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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND
CABINET

_____ /

CABINET MEMBERS: GOVERNOR RON DESANTIS
ATTORNEY GENERAL ASHLEY MOODY
CHIEF FINANCIAL OFFICER JIMMY PATRONIS
COMMISSIONER OF AGRICULTURE
NIKKI FRIED

DATE: DECEMBER 15, 2020

LOCATION: CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

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APEX REPORTING, INC.
P.O. BOX 5785
TALLAHASSEE, FLORIDA 32314
(850) 597-5185
apexreportingservices@gmail.com
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GOVERNOR DESANTIS: Good morning. Thank you all for coming. Welcome to the December 15th meeting of the Governor and the Cabinet.

And I'd like to welcome Colonel Gene Spaulding from the Florida Highway Patrol to lead us in an invocation and the Pledge of Allegiance.

(WHEREUPON, THE INVOCATION WAS GIVEN AND THE PLEDGE OF ALLEGIANCE WAS SAID).

* * * *

**INTERVIEW AND APPOINTMENT - COMMISSIONER OF THE FLORIDA
COMMISSION ON OFFENDER REVIEW**

GOVERNOR DESANTIS: So this morning we will be conducting interviews for commissioner of the Florida Commission on Offender Review. The three candidates with us today were recommended by the Parole Qualifications Committee. This appointment is subject to confirmation by the Florida Senate.

* * * *

INTERVIEW WITH COMMISSIONER RICHARD DAVISON

1
2
3 GOVERNOR DESANTIS: I'd first like to ask
4 Richard Davison to approach the podium for your
5 interview. Welcome, Commissioner. Why don't you
6 start by telling us a little bit about yourself and
7 why you think you'll be a good fit for the
8 position.

9 COMMISSIONER DAVISON: Good morning, Governor,
10 Attorney General, Chief Financial Officer, and
11 Commissioner of Agriculture. I am honored to
12 appear before you as a candidate for re-appointment
13 to the Florida Commission on Offender Review.

14 For more than 30 years, I have served the
15 people of Florida in the judicial, legislative, and
16 executive branches of government. In fact, when I
17 was appointed to the Parole Commission in 2014, the
18 news reporters characterized me as a veteran
19 criminal justice official. Over the past six
20 years, I have worked diligently to live up to that
21 characterization.

22 I came to the position with my integrity,
23 character, honor, knowledge, skills and ability as
24 my calling card and I can assure you confidently
25 today that my character, integrity, honor, skills,

1 knowledge and abilities still remain my calling
2 card.

3 I am seeking the second term to the Commission
4 because I found the enormous responsibilities of
5 the position to be both challenging and rewarding.
6 I understand and appreciate the petitions that the
7 inmates bring before the Commission, but more so, I
8 understand and appreciate the catastrophic harm
9 that their crimes have forced upon the victims,
10 upon their communities, and upon our state. I
11 assure you that my core mission is to protect the
12 public safety. When I voted yes to an offender's
13 request, I've done it with advice and
14 appropriateness; however, if the public safety is
15 at jeopardy, I assure that my vote has definitely
16 been no.

17 I fully comprehend the enormia of the position
18 that has been entrusted to me as a commissioner.
19 You see, each day I deal directly with all aspects
20 of the offender review system: Clemency, parole
21 revocations, as well as conditional medical review,
22 conditional review, and addiction recovery.
23 Without wavering, I have dealt with each of these
24 areas fairly, steadily, and firmly.

25 My reputation as a commissioner speaks more

1 prominently than anything I can say here today.
2 You have for your consideration in front of you a
3 list of, approximately, 50 associations and
4 practitioners from law enforcement to prosecution
5 from the judicial and executive branches, as well
6 as from the private sector. They speak to my
7 integrity, character, and work ethic.

8 The essence of their support is summed up by
9 Sheriff Brady Judd of Polk County. In his letter
10 to each of you he said, "As a law enforcement
11 administrator for over 48 years, it is not
12 difficult for me to identify those individuals who
13 are truly committed to excellence. I can assure
14 you that Richard Davison is one such individual.
15 Knowledgeable, hard working, and highly motivated
16 are among his highest and finest qualities.
17 Richard's integrity is beyond reproach."

18 So, finally, I will leave you with this
19 comment: In 1991 the house staff director hired me
20 as the attorney for the Criminal Justice Committee.
21 In 1994 she again hired me as the DJJ legislative
22 director. In 1999 the DJJ general counsel hired me
23 as the agency's employment lawyer. In 2004 he
24 again hired me to represent the Republican party of
25 Florida. In 2007, the DJJ secretary hired me as

1 deputy secretary. In 2008, he again hired me as
2 deputy security of the Florida Department of
3 Corrections. Each hire and re-hire affirmed and
4 re-affirmed their confidence in my knowledge, my
5 skills and my abilities.

6 So today, Governor and Cabinet, my request is
7 that you do the same, show the same confidence that
8 others have shown me by rehiring me as the
9 commissioner for the Florida Commission on Offender
10 Review.

11 And at this time, I will answer any questions
12 you have.

13 GOVERNOR DESANTIS: Anybody?

14 COMMISSIONER FRIED: I have some questions.
15 Thank you for being here.

16 COMMISSIONER DAVIDSON: Good morning,
17 Commissioner.

18 COMMISSIONER FRIED: Good morning. Just a few
19 questions. First, some of these are some of the
20 ones that we talked about on your interview. I
21 just want to go through them.

22 As we know, we're getting into some budgetary
23 issues in the upcoming years. How will you deal
24 with some of those budget issues? Staffing losses?
25 Loss of your OPS position? How will you handle

1 that going into the next fiscal year.

2 COMMISSIONER DAVISON: Well, thank you. In my
3 experience as deputy secretary both with the
4 Florida Department of Juvenile Justice and
5 Corrections, I dealt directly with budgetary
6 issues, and each year we dealt with cuts or
7 proposed cuts. I understand that our OPS positions
8 have been cut significantly, particularly in the
9 area of clemency, and we will continue to work with
10 the Cabinet and the Governor, as well as the
11 legislative -- the legislators who deal with our
12 budget issues.

13 The fact of the matter is we will point out
14 the necessity that all the OPS positions work
15 significantly within the agency. The fact of the
16 matter is we will be served if there are more FTE
17 positions in place of those OPS positions over the
18 long term. So what we find very often is that our
19 OPS employees often go off to different jobs
20 because they don't have the benefits of the FTE.
21 We believe that we will be better served in terms
22 of the long-term employment of those persons' work
23 within the agency if there are FTE positions. And
24 if there are fewer FTE positions, but the fact of
25 the matter is, is that we get the long-term effect

1 of individuals who will remain with the agency over
2 a longer period of time as opposed to the revolving
3 door of the OPS employees.

4 COMMISSIONER FRIED: Two more follow-up
5 questions. Also, I know that you mentioned a
6 little bit in your speech, but can you go in as far
7 as your positioning on conditional medical release
8 and how can increase cases be heard during COVID-19
9 with the crisis that's happening in the Department
10 of Corrections?

11 COMMISSIONER DAVISON: Right. We hear
12 regularly petitions from the Florida Department of
13 Corrections to grant conditional medical releases,
14 and we are certainly in a position to hear more of
15 those cases.

16 As it stands now, the only cases we're able to
17 hear from a conditional medical standpoint are
18 those that are submitted to us by the Florida
19 Department of Corrections. If the criteria for
20 those who are either permanently incapacitated or
21 critically ill is expanded to include maybe a
22 longer period of illness or we could possibly --
23 considering the age of the population of many who
24 are in the Department of Corrections, maybe that
25 could be one of the criterias that would be under

1 consideration.

2 But the fact of the matter is, is that, as
3 commissioner, we hear each case that comes before
4 us, whether there's one or two, and we're in a
5 position as a commission to hear as many as the
6 Department of Corrections will submit to us.

7 COMMISSIONER FRIED: And last question: As
8 you know that there's a tremendous amount of
9 backlog in clemency. Any internal changes or board
10 changes that you would see that would be helping to
11 elevate some of that backlog?

12 COMMISSIONER DAVISON: Well, there are,
13 approximately, 24,800 or so applications that are
14 pending within the clemency process. We diligently
15 through out clemency investigations, as well as
16 executive clemency office, process those
17 applications. As a commissioner, each of those
18 applications or files wind up on my desk, and I
19 review every one of them.

20 We would be open to a process that could
21 somehow get more of those applications or before
22 the Governor or the Cabinet as a clemency board,
23 and we would be open to take on more responsibility
24 as a commission to hear those cases if there's a
25 delegation of authority. I understand that that is

1 one of the big responsibilities that come before
2 the clemency board, and we, as a commission, will
3 do any and everything to facilitate more cases
4 coming before the clemency.

5 CFO PATRONIS: Good morning, Rick.

6 MR. DAVISON: Good morning.

7 CFO PATRONIS: I think clemency is part of the
8 job I enjoy more than anything else. There's just
9 -- There's a lot of emotions that you get to see
10 that you see nowhere else in life. So the question
11 I want to ask all the candidates, so everybody
12 listening: Tell me the role the victims play in
13 your work.

14 COMMISSIONER DAVISON: Well, victims are
15 critical to our process, and the fact of the matter
16 is that every case that comes before us, whether
17 we're considering any type of release, parole,
18 conditional, conditional medical release, any of
19 the clemency issues that we deal with at the
20 commission, we deal as much as possible. We give
21 the victims as much input into our decision-making
22 as any other aspect. We hear from law enforcement.

23 And the fact of the matter is, is that each
24 week prior to our consideration of cases I have a
25 briefing by our Victims Services Office, and they

1 let me know who's going to be appearing on behalf
2 of the victims.

3 And my record with the Commission is very
4 clear: If there is a question leaning toward the
5 offender or inmate's request or the victim's
6 concerns, I always err on the side of voting with
7 the victim. There is not a greater victim advocate
8 on the Commission, in my opinion, than this
9 commissioner.

10 And if -- We have time limits that we put in
11 place, we hear from them. We set a ten-minute time
12 limit, but the fact of the matter is if there are
13 comments that need to go beyond those time limits,
14 I certainly like to hear from each and every
15 victim.

16 And so, to sum up the answer, victims are very
17 critical in our decision-making and giving the
18 benefit of the doubt is always going to go with the
19 victim and their families.

20 GOVERNOR DESANTIS: Anybody else?

21 (NO RESPONSE.)

22 GOVERNOR DESANTIS: Okay. Thanks,
23 Commissioner.

24 COMMISSIONER DAVISON: Thank you, Governor.

25 * * * *

INTERVIEW WITH CYNTHIA SWIER

1
2
3 GOVERNOR DESANTIS: Next, I'd like to welcome
4 Cynthia Swier and ask you to approach the podium
5 for your interview. Why don't you tell us about
6 yourself and why you applied for the position.

7 MS. SWIER: Good morning.

8 GOVERNOR DESANTIS: Good morning.

9 So my name is Cynthia Swyer. I appreciate you
10 all having me here today. It's an honor to be here
11 truly.

12 Just a little bit about me. I've worked with
13 the Florida Department of Corrections for
14 28-and-a-half years. Came to the Florida
15 Department of Corrections shortly after college. I
16 graduated from Florida State University.

17 Sorry, Ms. Moody.

18 But I came into probations to begin with; that
19 was my first job with the Department. And so, in
20 that particular position, I was able to really be
21 boots on the ground, learning about the process. I
22 worked at FDLE prior to that while I was going
23 through college. But when I was able to do
24 probation, it really helped open my eyes to the
25 criminal justice system and also to the court

1 system. We had to go before the court for
2 violations of probation to testify about those
3 types of violations, and so it really bolstered my
4 experience.

5 I later came over to the institution side in
6 the '90s, about 1997, I believe, and really didn't
7 intend to stay there, but here we are so many years
8 later and still I'm with the institutional side of
9 the Department of Corrections. I was in
10 classification. I was a senior classification
11 officer, a release officer, classification
12 supervisor.

13 When I was first promoted to classification
14 supervisor, they sent me to Franklin Correctional
15 Institution, which was a brand new facility, had no
16 inmates at that time, and so part of my
17 responsibility was to help put in place those
18 processes that had always been available at other
19 institutions where I've worked. So that was a new
20 experience for me to figure out how we were going
21 to make certain things flow at a major institution,
22 which eventually would had 1,200 inmates.

23 So from that point, I promoted up to our
24 regional office as a correctional services
25 administrator. I worked with the regional

1 director. We did oversight for all 14 facilities
2 in the region for various security audits,
3 operational reviews, that sort of thing.

4 And then promoted to assistant warden, so I
5 was an assistant warden at three different
6 institutions and overall I've worked at five
7 different adult institutions. Most of my
8 experience has been with the male population. I
9 did work at one female institution for a brief
10 period of time, but those experiences helped me to
11 see every side of the correctional system that
12 there is: Working with inmates and looking at
13 their case files and looking at things that they've
14 done in the past, crimes that they've committed,
15 talking to their victims.

16 We have a lot of input from victims as well
17 when we're trying to make decisions about who to
18 send out into the community, who to put on work
19 release. Those things we're really taking a shot
20 to make sure that those inmates are the right ones
21 out there and don't pose a threat to public safety.
22 And so from time to time victims would call and
23 say, "I really don't feel comfortable with this
24 person being out in the community," and so in those
25 situations, you know, we really have to bear that

1 on our decision-making.

2 And so, you know, I had a supervisor once that
3 told me, "If it doesn't pass the 6:00 News test,
4 you better not do it." And so that always stuck
5 with me, and so I never wanted to put anybody in
6 the community that would be at risk for anything.

7 So, you know, if the victim doesn't want them
8 to be out there, they're afraid for whatever
9 reason, then they didn't go out in the community.
10 Sometimes the inmates and the inmate's family
11 didn't like that very much, but that was the
12 position that I chose to take in my career.

13 So, currently, now, I'm a correctional
14 services consultant with the Department of
15 Corrections. I'm in over six facilities. Part of
16 my responsibility is to be the final reviewing
17 authority for custodies, for custody modification
18 levels, for work release, for close management
19 placement, transfers, a whole myriad of different
20 type of transfers fall under my purview.

21 One of my facilities that I do oversee is the
22 Santa Rosa close management facility, so those are
23 the worst of the worst in the Department of
24 Corrections. And so, it's a lot of responsibility.
25 There's different levels of close management,

1 different privileges that go with different levels
2 of close management. And so, on any given day, I'm
3 probably looking at a couple of hundred inmates to
4 review. It's not a quick task, it's not an easy
5 task, but I feel confident that in my years of
6 experience I'm able to do that, always be able to
7 justify for the decisions I make.

8 So that's a little bit about me and my career.
9 I did go back to school a few years ago to get my
10 master's degree, and, again, that was at Florida
11 State University.

12 I'm sorry, Ms. Moody, but that's my
13 university.

14 I've learned a lot from that and partly, I
15 think, because of the years I had with the
16 Department of Corrections, going back to school
17 later in life really -- I could relate more to some
18 of the criminological studies that were done and
19 that we reviewed and papers that we wrote on
20 different topics. And so, I was able to use that
21 back in the institution when we're talking about,
22 you know, what works for re-entry and, you know,
23 what's the most beneficial. The effects of close
24 management and segregation on inmate housing, those
25 are all things that I really never thought about

1 before, so it took that to a different level. And
2 I think it only served to increase my experience
3 and my wealth of knowledge of the system.

4 I think that with the Commission on Offender
5 Review, having somebody from the Department of
6 Corrections would be invaluable to make decisions
7 that affect both inmates and victims.

8 So that's a little bit about me, if y'all have
9 any questions for me.

10 GOVERNOR DESANTIS: Anybody?

11 ATTORNEY GENERAL MOODY: I enjoyed our
12 interview previously. As you know, parole is no
13 longer a part of our current sentencing process, so
14 we have a declining number of cases that are
15 eligible for parole. What would be your approach
16 in evaluating and addressing those cases?

17 MS. SWIER: The parole cases? Well, it's --
18 My approach has always been, like I said, I -- and
19 some people may disagree with me, but I always look
20 -- when I'm looking at an offender's file, I'm
21 looking to see not just what are my reasons for
22 releasing them to the community, but is there a
23 reason why I should not. And so, that's kind of a
24 different approach than many people may take, but
25 most inmates when they come to the Florida

1 Department of Corrections are not there on their
2 first offense, some are, but the majority, the vast
3 majority of them have an extensive record.

4 And so, you know, you have to look at what
5 kind of crimes are they in prison for? You know,
6 what kind of -- was it a violent crime? What
7 happened with the victim? What were the
8 circumstances of that? And then, after they were
9 incarcerated, what type of inmate were they? Were
10 they part of, you know, fights and extortions and
11 other things that go on in the prison system? And
12 so, I look at all of those things combined.

13 Obviously, you know, you have to look at the
14 big picture and what's gonna be best for the
15 public. If I put this inmate out on the street
16 under some type of supervision, are they gonna be
17 able to handle that supervision and are they going
18 to be a threat to the public.

19 And so, there's not a clear-cut answer where I
20 would say, you know, if they have this, no, and if
21 they don't have this, yes. It's a totality of all
22 of those circumstances that I would look at. I am
23 more conservative than probably a lot of people
24 that I work with. In some cases, you know, I've
25 been told, you know, the rule says this person's

1 eligible, so put them out there.

2 And so, you know, I always feel like I have to
3 defend the decisions I make. Earlier in my career
4 I went to federal court on an inmate. He didn't
5 sue me. He sued some other staff and he called me
6 as a witness. But during that, I learned a lot
7 because the judge was looking at progress reviews I
8 had done, even inmate requests that they had sent
9 to me that I had responded to, transfer
10 recommendations. Every single thing that I had
11 ever done regarding that inmate was reviewed and
12 scrutinized.

13 And so, it was all as it should have been and
14 there weren't any errors, you know, in my
15 decision-making that they found, and so that taught
16 me, you know, it's important. It's very important.
17 I've always felt that it was, but I never want to
18 have to go back and not be able to justify a
19 decision I made. So my stance is that I'm going to
20 look at every single detail and be able to justify
21 every single decision that I made.

22 GOVERNOR DESANTIS: Anybody else?

23 COMMISSIONER FRIED: And I just have the same
24 three that I had previously. Cynthia, thank you
25 for being here again today.

1 And the first question it's going back onto
2 the budgetary restraints that may be seen in the
3 future and the loss of the OPS positions inside.
4 How would you address the situation?

5 MS. SWIER: I was listening to Mr. Davison's
6 response, and his was a lot like my response
7 previously. So having been with the Department of
8 Corrections in a duty-warden-level position for
9 15-plus years, we deal with those same issues. You
10 all know the Department of Corrections has always
11 had budgetary issues. We have an extreme amount of
12 turnover.

13 And so my response would be, you know, you
14 have to look at the causes of that and how you can
15 stop the bleeding with the attrition or with the --
16 with staff leaving, first of all. So if it's OPS
17 staff, yes, most of those people are just
18 transitory. They're there for a little bit of
19 time, and then they're using that as a stepping
20 stone to go somewhere else.

21 And so, what happens with that is that you
22 don't have staff that have a depth of experience to
23 be able to handle more duties. When you have some
24 staff that have been there year after year after
25 year and they've accumulated experience, they can

1 make decisions that is hard for a new person to
2 make. So I would focus on staffing and being able
3 to have staff buy into our brand and our mission
4 and what we're trying to do and the importance of
5 that mission to retain those people.

6 And as far as budgetary issues, I think that
7 you would see a reduction in your spending if
8 you're not constantly having to rehire people and
9 train people and do background checks on new
10 people.

11 And then from there, I would look to see, you
12 know, are there any areas that we could consolidate
13 and maybe just focus on the meat and potatoes of
14 what we're trying to accomplish, what our mission
15 is? In a lot of cases, I know that there is no fat
16 to cut. And so it's difficult decisions to make,
17 but at the end of the day, those are the big things
18 that you have to think about is what activities and
19 things are we doing to support our mission, our
20 day-to-day mission? And we need to retain people.

