciate the “disagree without being disagreeable” statement you were making earlier, and everyone in this chamber knows that’s the person that you are. No matter how big the debate has ever been, you don’t raise your voice. You do it with eloquence, you do it with a desire to be respectful of this process, and it’s been an honor to serve with you in the process. I know you’ve got at least another month, another committee week, maybe a few days, so I’ll try to come visit your staff. They’re going to have to clean the office. So, in case no one knows this, I try to travel around all floors of the building on a frequent basis. I stopped in Senator Perry’s office and the office is clean. Of course, Senator Perry’s never there. They have the greatest excuses, “Oh, he’s in committee.” At seven in the morning, he’s in committee, huh? Anyway, car broke down, you know. They don’t really say that. But what they do is, they have the office really clean and they’re like, he comes in like, “why is this office so clean?” “Well, the Senate President was coming down and we thought we’d straighten the office up a little bit.” It’s been a real honor to serve with you, and you’ve negotiated honorably for the things that were important to you and your district. Hopefully, we succeeded not only in the budget process but in the bill writing process. The Senate has always been a place of honor, decorum, and camaraderie. It’s a real honor to work with our colleagues. Our desks are all the same size, we all get elected by the same number of people, and we, in the Senate, have had a long tradition of working close, hand in hand. I really respect the way you’ve done that, so thank you for being here and being such a great Senator. We wish you well.

**Senator Passidomo:** Perry, real quick, I just want to tell you that you are a statesman. I wanted you to be here for the next two years, so I hope you find somebody as good as you.

## SPECIAL ORDER CALENDAR

**SB 2-B**—A bill to be entitled An act relating to COVID-19 mandates; creating s. 381.00317, F.S.; prohibiting private employers from imposing a COVID-19 vaccination mandate for employees unless certain individual exemptions are made available; defining the term “COVID-19”; requiring employers to use certain forms for submission of employee exemption statements; specifying conditions for claiming exemptions; requiring the Department of Health to adopt certain rules; requiring an employer to exempt an employee from a vaccination upon submission of

a completed exemption statement form; authorizing an employee to file a complaint with the Department of Legal Affairs; requiring the department to notify a noncompliant private employer and allow such employer the opportunity to cure a violation; providing a penalty; providing construction; authorizing an employee who is terminated to file a complaint with the department; requiring the department to investigate such complaints; providing requirements for such investigations; requiring the Attorney General to impose an administrative fine for such violations, with an exception; specifying factors that the Attorney General may consider in determining the amount of a fine; specifying that the Attorney General's determination regarding a fine constitutes agency action; providing for the deposit of fine proceeds in the General Revenue Fund; specifying eligibility for reemployment assistance for an unlawfully terminated employee; authorizing the Department of Health, the Department of Legal Affairs, and the Department of Economic Opportunity to adopt emergency rules for specified purposes; specifying timeframes for the adoption of such rules; invalidating private employer COVID-19 vaccination mandates for a specified timeframe; specifying requirements for the emergency rules; providing that the emergency rules remain in effect until replaced; prohibiting an employer from imposing a specified policy; providing for expiration; creating s. 381.00319, F.S.; defining terms; prohibiting educational institutions and elected or appointed local officials from imposing COVID-19 vaccination mandates on students; providing a right of action to obtain a declaratory judgment and injunctive relief for violations; providing for attorney fees and court costs; providing for expiration; creating s. 112.0441, F.S.; defining terms; prohibiting educational institutions and governmental entities from imposing COVID-19 vaccination mandates for any employees; declaring null and void any ordinance, rule, or policy that imposes such mandates; specifying what constitutes a single violation; authorizing the Department of Health to impose a fine per violation; providing for deposit of fine proceeds in the General Revenue Fund; specifying eligibility for reemployment assistance for an unlawfully terminated employee; authorizing the Department of Health and the Department of Economic Opportunity to adopt emergency rules for specified purposes; specifying timeframes for the adoption of such rules; specifying requirements for the emergency rules; providing that the emergency rules remain in effect until replaced; providing for expiration; directing the Chief Financial Officer to transfer a specified sum to an account within the Department of Legal Affairs Operating Trust Fund; providing an appropriation; providing for the transfer of remaining funds as of a specified date; amending s. 1002.20, F.S.; prohibiting district school boards, district school superintendents, elected or appointed local officials, and district school board employees from mandating facial coverings or restricting certain activities for students based on quarantine policies unless certain conditions are met; providing that parents may allow their children to wear facial coverings; providing applicability; providing a right of action to obtain a declaratory judgment and injunctive relief for violations; providing for attorney fees and court costs; prohibiting district school boards, district school superintendents, elected or appointed local officials, and school district employees from prohibiting employees from returning to work or subjecting employees to restrictions or disparate treatment under certain circumstances; providing for expiration; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 2-B**, pursuant to Rule 3.11(3), there being no objection, **HB 1-B** was withdrawn from the Committee on Appropriations.