21 COMMISSIONER FRIED: And second question as
22 dealing with conditional medical release in light
23 of the COVID crisis that's happening inside of the
24 DOC, is there a way to increase the amount of cases
25 that we can be heard for conditional release?

1 MS. SWIER: Conditional medical release?

2 COMMISSIONER FRIED: Medical release, yes.

3 MS. SWIER: Well, for conditional medical
4 release I know that it's for those that are
5 currently incapacitated or terminally ill and so,
6 you know, if we're talking in general terms, you
7 know, those are some that are submitted by the
8 Department of Corrections. So it's kind of
9 limiting to what the Commission can actually on
10 their own say we're going to release this person or
11 not. They have to be submitted.

12 Now, in light of COVID, if you're talking
13 about inmates that are seriously ill because of
14 COVID, those would be processed through the medical
15 department. We contract with Corizon Health
16 Services. And so, I would say to work in
17 partnership with them to see if there's some
18 inmates that are not -- they're not getting any
19 better, we're not able to treat them as well as we
20 could treat them in the institution. Obviously, if
21 they're seriously ill, they're going to be
22 transported out to local hospitals for treatment.
23 I mean, that's always been the case. But when
24 you're talking about releasing them back home for
25 care, I would say that that would be a decision we

1 would have to make in conjunction with medical
2 staff, and if they feel that it's such that they
3 would be better served home, then, of course, you
4 know, as a commission those would be the ones that
5 we would look at.

6 So I don't know if there's an answer to how we
7 can expedite that other than maybe just increase
8 the conversation with medical staff and see, you
9 know, if there's a way to be more selective about
10 who they put through to go to conditional medical
11 release.

12 COMMISSIONER FRIED: And last question, same
13 thing, is: We see the tremendous backlog of
14 clemency. You know, are there other internal rules
15 or procedures that you either should do inside the
16 Commission or that you would recommend to the
17 clemency board in order to serve kind of going
18 through this tremendous backlog?

19 MS. SWIER: Yeah. I've read some press clips
20 about the tremendous backlog. One of the things
21 that I've seen that some other organizations and
22 people that are making suggestions about the
23 clemency process is to increase the number of times
24 that they're seen. Instead of quarterly, monthly
25 or bi, you know, every other month, something like

1 that may work.

2 Or to vet through the process as it is now
3 where, you know, those that don't need a review, if
4 they're eligible for the five years, that those be
5 expedited through without having to have the formal
6 hearing may help with that backlog.

7 COMMISSIONER FRIED: Thank you.

8 CFO PATRONIS: Thank you for applying. Same
9 questions I asked earlier. You touched a little
10 bit in your comments about the role of victims that
11 would play into your work.

12 MS. SWIER: Victims play a huge role in our
13 work. We have -- With the Florida Department of
14 Corrections, you know, inmates are allowed to have
15 up to 15 visitors on their visitation list, and
16 sometimes, more often than you would think would be
17 occurring, victims ask to be on visitation lists of
18 inmates. And so, you know, sometimes it's we make
19 decisions for their own good and for our own good
20 not to approve those things.

21 But, you know, when you're talking about, as I
22 said earlier, who we're going to put out in the
23 community, you know, we have work squads that go
24 out every day picking up trash on the side of the
25 road or working with the Department of

1 Transportation or doing different things along
2 those lines. So, you know, there's a lot of those
3 inmates that go out, so we have to make sure. Just
4 because they're minimum custody, doesn't mean we're
5 gonna put them outside the gate because there are
6 victims out there.

7 One thing that I look at is where the inmate
8 is housed, like if he's at Liberty Correctional
9 Institute, are his victims in the area? Are they
10 from that area, or are they in Miami? You know,
11 those things are considerations that I take into
12 account.

13 Any time if a victim calls and makes a
14 complaint that they know, you know, that this
15 inmate's going to work release, we don't want him
16 to go, I don't feel safe, you know, I will, of
17 course, verify who the victim is, you know, through
18 case notes and things we have from the State
19 Attorney's Office. And once that is done, if
20 that's a verified victim, then I'm not gonna -- I'm
21 not gonna put the inmate out in the community where
22 they would be even a slight danger to the victim or
23 to anybody else 'cause the last thing we want is to
24 have another victim in addition to, you know, the
25 primary victim. So, yes, they play a huge role in

1 determining my decision-making.

2 GOVERNOR DESANTIS: Okay. Well, thanks so
3 much.

4 MS. SWIER: You're welcome. Thank you.

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INTERVIEW WITH MICHELLE WHITWORTH

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3 GOVERNOR DESANTIS: Finally, we'd like to
4 welcome Michelle Whitworth to approach the podium
5 for an interview. Welcome and, please, tell us
6 about yourself and why you think you'd make a good
7 commissioner.

8 MS. WHITWORTH: Hi. Good morning, Governor
9 and Cabinet Members. I'm honored to be considered
10 for such an important position.

11 I have 26 years in the criminal justice
12 profession. I, too, started out as a probation
13 officer and performed that duty for ten years. I
14 also was a classification officer inside the
15 prison. So these experiences really have provided
16 me with a practical hands-on knowledge of the
17 challenges inmates face upon release. More than
18 just an ivory tower reviewing a file, I actually
19 understand the challenges, the tools that help them
20 succeed and those that don't.

21 Worked one on one with victims and truly
22 understand when an inmate is released into the
23 community the impact that has on them. I was a
24 probation officer in a small community and when
25 inmates are released, I mean, immediately the

1 victims are exposed. You'll be shopping with them
2 in the neighborhood, so much different than a
3 larger city where sometimes victims aren't directly
4 impacted. Smaller communities are very different,
5 so I really have that real-life knowledge of how
6 that is going to impact our community and our
7 victims.

8 I participate in the judicial process
9 appearing in court, routinely testifying, standing
10 up for our victims, ensuring that inmates who have
11 re-offended and violated conditions of probation
12 are taken out of the community.

13 For the last 15 years, I've been dedicated to
14 the Commission. I started out as the capital
15 punishment research specialist administering that
16 duty of the Commission and performing extensive
17 investigations. This is probably one of the most
18 sensitive and important duties that the Commission
19 handles. I have been the expert throughout the
20 years and continue to advise all the interested
21 parties, including General Moody's staff.

22 Governor, your staff.

23 It is very sensitive and requires really a lot
24 of knowledge and skill set. I've trained all of
25 our staff including commissioners.

1 I went on to be the investigator supervisor
2 for our clemency section. Our clemency workload
3 was 60 percent of the agency workload this past
4 year, so clemency is a large part of our
5 organization and we'll probably continue to be so
6 as parole-eligible inmates decrease.

7 So I have a superior knowledge of the
8 operational function of the Commission. I
9 participate in the management and leadership of the
10 Commission. Those investigators actually prepare
11 the investigations for this board. And we will
12 have our clemency meeting tomorrow. So very
13 instrumental in that process.

14 And, currently, I have been fortunate to be
15 selected and serve as your executive clemency
16 coordinator and implement clemency at your
17 direction, work very closely with your staff.

18 What most people don't know is we're also
19 custodian of the clemency records, and we have
20 hundreds of thousands of clemency records. And on
21 a daily basis, I interact with many entities around
22 the state from FDLE, State's attorney, law
23 enforcement, secretary of state, so I have
24 extensive knowledge on the history of clemency,
25 past and current practices, and really helped the

1 citizens and our different public agencies get the
2 information that they need daily.

3 So why I sought out this opportunity? I am
4 involved in the daily management and operation of
5 the Commission, so I truly understand the
6 challenges of working at such a small agency and
7 the limitations that that presents to the
8 Commission. I've identified several critical areas
9 that I would seek to improve, if appointed
10 commissioner.

11 I would bring a new style of leadership and
12 not only participate in the voting and warrant
13 duties of a commissioner, but also seek to bring
14 innovative approaches to ensure that our staff are
15 not left behind and have the skills of similar
16 staff in other agencies.

17 It would be my mission to develop a formalized
18 training program for our commission investigators
19 who produce the clemency investigation that this
20 board actually relies upon when you're granting
21 clemency and, also, for our parole staff, who
22 ensure due process is provided for conditional
23 release and parole inmates. It's an area that the
24 Commission is lacking. I have a tremendous work
25 ethic and it would be my mission to ensure that we

1 have a formalized training program.

2 In addition, re-entry is probably the best
3 tool we have that we know about to help reduce the
4 recidivism rate.

5 Governor DeSantis, I'm very familiar with
6 Operation New Hope and the successes that that
7 brings to those inmates who participate when they
8 are released.

9 So I would use appointment as commissioner
10 with that elevated platform to have a mission to
11 increase re-entry programs, especially with our
12 smaller communities. I believe they need a voice
13 and an avenue because there is a lot of groups,
14 religious organizations, community organizations
15 that would be involved and love to participate, but
16 they need a spokesperson and they need a banner to
17 get there. So I believe there's ample opportunity
18 as a commissioner to help facilitate that.

19 And, lastly, I am collaborator. I have
20 continuously been involved in criminal justice
21 professional development organizations. It has
22 allowed me to build highly effective relationships
23 with other colleagues and keep me abreast of the
24 most innovative approaches happening in
25 corrections.

1 Earlier this year I was honored with a
2 statewide criminal justice award, so I'm very proud
3 of that. So that is a little bit about me.

4 GOVERNOR DESANTIS: Questions?

5 ATTORNEY GENERAL MOODY: Good morning. Thank
6 you so much. We have gotten to know you as
7 clemency coordinator, and I am mindful of the fact
8 that you started as an investigator and worked your
9 way up to that position. That's a unique role.
10 Tell us what you think that experience will bring
11 if you are chosen to serve in this new capacity.

12 MS. WHITWORTH: Yes. Thank you, General
13 Moody. That's a great question.

14 I think if I am appointed as commissioner,
15 this will be the first time someone with the
16 knowledge of clemency that I have will be on the
17 commission panel. And as I said, clemency is 60
18 percent of the agency workload. It requires a
19 tremendous amount of operational needs,
20 investigations with our field staff and our central
21 office staff.

22 So I believe that my clemency knowledge will
23 really enhance the commission panel as those, you
24 know, parole eligible inmates decrease. You know,
25 clemency is again going to probably be a bigger

1 part of the Commission. I absolutely understand
2 the initiatives from this board and hopefully where
3 we're going in the future and I believe I will be
4 an expert to be able to carry out that mission.

5 COMMISSIONER FRIED: Same three questions. I
6 thank you, Michelle, for replying and thank you for
7 everything that you do for all of us.

8 So the first question: In dealing with budget
9 cuts and going into the cycle, what have you
10 already seen as far as some of the difficulties in
11 the budget losses and what would you do on the
12 Commission to help alleviate some of those issues?

13 MS. WHITWORTH: Yes. Great question,
14 Commissioner Fried.

15 I experience that daily with our staff. I
16 have had many OPS staff that have been reduced.
17 One of the main things that the Commission has done
18 is acquire over \$300,000 in funding to update our
19 clemency database. That database is 20 years old,
20 was very antiquated.

21 I have a lot of tenacity for those of you who
22 don't know me and I was originally told that we had
23 the LBR request, but it was a slim chance we would
24 receive that funding; however, I lobbied the
25 Governor's staff with my opportunities to have as

1 much contact with them as I do, and we were
2 successful at acquiring that funding.

3 That database is gonna make tremendous strides
4 with out clemency workload. It's going to allow
5 much more innovative efficiencies and allow
6 numerous staff not to have such a long learning
7 curve. Because when they look at the database now,
8 they're looking at information that was irrelevant
9 when Governor Chris was in office. So the
10 terminology is not even the same in the database as
11 what we utilize now with clemency, so that is going
12 to be a great assistance to our staff with a
13 reduction.

14 Clemency has historically been a formal
15 process with formal letters being written to
16 applicants. So I've identified that we've got to
17 do some mainstreaming with our workload and we've
18 developed templates and tried to much more
19 streamline our workload. As everybody knows, we
20 have 24,000 pending clemency cases, so we have a
21 lot of inquiries and a lot of information that we
22 need to disseminate. So those tools will hopefully
23 help us overcome the curve.

24 COMMISSIONER FRIED: Thank you. And, also,
25 dealing with conditional medical release, you know,

1 with the uptick of COVID cases, of course, inside
2 the Department of Corrections, how would you figure
3 out how to streamline that process to be able to
4 review more cases on conditional medical release?

5 MS. WHITWORTH: Again, as the other candidates
6 have correctly identified, it's statutorily
7 mandated, and Department of Corrections is required
8 to only identify certain inmates that are eligible
9 for conditional medical release or referral to the
10 Commission. So, of course, the Commission will be
11 readily available if those inmates are increased.
12 The Commission does a great job of getting those
13 docketed very, very quickly and making those
14 determinations. You know, there is a segment of
15 the population that may be considered, so I, as the
16 commissioner, would absolutely be open to looking
17 at those that are referred to the Commission.

18 COMMISSIONER FRIED: And last question: You
19 know, as you know the backlog of clemency, you
20 know, what are some ideas -- and I know you've
21 touched on a few of them -- that you would see
22 either streamlining internally or recommendations
23 that you would give to the board to basically get
24 rid of some of that backlog?

25 MS. WHITWORTH: Yes. Again, our clemency

1 database is going to be a great, great help in
2 facilitating this need. Of course, I work with
3 your staff very often on clemency ideas. They are
4 always very open. We may want to give the
5 Commission a little more authority in making
6 determinations to kind of move more cases and take
7 this workload off of the board.

8 Streamlining some areas in our investigation.
9 The board may be interested in not having a
10 complete history since the applicant, you know, was
11 ten years old and maybe streamlining that a little
12 bit more, especially for the non-violent offenders.
13 Maybe we can categorize and have different types of
14 investigations whether you were a violent offender
15 or a non-violent offender.

16 So really streamlining, working with your
17 office, I believe we can always accomplish this
18 board's mission. The Commission is the little
19 agency that could. I have a great deal of tenacity
20 and am a big motivator and work one on one with our
21 staff and we will get the job done.

22 CFO PATRONIS: Good morning, Michelle.

23 MS. WHITWORTH: Good morning, Chief Patronis.

24 CFO PATRONIS: Just follow up with the same
25 question I asked the other two. Tell me the role

1 that victims play in your work.

2 MS. WHITWORTH: One of the most significant
3 experiences I have with victims is that I did
4 investigate capital punishment cases. Again,
5 that's probably the most significant duty that the
6 Commission has. I have investigated the atrocious
7 crimes that death row inmates have committed. I
8 have seen the affects that it had on the victim,
9 their families, and even family members that
10 weren't even born when the victim was murder. And
11 to see how that truly impacts the victims moves me
12 as I stand here today.

13 They are very important in this process. I
14 will always ensure that they have a say and are
15 notified and made a part of this process and made
16 them feel very comfortable and not making them feel
17 that they are, you know, ruffling anybody's
18 feathers and ensure that they are not traumatized
19 anymore. I am very compassionate and very down to
20 earth, and often victims do seek me out for the
21 comfort that I provide them.

22 GOVERNOR DESANTIS: Okay. Well, thank you so
23 much. We appreciate it.

24 And I'd like to thank the members of the
25 Parole Qualifications Committee for sending us

1 three truly great applicants for the position.

2 I want to thank you all for your service to
3 the State. I think all three of you could serve
4 and serve very ably in this position.

5 I would move that we re-appoint Commissioner
6 Davison. I think he's done a good job. And I
7 think the other two could do a great job as well,
8 but I appreciate his service and I move to
9 re-appoint.

10 Is there a second?

11 COMMISSIONER FRIED: I second.

12 GOVERNOR DESANTIS: Is there any opposed?

13 (NO RESPONSE).

14 GOVERNOR DESANTIS: Okay. Well,
15 congratulations, Commissioner.

16 And thanks to the other applicants, and I know
17 you guys will be able to serve us into the future.

18 Today we'll also be appointing the chair and
19 vice-chair of the Commission. I move that Melinda
20 Coonrod serve as chair and Richard Davison serve as
21 vice-chair.

22 Is there a second?

23 COMMISSIONER FRIED: Second.

24 GOVERNOR DESANTIS: All in favor?

25 (NO RESPONSE).

1 GOVERNOR DESANTIS: Any opposed?

2 (NO RESPONSE) .

3 GOVERNOR DESANTIS: Okay. The motion is
4 adopted.

5 I also move to authorize Chair Coonrod to
6 assign consenting retired commissioners or former
7 commissioners to temporary duty when there is a
8 workload need.

9 Is there a second?

10 COMMISSIONER FRIED: Second.

11 GOVERNOR DESANTIS: Any opposed?

12 (NO RESPONSE) .

13 GOVERNOR DESANTIS: Okay. The motion is
14 adopted.

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2021 CABINET MEETING SCHEDULE

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3 GOVERNOR DESANTIS: We'll now move on to the
4 proposed 2021 cabinet meeting schedule. Approving
5 this schedule does not preclude us from
6 rescheduling meetings or calling additional
7 meetings when necessary, but provides both the
8 public and our agencies dates to plan for cabinet
9 meetings.

10 Now, we did have to move the January date to
11 February 2nd, and I'll have our staff work together
12 if any issues arise from that.

13 I move to approve the calendar before and have
14 it posted to the Cabinet website.

15 Is there a second?

16 COMMISSIONER FRIED: Second.

17 GOVERNOR DESANTIS: All right. Hearing no
18 objection, the motion carries.

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DIVISION OF BOND FINANCE

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3 GOVERNOR DESANTIS: Ben Watkins, Division of
4 Bond Finance, you're up.

5 MR. WATKINS: Good morning, Governor, Cabinet
6 Members.

7 GOVERNOR DESANTIS: Good morning.

8 MR. WATKINS: Before I get started on the
9 formal agenda, I just wanted to give you a brief
10 overview of conditions in the municipal market. So
11 it can best be described as a Goldie Locks market.
12 We're enjoying extremely low interest rates because
13 of federal monetary policy. We've got strong
14 demand for municipal bonds and a really limited
15 supply. So we've really been fortunate to be in
16 the beneficiary of extremely favorable market
17 conditions, and I think it's reflected in the -- in
18 our agenda in the items that I'll report on
19 monetarily.

20 The second thing that I wanted you to be aware
21 of is we finished our annual debt report, which
22 will be delivered today to legislative leadership
23 and to your offices as well, the full-blown report.
24 And what it shows is that our benchmark debt ratio,
25 our target of six percent, we're below six percent

1 at 5.49 percent. So although it's higher than we
2 expected it to be this time last year, because of
3 lower revenues have an impact on that ratio, we've
4 still got plenty of headroom south of the six
5 percent target that the Legislature has set from a
6 policy perspective for new money issuance.

7 So with that, I'll start the formal agenda.
8 Item 1 is approval of the minutes of September 22nd
9 meeting.

10 GOVERNOR DESANTIS: Okay. Move to approve.

11 Is there a second?

12 CFO PATRONIS: Second.

13 GOVERNOR DESANTIS: No objections. The motion
14 carries.

15 Item 2, I guess, no action, but you can go
16 ahead and talk.

17 MR. WATKINS: Right. It's a report of award
18 on the bond sales that we've executed since our
19 last meeting.

20 Item 2-A is report of award on the competitive
21 sale of 397.4 million dollars in PIMCO refunding
22 bonds. The bonds were awarded to the low bidder at
23 a true interest cost of .47 percent, so that's not
24 a typo. It was a short loan, but less than half a
25 percent. That allowed us to reduce the interest

1 rate on outstanding bonds from 4.78 percent to .47
2 percent, generating gross debt service savings of
3 51.3 million. Present value savings of 50.6
4 million or 13.1 percent of the principal amount of
5 the loan.

6 2-B is a report of award on the competitive
7 sale of a 19 million dollar refunding from the
8 University of Florida. We were able to place the
9 bonds at an interest rate of 1.55 percent. It
10 allowed us to reduce the interest rate on the
11 currently outstanding loan from 4.43 percent to
12 1.55 percent, generating gross debt service savings
13 of 2.9 million. Present value savings of 2.7
14 million or 14.3 percent of the principal amount of
15 the outstanding loan.

16 2-C is a competitive sale of 187.6 million
17 dollars in new money bonds for DOT. They were
18 right-of-way bonds, and they were sold -- this is a
19 30-year loan -- sold at a true interest cost of
20 1.93 percent, so south of two percent on a 30-year
21 loan. That's pretty extraordinary.

22 Item 2-D is a competitive sale of 71.8 million
23 dollars of financing for Florida International
24 University for construction of a new dormitory.
25 The bonds were awarded to the lower bidder at a

1 true interest cost of 2.58 percent.

2 So that completes the report of award, and now
3 we'd be moving into the items that I would like
4 authorization for.

5 Item 3 is a resolution authorizing the
6 issuance of 1.5 billion dollars in federal highway
7 bonds for DOT. That's for purposes of validation
8 only.

9 The second part of that is authorizing the
10 sale of 152 million dollars of that 1.5 billion
11 dollar authorization. You will see every time we
12 sell a piece of that authorization, it will come
13 back to the board for authorization for sale. So
14 that's Item 3.

15 GOVERNOR DESANTIS: All right. I move to
16 approve.

17 Is there a second?

18 ATTORNEY GENERAL MOODY: Second.

19 GOVERNOR DESANTIS: Any objection?

20 (NO RESPONSE).

21 GOVERNOR DESANTIS: Hearing none, the motion
22 carries.

23 Item 4.

24 MR. WATKINS: Item 4 is a resolution
25 authorizing the issuance and competitive sale of

1 54.1 million dollars of refunding bonds for FIU for
2 debt service savings.

3 GOVERNOR DESANTIS: Move to approve.

4 Is there a second?

5 CFO PATRONIS: Second.

6 GOVERNOR DESANTIS: No objection. The motion
7 carries.

8 MR. WATKINS: Item 5 is a resolution
9 authorizing the issuance and competitive sale of
10 17.5 million of FSU dormitory refunding bonds for
11 debt service savings.

12 GOVERNOR DESANTIS: Move to approve.

13 Is there a second?

14 CFO PATRONIS: Second.

15 COMMISSIONER FRIED: Second.

16 GOVERNOR DESANTIS: No objection. The motion
17 carries.

18 Item 6.

19 MR. WATKINS: Item 6 is a resolution
20 authorizing the issuance and competitive sale of 20
21 million dollars of FSU student fee refunding bonds
22 for debt service savings.

23 GOVERNOR DESANTIS: Move to approve.

24 Is there a second?

25 CFO PATRONIS: Second.

1 GOVERNOR DESANTIS: Any objections?

2 (NO RESPONSE).

3 GOVERNOR DESANTIS: Hearing none, the motion
4 carries.

5 Item 7.

6 MR. WATKINS: Item 7 is a resolution
7 authorizing the issuance and competitive sale of 12
8 million dollars of FSU parking refunding bonds for
9 debt service savings.

10 GOVERNOR DESANTIS: Move to approve.

11 Is there a second?

12 CFO PATRONIS: Second.

13 COMMISSIONER FRIED: Second.

14 GOVERNOR DESANTIS: Any objections?

15 (NO RESPONSE).

16 GOVERNOR DESANTIS: Hearing none, the motion
17 carries.

18 Thank you so much.

19 MR. WATKINS: Thank you, sir.

20 CFO PATRONIS: I just brag on, good job, 50
21 million dollars in one lick. I don't know how the
22 market works. Does that Bloomberg terminal have
23 anything to do with these savings or what? I mean,
24 I'm just kind of scratching my head.

25 MR. WATKINS: Well, it helps give us

1 visibility on what's going on in the marketplace
2 and gives us the opportunity to find a good spot.
3 We have to execute a couple of deals before the end
4 of the calendar year and be ready when the first of
5 the year rolls around to keep rolling.

6 CFO PATRONIS: All right. Well, that terminal
7 is showing you what else is going on in other
8 markets. How much -- How much are we saving
9 compared to some of the other big states, New York,
10 Illinois, or can they even do anything right now?

11 MR. WATKINS: Well, we've been at this a very
12 long time. So just -- this has been an eight-year
13 run. Just, for example, in this calendar year,
14 we've sold 1.1 billion dollars in refunding bonds
15 and generated 275 million in savings.

16 CFO PATRONIS: Nice.

17 MR. WATKINS: And I would say that's on par
18 with prior years. We've sold, approximately, 16
19 billion dollars in refundings over the last decade.
20 We've refunded over 85 percent of the debt that we
21 have outstanding at lower rates in order to reduce
22 annual debt service requirements and reduce the
23 cost of money basically.

24 We are coming to the point now where the
25 candidates are diminished; in other words, all of

1 the loans, if you think about it, we've got 275 to
2 300 loans outstanding that we're constantly
3 monitoring to lower the rates when they make sense
4 to do. We've executed 85 percent of that, right?
5 So we're squeezing the population of candidates
6 that we have available, but we'll continue to make
7 hay while the sun's shining.

8 CFO PATRONIS: Appreciate it. Merry
9 Christmas.

10 MR. WATKINS: Yes, sir.

11 GOVERNOR DESANTIS: Thanks so much.

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STATE BOARD OF ADMINISTRATION

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3 GOVERNOR DESANTIS: Okay. Next, I'd like to
4 welcome Ash Williams to present items for SBA.

5 MR. WILLIAMS: Good morning, Governor.

6 GOVERNOR DESANTIS: Good morning.

7 MR. WILLIAMS: Trustees, Cabinet Members.

8 Let's open with a little performance as we
9 usually do. Given that we're toward the tail-end
10 of the year, we'll use calendar year-to-date data.

11 As of last night's close, December 14, the
12 Florida Retirement Trust Fund calendar year-to-date
13 is 10.32 percent. That's 84 basis points ahead of
14 target. The balance stands at 179.8 billion.
15 That's ten billion ahead of where we started the
16 calendar year, and that is net of distributions of
17 six billion dollars for benefit payments.

18 Worthy of note, too, that not only have we hit
19 an all-time record high on the Florida Retirement
20 System Trust Fund during recent weeks, but we've
21 also hit an all-time high of State Board
22 Administration assets under management with total
23 AUM currently at 230.54 billion dollars. Part of
24 that growth has been the investment plan, which is
25 now at 13.26 billion, up 1.2 billion from the start

1 of the calendar year.

2 Unless there are any questions on performance,
3 I'll go ahead with our agenda.

4 GOVERNOR DESANTIS: Go ahead.

5 MR. WILLIAMS: Thank you.

6 Item 2, we have a resolution of the SBA in
7 making a fiscal determination in connection with
8 the issuance not exceeding 450 million dollars,
9 Florida Housing Finance Corporation Homeowner and
10 Mortgage Revenue Bonds. This is an annual approval
11 for a pool of money that the Housing Finance
12 Corporation uses for affordable mortgages for low
13 and middle and other borrowers.

14 Request approval.

15 GOVERNOR DESANTIS: All right. I move to
16 approve.

17 Is there a second?

18 ATTORNEY GENERAL MOODY: Second.

19 CFO PATRONIS: Second.

20 GOVERNOR DESANTIS: No objection. The motion
21 carries.

22 MR. WILLIAMS: Thank you.

23 Item 3 is another fiscal determination
24 relating to the issuance of an amount not exceeding
25 12 million dollars, Florida Housing Finance

1 Corporation Multifamily Mortgage Revenue Bonds.
2 This is for new construction of 105 units of
3 affordable housing in Leon County, Florida.

4 GOVERNOR DESANTIS: Move to approve.

5 Is there a second?

6 ATTORNEY GENERAL MOODY: Second.

7 GOVERNOR DESANTIS: No objection. The motion
8 carries.

9 MR. WILLIAMS: Thank you.

10 Item 4, request approval of fiscal sufficiency
11 in an amount not exceeding 152,000, State of
12 Florida DOT, Federal Highway Reimbursement Revenue
13 refunding -- Revenue Bonds, Series 2021A.

14 GOVERNOR DESANTIS: Move to approve.

15 Is there a second?

16 CFO PATRONIS: Second.

17 GOVERNOR DESANTIS: No objection. The motion
18 carries.

19 MR. WILLIAMS: Thank you.

20 Item 5, request approval of a resolution
21 relating to the fiscal sufficiency of an amount not
22 exceeding \$54,100,000, State of Florida, Board of
23 Governors, Florida International University
24 Dormitory Revenue Refunding Bonds.

25 GOVERNOR DESANTIS: Move to approve.

1 Is there a second?

2 ATTORNEY GENERAL MOODY: Second.

3 GOVERNOR DESANTIS: No objection. The motion
4 carries.

5 MR. WILLIAMS: Thank you.

6 Item 6, request approval of a resolution
7 involving a fiscal sufficiency in an amount not
8 exceeding \$7,500,000, State of Florida, Board of
9 Governors, Florida State University Dormitory
10 Revenue Refunding Bonds.

11 GOVERNOR DESANTIS: Move to approve.

12 Is there a second?

13 ATTORNEY GENERAL MOODY: Second.

14 CFO PATRONIS: Second.

15 GOVERNOR DESANTIS: No objection. The motion
16 carries.

17 MR. WILLIAMS: Thank you.

18 Item 7, a resolution of the State Board of
19 Administration approval fiscal sufficiency in an
20 amount not exceeding 25 -- 20 million dollars, I'm
21 sorry, State of Florida, Board of Governors,
22 Florida State University Mandatory Student Fee
23 Revenue Refunding Bonds.

24 Request approval.

25 GOVERNOR DESANTIS: Move to approve.

1 Is there a second?

2 CFO PATRONIS: Second.

3 GOVERNOR DESANTIS: No objection. The motion
4 carries.

5 MR. WILLIAMS: Thank you.

6 Item 8, request approval of a resolution
7 approving the fiscal sufficiency of an amount not
8 exceeding 12 million dollars, State of Florida,
9 Board of Governors, Florida State University
10 Parking Facility Revenue Refunding Bonds.

11 GOVERNOR DESANTIS: Move to approve.

12 Is there a second?

13 CFO PATRONIS: Second.

14 GOVERNOR DESANTIS: No objection. The motion
15 carries.

16 MR. WILLIAMS: Thank you.

17 Item 9, request approval of draft letters to
18 the Joint Legislative Auditing Committee affirming
19 the SBA trustees have reviewed and approved the
20 monthly Florida Prime summary reports and actions
21 taken, if any, to address any impacts. There were
22 no impacts.

23 GOVERNOR DESANTIS: All right. I move to
24 approve.

25 Is there a second?

1 CFO PATRONIS: Second.

2 GOVERNOR DESANTIS: No objection. The motion
3 carries.

4 MR. WILLIAMS: Thank you.

5 Item 10, request approval of a draft letter to
6 the Joint Legislative Auditing Committee affirming
7 the SBA trustees have reviewed and approved the
8 Auditor General's annual financial audit of the
9 Local Government Surplus Funds Trust Fund, also
10 known as Florida Prime, and taken actions, if any,
11 to address impasse.

12 Two items on that: First of all, there were
13 no material deficiencies identified in the audit.
14 There were no issues of non-compliance, and it
15 should also be noted the Florida Prime now stands
16 at 17.8 billion dollars. That fund bottomed in the
17 four billion-ish range when it had its issues back
18 in the fourth quarter of 2007. So that's a pretty
19 strong story of redemption.

20 Request approval.

21 GOVERNOR DESANTIS: Move to approve.

22 Is there a second?

23 CFO PATRONIS: Second.

24 GOVERNOR DESANTIS: No objection. The motion
25 carries.

1 MR. WILLIAMS: Thank you.

2 Item 11, request approval of the SBA quarterly
3 report required by the Protecting Florida's
4 Investment Act. There's one news item here. One
5 of the areas that we always report on is Iran and
6 Sudan. And yesterday, Sudan was formerly removed
7 from the list of sponsors of state terrorism. So
8 it would appear that the international sanctions
9 there were effective in the matter of Sudan and
10 there's progress. So we'll be working to revise
11 our guidelines and probably going to the Legislator
12 for an appropriate adjustment there.

13 Request approval.

14 GOVERNOR DESANTIS: Move to approve.

15 Is there a second?

16 CFO PATRONIS: Second.

17 GOVERNOR DESANTIS: No objection. The motion
18 carries.

19 MR. WILLIAMS: Thank you.

20 Item 12, request approval of an authority to
21 file a notice of proposed rule for the Florida
22 Hurricane Catastrophe Fund to ensure reporting
23 requirements and responsibility and to file this
24 rule for adoption if no member of the public timely
25 requests a rule hearing. This is the annual data

1 call to capture information from insurance
2 companies for the rating for the '21 hurricane
3 season ahead of us.

4 Request approval.

5 GOVERNOR DESANTIS: Move to approve.

6 Is there a second?

7 CFO PATRONIS: Second.

8 GOVERNOR DESANTIS: Any objection?

9 (NO RESPONSE).

10 GOVERNOR DESANTIS: Hearing none, the motion
11 carries.

12 CFO PATRONIS: Governor, I've got a comment.

13 GOVERNOR DESANTIS: Yes.

14 CFO PATRONIS: I just wanted to highlight the
15 tremendous efforts of the CAT Fund in which you've
16 been able to accomplish. I don't think the gravity
17 or the significance of what that does to our
18 overall State's stability, our credit rating, all
19 that goes along into it and what you and your team
20 have done to keep that.

21 I know we were doing some digging, and I know
22 we even talked to you earlier today. There's
23 nothing like it anywhere in the whole United States
24 in any of the governments in order to create a
25 stabilizing force in the insurance market in our

1 state. And I'd love to have you comment, but I
2 just want to kind of dovetail into what you've
3 done.

4 I mean, yesterday -- I don't know if anybody
5 knows this -- you actually signed for the FedEx
6 delivery of the vaccines yesterday. There's a lot
7 to be said for what that has done to make your job
8 easier when the State of Florida's economy is
9 stable. We wouldn't have been able to have any of
10 that if you didn't have a good working relationship
11 with the Trump Administration to be able to ensure
12 that vaccines are here. We're stabilizing this
13 population and having comfort and confidence in
14 getting small business back to work. But,
15 Governor, you've hit a home run with that.

16 The only thing I was going to ask Ash about,
17 we're sending a letter to the FEMA administrator.
18 The concern that I've got when we did hurricane
19 preparedness at the PSC, we have linemen that come
20 in from all over the southeastern United States and
21 I just want -- hurricane season's around the
22 corner. I'm sorry. It's a reality -- that we have
23 vaccines prioritized for lineman and utility
24 workers. They're going to come into this market.
25 Even our control centers or our nuclear plants.

1 Those individuals have to have some redundancy and
2 have an access to vaccines in order to keep us
3 stable. We're in a stable economy and a stable
4 recovery.

5 So, anyway, thank you for what you've done,
6 Ash. Thanks for everything you've done to
7 stabilize this CAT fund.

8 MR. WILLIAMS: Well, thank you. And, you
9 know, one of the keys and this is integral to our
10 credit rating -- and Director Watkins will
11 certainly affirm this -- is the stability of the
12 CAT Fund is the key thing. And the fact that its
13 policies have remained essentially unchanged since
14 we created it way back in '93, and I was there when
15 that happened, is very powerful.

16 And the leadership that the trustees have
17 provided over the years, including the three of
18 you, but over multiple sets of trustees over
19 decades of history. There's been loads and loads
20 of initiatives that honestly were not the best
21 public policy but were motivated by the economics
22 of small subsets of corporate participants. And
23 the board has created great leadership, the
24 Legislature has followed that leadership, and the
25 result is the stability and the function in a

1 marketplace that we have.

2 The reason the CAT Fund is so powerful is that
3 it brings several factors together in a way that no
4 other entity has anywhere in the country. Number
5 one, its non-profit; number two, it has a very low
6 cost of capital because of its funding mechanism
7 through the debt issuances capability that it has;
8 number three, it's tax exempt; number four, it has
9 extraordinarily low administrative overhead; and,
10 number five, because of its statutory existence,
11 it's mandatory. There's nothing in the country
12 that can touch that.

13 Several other states have tried, notably Texas
14 and Louisiana, and not gotten in the end zone.
15 California has an entity called the Florida -- the
16 California Earthquake Authority, which is there to
17 indemnify earthquake risk, and like we do, they
18 write actuarially sound rates. Unlike the CAT
19 Fund, it's not mandatory. So because it's
20 expensive as an elective, nobody uses it.

21 CFO PATRONIS: Nobody uses it.

22 MR. WILLIAMS: So this is a good thing, and
23 it's good that we keep it going.

24 CFO PATRONIS: All right. Overlay the vaccine
25 on top of what you're seeing in the financial

1 markets.

2 MR. WILLIAMS: You mean what's the impact of
3 the vaccine coming? It's super positive obviously.
4 The markets have rocketed on the strength of the
5 vaccines coming out, and the incredible efficacy of
6 all the vaccines that have been announced is
7 terrific.

8 And I think the fact that Florida is a
9 priority state for receipt, and we've had some
10 pretty high-level executive involvement in ensuring
11 that the vaccine gets here and gets out, and we
12 have obviously Florida's emergency capability is
13 one of the best in the country in having our
14 division of emergency management in the middle of
15 that exercise, I think is gonna be great. So we're
16 gonna see the vaccine here distributed with
17 appropriate priority, a high level of discipline, a
18 high level of operational efficiency. It's got to
19 be good.

20 The question for the financial markets is: Do
21 the markets maintain their focus on a post-vaccine
22 COVID business environment, or do they get rattled
23 by the short-term acceleration and contagion we're
24 seeing?

25 There were two items in the news this morning

1 worthy of note. Couple of a major cities, one in
2 the US at least, New York, and London also are
3 talking about going back to some sort of severe
4 restriction of activity based on the contagion
5 they're seeing. Remains to be seen what happens
6 with that.

7 The other thing is: There was some mention
8 made, I want to say, in the UK or Western Europe
9 about there possibly being a mutant version of the
10 virus that might be contributing to the
11 acceleration of contagion over there, not in the
12 US.

13 Who knows where any of that goes, but from a
14 market standpoint, longer term, there's no question
15 the vaccine is great, great news. And the quicker
16 we can get it out there properly prioritized the
17 better off we all are.

18 GOVERNOR DESANTIS: So which item are we on
19 now?

20 MR. WILLIAMS: Thirteen.

21 GOVERNOR DESANTIS: Thirteen.

22 UNKNOWN MALE SPEAKER: What does the CFO want
23 next?

24 GOVERNOR DESANTIS: Well, did you brief that
25 yet or should I approve?

1 MR. WILLIAMS: No.

2 GOVERNOR DESANTIS: Okay. Go ahead.

3 MR. WILLIAMS: Okay. Item 13, request
4 appointment of the chair of the Florida Commission
5 on Hurricane Loss Projection Methodology. This is
6 the re-appointment of Mr. Floyd Yager who served
7 with distinction.

8 Request approval.

9 GOVERNOR DESANTIS: Move to approve.

10 Is there a second?

11 COMMISSIONER FRIED: Second.

12 GOVERNOR DESANTIS: No objection. The motion
13 carries.

14 MR. WILLIAMS: Thank you.

15 Item 14, request approval of a newly nominated
16 appointment to the Investment Advisory Council,
17 Mr. Rob Turner.

18 GOVERNOR DESANTIS: Move to approve.

19 Is there a second?

20 CFO PATRONIS: Second.

21 ATTORNEY GENERAL MOODY: Second.

22 GOVERNOR DESANTIS: No objection. The motion
23 carries.

24 MR. WILLIAMS: Thank you.

25 Items 15 and 16 are both re-appointments of

1 existing members of the Investment Advisory
2 Council, Mr. Peter Jones and Mr. Peter Collins
3 respectively.

4 Request approval.

5 GOVERNOR DESANTIS: Move to approve both.

6 Is there objection?

7 (NO RESPONSE).