On motion by Senator Burgess—

**HB 1-B**—A bill to be entitled An act relating to COVID-19 mandates; creating s. 381.00317, F.S.; prohibiting private employers from imposing a COVID-19 vaccination mandate for employees unless certain individual exemptions are made available; defining the term "COVID-19"; requiring employers to use certain forms for submission of employee exemption statements; specifying conditions for claiming exemptions; requiring the Department of Health to adopt certain rules; requiring an employer to exempt an employee from a vaccination upon submission of a completed exemption statement form; authorizing an employee to file a complaint with the Department of Legal Affairs; requiring the department to notify a noncompliant private employer and allow such employer the opportunity to cure a violation; providing a penalty; providing construction; authorizing an employee who is terminated to file a

complaint with the department; requiring the department to investigate such complaints; providing requirements for such investigations; requiring the Attorney General to impose an administrative fine for such violations, with an exception; specifying factors that the Attorney General may consider in determining the amount of a fine; specifying that the Attorney General's determination regarding a fine constitutes agency action; providing for the deposit of fine proceeds in the General Revenue Fund; specifying eligibility for reemployment assistance for an unlawfully terminated employee; authorizing the Department of Health, the Department of Legal Affairs, and the Department of Economic Opportunity to adopt emergency rules for specified purposes; specifying timeframes for the adoption of such rules; invalidating private employer COVID-19 vaccination mandates for a specified timeframe; specifying requirements for the emergency rules; providing that the emergency rules remain in effect until replaced; prohibiting an employer from imposing a specified policy; providing for expiration; creating s. 381.00319, F.S.; defining terms; prohibiting educational institutions and elected or appointed local officials from imposing COVID-19 vaccination mandates on students; providing a right of action to obtain a declaratory judgment and injunctive relief for violations; providing for attorney fees and court costs; providing for expiration; creating s. 112.0441, F.S.; defining terms; prohibiting educational institutions and governmental entities from imposing COVID-19 vaccination mandates for any employees; declaring null and void any ordinance, rule, or policy that imposes such mandates; specifying what constitutes a single violation; authorizing the Department of Health to impose a fine per violation; providing for deposit of fine proceeds in the General Revenue Fund; specifying eligibility for reemployment assistance for an unlawfully terminated employee; authorizing the Department of Health and the Department of Economic Opportunity to adopt emergency rules for specified purposes; specifying timeframes for the adoption of such rules; specifying requirements for the emergency rules; providing that the emergency rules remain in effect until replaced; providing for expiration; directing the Chief Financial Officer to transfer a specified sum to an account within the Department of Legal Affairs Operating Trust Fund; providing an appropriation; providing for the transfer of remaining funds as of a specified date; amending s. 1002.20, F.S.; prohibiting district school boards, district school superintendents, elected or appointed local officials, and district school board employees from mandating facial coverings or restricting certain activities for students based on quarantine policies unless certain conditions are met; providing that parents may allow their children to wear facial coverings; providing applicability; providing a right of action to obtain a declaratory judgment and injunctive relief for violations; providing for attorney fees and court costs; prohibiting district school boards, district school superintendents, elected or appointed local officials, and school district employees from prohibiting employees from returning to work or subjecting employees to restrictions or disparate treatment under certain circumstances; providing for expiration; providing a directive to the Division of Law Revision; providing an effective date.