8 GOVERNOR DESANTIS: Second?

9 ATTORNEY GENERAL MOODY: Second.

10 GOVERNOR DESANTIS: Okay. Motion carries,
11 both.

12 MR. WILLIAMS: Thank you.

13 Item 17, quarterly reports of the SBA for the
14 second quarter of 2020.

15 Request approval.

16 GOVERNOR DESANTIS: Move to approve.

17 Is there a second?

18 COMMISSIONER FRIED: Second.

19 CFO PATRONIS: Second.

20 GOVERNOR DESANTIS: No objection. The motion
21 carries.

22 MR. WILLIAMS: Thank you.

23 Item 18 is quarterly reports of the SBA for
24 the third quarter of 2020, and I would just say for
25 both of these sets of quarterly reports the same

1 summary is true. The key elements of our control
2 environment are intact as evidenced by quarterly
3 reports from our compliance department, our
4 inspector general, our general counsel, and also
5 our audit committee. Investment performance is
6 hitting on all cylinders. You hear the performance
7 numbers. You heard them earlier today. All is
8 good there. The organization is sound and
9 functioning well and our reputation is intact.

10 So request approval of the third quarter as
11 well, please.

12 GOVERNOR DESANTIS: Move to approve.

13 Is there a second?

14 COMMISSIONER FRIED: Second.

15 CFO PATRONIS: Second.

16 GOVERNOR DESANTIS: No objection. The motion
17 carries.

18 MR. WILLIAMS: Thank you.

19 Item 19 is the annual evaluation and
20 reaffirmation of the executive director. This
21 falls on public hearings from the Investment
22 Advisory Council and the Compensation Subcommittee
23 of the IAC.

24 Respectfully request approval.

25 GOVERNOR DESANTIS: Move to approve.

1 Is there a second?

2 ATTORNEY GENERAL MOODY: Second.

3 CFO PATRONIS: Second.

4 ATTORNEY GENERAL MOODY: Enthusiastically.

5 GOVERNOR DESANTIS: No objection. The motion
6 carries.

7 MR. WILLIAMS: Thank you.

8 GOVERNOR DESANTIS: All right. Well, thank
9 you.

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STATE BOARD OF ADMINISTRATION FINANCE CORPORATION

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3 GOVERNOR DESANTIS: I guess we're going to the
4 State Board Finance Corporation.

5 MR. WILLIAMS: Correct. So on the Finance
6 Corporation, what we have there is a change in
7 leadership. We have had Anne Burke who has served
8 as the chief operating officer of the CAT Fund for
9 four-and-a-half years and has been working for the
10 SBA for over 20 years and has done a tremendous,
11 tremendous job there. She needs to be replaced as
12 president of the SBA Finance Corporation because
13 she's going to be retiring in January, and we want
14 to replace her with one of her -- our senior
15 officials there and we'd like to move that item,
16 please.

17 GOVERNOR DESANTIS: Okay. I move to approve.
18 Is there a second?

19 CFO PATRONIS: Second.

20 GOVERNOR DESANTIS: No objection. The motion
21 carries.

22 MR. WILLIAMS: Thank you.

23 GOVERNOR DESANTIS: Thank you. Merry
24 Christmas.

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DEPARTMENT OF REVENUE

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3 GOVERNOR DESANTIS: All right. Department of
4 Revenue, Dr. Zingale.

5 DR. ZINGALE: Good morning, Governor and
6 Cabinet.

7 GOVERNOR DESANTIS: Good morning.

8 DR. ZINGALE: Always a pleasure to be here, a
9 privilege.

10 Only one item on the agenda today. It'll go
11 fairly quickly. Twelve rules. The rules primarily
12 govern the Department's certification and training
13 program for property appraisers, tax collectors,
14 their staff, Department of Revenue staff. A lot of
15 the administrative conformity to the statute.
16 We're gonna do the double approval. We are gonna
17 have a rule hearing in January. If there's any
18 substantive changes to what's in front of you now,
19 we'll bring it back, the corrections to those
20 changes.

21 Item No. 1, the Department respectfully
22 requests approval of an authority to publish notice
23 of proposed rules in the Florida Administrative
24 Registry for rules related to property tax
25 oversight and further requests approval to file and

1 certify for final adoption under Chapter 120
2 Florida Statutes, if the substance of the proposed
3 rules remain unchanged upon reaching the date of
4 final adoption.

5 The Department intends to hold a rule hearing
6 in January to primarily listen to additional public
7 testimony, but at this point in time requests
8 adoption.

9 GOVERNOR DESANTIS: I move to approve.

10 Is there a second?

11 CFO PATRONIS: Second.

12 COMMISSIONER FRIED: Second.

13 GOVERNOR DESANTIS: No objection. Motion
14 carries.

15 DR. ZINGALE: Special, special Christmas to
16 you and your family.

17 GOVERNOR DESANTIS: You too.

18 CFO PATRONIS: I got one question.

19 GOVERNOR DESANTIS: Oh, question.

20 CFO PATRONIS: Doctor Z, are you going to
21 introduce your new executive -- deputy executive
22 director.

23 DR. ZINGALE: I have a Deputy Director Lisa.
24 I only know her as Lisa Harvey Vickers, but
25 Ms. Vickers has started with us at the beginning of

1 the month. It's a pleasure to have her back. She
2 was my deputy for many, many years. Was the
3 director of the Department for six years. Even
4 coming back to the Department at this time, Lisa
5 was director of the Department of Revenue during
6 the Great Recession. Things to deal with that will
7 be coming up over the next week -- month and a
8 half, how to deal internally to the department in
9 terms of cutbacks and problems. A great asset,
10 lawyer, economist. We have a good team and we're
11 pleased to have her back. Thank you. Appreciate
12 that. Merry Christmas.

13 GOVERNOR DESANTIS: Merry Christmas.

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DEPARTMENT OF LAW ENFORCEMENT

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3 GOVERNOR DESANTIS: Okay. Next, I'd like to
4 welcome FDLE Commissioner Swearingen.

5 COMMISSIONER SWEARINGEN: Good morning once
6 again, and I'd like to say thank you again for the
7 recognition to the FDLE members earlier.

8 I have two quick items for you this morning.
9 First, are the minutes from the February 4, 2020
10 cabinet meeting, which I respectfully submit for
11 your approval.

12 GOVERNOR DESANTIS: Move to approve. Is there
13 a second?

14 COMMISSIONER FRIED: I second.

15 GOVERNOR DESANTIS: No objection. The motion
16 carries.

17 COMMISSIONER SWEARINGEN: Second, I have the
18 contracts for the third and fourth quarter of
19 fiscal 1920 (sic) and the first quarter of 2021,
20 which I respectfully submit for your approval.

21 GOVERNOR DESANTIS: Move to approve.

22 Is there a second?

23 COMMISSIONER FRIED: Second.

24 GOVERNOR DESANTIS: No objection. The motion
25 carries.

1 COMMISSIONER SWEARINGEN: That's all I have
2 for you.

3 GOVERNOR DESANTIS: Okay. Thank you.

4 COMMISSIONER SWEARINGEN: Thank you. Merry
5 Christmas.

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OFFICE OF FINANCIAL REGULATION

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3 GOVERNOR DESANTIS: Office of Financial
4 Regulation. Okay. You want to just start with the
5 questions?

6 CFO PATRONIS: Good morning, Russ.

7 COMMISSIONER WEIGEL: Good morning, CFO,
8 Governor, Attorney General Moody, Commissioner
9 Fried.

10 CFO PATRONIS: I wanted to ask you -- An
11 article came out of Orlando and, well, we've talked
12 about it a little bit briefly, but COVID's changed
13 the whole world. We know that you've had
14 aggressive deferment by financial institutions,
15 some of which have done it voluntarily outreach,
16 but it's definitely some of these things are
17 slipping through the cracks and starting to ding
18 people's credit scores.

19 It's delicate, I understand, but what I'm
20 concerned about is unintended consequences that
21 somebody's credit rating being, you know, tainted
22 or damaged because of COVID-19. But then there was
23 an authorization privileges. I understood that
24 they've gotten this deferment of whatever payment
25 their financial institution is doing.

1 How do we navigate this? You know, I'm
2 wanting to push. I'm wanting to help. I'm wanting
3 to make sure that our credit rating agencies are
4 doing right by our citizens under the environment
5 that we're in. Give me some guidance.

6 COMMISSIONER WEIGEL: Well, thank you for your
7 leadership on this issue, Chief Patronis.

8 OFR regulates a number of the industry
9 participants that provide financial information.
10 It's in our interest to make sure that the
11 distribution of accurate statistics and data
12 occurs. And so, what I'll do, I think, in this
13 case is report back to your office later today and
14 just check on the communication of my office with
15 out licensees that are directly members of the
16 reporting agencies. Because we don't regulate the
17 agencies themselves, but we do have licensees that
18 are members. And, hopefully, in discourse with our
19 licensees, you know, the wrinkles that have
20 occurred in dissemination of information will be
21 ironed out.

22 CFO PATRONIS: And I totally understand that
23 everybody's doing more with less and they've had
24 technological challenges in order to continue
25 operating their systems, but I really don't want

1 somebody who was told and had an understanding that
2 they had a deferment or forbearance and then, all
3 of a sudden, now their credit rating is taking a
4 hit because of it. And then you're fighting with
5 all the challenges to try to get that corrected.

6 It's an incredible hardship that, like I said,
7 I'm happy to pile on if you see a lane for us to
8 pile on. I think just have us a dialogue here
9 today will, you know, at least spread the concern.

10 COMMISSIONER WEIGEL: Thank you. We'll report
11 back to you.

12 CFO PATRONIS: Thanks.

13 COMMISSIONER FRIED: Governor, are we doing
14 questions now?

15 GOVERNOR DESANTIS: Sure.

16 COMMISSIONER FRIED: Okay. Just a follow up
17 on questions that I've asked you before regarding
18 the advisory to both the banking institutions
19 dealing with the medical marijuana side also as the
20 hemp industry is starting to boom in the state of
21 Florida, making sure that we are providing those
22 guidances.

23 COMMISSIONER WEIGEL: Thank you, Commissioner
24 Fried, for your interest on that issue. Before we
25 can release the guidance that we have been

1 discussing, I just need to have the consensus of
2 the Financial Services Commission on it and for
3 that I need their final comments. Then we're ready
4 to go.

5 COMMISSIONER FRIED: And when should the
6 timing be up for that?

7 COMMISSIONER WEIGEL: I'd have to defer to the
8 Commission.

9 GOVERNOR DESANTIS: Okay. You want to do your
10 agenda?

11 COMMISSIONER WEIGEL: Yes. Thank you. The
12 OFR has six items on the agenda today. All of the
13 individual rule numbers being noticed for amendment
14 or repeal are located in our rule materials for
15 your reference. The first four of the items are
16 for final adoption. The last two items are to
17 request approval to publish a notice of proposed
18 rule.

19 First item is OFR respectfully requests
20 approval to file for final adoption to create 12
21 new rules to implement the FinTech Sandbox
22 Legislation passed during the 2020 Legislative
23 session, amend 11 rules relating to consumer
24 finance, and to repeal one rule that is no longer
25 needed for consumer finance.

1 OFR requests approval.

2 GOVERNOR DESANTIS: I move to approve.

3 Is there a second?

4 CFO PATRONIS: Second.

5 GOVERNOR DESANTIS: Any objections?

6 (NO RESPONSE).

7 GOVERNOR DESANTIS: Hearing none, the motion
8 carries.

9 COMMISSIONER WEIGEL: Thank you.

10 Number two, the OFR respectfully requests
11 approval to file for final adoption to amend 20
12 rules relating to securities. These rules'
13 amendments are making technical clarifications,
14 making necessary updates, and aligning our rules
15 with our federal counterparts.

16 Also, we are requesting approval to adopt one
17 rule relating to securities that implements the
18 vulnerable investor legislation passed during the
19 2020 legislative session.

20 OFR requests approval.

21 GOVERNOR DESANTIS: Move to approve.

22 Is there a second?

23 CFO PATRONIS: Second.

24 GOVERNOR DESANTIS: Any objection?

25 (NO RESPONSE).

1 GOVERNOR DESANTIS: Hearing none, the motion
2 carries.

3 COMMISSIONER WEIGEL: Thank you.

4 Number three, the OFR respectfully request
5 approval to file for final adoption to amend 11
6 rules and repeal one rule relating to financial
7 institutions. These rule amendments are making
8 technical clarifications and updates that are
9 needed to align with current practices.

10 OFR requests approval.

11 GOVERNOR DESANTIS: Move to approve.

12 Is there a second?

13 COMMISSIONER FRIED: Second.

14 CFO PATRONIS: Second.

15 GOVERNOR DESANTIS: No objections. The motion
16 carries.

17 COMMISSIONER WEIGEL: Thank you.

18 Number four, the OFR respectfully requests
19 approval to file for final adoption to amend six
20 rules and to create one rule relating to financial
21 institutions. These rule amendments make technical
22 clarifications, necessary updates, and create two
23 forums for uniform submission of information to our
24 office.

25 OFR requests approval.

1 GOVERNOR DESANTIS: Move to approve. Any
2 objections?

3 (NO RESPONSE) .

4 GOVERNOR DESANTIS: Hearing none. The motion
5 -- Actually, sorry.

6 Is there a second?

7 COMMISSIONER FRIED: Second.

8 GOVERNOR DESANTIS: No objections. The motion
9 carries.

10 COMMISSIONER WEIGEL: Thank you.

11 Number five, OFR respectfully requests
12 approval to publish a notice of proposed rule to
13 adopt two rules relating to consumer finance that
14 incorporate and adopt a new version of a form and
15 provides for its electronic submission. This is a
16 part of our office's paperless initiative.

17 OFR requests approval.

18 GOVERNOR DESANTIS: Move to approve.

19 Is there a second?

20 CFO PATRONIS: Second.

21 COMMISSIONER FRIED: Second.

22 GOVERNOR DESANTIS: Any objections?

23 (NO RESPONSE) .

24 GOVERNOR DESANTIS: Hearing none, the motion
25 carries.

1 COMMISSIONER WEIGEL: Thank you.

2 Lastly, Item 6, OFR respectfully requests
3 approval to publish a notice of proposed rule to
4 adopt two rules relating to securities to require
5 the dealer/issuer and investment advisor registrars
6 submit their financial statements by electronic
7 means. This is also part of our office's paperless
8 initiative.

9 OFR requests approval.

10 GOVERNOR DESANTIS: Move to approve.

11 Second.

12 CFO PATRONIS: Second.

13 GOVERNOR DESANTIS: Any objections?

14 (NO RESPONSE).

15 GOVERNOR DESANTIS: Hearing none, the motion
16 carries.

17 COMMISSIONER WEIGEL: Thank you.

18 GOVERNOR DESANTIS: Thank you.

19 COMMISSIONER WEIGEL: Merry Christmas.

20 GOVERNOR DESANTIS: A lot of stuff with the
21 finance happening in this state. People are --
22 people are coming, so it's gonna keep happening.

23 COMMISSIONER WEIGEL: Thank you.

24 GOVERNOR DESANTIS: Yep.

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BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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3 GOVERNOR DESANTIS: All right. Board of
4 Trustees of the Internal Improvement Trust Fund.
5 I'd like to welcome Secretary Noah Valenstein to
6 present it.

7 SECRETARY VALENSTEIN: Thank you, Governor,
8 Members of the Cabinet.

9 For today's meeting we have seven items on the
10 Board of Trustees' agenda.

11 Item 1 is consideration of amendments from the
12 September 22, 2020 meeting, and the Department
13 recommends approval.

14 GOVERNOR DESANTIS: I move to approve.

15 Is there a second?

16 COMMISSIONER FRIED: Second.

17 GOVERNOR DESANTIS: No objection. The motion
18 carries.

19 SECRETARY VALENSTEIN: Thank you.

20 Item 2 is consideration of an application for
21 a modification of a ten-year sovereign merge lands
22 lease to increase the preemptive area to 331,168
23 square feet for an overall slip count of 227 slips.
24 The lease's modification was notices to 144
25 property owners within a 500-foot radius of the

1 project, and no objections were received.

2 The Department recommends approval subject to
3 a special lease conditions in the event of the
4 lease fees.

5 GOVERNOR DESANTIS: And I move to approve.

6 Is there a second?

7 ATTORNEY GENERAL MOODY: Second.

8 GOVERNOR DESANTIS: Okay. Hearing no
9 objection, the motion carries.

10 SECRETARY VALENSTEIN: Item 3 is consideration
11 of a purchase agreement with Platinum Center, LLC
12 to acquire, approximately, 2.57 acres with a
13 two-story, almost 30,000 square-foot office
14 building for the benefit of the Florida Department
15 of Highway Safety and Motor Vehicles, Florida
16 Highway Patrol or FHP. In 2020 the Legislature
17 appropriated 5.9 million for the purpose of
18 negotiating the purchase of the facility for FHP
19 Troop D Headquarters. The purchase price for this
20 acquisition, 5.2 million dollars.

21 The Department recommends approval, and we
22 have Colonel Spaulding with FHP to answer any
23 questions if you have them.

24 GOVERNOR DESANTIS: I move to approve.

25 Is there a second?

1 ATTORNEY GENERAL MOODY: Second.

2 GOVERNOR DESANTIS: No objections. The motion
3 carries.

4 SECRETARY VALENSTEIN: Thank you.

5 Item No. 4 -- Actually, the next two items are
6 land acquisitions the Department's bringing
7 forward. The first is consideration of an option
8 agreement to acquire, approximately, 628 acres
9 within the Seven Runs Creek Final Phase Florida
10 Forever Project from Washington Crossing, LLC, for
11 2.1 million dollars. However, we have worked with
12 the United States Fish & Wildlife Service Recovery
13 Land Acquisition Grant funding to secure as much as
14 1.1 million dollars, which would bring down our
15 portion of the price to only 48 percent of approved
16 appraisal value.

17 The property will be managed by the Department
18 of Agriculture and Consumer Services, Florida
19 Forrest Service as part of the Pine Log State
20 Forest.

21 I will mention certainly the chief financial
22 officer has brought up, again, the idea of fee
23 simple versus easement. I'll try to beat them to
24 the punch on this one. This is fee simple, but
25 this is a great example of where we have had

1 several projects. We actually have a couple more
2 easements coming in, but we've already had several
3 easements on this long-life pine restoration
4 project. So in total, this will be the smallest
5 acquisition of, approximately, 600 acres. The
6 other easements have ranged from 2,500 acres to
7 900-acre chunks.

8 And at the end of the day, this will provide
9 us a subset of fee simple adjacent to an existing
10 state forest to really allow us to take the benefit
11 of this overall effort, which, again, is a
12 combination of easement and fee simple.

13 And the Department recommends approval.

14 ATTORNEY GENERAL MOODY: A lot of what we do
15 on cabinet doesn't always resonate back home in our
16 communities, but not only is this important to our
17 water projects, but this will be a primary and
18 secondary zone to protect the Florida panthers; is
19 that right?

20 SECRETARY VALENSTEIN: This project is
21 actually the Panhandle.

22 ATTORNEY GENERAL MOODY: This the next one?

23 SECRETARY VALENSTEIN: So it will be the next
24 one, yep, after.

25 ATTORNEY GENERAL MOODY: So I read that on the

1 agenda and wanted to compliment that work, so thank
2 you so much.

3 SECRETARY VALENSTEIN: Thank you.

4 ATTORNEY GENERAL MOODY: So I would second any
5 motion.

6 GOVERNOR DESANTIS: All right. Move to
7 approve.

8 COMMISSIONER FRIED: And, Governor, I have
9 just really quickly --

10 GOVERNOR DESANTIS: Go ahead.

11 COMMISSIONER FRIED: I'm really excited about
12 this purchase. This is Our Florida Forest Services
13 will manage this property as part of the Pine Log
14 State Forest. We will use it to provide
15 opportunities for other recreational activities
16 such as boating and hiking and camping and hunting.
17 This will have a big impact on our Operation
18 Outdoor Freedom events for our disabled veterans.
19 Thank you for bringing this forward.

20 GOVERNOR DESANTIS: Okay. Is there a second?

21 ATTORNEY GENERAL MOODY: Second.

22 COMMISSIONER FRIED: Second.

23 GOVERNOR DESANTIS: Okay. Motion carries.

24 SECRETARY VALENSTEIN: Thank you very much.

25 I should have mentioned for both of these

1 items we have numerous letters of support both from
2 Sierra Club and Nature Conservancy and other.

3 Item 5 is consideration of adoption agreement
4 to acquire, approximately, five -- 5,800 acres
5 within the Devil Garden Florida Forever Project
6 from Alico, Incorporated for \$14,625,000.

7 The subject parcel will be managed by the
8 Florida Fish & Wildlife Conservation Commission as
9 part of what I'll refer to as the OK Slough
10 Wildlife Management area.

11 The Department recommends approval.

12 This is an area that is critical for western
13 Everglades, water quality, Florida panther habitat.
14 It's really part of continued large acquisitions.
15 We have to create a hub of ownership in that area
16 that will then allow us to work on easements around
17 it and really have beneficial green infrastructure
18 for the State.

19 GOVERNOR DESANTIS: I move to approve.

20 Is there a second?

21 ATTORNEY GENERAL MOODY: Second.

22 COMMISSIONER FRIED: Second.

23 GOVERNOR DESANTIS: No objection. Approved.

24 CFO PATRONIS: You know, when we pick up this,
25 this is an incredibly large parcel, who determines

1 public access? So you said to me management, FWC.
2 Is FWC going to be able to have the authority and
3 jurisdiction to be able to allow, you know,
4 supervised hunts or anything like that taking place
5 on this site?

6 And then what other ways are we going to be
7 able to ensure that this property is not a
8 liability to the State where we can ensure that
9 we're making a good business decision? I
10 understand the environmental side of it, totally
11 get that. But, still, even having a large
12 conservation park parceled still requires upkeep
13 and maintenance.

14 SECRETARY VALENSTEIN: Absolutely. And,
15 Commissioner -- sorry. CFO, you're asking the
16 right question. Certainly, you know, we
17 appreciated you coming out for the tour with Tall
18 Timbers to see the Long Leaf Project -- Long Leaf
19 Pine Project.

20 CFO PATRONIS: That was exciting, it was, and
21 I learned a lot from that and where you're
22 aggressively seeing an easement with active land
23 management and you also had a group there that had
24 resources to do it in a way -- that was exciting.
25 That was a cool partnership.

1 SECRETARY VALENSTEIN: And I think you come
2 away from it realizing you're right. When we
3 acquire land for the State and any land manager, it
4 doesn't manage itself. And one of the ways to get
5 value out of the property you're acquiring, really
6 the way we have to look at this green
7 infrastructure, is we have to improve its value.
8 And you do that through common activity, so
9 acquiring adjacent parcels to build something where
10 the sum is greater than the individual parts, which
11 is what you see when we're acquiring things
12 adjacent to a state forest and building on the
13 acquisition we already have. We're essentially
14 having our portfolio grow by doing that.

15 We also grow the value of our portfolio, our
16 green infrastructure, by managing it in a way to
17 improve its resources for habitat, endangered
18 species, et cetera, and that takes work,
19 absolutely. We have existing property, again,
20 that's the OK Slough, where you have FWCC managing
21 the property. We worked with them before we ever
22 bring in something to the Board of Trustees for
23 approval to make sure that they have the ability to
24 manage it. Certainly, every year after a Florida
25 Forever acquisition through the State Sanctuary

1 Formula we disperse funds to the land management
2 agencies based on the lands they're managing to
3 make sure they have the resources to keep that up.
4 But it is something we take seriously, so you're
5 asking the right questions.

6 In this instance because they are the land
7 manager, they are in charge of coming up with the
8 uses for that property, obviously, within the
9 limitations they have in statute. But, certainly,
10 when you have FWCC as the land manager, it's
11 signaling the ability to have maybe fewer developed
12 resources than a state park, right, but more rural
13 access and opportunity to things like hunting and
14 more primitive camping and that balances between
15 the portfolio of the State.

16 And so between that, I would mention the other
17 thing that we're looking at for value to the State
18 really is water quality. It's both long term --
19 The ability to keep this a natural resource is
20 probably the cheapest way we can guarantee water
21 quality in the future, but we also have the ability
22 now in these large land holdings to look at the
23 potential for water projects in the future. This
24 is an area that actually had the private company
25 looking at working on dispersed water storage there

1 as the State holds it. This is something in the
2 future if something comes up where our scientists
3 at South Florida Water Management District or DAP
4 sees a play there, it gives us a footprint to be
5 able to work on that too.

6 CFO PATRONIS: Thank you. Merry Christmas.

7 SECRETARY VALENSTEIN: Thank you.

8 GOVERNOR DESANTIS: Are we done?

9 SECRETARY VALENSTEIN: With that, the
10 Department recommends approval for that project.

11 GOVERNOR DESANTIS: And we've approved that,
12 okay.

13 Before you go, can you talk a little bit about
14 I know they're working in the congress on WRDA and
15 providing some ability for us to maybe accelerate
16 the EAA reservoir?

17 SECRETARY VALENSTEIN: Yeah, absolutely. So
18 it's passed the House. We're waiting on Senate
19 action unless I missed an update this morning.

20 And there are a couple things I'd mention on
21 the EAA Reservoir. First, it is amazing to think
22 about, you know, so we just had the 20th
23 anniversary of SERP here as a state, but folks have
24 been talking about Everglades restoration even
25 before Conference Everglades Restoration Plan was

1 authorized in a prior WRDA, WRDA 2000. People have
2 been talking about working in projects since the
3 early '90s, late '80s. And so we have been really
4 in a spot in the history of the state of Florida
5 where folks have actually been used to thinking of
6 a project and then waiting ten years for it to even
7 be, you know, put on paper and designed and then
8 another ten years to even begin breaking ground.

9 EAA Reservoir in 2017, we passed Senate Bill
10 here in the state of Florida, and that started
11 the planning process. Even though it was a SERP
12 project already, that started the formal process to
13 move forward. So we went from summer of 2017 just
14 beginning that project. Planning-wise here in the
15 state of Florida, we used a 203 process, which
16 allowed us to take control of the planning and then
17 get a quick review by the Corps, have it put into
18 WRDA, authorized and we've already broken ground on
19 the state component of that project from 2017 to
20 2020, three years. That's something that folks
21 were so used to taking 20 years.

22 This WRDA even builds further on that. One,
23 it helps fix a problem where there was confusion as
24 to whether the EAA Reservoir was part of overall
25 SEPP authorization. So it clarifies that it

1 absolutely was, so we won't come back to any
2 argument as to whether that was authorized as that
3 overall Central Everglades Planning Project.

4 It also provides a tool that would allow the
5 state of Florida to receiving federal funds, for
6 essentially us for the first time to say, hey,
7 instead of this being -- it's a 50/50 split between
8 the Army Corps of Engineers, federal government,
9 and the State, but instead of us paying for and
10 designing it and doing our own individual segments,
11 how about the federal government just say, hey, we
12 want you to do this whole project. We'll give you
13 our share and you just do the work, right? And
14 look for opportunities where the State might be
15 able to accelerate because of our expertise. That
16 would be a game changer, so it's really exciting to
17 see that language. It's exciting to see --

18 GOVERNOR DESANTIS: Expertise and just the way
19 we tend to try to do it quicker just generally I
20 think.

21 SECRETARY VALENSTEIN: The resource is sitting
22 at our backdoor. You can't ignore the fact when we
23 have poor water quality Floridans want to see it
24 changed. You can't go a day here in the state of
25 Florida with the resource right in front of you

1 without a sense of urgency. I know that's the case
2 for each of your offices, for the staff that works
3 at the Department. I mean, you have folks that
4 live here in the state of Florida who have
5 dedicated their career to the environment who want
6 to see the change. I think this creates an urgency
7 like none other. So this we think can be a real
8 game changer here in the state of Florida.

9 GOVERNOR DESANTIS: All right. I think you
10 still need to do six seven.

11 SECRETARY VALENSTEIN: Yes, sir. For six and
12 seven, we would recognize the Department of
13 Agriculture and Consumer Services.

14 COMMISSIONER FRIED: Thank you. And we've got
15 Portia here, the division director of agriculture.

16 SECRETARY VALENSTEIN: Thank you.

17 MS. SAPP: Good morning, Trustees.

18 Item 6 for your consideration consists of two
19 new management agreements in Manatee County for use
20 of the full water column for seaweed research and
21 demonstration. The marine biological lab has
22 requested parcels, approximately, .036 acres and
23 .133 acres in size that are located off Anna Maria
24 Key and Long Boat Pass. The proposed activities
25 are not covered by our programmatic general permit,

1 but they have been issued a letter of permission
2 for the Army Corps for their activities.

3 The staff recommends approval of this item.

4 GOVERNOR DESANTIS: Move to approve.

5 Is there a second?

6 COMMISSIONER FRIED: Second.

7 GOVERNOR DESANTIS: Okay. No objection. The
8 motion carries.

9 Item 7.

10 MS. SAPP: Item 7 for your consideration is a
11 request to publish a notice of rural development
12 for rules 18-21.003, 18-21.021 and 18-21.002. The
13 purpose of the change is to authorize FDAC's to
14 issue restoration management agreements for
15 aquaculture, and these would be for groups that
16 wish to continually plant aquaculture products for
17 restoration purposes, they could be shellfish or
18 marine algae, seaweed, sea grass, in a fixed area
19 and they're more long term than the projects that
20 we're currently seeing. So it's not something
21 where they just build a living shoreline and walk
22 away. It's something that takes husbandry and time
23 to build a resource.

24 So we would like to ask your permission to
25 publish the notice of rule development.

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GOVERNOR DESANTIS: Okay. I move to approve.
Is there a second?

COMMISSIONER FRIED: Second.

GOVERNOR DESANTIS: No objection. The motion
carries.

MS. SAPP: Thank you.

* * * *

ADMINISTRATION COMMISSION

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3 GOVERNOR DESANTIS: Okay. Administrative
4 Commission, Mark Kruse.

5 MR. KRUSE: Good morning. We have one item on
6 the agenda, which is applicant interviews for the
7 position of chief judge, executive director of the
8 Division of Administrative Hearings.

9 Governor.

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INTERVIEW OF PETER ANTONACCI

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3 GOVERNOR DESANTIS: Okay. It looks like up
4 first is Pete Antonacci. So if you want to come up
5 and approach the podium for your interview and tell
6 us why you want to be in the position.

7 And, Also, I think Broward posted their votes
8 at, like, 7:30, and I had never seen that before,
9 so congratulations.

10 MR. ANTONACCI: We were in competition with
11 several candidates and happy to say we performed
12 number one.

13 GOVERNOR DESANTIS: Good, good. Well, good.
14 Congrats.

15 So the floor is yours.

16 MR. ANTONACCI: The Division of Administrative
17 Hearings performs a very important function in
18 Florida. And on the one hand, you have people who
19 contest decisions of government, which is
20 extraordinarily important in a complex society; and
21 on the other hand, with our Judges of Compensation
22 Claims take care of the needs of injured workers.
23 And that is essential from the point of view of our
24 economy, to make sure that we have a healthy
25 workforce that gets us back to work once injured.

1 I appreciate your favorable consideration
2 based on my record of service to our state. I've
3 had a career that has included real litigation. As
4 the Attorney General knows, it goes on at every
5 courthouse in Florida every day of the week, and I
6 spent over eight years of my life doing that,
7 representing the State of Florida in criminal
8 cases.

9 I had another part of my career where I spent
10 a lot of time in this building and learned about
11 how agencies work and agencies interact with our
12 Cabinet and with each other.

13 I've served in the private sector. I've spent
14 almost 15 years of my career representing clients,
15 appearing before this entity and the Legislature,
16 and in courts around Florida or around the state,
17 both federal and state.

18 And, finally, these last eight years of my
19 career have been non-legal in a sense. And it's
20 been a difficult transition, I confess, to be a
21 lawyer versus a good client, and I've struggled
22 with trying to be a good client in my term of
23 office as State Attorney in Palm Beach County, as
24 executive director of the South Florida Water
25 Management District, as executive director or

1 Enterprise Florida, and most recently in Broward
2 County.

3 All of these experiences have given me the
4 opportunity to see government operate around the
5 state, and we have an enormous state, and there are
6 very few people in the state that appreciate that,
7 how big and complex our state is. My experience in
8 life with legal and as a manager of an agency has
9 given me that perspective, and I offer that to your
10 favorable consideration and hope that I'd be able
11 to answer your questions effectively.

12 GOVERNOR DESANTIS: Okay. Anybody have any
13 questions?

14 ATTORNEY GENERAL MOODY: Mr. Antonacci, good
15 to see you.

16 MR. ANTONACCI: Likewise.

17 ATTORNEY GENERAL MOODY: You know, few people
18 know this, but you are a very long-serving deputy
19 attorney general under General Bob Butterworth.
20 And many don't know, but the Attorney General's
21 Office has a lot of interaction and represents, in
22 fact, many of our agencies in Florida. And so in
23 that role, I know that you were very
24 detail-oriented with those agencies as you got to
25 know them and had to represent them in that

1 capacity. How do you think that will translate if,
2 in fact, you are appointed chief judge?

3 MR. ANTONACCI: The Attorney General's Office,
4 as you know, General, represents the professional
5 boards, and the professional boards often find
6 themselves before DOAH. Decision-making requires
7 detail attention to it and oversight and that
8 oversight requires a sense of where you are at any
9 given point in time, no matter how small the
10 decision is. But it requires attention from a
11 manager or an executive that comes to work every
12 day ready to take on -- take on the challenge.

13 CFO PATRONIS: Thanks, Governor.

14 Good morning, Peter. Thank you for being
15 here.

16 MR. ANTONACCI: Good morning.

17 CFO PATRONIS: We're all statewide elected and
18 held accountable through the constitution, but
19 we're the body that appoints you. Who are you
20 accountable to?

21 MR. ANTONACCI: I'm accountable, if appointed,
22 to the Administration Commission, and
23 accountability is important in every part of our
24 governments, you know. We don't do things like
25 they do in other countries. It's always the voters

1 that are somewhere behind decision-making and the
2 voters speak through you and all the appointments
3 you make. And if privileged with such an
4 appointment, I would report and be accountable to
5 each and every one of you.

6 COMMISSIONER FRIED: And, Governor, I have
7 just a whole list of questions.

8 Pete, thank you for, again, being here today.
9 Your lifelong legal experience -- I think you
10 practiced -- started practice in '79, a couple of
11 -- I won't age you -- a couple years after I was
12 born.

13 But you entered into the public lifeline in
14 the 1980's, and as the General pointed out, that
15 you worked with Attorney General Bob Butterworth in
16 the '90s. Then went back into private practice and
17 then in 2012 you were appointed by Governor Scott
18 as the state attorney for the 15th. A year later
19 Governor Scott appointed you as general counsel for
20 his office. 2015 Governor Scott appointed you as
21 executive director of South Florida Water
22 Management District. 2017 Governor Scott appointed
23 you as executive director of Enterprise Florida,
24 but, of course, in 2018 Governor Scott appointed
25 you as Broward County Supervisor of Elections that

1 you're currently serving in now. Tell us, how is
2 that working out in Broward County.

3 MR. ANTONACCI: I have 20 more days in office,
4 and the day after the election results were final,
5 I appointed the newly elected or the supervisor in
6 waiting, Joe Scott. I hired him on, put him on the
7 payroll, and began his transition. So with 20 days
8 left in office, I'm available to him every day for
9 whatever advice he needs and it's important that
10 that handoff take place. You know, Broward with
11 1.27 million voters, it's a very important place in
12 Florida for elections.

13 COMMISSIONER FRIED: Absolutely. But I also
14 note that in Local 10 News ran a story last
15 November regarding letters that your office had
16 sent out to more than 50,000 Broward County voters
17 telling them that could not -- that they could be
18 removed from voting rolls because their addresses
19 were incorrect. Can you kind of go through what
20 happened there?

21 MR. ANTONACCI: Sure. Firstly, this is sort
22 of a pet peeve of mine as the Supervisor of
23 Elections: You're never removed from the voter
24 rolls. There are three kinds of voters in Florida.
25 There are active, inactive, and ineligible. And no

1 matter whether you move to another country or you
2 pass away, you are on the voter rolls. People use
3 the term "removal" indiscriminately. You're put in
4 an ineligible category, which means that you can
5 show up on Election Day and vote, so it is not as
6 onerous as it sounds.

7 The voters that received a letter, the letter
8 was rescinded, and it was the result of poor
9 management of a system that relies on automatic
10 prompts -- a voter registration system that relies
11 on automatic prompts. We did it poorly, we
12 rescinded the letter, and no one was put in to an
13 inactive status.

14 COMMISSIONER FRIED: Thank you. Moving on a
15 little bit to, you know, obviously COVID during the
16 election cycle and Broward County's total was
17 120,000 cases and almost 2,000. As Supervisor of
18 Elections, what policies did you implement to
19 ensure the safe elections during this pandemic? Do
20 you think that those policies worked? And then
21 what ideas would you implement regarding COVID-19
22 response policies at DOAH?

23 MR. ANTONACCI: Well, like most supervisors,
24 we searched around and tried to find ways to make
25 voters comfortable for in-person voting. It turned

1 out that over half of our voters voted by mail, but
2 many voters want to vote in person.

3 We required all the usual protocols that
4 you're required in public places. The one thing
5 that I did in Broward, again, with the support of
6 the Commission was to spend the extra money
7 required to hire a janitor for each polling place.
8 So in early voting, every day of early voting and
9 on election day there was a janitor. And as each
10 person went to the polling station to execute their
11 ballot, the janitor came right behind them and
12 cleansed the area so that the voters that were
13 waiting in line saw that everything was being done
14 for their health and safety.

15 COMMISSIONER FRIED: Thank you.

16 And, lastly, to kind of go a little bit off of
17 what CFO Patronis was going at, as you're aware,
18 this is a political appointment. How would you
19 balance your obligation to perform as required by
20 law against some of the -- the fact that it is a
21 political appointment?

22 MR. ANTONACCI: Well, the entity has to be
23 independent. The decision making of the judges has
24 to be independent. Most importantly, for its
25 reputation and for the reliability that it's going

1 to create out there in the business world because
2 people look for consistency in the law.

3 But, mostly, I believe the familiarity I have
4 with this building will be very helpful in being
5 able to report on the agency as an agency because,
6 after all, that's what it is. I don't think
7 there's anything that gives offense to the
8 executive director or reporting to the political
9 body about the status of the agency and how it's
10 operating. It will give no offense to the
11 independence of the decision making.

12 COMMISSIONER FRIED: And last question: As
13 chief judge, would you get involved in individual
14 cases or would you be hands-off, so to speak, and
15 allow the ALJ's to run independently?

16 MR. ANTONACCI: Well, the ALJ's have to be
17 accountable, too, and I think there are many ways
18 to run that organization that will help even out
19 the decision making, and by even out, I mean
20 consistency. Because that, again, is what the
21 lawyers who watch the agency, the business
22 community, et cetera, rely on and that could be
23 other judges working independently with each judge,
24 panels working with each judge.

25 There is a system over there right now that

1 does a lot of editing of administrative orders as
2 they come out and there's no reason why that can't
3 be revisited and improved with, of course, the
4 advice of the ALJ's that have practiced there for
5 so long, many of who are colleagues of mine.

6 COMMISSIONER FRIED: Thank you.

7 GOVERNOR DESANTIS: Okay. Anybody else?

8 All right. Thanks so much. We really
9 appreciate it.

10 MR. ANTONACCI: Thank you.

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1 **INTERVIEW OF JUDGE MARY LI CREASY**

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3 GOVERNOR DESANTIS: Next one is Judge Mary Li

4 Creasy. So if you want to, please, approach the

5 podium for your interview. Tell us about yourself

6 and why you would be a good fit for the position.

7 JUDGE CREASY: Thank you.

8 Good morning, everyone. It is an honor and a

9 privilege to be before you here today among my very

10 esteemed other finalists for this position.