—a companion measure, was substituted for **SB 2-B** and, by two-thirds vote, read the second time by title.

## POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 741132** was outside the purview of the special session proclamation. The proclamation does not include legislative declarations regarding the misrepresentation of science or partisan politics and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

## RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 741132** did not fall within the purview of the proclamation. Pursuant to Article III, Section 3(c) of the Constitution, during any special session convened by the proclamation of the Governor, only such legislative business may be considered as falls within the proclamation. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

Senator Taddeo moved the following amendments which failed:

**Amendment 1 (609214) (with title amendment)**—Delete line 139 and insert:  
*testing for the presence of COVID-19. An employer that has 100 or fewer employees is not required to pay for such testing.*

And the title is amended as follows:

Delete line 9 and insert: for claiming exemptions; providing that certain employers are not required to pay for COVID-19 testing under a specified exemption; requiring the Department of

**Amendment 2 (316770) (with title amendment)**—Delete lines 174-180 and insert:

*administrative fine not to exceed \$50,000 per violation for an employer with 100 or more employees. An employer with fewer than 100 employees may not be fined under this subsection. Additionally, the Attorney General may not impose a fine on an*

And the title is amended as follows:

Delete line 23 and insert: such violations, with exceptions; specifying factors

### POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 213104** was outside the purview of the special session proclamation. The re-employment eligibility section of the proclamation deals solely with employees terminated based on their COVID-19 vaccination status. The proclamation does not include providing eligibility for reemployment benefits due to any declared state of emergency or for voluntarily leaving employment because of a family member's contraction of COVID-19 or any other illness and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

### RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 213104** did not fall within the purview of the proclamation. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

### POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 550216** was outside the purview of the special session proclamation. The proclamation relates to employers, employees, parents, and students, not congregants of a religious institution and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

### RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 550216** did not fall within the purview of the proclamation. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

### POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 652794** was outside the purview of the special session proclamation. The proclamation does not include allowing private employees to enroll in the state group health insurance plans and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

### RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 652794** did not fall within the purview of the proclamation. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

### POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 684702** was outside the purview of the special session proclamation. The proclamation does not include compensation of businesses based on employee or customer exposure to COVID-19 and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

### RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 684702** did not fall within the purview of the proclamation. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

### POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 271680** was outside the purview of the special session proclamation. The proclamation does not include requiring employers to grant employees paid leave based on exposure to or contraction of COVID-19. In addition, the sections of the proclamation regarding employees deal solely with vaccination status, not exposure to COVID-19, and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

### RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 271680** did not fall within the purview of the proclamation. The proclamation does not authorize legislation requiring employers to grant employees paid leave based on exposure to or contract of COVID-19. Additionally, the employee sections of the proclamation deal solely with vaccination status, not exposure to COVID-19. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

### POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 813142** was outside the purview of the special session proclamation. The sections of the proclamation regarding employees deal solely with COVID-19 vaccination status, not exposure to COVID-19, and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

### RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 813142** did not fall within the purview of the proclamation. The sections of the proclamation regarding employees deal solely with COVID-19 vaccination status, not exposure to COVID-19. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

## POINT OF ORDER

Senator Hutson raised a point of order that **Amendment 426466** was outside the purview of the special session proclamation. The proclamation does not include provisions for the creation of a funeral expense reimbursement program and the amendment was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

## RULING ON POINT OF ORDER

On recommendation by Senator Passidomo, Chair of the Committee on Rules, after reviewing the amendment and the proclamation, pending **Amendment 426466** did not fall within the purview of the proclamation. The proclamation does not authorize legislation for the creation of a funeral expense reimbursement program. The President accepted the recommendation of the Rules Chair and ruled the point well taken. The amendment was ruled out of order and was not introduced.

Senator Taddeo moved the following amendment which failed:

**Amendment 3 (450848) (with title amendment)**—Between lines 265 and 266 insert:

(8) *This section does not apply to a religious institution and may not be construed to limit the ability of a religious institution to implement its own policies related to COVID-19 for its employees.*

And the title is amended as follows:

Delete line 40 and insert: policy; providing applicability and construction; providing for expiration; creating s.

## SENATOR BEAN PRESIDING

## THE PRESIDENT PRESIDING

## MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until 7:00 p.m.

## SENATOR BEAN PRESIDING

## THE PRESIDENT PRESIDING

On motion by Senator Burgess, by two-thirds vote, **HB 1-B** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Broxson	Hutson
Albritton	Burgess	Mayfield
Baxley	Diaz	Passidomo
Bean	Gainer	Perry
Boyd	Garcia	Rodrigues
Bradley	Gruters	Rodriguez
Brandes	Harrell	Stargel
Brodeur	Hooper	Wright

Nays—14

Berman	Jones	Stewart
Bracy	Pizzo	Taddeo
Cruz	Polsky	Thurston
Farmer	Powell	Torres
Gibson	Rouson	

Vote preference:

November 18, 2021: Nay—Ausley

## COMMUNICATION

Debbie Brown, Secretary  
Florida Senate  
404 South Monroe Street  
405 The Capitol  
Tallahassee, FL 32399-1100

November 18, 2021

Dear Secretary Brown,

I, Senator Lorraine Ausley, respectfully request a vote preference of nay on the following bills:

HB 1-B (SB 2-B) - COVID-19 Mandates  
HB 3-B (SB 4-B) - Public Records/COVID-19 Vaccination Policies and Practices  
HB 5-B (SB 6-B) - Florida Occupational Safety and Health State Plan  
HB 7-B (SB 8-B) - Vaccinations During Public Health Emergencies

Respectfully,  
Lorraine Ausley  
State Senate, District 3

**SB 4-B**—A bill to be entitled An act relating to public records; creating s. 381.00318, F.S.; providing an exemption from public records requirements for employee complaints alleging a private employer's violation of state law regarding employer COVID-19 vaccination policies or practices and all information held by the Department of Legal Affairs pursuant to an active investigation of such complaints; defining the term "active"; specifying information that remains confidential and exempt after an investigation is completed or ceases to be active; authorizing the release of confidential and exempt information to governmental entities for a specified purpose; providing construction; providing for future repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **SB 4-B**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 3-B** was withdrawn from the Committee on Appropriations.

On motion by Senator Burgess—

**CS for HB 3-B**—A bill to be entitled An act relating to public records; creating s. 381.00318, F.S.; providing an exemption from public records requirements for employee complaints alleging a private employer's violation of state law regarding employer COVID-19 vaccination policies or practices and all information held by the Department of Legal Affairs pursuant to an active investigation of such complaints; defining the term "active"; specifying information that remains confidential and exempt after an investigation is completed or ceases to be active; authorizing the release of confidential and exempt information to governmental entities for a specified purpose; providing construction; providing for future repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 4-B** and, by two-thirds vote, read the second time by title.

On motion by Senator Burgess, by two-thirds vote, **CS for HB 3-B** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Bean	Brandes
Albritton	Boyd	Brodeur
Baxley	Bradley	Broxson

Burgess	Hooper	Rodriguez
Diaz	Hutson	Rouson
Gainer	Mayfield	Stargel
Garcia	Passidomo	Stewart
Gruters	Perry	Wright
Harrell	Rodrigues	

Nays—10

Berman	Jones	Thurston
Cruz	Pizzo	Torres
Farmer	Polsky	
Gibson	Taddeo	

Vote after roll call:

Nay—Powell

Vote preference:

November 18, 2021: Nay—Ausley

### COMMUNICATION

Debbie Brown, Secretary  
Florida Senate  
404 South Monroe Street  
405 The Capitol  
Tallahassee, FL 32399-1100