11 You have my cover letter and application and

12 resume before you, and I'd like to take this

13 opportunity to highlight a few of the things that I

14 believe distinguish me from the other candidates.

15 I've been practicing law for 31 years. Prior

16 to becoming an administrative law judge seven years

17 ago at DOAH, I practiced labor and employment law,

18 primarily on the management side, both as a sole

19 practitioner and as a partner in a major national

20 law firm, Shumaker, Loop & Kendrick in Tampa.

21 I am board certified and chaired the board

22 certification for labor and employment law for the

23 Florida Bar; that means that not only do I have a

24 broad substantive knowledge of all aspects of the

25 employment relationship, but I'm also recognized by

1 my peers as abiding by the highest standards of
2 ethics and professionalism.

3 As a specialist in employment law, I have a
4 full grasp of both worker's compensation appeals
5 and the administrative adjudication side of DOAH.

6 I recently completed a term as the president
7 of the association -- National Association of
8 Administrative Law Judiciary, which is our nation's
9 largest organization of ALJ's and hearing officers.
10 In that role, I had the opportunity to network
11 with, approximately, 400 judges from across the
12 nation to share best practices.

13 I believe that judging is both a calling and a
14 craft, and to that end, I have attended the
15 National Judicial College to elevate my training,
16 both live and by taking online courses.

17 Prior to this search and selection process, I
18 imagine most, if not all, of you were not familiar
19 with me. However, over the last few years, I have
20 handled some of DOAH's most difficult and
21 high-profile cases including the FIU Bridge
22 collapse and the license revocation for the
23 rehabilitation center at Hollywood Hills. The
24 Hollywood Hills, as some of you know, involved the
25 nursing home in South Florida where 12 patients died

1 after Hurricane Irma. That decision of mine
2 recently went to the US Supreme Court where it was
3 upheld when the Supreme Court declined to hear the
4 appeal.

5 I do my job quietly and efficiently. I am
6 sure that procedural fairness and due process are
7 as integral to the litigation in my courtroom as is
8 a well-written opinion and an easy-to-understand
9 legal analysis and award. My rating as AV
10 preeminent demonstrates my reputation for
11 professionalism among my peers.

12 In addition to my general docket, as an ALJ I
13 handle an extensive monthly Baker Act docket.
14 Often, I am the only person that the patient sees
15 over a six-month period of time from the outside.
16 Handling over 4,000 of these types of hearings have
17 given me a deep appreciation of how our
18 decision-making and our demeanor directly affects
19 our most vulnerable litigants, as well as their
20 families. I think this is an invaluable
21 perspective for a director and a chief judge who
22 sets the tenor of the organization from the top
23 down.

24 On a more personal note, I am happily married
25 to my best friend. I have three kids ranging in

1 age from 15 to 23. I was raised in New Jersey with
2 two brothers, and I cut my teeth as a baby lawyer
3 -- baby labor lawyer working on a union organizing
4 campaign with the Teamsters in Philadelphia. What
5 that means is I do not fluster.

6 I am the daughter of a first-generation
7 American who fought in World War II as a navigator
8 on a B17 when he was 19 years old. My dad
9 instilled in us a great love of country and an
10 obligation for service.

11 I deeply respect and admire my colleagues at
12 DOAH, and I'm very proud of the work that we do.
13 And, therefore, it would be my highest honor to
14 serve as director and chief. I really thank you
15 for this opportunity for your consideration, and I
16 look forward to any questions that I can answer for
17 you.

18 GOVERNOR DESANTIS: Great.

19 ATTORNEY GENERAL MOODY: I have a question.

20 Good morning. I enjoyed our conversation
21 recently. It's always nice to meet a fellow judge.
22 When I was looking at your history as an ALJ over
23 the last seven years, very attention to detail in
24 your orders, thorough analysis. I would like to
25 ask and hope that you'll share with the Cabinet a

1 little bit about the substantive part of your work
2 before becoming an ALJ.

3 JUDGE CREASY: Sure. Most of my practice was
4 in federal court, and I like to think that I bring
5 the standards that one sees in federal court to
6 DOAH. One of the highest compliments that I've
7 received as a DOAH judge is, wow, you practice like
8 the federal judges. And those are -- Some of the
9 judges in the middle district are my role models.
10 They play by the rules. They play fairly. There's
11 no home cooking. When you come into their
12 courtroom, you get a fair shake and you know that
13 if you come in prepared that you and your client
14 will have a good chance. I like to think that I
15 bring that to DOAH.

16 Prior to coming to DOAH, for 12 years I was
17 the chair of the labor and employment law section
18 at Shumaker in Tampa, and as chair not only did I
19 oversee day-to-day litigation and handle litigation
20 myself, I also managed the department of,
21 approximately, 20 attorneys across five offices of
22 Shumaker, managed the paralegals, the
23 administrative support staff as well, while
24 handling a full caseload of all types of litigation
25 involving the employment process.

1 Also, I did a lot of preventive work for
2 employers, and I think that's a skill set that I
3 maybe have uniquely that I can bring to this job.
4 I was counseling employers every day on how do you
5 recruit, hire, motivate, train, discipline,
6 discharge at the same time as creating diversity in
7 the workforce and avoiding litigation.

8 So I have a really broad-base background and a
9 good skill set, I think, is an excellent mesh for
10 this position.

11 ATTORNEY GENERAL MOODY: Governor.

12 CFO PATRONIS: Good morning, Judge. Thank you
13 for being here.

14 Same question I asked Mr. Antonacci: We're
15 all elected statewide, accountable by the
16 constitution. If we appoint you, who do you
17 respond -- who are you accountable directly to?

18 JUDGE CREASY: Well, as Mr. Antonacci pointed
19 out, obviously the chief judge and the director is
20 responsible to the Administration Commission, first
21 and foremost. However, I also think that there's
22 an equal responsibility to the litigants that come
23 before DOAH, both our agency constituents and the
24 general population who are contesting actions of
25 the State, that I think is probably -- you've

1 probably hit the nail on the head with the hardest
2 part of being the DOAH judge or certainly the chief
3 judge of DOAH is walking that fine line between
4 accountability to the executive branch, because
5 we're not Article V judges, we are a creature of
6 legislation. We are not constitutionally
7 appointed. Our role is restricted to what is
8 authorized by the statutes and by the Legislature.

9 But at the same time we need to keep in mind
10 the primary purpose of DOAH, which is to adjudicate
11 disputes in an unbiased fashion, and that means
12 that we do need to be responsible in that everybody
13 who walks in the door feels welcome and feels that
14 they are getting a fair shake; that they have an
15 equal opportunity to have their case heard; and
16 they can get a reasoned award that makes common
17 sense, logical sense, and is easy to understand.
18 Thank you.

19 COMMISSIONER FRIED: Thank you again for being
20 here today. I definitely enjoyed our conversation
21 as well.

22 So you've been inside of -- you've been at
23 DOAH, an ALJ. How many cases, if you can roughly
24 estimate, have you heard and written opinions on?

25 JUDGE CREASY: I believe that I'm somewhere

1 between 90 and 100 with regard to taking our
2 regular case docket. Florida is a central panel
3 state, which means we take cases from all agencies.
4 I've handled cases from \$1,500 agricultural dispute
5 between a retailer and a wholesaler to
6 multi-million-dollar bid disputes. But as far as
7 taking it to hearing and issuing a written
8 recommended order or a final order, I would say,
9 approximately, 90 cases.

10 As I mentioned, I do also maintain the
11 specialty docket. I go once a month to the South
12 Florida State Hospital, which is the mental
13 facility down in -- I'm drawing a blank -- Broward
14 County, and we hear 50 to 80 Baker Act cases a
15 month over the course of two days. So I've been
16 doing that for, approximately, five-and-a-half
17 years, so at this point it's over 4,000 cases of
18 that nature that I've heard. Each of those also
19 gets a written award, but it is not as extensive as
20 our normal types of case load.

21 COMMISSIONER FRIED: Thank you. Going off a
22 little bit of what CFO Patronis was asking about
23 judicial independence, you know, as chief judge,
24 would you personally get yourself involved in the
25 individual cases, or would it be kind of more of a

1 hands off and letting the ALJ's be more independent
2 in their rulings?

3 JUDGE CREASY: I think that I would probably
4 try to strike a balance. I know that one of the
5 concerns that the Administration Commission and the
6 Legislature has expressed is about transparency and
7 consistency at DOAH. I think that the individual
8 ALJ's who hear the case are obviously the ones that
9 need to render the opinion and the award.

10 I think it's the role of the senior judges,
11 the deputy chief and the chief, to be checking
12 those opinions not for content, unless there's
13 glaring error in the law, but more tone and tenor.
14 There's no reason that anybody should become --
15 should come before DOAH and receive a written
16 opinion or award that flagrantly calls out
17 behavior. Everybody needs to be treated with
18 professionalism and courtesy, and they shouldn't be
19 afraid ever to appear before DOAH. It should be a
20 welcoming place. And that would be the tone and
21 tenor that I would anticipate setting.

22 That's not saying that I would be overseeing,
23 you know, looking over the shoulders of all my
24 ALJ's and reading every single order, but I think
25 that I would expect that the senior judges who do

1 that on a regular basis for editing purposes would
2 call to my attention anything that they thought
3 might be improperly inflammatory or just plain
4 wrong on the law.

5 I'm happy to say that doesn't happen very
6 often with our judges. I think they do a fine job
7 and the part and parcel of that is selecting a
8 judge who you believe and trust in their
9 intelligence and their knowledge as well as their
10 humanity.

11 COMMISSIONER FRIED: Thank you. And now that
12 we're in the tenth month of the Coronavirus
13 pandemic, can you describe some of the policy
14 responses to COVID currently in place at DOAH? And
15 if we do not see an immediate improvement, what
16 additional policies would you implement to ensure
17 access to DOAH and public safety?

18 JUDGE CREASY: We were very fortunate that
19 DOAH for at least the last 11 years was using video
20 teleconferencing technology. If we had a case and
21 it was a day or less and it was out of town, we
22 were already using our offices for the Judges of
23 Compensation Claims to conduct video conferences.
24 And some of our judges feel that you can actually
25 have a better hearing as an ALJ because you can

1 zoom in on the litigants unlike when you're sitting
2 live.

3 We very quickly transferred over to Zoom. I
4 don't know that we had any lost days of hearing
5 time. I believe there were a couple of weeks
6 initially in March where our child support folks
7 were not going live, and they worked out the
8 transitioning with the office of financial
9 regulation on how to Zoom those hearings.

10 And there was some concern about lower income
11 families or pro se litigants, whether or not they
12 would have access to video teleconferencing or by
13 Zoom or by computer. And as we found out,
14 everybody has a smart phone, and so it's worked out
15 very well.

16 We do still continue to have a few hearings
17 live in Tallahassee. There are people who opt to
18 do that. Everybody that comes into our building is
19 masked. We are not temperature checking, but that
20 is something that we might consider if there's a
21 significant uptick in the rate of positivity. For
22 our ALJ's, they sit far enough away so that we're
23 not concerned about transmission.

24 Our acting chief has implemented a process by
25 which folks or employees are expected to notify

1 human resources if they've come into contact. If
2 there's any question, they are encouraged to stay
3 home if they are exhibiting symptoms; the same
4 routine that most state offices, I think, have
5 adopted.

6 For those that have special circumstances,
7 that have a medical need, to stay away from the
8 office; we've allowed people to do that. We are
9 excellent at making our resources available online,
10 not only to the public, but to our ALJ's.

11 One of the things that we did discover during
12 the initial stages of COVID was that our word
13 processing system and/or docket management system
14 was not as usable -- user friendly or accessible to
15 the ALJ's as we've liked, and so our IT team has
16 been working diligently on improving that and
17 making sure that we have complete and full access
18 so that we can work anywhere, which is wonderful.

19 COMMISSIONER FRIED: Fantastic.

20 And last question: Right now the chief judge
21 is responsible for hiring new ALJ's. Is there any
22 different changes that you would put into place, a
23 hiring process, or do you think that what we have
24 right now is pretty sufficient?

25 JUDGE CREASY: I think it's been working well;

1 however, I would like to see greater transparency.
2 I would want to make sure that any time an opening
3 is available, that that is, in fact, advertised
4 regardless of whether or not personnel regulations
5 mandate that a new opening be re-advertised or you
6 can rely on an existing panel. I know that when I
7 came to DOAH, it was a while before I even knew
8 that there were openings available at DOAH because
9 they were not posted and advertised. Over the last
10 several years, we've been much better at that.

11 I think it needs to be a formalized process
12 where the seniors are involved along with the chief
13 and the deputy chief in the selection process. I
14 think that -- I believe that the Legislature is
15 looking for some greater transparency and making
16 sure that there are stated qualifications that are
17 very clear and what exactly the process will be
18 will be helpful.

19 COMMISSIONER FRIED: Thank you.

20 GOVERNOR DESANTIS: Any other questions?

21 Okay. Thank you so much. Appreciate it.

22 JUDGE CREASY: Thank you so much.

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25 * * * *

INTERVIEW WITH JUDGE BRUCE CULPEPPER

1
2
3 GOVERNOR DESANTIS: All right. Judge Brad
4 Culpepper, please approach the podium for your
5 inter --

6 JUDGE CULPEPPER: It's Bruce. My brother's
7 Brad.

8 GOVERNOR DESANTIS: Oh, Bruce. I'm sorry.
9 I'm sorry.

10 JUDGE CULPEPPER: That's all right. It
11 happens all the time.

12 GOVERNOR DESANTIS: Yeah. So why don't you
13 tell us a little bit about yourself. Obviously, we
14 know your brother, so take it from there.

15 JUDGE CULPEPPER: Bruce Culpepper,
16 administrative law judge. First of all, I wanted
17 to say thank you for this opportunity. You have an
18 excellent organization over there, and they work
19 very hard with the people of the state of Florida
20 to get it right, and it's my privilege to represent
21 them for you.

22 So about me. Raised in Tallahassee, school in
23 Gainesville, off to the Air Force as a JAG, back to
24 private practice here in Tallahassee, public
25 practice over at Financial Services, rolled into

1 insurance regulation. I've been an administrative
2 law judge for six years in the spring.

3 I want this job because I care about this job.
4 I care about the people that work down there. I
5 care about what we produce for the State of
6 Florida. I can do this job because I know this
7 job. I don't think you walk in off the street and
8 know how to be a judge, know how the judge's job
9 fits in the administrative process, but I do. And
10 I think all of you that I've interviewed with know
11 that I've developed a passion for this job.

12 It's a wonderful position and I want to make
13 sure that the judges down there, your executive
14 judiciary, your statutory judges do their role fill
15 their role in the formulation of final agency
16 action through the agency heads, your agency heads;
17 that we work for you to help produce our job and
18 make the administrative agencies work for the
19 people of the state of Florida.

20 Pending your questions.

21 GOVERNOR DESANTIS: Okay. Attorney General,
22 you have any questions?

23 ATTORNEY GENERAL MOODY: So you've done this
24 for, I think, you said seven years?

25 JUDGE CULPEPPER: Mary Li's seven.

1 ATTORNEY GENERAL MOODY: Five years.

2 JUDGE CULPEPPER: I'm five.

3 ATTORNEY GENERAL MOODY: In the spring, got
4 it.

5 JUDGE CULPEPPER: Right.

6 ATTORNEY GENERAL MOODY: And, you know,
7 there's something about serving in the capacity as
8 an ALJ. It will change if you move from an ALJ to
9 becoming the chief judge. That is a different
10 role. You take on different responsibilities.
11 You're managing lots of judges underneath you.

12 What was the main impetus for wanting to move
13 from deciding specific cases to taking on such a
14 large managerial role of judges who, let's face it,
15 can be unruly sometimes.

16 JUDGE CULPEPPER: Isn't that ironic that judge
17 can be unruly. Thank you, General Moody.

18 So it is a big transition because the role of
19 the administrative law judge is the best legal
20 judge in the state of Florida; it really is. We
21 get to really soak in the law, we learn the law,
22 and then we apply the law to the facts of the case.
23 We hear the case, we are the factfinders and to be
24 able to connect with litigants and parties and hear
25 their case and then record that, memorialize that,

1 build a record, which we can provide to the
2 agencies to make final agency action. It's the
3 best job in the state of Florida.

4 Now to manage that job, the motivation is
5 because, as I was saying, I care about this job. I
6 care about the people down there. I care that we
7 do our job for the state of Florida. The reason I
8 think I can do it is because I know this job and I
9 know how the judges are to work and I want to share
10 that. I have the passion to make sure they do
11 that.

12 Now, as a managerial style, can I roll into
13 that? All right. So managerial, how do you
14 manage? I do -- I've been in the military. I've
15 been on your guard, Governor DeSantis, I've been in
16 the Army Reserve, I've been in the Air Force JAG; a
17 lot of lessons you learn as leaders.

18 So leaders set the culture, establish the
19 culture of your organization. Leaders establish
20 the priorities, the approaches, the attitudes, the
21 work ethic of an organization.

22 As a leader, which is import to me, are
23 relationships: Relationships between peers,
24 relationships between co-workers, relationships
25 between a judge and the parties that come before

1 it. The judge needs to treat the hearing with
2 grace, with humility, with respect. It's their day
3 in court. That's what we do as administrative law
4 judges for the agencies. We're finding the facts.
5 We are gathering the information so the agencies
6 can produce your final decision.

7 Relationship between DOAH and the agencies.
8 DOAH is not of the agencies, but we do work for the
9 agencies. There needs to be a relationship there
10 that is strong and works together.

11 Relationship between your chief judge and this
12 body. As a chief judge I -- Chief Patronis, you
13 talked about accountability, not being elected but
14 are you responsible? And as your chief judge, I'll
15 use the administrative parlance, responsive and
16 responsible, that's what your chief judge needs to
17 be: Responsive to the concerns of this body;
18 response to the concerns of the agencies;
19 responsive to our judges because they're gonna do
20 good work for me, they're gonna do good work for
21 you, they do good work for the people of the state
22 of Florida.

23 And responsible. Ultimately, that's what the
24 chief judge is responsible for the work that comes
25 out of DOAH; responsible to make sure that our

1 judges do what they need to do; responsible to make
2 sure our judges perform their responsibilities.

3 And then, of course, as chief judge, if our
4 judges perform their responsibilities, their
5 decisions need to be respected. They need to be
6 appreciated by the agencies because that's how the
7 administrative process works. We find the facts
8 for the agency, that's what we do. You, the agency
9 heads, cannot find facts. That's what we do for
10 you.

11 So when we produce our orders, our recommended
12 orders for you to formulate final agency action, I
13 want our decisions -- we work hard, we really do,
14 to get it right. And when we produce that order
15 for you, those orders they are conclusions, our
16 findings of fact should be respected and
17 appreciated for what they are.

18 Did I get there.

19 ATTORNEY GENERAL MOODY: Thanks, Governor.

20 GOVERNOR DESANTIS: Great.

21 CFO PATRONIS: Thanks, Governor. So how do
22 you distinguish yourself from the celebrity status
23 of your brother? In all seriousness, Gators are
24 everywhere in this apple, to the right of me, to
25 the left of me, and now in front of me, so, anyway.

1 JUDGE CULPEPPER: Clearly, I'm much better
2 looking, clearly.

3 No. Brad's terrific. We have a great
4 relationship. He does what he does and I do
5 everything better.

6 CFO PATRONIS: Sure, sure. Thank you for
7 applying, and thank you for your service to the
8 State.

9 Getting back to what you already touched on a
10 little bit, We're elected, constitutionally
11 accountable. Who do you report to?

12 JUDGE CULPEPPER: Yeah. Thank you, Chief
13 Patronis.

14 And that -- isn't that a delicate balance?
15 Because where we fit, your executive judiciary,
16 where do we fit? We're not Article V judges.
17 Constitutional judges who can be elected. We can
18 be appointed. We fit within the structure of the
19 administrative process, so how are we accountable?