November 18, 2021

Dear Secretary Brown,

I, Senator Lorraine Ausley, respectfully request a vote preference of nay on the following bills:

HB 1-B (SB 2-B) - COVID-19 Mandates  
HB 3-B (SB 4-B) - Public Records/COVID-19 Vaccination Policies and Practices  
HB 5-B (SB 6-B) - Florida Occupational Safety and Health State Plan  
HB 7-B (SB 8-B) - Vaccinations During Public Health Emergencies

Respectfully,  
*Lorraine Ausley*  
State Senate, District 3

**SB 6-B**—A bill to be entitled An act relating to the Florida Occupational Safety and Health State Plan; providing legislative intent and findings; defining the term “state plan”; requiring the Executive Office of the Governor to develop a proposal for a state plan to assert state jurisdiction over occupational safety and health issues for government and private employees; requiring the office to designate or hire necessary staff to develop the proposal; requiring the Division of Risk Management and the Division of Workers’ Compensation within the Department of Financial Services, the Department of Health, and the Department of Business and Professional Regulation to assist the office with development of the proposal upon request; requiring the office to submit a status report to the Legislature by a specified date; requiring that the status report contain specified information; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 6-B**, pursuant to Rule 3.11(3), there being no objection, **HB 5-B** was withdrawn from the Committee on Appropriations.

On motion by Senator Hutson—

**HB 5-B**—A bill to be entitled An act relating to the Florida Occupational Safety and Health State Plan; providing legislative intent and findings; defining the term “state plan”; requiring the Executive Office of the Governor to develop a proposal for a state plan to assert state jurisdiction over occupational safety and health issues for government

and private employees; requiring the office to designate or hire necessary staff to develop the proposal; requiring the Division of Risk Management and the Division of Workers’ Compensation within the Department of Financial Services, the Department of Health, and the Department of Business and Professional Regulation to assist the office with development of the proposal upon request; requiring the office to submit a status report to the Legislature by a specified date; requiring that the status report contain specified information; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 6-B** and, by two-thirds vote, read the second time by title.

On motion by Senator Hutson, by two-thirds vote, **HB 5-B** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Burgess	Mayfield
Albritton	Diaz	Passidomo
Baxley	Gainer	Perry
Bean	Garcia	Rodrigues
Boyd	Gruters	Rodriguez
Bradley	Harrell	Stargel
Brodeur	Hooper	Wright
Broxson	Hutson	

Nays—13

Berman	Pizzo	Taddeo
Cruz	Polsky	Thurston
Farmer	Powell	Torres
Gibson	Rouson	
Jones	Stewart	

Vote after roll call:

Nay—Brandes

Vote preference:

November 18, 2021: Nay—Ausley

### COMMUNICATION

Debbie Brown, Secretary  
Florida Senate  
404 South Monroe Street  
405 The Capitol  
Tallahassee, FL 32399-1100

November 18, 2021

Dear Secretary Brown,

I, Senator Lorraine Ausley, respectfully request a vote preference of nay on the following bills:

HB 1-B (SB 2-B) - COVID-19 Mandates  
HB 3-B (SB 4-B) - Public Records/COVID-19 Vaccination Policies and Practices  
HB 5-B (SB 6-B) - Florida Occupational Safety and Health State Plan  
HB 7-B (SB 8-B) - Vaccinations During Public Health Emergencies

Respectfully,  
*Lorraine Ausley*  
State Senate, District 3

**SB 8-B**—A bill to be entitled An act relating to vaccinations during public health emergencies; amending s. 381.00315, F.S.; removing the authority of the State Health Officer to order the vaccination of individuals upon declaration of a public health emergency; revising a requirement that the Department of Health adopt certain rules; providing an effective date.



—was read the second time by title.

Pending further consideration of **SB 8-B**, pursuant to Rule 3.11(3), there being no objection, **HB 7-B** was withdrawn from the Committee on Appropriations.

On motion by Senator Bean—

**HB 7-B**—A bill to be entitled An act relating to vaccinations during public health emergencies; amending s. 381.00315, F.S.; removing the authority of the State Health Officer to order the vaccination of individuals upon declaration of a public health emergency; revising a requirement that the Department of Health adopt certain rules; providing an effective date.

—a companion measure, was substituted for **SB 8-B** and, by two-thirds vote, read the second time by title.

On motion by Senator Bean, by two-thirds vote, **HB 7-B** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Burgess	Mayfield
Albritton	Diaz	Passidomo
Baxley	Gainer	Perry
Bean	Garcia	Rodrigues
Boyd	Gruters	Rodriguez
Bradley	Harrell	Stargel
Brodeur	Hooper	Wright
Broxson	Hutson	

Nays—13

Berman	Pizzo	Taddeo
Cruz	Polsky	Thurston
Farmer	Powell	Torres
Gibson	Rouson	
Jones	Stewart	

Vote after roll call:

Yea—Brandes

Vote preference:

November 18, 2021: Nay—Ausley

## COMMUNICATION

Debbie Brown, Secretary  
Florida Senate  
404 South Monroe Street  
405 The Capitol  
Tallahassee, FL 32399-1100

November 18, 2021

Dear Secretary Brown,

I, Senator Loranne Ausley, respectfully request a vote preference of nay on the following bills:

HB 1-B (SB 2-B) - COVID-19 Mandates  
HB 3-B (SB 4-B) - Public Records/COVID-19 Vaccination Policies and Practices  
HB 5-B (SB 6-B) - Florida Occupational Safety and Health State Plan  
HB 7-B (SB 8-B) - Vaccinations During Public Health Emergencies

Respectfully,  
Loranne Ausley  
State Senate, District 3

## BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, November 17, 2021: SB 2-B, SB 4-B, SB 6-B, SB 8-B.

Respectfully submitted,  
Kathleen Passidomo, Rules Chair  
Debbie Mayfield, Majority Leader  
Lauren Book, Minority Leader

## REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 2-B; SB 4-B; SB 6-B; SB 8-B

**The bills were referred to the Committee on Appropriations under the original reference.**

The Committee on Appropriations recommends the following pass: SB 2-B; SB 4-B; SB 6-B; SB 8-B

**The bills were placed on the Calendar.**

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 1B and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Grall, Massullo, Botana, Harding, Leek, Overdorf, Plakon, Snyder, Tuck—

**HB 1-B**—A bill to be entitled An act relating to COVID-19 mandates; creating s. 381.00317, F.S.; prohibiting private employers from imposing a COVID-19 vaccination mandate for employees unless certain individual exemptions are made available; defining the term "COVID-19"; requiring employers to use certain forms for submission of employee exemption statements; specifying conditions for claiming exemptions; requiring the Department of Health to adopt certain rules; requiring an employer to exempt an employee from a vaccination upon submission of a completed exemption statement form; authorizing an employee to file a complaint with the Department of Legal Affairs; requiring the department to notify a noncompliant private employer and allow such employer the opportunity to cure a violation; providing a penalty; providing construction; authorizing an employee who is terminated to file a complaint with the department; requiring the department to investigate such complaints; providing requirements for such investigations; requiring the Attorney General to impose an administrative fine for such violations, with an exception; specifying factors that the Attorney General may consider in determining the amount of a fine; specifying that the Attorney General's determination regarding a fine constitutes agency action; providing for the deposit of fine proceeds in the General Revenue Fund; specifying eligibility for reemployment assistance for an unlawfully terminated employee; authorizing the Department of Health, the Department of Legal Affairs, and the Department of Economic Opportunity to adopt emergency rules for specified purposes; specifying timeframes for the adoption of such rules; invalidating private employer COVID-19 vaccination mandates for a specified time-frame; specifying requirements for the emergency rules; providing that the emergency rules remain in effect until replaced; prohibiting an employer from imposing a specified policy; providing for expiration; creating s. 381.00319, F.S.; defining terms; prohibiting educational institutions and elected or appointed local officials from imposing COVID-19 vaccination mandates on students; providing a right of action to obtain a declaratory judgment and injunctive relief for violations; providing for attorney fees and court costs; providing for expiration; creating s. 112.0441, F.S.; defining terms; prohibiting educational in-