20 It's that balance where the judges -- you
21 know. Internally and externally, that's how we do
22 our job. Internally, judges need to know their
23 jobs, judges need to perform their jobs, and when
24 they perform their jobs, then it makes it easy for
25 the chief.

1 Externally, the chief then becomes the
2 representative of the work done at your division.
3 The chief is responsive to this board. The chief
4 is responsive to the agencies because we work for
5 the agencies to build that relationship.

6 And so it's that internal and external balance
7 that the chief has to make to ensure that our
8 judges do their jobs, and when they perform their
9 jobs, their jobs, the work they perform, needs to
10 be respected and appreciated, which goes both ways,
11 which is the chief reports to you and the agencies
12 and then reports back to the judges.

13 COMMISSIONER FRIED: So going back to your
14 brother. He was -- (Indiscernible) -- the
15 president at UF, right?

16 JUDGE CULPEPPER: I'll get him on. I'll get
17 him on speakerphone.

18 COMMISSIONER FRIED: So you were actually
19 practicing law for a significant period of time
20 before you became an ALJ. Can you describe kind of
21 what that transition is like going from private
22 practice?

23 JUDGE CULPEPPER: Sure. Well, I was in
24 private practice and had an administrative practice
25 and this is amongst us lawyers: It's so

1 interesting to take the hat off of litigant and put
2 the hat on of judge; General Moody would know that.
3 It's such a different position when you become a
4 litigant and then you get behind the bench, because
5 when you're behind the bench, there's no rest. You
6 take everything in. You have to observe everything
7 that goes on in the room. You can't make that
8 argument.

9 What's also interesting, Commissioner Fried,
10 is the flip side. Being in the Guard and the Army,
11 I've done some administrative separation boards, I
12 was senior defense counsel for your Guard for a
13 year or two. So as a defense counsel, I litigated
14 in the Army separation boards, so I represented
15 individuals who were being disciplined to be
16 separated. And so at that point, I'd take off my
17 judge hat and I'd put on my litigator hat, and it's
18 so interesting the dynamic because you become
19 tunnel-vision litigator. You're an advocate for
20 your client. And I would go in going I'm a judge.
21 I know how to do this. I'm better than all these
22 people and then suddenly you have a client and you
23 become litigator for that client.

24 And so the dynamic of the shift from arguing
25 one side of the case to now you're a judge and you

1 have to take in every side, every consideration,
2 because that's what we do for the agencies. We are
3 producing a record of those arguments for the
4 agencies, both sides, everything in that argument.
5 All issues we have to account for so the agency can
6 make the final decision.

7 Is that -- Commission Fried.

8 COMMISSIONER FRIED: Yep. And now that you've
9 been there for five years, roughly how many cases
10 have you heard and written opinions on?

11 JUDGE CULPEPPER: I was trying to go to that.
12 So about 20 a year 'til COVID hit, and then -- 60,
13 60 Chapter 120 cases. Then, of course, we do a lot
14 of -- Mary Li talked about Baker Act cases, which
15 could be 30 to 40 to 50 a day. We do child support
16 cases, which are generally eight to ten a day; I
17 have a week of that. So I've done dozens and
18 dozens of other little hearings, but probably 60ish
19 Chapter 120 cases producing a recommended order for
20 the agencies.

21 COMMISSIONER FRIED: And as chief judge, and
22 the same question that I've asked the previous two,
23 you know, your style kind of leadership in dealing
24 with those individual ALJ's; would you be more
25 hands on or more allowing the independence of those

1 ALJ's?

2 JUDGE CULPEPPER: Thank you, Commissioner
3 Fried. Okay. That's a good question. How
4 involved does the chief judge get down into the
5 case? And, ideally, I would say not ever, ever.
6 You have the judges. They -- Our judges need to
7 act independently because that's their job for the
8 state, to act as that impartial controlled
9 factfinder. It is their position to take the
10 facts, produce the recommended order and the order
11 back to the agency.

12 The chief judge needs to make sure the judges
13 are supported, that they do their job, and if the
14 judges do their job, then it makes the chief
15 judge's job easy. Because then I come back to you
16 and say this is what it is, those are the facts of
17 the case, and you can trust and have confidence
18 that that judge knew what they were doing, applied
19 the statute, applied the language of the law to the
20 facts of the case to give an opinion back to the
21 agency on how they should act based on this
22 particular set of circumstances.

23 So hands off as much as possible to make sure
24 the system runs within the administrative process.

25 COMMISSIONER FRIED: And, finally, kind of on

1 that same line that, you know, right now the chief
2 judge is responsible for hiring the new ALJ's.

3 JUDGE CULPEPPER: Yeah. Yeah.

4 COMMISSIONER FRIED: Do you see any problems
5 with the current process that you would recommend,
6 or is the status quo, you know, working?

7 JUDGE CULPEPPER: I don't see a problem
8 because the judges you have down there are
9 excellent and they work really hard.

10 The only comment I would say is the way we
11 work is there is advertisement. We advertise
12 probably to get out as broadly as possible how we
13 hire judges, and routinely, we'll have almost 100
14 to one applications for spots. People know when we
15 have openings and people apply for those openings.
16 We are not hurting for qualified, qualified people
17 to come be on -- serve on your executive judiciary.

18 What I see of our judges, what I would look
19 for in our judges to hire, manage that talent, are
20 characteristics that we have now. We want smart
21 people, we want capable people, and we want people
22 who work hard.

23 Smart is more than street smarts, more than
24 book smarts. It's smart being able to control a
25 room. To control a courtroom is a skill. It's not

1 something you walk in off the street and do.

2 We want capable people and that means you need
3 to know administrative law. You need to understand
4 what your role is as a judge, and then serving in
5 that role, you need to produce a product for the
6 agencies, that recommended order that is -- that
7 the agency can use to make that final decision.
8 Orders need to be comprehensible, they need to be
9 comprehensive, they need to be productive, so that
10 you the agency heads can make that final agency
11 action based off the circumstances, the facts we
12 find.

13 And, of course, work hard. We have to work
14 hard. We work hard for you. We work hard for the
15 people in the state of Florida. Those are the
16 three characteristics that I would look for in a
17 judge.

18 Now, if I can roll on those three
19 characteristics, you know, there's no race
20 discrimination, no sex discrimination, there's no
21 gener difference in those three characteristics. I
22 think I heard a charact -- a fact a couple years
23 ago that more people in America, they're first
24 experience with the justice system is an
25 administrative law judge, not an Article III,

1 Article V judge, so we become the face of justice
2 with the people of the state of Florida. And if we
3 are the face of justice, then I think your
4 executive judiciary need to reflect the people of
5 the state of Florida.

6 And we're a stronger body of our 30 judges,
7 judges of compensation claims, if we have different
8 temperaments, talents and convictions that come
9 together and work together that make us a stronger,
10 wise, judicial body. That's how I would approach
11 hiring.

12 COMMISSIONER FRIED: Thank you.

13 GOVERNOR DESANTIS: Okay. Well, hey, thanks
14 so much.

15 JUDGE CULPEPPER: Sure. Bruce.

16 GOVERNOR DESANTIS: That's right.

17 JUDGE CULPEPPER: Thank you.

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INTERVIEW WITH COLIN ROOPNARINE

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3 GOVERNOR DESANTIS: All right. Colin
4 Roopnarine, please approach the podium for your
5 interview. Tell us about yourself. What made you
6 apply for the position?

7 MR. ROOPNARINE: Good morning, Governor and
8 Members of the Cabinet. It's an honor to be here
9 before you and be considered for this position.

10 I'll go a little briefly into my background.
11 Currently, I'm a partner with the statewide law
12 firm of Berger Singerman practicing administrative
13 law under a government regulatory team. I've done
14 so the past four-and-a-half years.

15 Prior to that, I was appointed by Governor
16 Scott to be the general counsel and also financial
17 regulation, and that was pretty much my culmination
18 of my career in the state government.

19 Then started as an entry-level attorney with
20 the Department of Community Affairs where I
21 litigated statewide land use cases, rule
22 challenges; some lasted for days, some lasted for
23 weeks.

24 I handled appellate cases and then moved on as
25 a managing attorney at the Department of Financial

1 Services and the Division of Workers Compensation
2 where I managed a litigation team. We litigated
3 worker's compensation compliance cases, again
4 handled a number of appellate cases. I've prepared
5 and briefed cases before every DCA in the state of
6 Florida. I've had oral argument in front of every
7 DCA except the First DCA.

8 From there, I was asked to join the Public
9 Employees Relations Commission as a hearing
10 officer, which for all intents and purposes, are
11 formal cases dealing with labor and employment
12 cases dealing with current service employees and
13 with labor unions.

14 From there, the Honorable Lane Smith asked me
15 to join his team as his deputy general counsel at
16 DPPR in charge of the Division of Professions where
17 I supervised pretty much all of the attorneys, all
18 of the law clerks, all of the support staff. Began
19 litigating, again, this time sitting as second
20 chair with some of the lesser-experienced
21 attorneys, creating a litigation manual, doing a
22 lot for the agency, putting on monthly CLE
23 programs.

24 It was at this time that I was asked by the
25 Florida State College of Law to do a skills course

1 on Florida Administrative litigation. That
2 eventually took off, and I did a skills course in
3 depositions.

4 From there I was appointed as the general
5 counsel at OFR where I supervised the legal office
6 and, you know, created, turned around the
7 litigation team that was very, very distressed in
8 their hearings before the Division of
9 Administrative Hearings.

10 Why I want to do this job? Well, one, it's
11 something that's been a goal of mine to be an
12 agency head; and, secondly, I think I bring the
13 experience, the expertise, and the outside
14 knowledge and perspective that I think is important
15 when an agency head is being appointed. I bring
16 the private experience. I bring the public side
17 experience.

18 I know what agencies do. I know the agency
19 supervisory employment scheme and I know what it's
20 like in private practice. I've appeared before
21 many administrative law judges. I believe I have
22 not appeared before either -- I've appeared before
23 Judge Van Laningham, and I've appeared before a
24 number of the judges.

25 I have seen issues that I would address. I

1 have seen things that I would like to improve.
2 I've seen things that I think we can definitely
3 make better, and I think I'm the candidate that can
4 do that based upon my knowledge, my expertise, and
5 my certifications.

6 I'm board certified in administrative law. I
7 was one of the first attorneys in the state of
8 Florida to be so certified. I served as chair of
9 the Committee and then I was appointed by two Bar
10 presidents to the Board of Legal Specialization and
11 Education. I'm also AV-rated preeminent.

12 So if you have any questions, I'll be more
13 than happy to address them.

14 GOVERNOR DESANTIS: Go ahead.

15 ATTORNEY GENERAL MOODY: Congratulations on
16 your board certification.

17 MR. ROOPNARINE: Thank you.

18 ATTORNEY GENERAL MOODY: That's an
19 accomplishment for a lawyer, so congratulations.

20 You mentioned that there were some things that
21 you experienced both in private practice and when
22 you appeared in front of the administrative law
23 judges, that you might have recommended
24 improvements. If there was one recommended
25 improvement that you could make as soon as you were

1 appointed, what would that be?

2 MR. ROOPNARINE: Well, I think I would look at
3 some of the recommended orders that have been
4 issued. I have been on the receiving end of
5 recommended orders that were condescending to
6 agencies, to maybe the facts of the case, and also
7 to the attorneys; fortunately, not myself but maybe
8 some of my more junior attorneys. So I would make
9 a concerted effort to look at those, to look at
10 those recommended orders and make sure --

11 This is not going to be an easy job. This is
12 going to be a very involved job. This is something
13 that's going to take hours per week, per weekend of
14 reviewing some of these orders to ensure that we're
15 all going in the direction that we need to.

16 I have been on the receiving end of orders
17 where an ALJ has said this decision, you know, it's
18 more along the policy. The spirit of the law
19 dictates and a determination is rendered. As a
20 practitioner, as a litigant, that was highly
21 offensive to me. Because having looked at the
22 statute, having looked at the facts, maybe naively
23 I said, well, just apply the facts to the statute.
24 Just interpret the statute the way it's written.
25 But I was on the receiving end of no, the spirit of

1 the law mandates that we rule this way.

2 Being on the agency side, sometimes that bodes
3 well in your favor. On the private side, you're
4 looking at dollars. You're looking at a client who
5 has spent a tremendous amount of money to litigate
6 a case that's received a decision that may be
7 support or the final order is either rendered by
8 the agency or by DOAH. And now you have to appeal
9 that and you look at the cost and you go to a
10 client and you tell the client, "I'm sorry," and
11 they say, "Well, the statute says," and you say, "I
12 know. I know that's what it says, and I'm very
13 sorry that's how it was interpreted. Our recourse
14 now is to appeal the case." That has to stop.

15 ATTORNEY GENERAL MOODY: Thank you.

16 Thank you, Governor.

17 CFO PATRONIS: Good morning. Thank you for
18 being here.

19 MR. ROOPNARINE: Good morning.

20 CFO PATRONIS: Same question as the others.
21 We're all statewide elected, accountable to the
22 constitution. If we appoint you as the chief ALJ,
23 who will you be directly responding to or
24 responsible to?

25 MR. ROOPNARINE: I would be responding to you

1 all. I have been the general counsel of a cabinet
2 agency, the Office of Financial Regulation. I have
3 appeared before the Governor and Cabinet with rules
4 and everything else of that nature.

5 One of my first objectives when I became
6 general counsel knowing that I responded to the
7 Cabinet, I reached out to every general counsel of
8 the cabinet agencies and said, "I don't know how
9 things were done before. I really don't care how
10 they were done before. This is how I want to do
11 this: I want to meet with you all. I want to give
12 you all the transparency of this agency." And PK
13 Jameson, who was the general counsel at your
14 office, CFO Patronis, said, "That's really
15 interesting because, you know, OFR had always been
16 a mystery to us."

17 And I scheduled regular meetings. I was
18 transparent. I was upfront. If there were
19 problems that were coming along that cast the
20 agency in a poor light, I had no problem in
21 reaching out to all of the general counsels to say
22 this is coming along, this is what we're going to
23 do. This is what you're going to hear. We need to
24 address this ahead of time.

25 That's what I would do with this agency.

1 It's, you know, it's not rocket science. It's not
2 really complicated. It's just communication. It's
3 about being clear. It's providing clarity to
4 everyone and it's about being responsive and I
5 would be responsive to you all. I would ask you
6 that you all would be responsive to the agency, to
7 DOAH also.

8 CFO PATRONIS: Thank you.

9 COMMISSIONER FRIED: Good morning, Colin. I
10 think it's still morning.

11 MR. ROOPNARINE: Good morning.

12 COMMISSIONER FRIED: Good morning. Thanks
13 again for being here today and for applying.

14 You obviously have a huge breadth of
15 experience and knowledge. If you had to single out
16 one single experience that would get you prepared
17 to take over as chief judge at DOAH, what would it
18 be?

19 MR. ROOPNARINE: I would say it was when I was
20 made deputy general counsel at DPPR. I came in to
21 an office that had a decent reputation. I
22 interviewed all of my attorneys over a period of
23 two weeks, all of the support staff, everyone that
24 we dealt with, and there were holes, there were
25 things we could have done better.

1 And so I think that's what prepares me for it
2 because one of the things when I believe someone is
3 appointed in a position such as this, you have to
4 ask certain questions. What are we doing? Why are
5 we doing it? How are we doing it? And can we do
6 it better? Can we be more efficient? And can we
7 do everything we do better?

8 And that's what we did. Over a period of
9 maybe two-and-a-half years, I transformed that
10 legal department into one that created a model.
11 Our litigation manual that I put together was
12 utilized by several state agencies because we
13 created an efficient litigation team. We were
14 better in how we handled our cases. We didn't take
15 cases that we knew were really bad cases. We
16 settled. We had a backlog in the Division of Real
17 Estate of over 500 cases. After two-and-a-half
18 years, by the time I left we had nine of those
19 cases left.

20 So that's what prepared me best for this
21 position is knowing that you have to evaluate. You
22 have to go in and you have to objectively evaluate
23 everything and everyone. And if changes have to be
24 made to make improvements, that you have the nerve
25 to do it. I've done it, I've demonstrated that

1 I've done it, and I can do it again.

2 COMMISSIONER FRIED: And I think you've kind
3 of addressed some of this, but coming in as chief
4 judge, what would be your philosophy about getting
5 involved in some of the ALJ's decisions or would
6 you be more hands off and allow independence of
7 each of the ALJ's and their cases?

8 MR. ROOPNARINE: Well, you know we're all
9 lawyers, we're all barred by the Florida Bar.
10 These are judges. Many of them have more
11 experience than I do. They've written recommended
12 orders, et cetera.

13 But there has to be accountability. Someone
14 has to step in and there are lead judges, there is
15 a deputy, and, yes, I will get involved because I'm
16 not gonna shirk any responsibility and move it
17 down. I need to be involved in that. I'll set --
18 I need to know what's going on, and as I become
19 more comfortable with what's going on, I can start
20 taking a step back.

21 But, for example, if there's a recommended
22 order that has facts, that has the laws and the law
23 is being interpreted in a very expansive, very
24 peculiar manner, then that's something that I think
25 I would get involved in. I'd have a frank

1 conversation: How did you get from A to B?
2 Because I don't see it. And I think I can have
3 that conversation. I'm an experienced
4 administrative lawyer. I can sit and I can have an
5 intelligent conversation with them.

6 But these are things I think that need to be
7 done, and if there's anything condescending in
8 those recommended orders, that too will be
9 addressed.

10 COMMISSIONER FRIED: And last question is: As
11 I've asked previously, one of the roles as chief
12 judge will be hiring new ALJ's. Do you believe the
13 process in place is sufficient, or would you see
14 recommendations of changes?

15 MR. ROOPNARINE: Oh, no. I think there needs
16 to be recommendations and there needs to be
17 changes. It has to be more transparent, it has to
18 be more widespread, and it has to be a particular
19 eye.

20 I think Judge Culpepper did a fantastic job
21 talking about some of those characteristics, but
22 there's something that I would add. I have
23 appeared before administrative law judges who in
24 making an evidentiary objection had the
25 administrative law judge go, "I really don't think

1 that's," and I get the Rule of Evidence and I point
2 it out. Come to find that maybe this
3 administrative law judge did not have a litigation
4 background. They do not have that savvy of being
5 in a courtroom and the understanding their Rules of
6 Civil Procedure, the Rules of Evidence. It's very
7 frustrating as a practitioner to do that.

8 I prided myself when I was a hearing officer
9 at PERC -- I was the most productive hearing
10 officer for the entire time I was there -- that if
11 there was an evidentiary objection at any juncture
12 in the hearing, I'd make my ruling and I would
13 explain my ruling. And I expected the same of
14 administrative law judges before whom I've
15 appeared, and there were times when I didn't get
16 that.

17 Now, that's not widespread, but it's there,
18 and if it's there, it needs to be fixed. And one
19 of the ways to fix it is to bring in those kinds of
20 practitioners, those practitioners who have
21 litigated cases, that will look at the statute,
22 that will look at a case and say this is what the
23 statute says and this is the direction that we're
24 going to go in.

25 Because sometimes you have practitioners that

1 come in, that are gonna say it's the spirit of the
2 law. When I was at PERC, I had fellow hearing
3 officers that would say, "Colin, I'm not sure about
4 this ruling. The spirit of the law mandates," and
5 we would get into a discussion about that because I
6 would say, "How can you define spirit from the
7 words that are written?" I certainly can't, nor
8 will I take the chance to do that. I can only work
9 with what I have in front of me, and I think
10 everyone else needs to do that.

11 COMMISSIONER FRIED: Thank you.

12 GOVERNOR DESANTIS: Okay. Thank you so much.
13 Appreciate it.

14 MR. ROOPNARINE: Thank you all for your time.

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INTERVIEW WITH TOM THOMAS

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3 GOVERNOR DESANTIS: Tom Thomas, please
4 approach the podium for your interview. Tell us a
5 little but about yourself and why you think you'd
6 be a good fit as the chief judge.