stitutions and governmental entities from imposing COVID-19 vaccination mandates for any employees; declaring null and void any ordinance, rule, or policy that imposes such mandates; specifying what constitutes a single violation; authorizing the Department of Health to impose a fine per violation; providing for deposit of fine proceeds in the General Revenue Fund; specifying eligibility for reemployment assistance for an unlawfully terminated employee; authorizing the Department of Health and the Department of Economic Opportunity to adopt emergency rules for specified purposes; specifying timeframes for the adoption of such rules; specifying requirements for the emergency rules; providing that the emergency rules remain in effect until replaced; providing for expiration; directing the Chief Financial Officer to transfer a specified sum to an account within the Department of Legal Affairs Operating Trust Fund; providing an appropriation; providing for the transfer of remaining funds as of a specified date; amending s. 1002.20, F.S.; prohibiting district school boards, district school superintendents, elected or appointed local officials, and district school board employees from mandating facial coverings or restricting certain activities for students based on quarantine policies unless certain conditions are met; providing that parents may allow their children to wear facial coverings; providing applicability; providing a right of action to obtain a declaratory judgment and injunctive relief for violations; providing for attorney fees and court costs; prohibiting district school boards, district school superintendents, elected or appointed local officials, and school district employees from prohibiting employees from returning to work or subjecting employees to restrictions or disparate treatment under certain circumstances; providing for expiration; providing a directive to the Division of Law Revision; providing an effective date.

—was referred to the Committee on Appropriations.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 3B by the required constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

*Jeff Takacs, Clerk*

By Commerce Committee and Representative(s) Massullo, Grall, Botana, Harding, Leek, Plakon, Snyder, Tuck—

**CS for HB 3-B**—A bill to be entitled An act relating to public records; creating s. 381.00318, F.S.; providing an exemption from public records requirements for employee complaints alleging a private employer's violation of state law regarding employer COVID-19 vaccination policies or practices and all information held by the Department of Legal Affairs pursuant to an active investigation of such complaints; defining the term "active"; specifying information that remains confidential and exempt after an investigation is completed or ceases to be active; authorizing the release of confidential and exempt information to governmental entities for a specified purpose; providing construction; providing for future repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Appropriations.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 5B and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Representative(s) Zika—

**HB 5-B**—A bill to be entitled An act relating to the Florida Occupational Safety and Health State Plan; providing legislative intent and findings; defining the term "state plan"; requiring the Executive Office of the Governor to develop a proposal for a state plan to assert state jurisdiction over occupational safety and health issues for government and private employees; requiring the office to designate or hire necessary staff to develop the proposal; requiring the Division of Risk Management and the Division of Workers' Compensation within the Department of Financial Services, the Department of Health, and the Department of Business and Professional Regulation to assist the office with development of the proposal upon request; requiring the office to submit a status report to the Legislature by a specified date; requiring that the status report contain specified information; providing an appropriation; providing an effective date.

—was referred to the Committee on Appropriations.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 7B and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Representative(s) Andrade, Botana, Fine, Fischer, Harding, Leek, Melo, Overdorf, Plakon, Sirois, Snyder, Tuck, Yarborough—

**HB 7-B**—A bill to be entitled An act relating to vaccinations during public health emergencies; amending s. 381.00315, F.S.; removing the authority of the State Health Officer to order the vaccination of individuals upon declaration of a public health emergency; revising a requirement that the Department of Health adopt certain rules; providing an effective date.

—was referred to the Committee on Appropriations.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 15 was corrected and approved.

## CO-INTRODUCERS

Senators Gruters—SB 2-B, SB 4-B; Perry—SB 2-B, SB 4-B, SB 8-B

## ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 6:35 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene upon call of the President.