7 MR. THOMAS: Thank you, Governor. It's a
8 privilege to be here today at this esteemed body.
9 You all make important decisions every day as a
10 Cabinet, as individuals, and I think it's becoming
11 very clear that your decision this morning for the
12 director and chief judge of the Division of
13 Administrative Hearings is among those important
14 decisions. The Division, you've heard a lot about
15 it today.

16 I've been a student of the Administrative
17 Procedures Act since law school. I've work 30
18 years for state government, 15 in the Legislature,
19 15 the executive branch. During law school, I
20 worked for Professor Pat Door two years as a
21 research assistant who wrote extensively on the
22 APA, the Administrative Procedures Act, with her
23 best known article being Access to Administrative
24 Proceedings.

25 In DOAH, the Division, as explained today, is

1 crucial to the citizens of Florida. They need
2 access, so her article on Access to Administrative
3 Proceedings argues extensively that there should be
4 more participation.

5 Along those lines, many litigants at DOAH are
6 well-represented and have the resources to obtain
7 that representation; however, as the DPPR, I find
8 that many are representing themselves. They have
9 to go pro se. They don't have the resources to
10 participate in this process. So I think it's
11 important that DOAH be available, be accessible,
12 consistency, but also I'm wondering if there's more
13 they could do to help those litigants who are pro
14 se, similar to your self-help centers in your Clerk
15 of Courts for the judicial process.

16 The Legislature, of course, sets the policy
17 where DOAH's existence and its hiring process for
18 judges or at least for this position is set in
19 front of you. The executive branch carries out
20 those policies of the Legislature. The executive
21 branch is not a policy-making entity. And while
22 DOAH is not an Article V judicial branch entity, it
23 does serve in its quasi-judicial capacity as
24 resolving disputes. So it's important for the
25 ALJ's, the administrative law judges, to rule on

1 the law, not to have what they think the law should
2 be, not, you know, what would be the right outcome,
3 not whose heart is in the right place. And
4 sometimes that means decisions don't go to the
5 person who maybe seems deserving, but the must be
6 consistently applied.

7 I believe the judges, in my experience, at
8 DOAH are highly professional, the top of their
9 field. The hiring process, I think, brings those
10 individuals to bear. I'm not sure that skill set
11 lends itself to managing 200-plus employees,
12 30-million-plus budget, all the field offices they
13 have.

14 I think my 30 years in state government, I'm
15 very familiar with the executive branch, the
16 agencies, its interactions with the Administrative
17 Procedures Act, its interactions at DOAH with all
18 the different entities. You have local governments
19 coming to DOAH, you have the university systems,
20 workers comp claims, so it's important that, I
21 think, this position be filled with someone that
22 has management experience.

23 I have over 120-employees under me at DOT. I
24 have over 60 under me now. I was at --
25 (Indiscernible) -- Affairs as their general

1 counsel, deputy staff director on the judiciary
2 committee, so I believe I have great management
3 experience, if you feel that is something that
4 really belongs in this role, which I do.

5 As far as being a judge, I served as special
6 master for eight years with the Florida House of
7 Representatives and heard their claim bill
8 hearings. Six of those years the Senate contracted
9 with DOAH to have the ALJ's there be their special
10 masters, so I did dozens of hearings alongside
11 ALJ's in that process. I found it quite
12 informative.

13 I've been a hearing officer for DPPR more, so
14 when I was there in the '90s, but even recently. I
15 imagine I've done hundreds of cases as a hearing
16 officer there.

17 In 2003 I staffed the House of Representatives
18 Select Committee on Workers compensation, and so
19 I'm familiar with the work with Chapter 440 and
20 that was a major re-write in '03 that that
21 committee produced, along with, of course, the
22 efforts of the Senate and the Governor's task
23 force.

24 About myself, I guess my management style is I
25 wouldn't go in day one and try to change things. I

1 think you come to the job, and if you have certain
2 direction, I would certainly listen to all four of
3 you and whoever you assigned me, to work through
4 what direction you're looking for in that way, and
5 then I would go and get a feel for the job.

6 I have an expression I like, that first
7 thoughts are rarely best thoughts. So if you have
8 time, it's good to get in, get a feel, get to know
9 people.

10 My management style is to boost morale, make
11 people feel part of a team. I know I want to be
12 part of a team; that's what interests me in this
13 job is it's managing lawyers, judges. It's very
14 important to the State. It's important that the
15 citizens have access. So I think the job brings a
16 lot of meaning to me. I think I have the skill set
17 necessary. You have lots of top candidates here,
18 but I think my management style would help you.

19 So, again, I appreciate the opportunity to be
20 here today, and I'm available for any questions you
21 have.

22 GOVERNOR DESANTIS: Okay.

23 ATTORNEY GENERAL MOODY: Sure. I see you have
24 a very extensive career. What I thought was unique
25 about your history is that you've been general

1 counsel, a deputy general counsel, a chief attorney
2 for various agencies. Do you think that that will
3 -- or you've had some interaction with them
4 throughout your career. Do you think that that
5 will help you in this role?

6 MR. THOMAS: I believe so. I think the
7 Division is there for all the agencies, including
8 the local governments, school boards. So I think
9 my familiarity with different situations lends
10 itself to those experiences.

11 Like I said, some litigants -- When I was at
12 DOT, we have 300-million-dollar bid disputes, and
13 those would be quite extensive. Recently, I had an
14 exam challenge from a poor fellow who took the A/C
15 contractor's exam 12 times and just could not pass
16 and we went all the way through the process with
17 him. So it's -- there's a variety of functions
18 there. I think the Baker Act hearings are
19 important, the child support. So it needs to be --
20 I think the varied experience is helpful.

21 ATTORNEY GENERAL MOODY: Thank you, sir.

22 CFO PATRONIS: Thanks, Governor.

23 Good morning. Thanks for being here.

24 MR. THOMAS: Thank you.

25 CFO PATRONIS: Same question: We're elected

1 statewide. We're accountable to the constitution.
2 You're appointed chief administrative law judge.
3 Who are you going to be directly accountable to?

4 MR. THOMAS: Absolutely the four of you, the
5 Administrative Commission. The Legislature
6 designed it that way. That's the policy unless
7 someone wants to change that at the Legislative
8 level. So I would want to know what you are
9 looking for in a role and be accountable to you.

10 But the responsibility is me to -- would be to
11 run the agency and be transparent, a professional
12 manner, and the results of that would be for you to
13 decide, so accountable to you.

14 CFO PATRONIS: Thank you.

15 COMMISSIONER FRIED: I think that agency --
16 Did you have another question?

17 ATTORNEY GENERAL MOODY: No, no.

18 COMMISSIONER FRIED: Oh, okay.

19 Well, thank you again for being here today,
20 Tom.

21 Of all the experiences, as you've had
22 definitely vast array of different experiences, but
23 do you think of one experience that would qualify
24 you to best serve as chief judge.

25 MR. THOMAS: Well, the one experience is going

1 into a new situation. I think going into the
2 Department of Transportation was. I've held
3 several roles from a policy level, but,
4 substantively, was not familiar necessarily with
5 DOT laws. The same experience when I went to Elder
6 Affairs. So I think going into a new situation
7 with DOT probably would be the biggest one, the
8 largest set of responsibilities.

9 I came back to DPPR where I had worked before,
10 so I had less of that challenge three years ago
11 when I came back. But, still, it was new people,
12 new issues, several changes had been made.

13 So going into DOT, nine field offices, over 80
14 attorneys, coming from the Legislature working in a
15 judiciary committee. I knew a lot about process, I
16 knew a lot about state government, I knew a lot
17 about public records, personnel issues,
18 contracting, budgets. Those things that apply to
19 every agency including DOAH transferred well,
20 nicely.

21 And that's when I first really learned -- Tim
22 Boxhold (Phonetic) who is my secretary said, "Tom,
23 I don't want you to do anything for six months."
24 He goes, "I need you to sit there and watch and
25 then come to me in six months and tell me what you

1 want to do," and I thought that worked real well.

2 We had some holes here and there, some folks
3 who had risen to management maybe that weren't
4 managers, and we were able to keep their salaries
5 the same but plug them into, you know, maybe
6 litigation roles.

7 So I'd say going into a new situation with DOT
8 being the clearer example.

9 COMMISSIONER FRIED: As you coming in as chief
10 judge, how would your leadership style be in
11 relationships to the other ALJ's in their oversight
12 of cases?

13 MR. THOMAS: Well, I think there's a very high
14 level of quality, judges, candidates, professionals
15 at DOAH, and those goes down to the administrative
16 staff I've dealt with. So you have a high level of
17 competence there.

18 I would go in similar, I think, to DOT, you
19 know, have my ear to the ground. What are the
20 needs here? What are some of the issues that need
21 to be address? My management style is similar to
22 what Colin said, I would want to meet everyone as
23 soon as I could, you know, on a personal, you know,
24 and familiar basis with them. And trying to figure
25 out where the issues are, talk to people where they

1 might think the concerns are, but it would be kind
2 of a slow roll in.

3 My management style is to boost morale, make
4 people feel like they're part of a team. Being
5 part of a team makes you more productive, it makes
6 you more valuable. Your day goes by quicker, and
7 so I -- Even in state government, we've had limited
8 ability to do much for our employees. I'm always
9 looking for promotional opportunities. That's
10 about the only way to reward a good worker on that,
11 but if they feel they're part of a team and they
12 know you care about them, I think that reward is
13 there with that approach.

14 COMMISSIONER FRIED: Thank you. As we're
15 entering into month ten of the Coronavirus
16 pandemic, would there be any changes that you would
17 see inside of DOAH to make sure that you are
18 continuing to provide access but also the safety of
19 your workforce?

20 MR. THOMAS: I think there is satellite video
21 technology they acquired when the Judges of
22 Compensation Claims were rolled under DOAH, and
23 they already have existing satellite facilities,
24 locations that people can go to. And if you're in
25 Tallahassee, you can go to the hearing room here in

1 Tallahassee, but that was a very rewarding and
2 productive experience.

3 The Zoom hearings I'm finding are much more
4 difficult. You have separate people. We had
5 witnesses in Colorado. We have Zoom technology
6 issues, you have exhibit issues that are difficult,
7 you know, if there's just two locations.

8 But I think -- I don't know where the room for
9 improvement is there. I can't say today, but I
10 think it's important.

11 I think video is an absolute tool, but perhaps
12 through certain protocols, we can still go over to
13 DOAH if we're here in Tallahassee and be in the
14 same room with certain people or maybe there's a
15 location at the other end. So back to that would
16 be helpful, following any guidelines that come from
17 this body or whoever that we can do.

18 Zoom is serving a purpose, but it's been
19 difficult. It's growing pains as every judicial
20 body, Article V, administrative is finding how do
21 you do hearings? How do you take sworn testimony
22 over a telephone? It's very challenging.

23 COMMISSIONER FRIED: Absolutely. And last
24 question: Same thing about hiring new ALJ's is
25 underneath the purview of the chief judge, you

1 know. Do you agree with the procedures that are in
2 place now, or are there things that you would like
3 to see changed?

4 MR. THOMAS: I've applied three times, I've
5 got interviews twice. You know, it seemed to work
6 for me. I think the -- I mean, I didn't get
7 selected, so it didn't work for me that way. But I
8 felt I knew there was the openings. It would be a
9 hundred applicants in the times I made the final
10 list. As today, it was very flattering to do that.

11 If any of you all were looking for a
12 difference in a process, I'm certainly accountable
13 to you. I would want to know what your thoughts
14 are on that.

15 Transparency is important. Getting the
16 advertisements out there, making sure anyone who's
17 interested knows about it. I think the last few
18 times People First has done -- you know -- have
19 found them out on People First a little better, so
20 I think that's working. I would say that the
21 opportunities are probably more out there today,
22 advertised, than maybe they were historically.

23 COMMISSIONER FRIED: Thank you.

24 GOVERNOR DESANTIS: Okay. Thank you.

25 MR. THOMAS: Thank you very much for your

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INTERVIEW WITH JUDGE JOHN VAN LANINGHAM

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3 GOVERNOR DESANTIS: Okay. We got one more,
4 Judge John Van Laningham. So, please, approach the
5 podium for your interview. Tell us a little bit
6 about yourself and why you've applied for this
7 position.

8 JUDGE VAN LANINGHAM: Thank you. Thank you,
9 Governor, Members of the Cabinet.

10 Let me begin by saying it's truly an honor to
11 be invited to address this body on this historic
12 occasion and to be a finalist for chief judge of
13 DOAH, and I thank you for the privilege. This is
14 such an important decision for so many people.

15 As a personal matter, DOAH has been my
16 professional home for two decades, and I hope it
17 will continue to be my workplace for two more
18 decades. Therefore, the appointment of chief judge
19 is a great interesting consequence to me personally
20 whomever you select, but the stakes are obviously
21 so much higher than that.

22 All Floridians have a substantial interest in
23 DOAH remaining the well-respected, independent,
24 judicial arm of the administrative state, which it
25 has been for more than 40 years. DOAH is the place

1 where citizens and agencies go for a fair hearing
2 and an impartial decision when the facts are in
3 dispute. It's the place for due process and, yes,
4 for equal justice administered under the law.

5 We, as ALJ's, are the independent judicial
6 officers, independent of the agencies crucially,
7 but independent in the sense of being free to make
8 up our minds and decide our own cases without any
9 outside influence, interference or pressure. In
10 that most important sense, we are nothing less than
11 real judges performing genuine judicial acts.

12 The appointment of a chief administrative law
13 judge is a signal and fortunately infrequent event.
14 As a bit of DOAH history, you might find it
15 interesting that the position of chief
16 administrative judge didn't exist until 1997 when
17 Section 120.65 was amended to state that the
18 director of DOAH would also serve as the chief
19 administrative law judge.

20 That legislation came on the heels of a 1996
21 overhaul of the APA, which gave DOAH hearing
22 officers the title of administrative law judge by
23 which we're still known today. DOAH has actually
24 had only three chief administrative law judges from
25 1997 to 2020, and I served with all three of them.

1 So today's appointment will mark then only the
2 third time in nearly 25 years that the governor and
3 the cabinet have named the chief administrative law
4 judge.

5 Stability at the helm of DOAH is something to
6 be desired. DOAH has a unique role as the trial
7 court of the administrative state and, therefore,
8 its chief should be essentially non-political or at
9 least non-partisan. When a chief judge's tenure
10 spans successive administration, as did those of
11 long-serving chief judge and directors Sharon Smith
12 and Bob Cohen, the notion is reinforced that the
13 director is above the political fray and that's a
14 good thing for this particular organization.

15 If I were appointed to the position, I could
16 foreseeably serve as chief judge for 15 years and
17 retire from public life at age 72 having spent 35
18 years at DOAH. In that respect, I could offer
19 continuity and stability.

20 My credentials and qualifications are spelled
21 out in my application, so I won't go through all
22 the details here in the interest of time.

23 But very briefly, outside of work, I'm a
24 husband and father, a son and a brother, a
25 midwesterner by birth and proud Floridian since

1 1973. I'm a musician and a songwriter, a book
2 lover, a life-long weightlifter and a fitness buff.
3 If you ever visit me at DOAH, you'll probably find
4 me walking on the treadmill installed under my
5 standing desk.

6 On the weekends you'll likely find me in
7 Jacksonville spending time with my daughters, one
8 of whom is an attorney with FSS, a lead
9 community-based care agency and the other of whom
10 is an associate with the Able Bean Law Firm.

11 As you're well-aware, I'm a long-time ALJ. I
12 think that's a very significant qualification. My
13 application is based on the premise that the person
14 who takes office as DOAH's next chief
15 administrative law judge should be a highly
16 experienced administrative law judge. Someone who
17 knows the job and the institution inside and out.
18 It's just common sense that before one can wear the
19 chief judge's robe with credibility, he or she
20 should first have worn the ALJ's robe with
21 distinction.

22 The director should be someone who can make
23 strategic decisions for DOAH that are well-informed
24 by a deep, personal knowledge of what ALJ's do,
25 which requires that he or she has had hands-on

1 experience doing those things. I am by far the
2 most experienced ALJ before you today seeking this
3 position.

4 And I'm proud to say that in 20 years of
5 quasi-judicial service to our state, I have never
6 sought to avoid hearing a case that might make me
7 controversial, nor have I ever soften or modified a
8 decision that I knew would subject me to personal
9 criticism. I try to make every opinion that I
10 write worth reading, and while no judge can please
11 everyone all of the time, it's my hope that those
12 who disagree with any particular decision of mine
13 in any given case will at least understand why I
14 rule the way I did.

15 Were this body to select me, I would devote
16 the rest of my career to keeping DOAH on task in
17 fulfilling its critical mission, which is to house
18 a central panel of independent ALJ's responsible
19 for ensuring that all litigants receive a fair
20 well-run hearing and correct, well-reasoned
21 decision.

22 I would work tirelessly as I pointed out in my
23 application letter to instill, ensure, and preserve
24 a culture of judicial independence at DOAH and to
25 do everything possible to make sure that no judge

1 ever felt pressured to make any ruling or change
2 any decision to meet someone else's agenda.

3 I'm happy to answer any questions you have.
4 Thank you.

5 ATTORNEY GENERAL MOODY: Well, I see that you
6 went to Florida and Florida State.

7 JUDGE VAN LANINGHAM: That's correct.

8 ATTORNEY GENERAL MOODY: So, you know, checked
9 all the boxes here, right?

10 And that you were partner in a very
11 well-respected law firm for a long period of time
12 before you became an ALJ.

13 JUDGE VAN LANINGHAM: That's correct.

14 ATTORNEY GENERAL MOODY: Can you tell the
15 Cabinet a little bit more about that experience and
16 the substantive law that you handled?

17 JUDGE VAN LANINGHAM: As a private
18 practitioner, I was a litigation partner in a firm
19 called Steel Hector & Davis, a Miami-based and
20 ultimately international firm. Over the years
21 since I left, it's since merged into other firms
22 and now has different names, but we were a large
23 firm. We were a multi, you know, faceted and
24 fairly sophisticated law practice.

25 I did commercial litigation. I was in the

1 firm's West Palm, Tallahassee, and at times Miami
2 offices. My practice was concentrated primarily in
3 what we refer to as insurance coverage recovery. I
4 did a lot of representation of folks who were in
5 litigation seeking to get coverage for the
6 litigation from their general commercial liability
7 carriers. I did a lot of commercial
8 landlord/tenant work, lease, evictions and disputes
9 arising from those kinds of contracts.

10 And then I have the administrative practice.
11 And I had a fairly significant administrative
12 litigation practice during my time in private
13 practice appearing primarily at DOAH, before some
14 local governments, but it was mostly DOAH practice
15 and I did predominately, I would say, bid protests
16 and rule challenge type litigation at that time.

17 CFO PATRONIS: Thank you, Governor.

18 Just sizing you up and as many years of
19 service you got, when did you graduate high school?
20 When you were 15?

21 JUDGE VAN LANINGHAM: Yeah. I was a child
22 prodigy actually. I came to --

23 CFO PATRONIS: Is that right?

24 JUDGE VAN LANINGHAM: -- DOAH when I was,
25 yeah, 19.

1 CFO PATRONIS: Thank you for your service to
2 the State.

3 JUDGE VAN LANINGHAM: Thank you.

4 CFO PATRONIS: Same question. You know, we're
5 all elected statewide by the voters of the state of
6 Florida charged by the constitution, which we're
7 accountable to, but you'd be appointed by an
8 executive board. Who would you be accountable to?

9 JUDGE VAN LANINGHAM: It's a very interesting
10 -- It's a very good question, Chief Patronis. And
11 I know you've asked it to all the candidates, so I
12 guess I've had a chance to think about it longer
13 than they did.

14 The one thing I'd say, first off, it's
15 important to keep in mind, I think, that the
16 position of DOAH chief judge is somewhat unique in
17 that it melds these two roles that in some respects
18 might seem a little incompatible. In the one hand,
19 you are an agency head, politically appointed and
20 accountable, of course, to the Administration
21 Commission as an agency head, and that's a
22 political role or a political-appointed role. But
23 you also bear the title of Chief Administrative Law
24 Judge, which is really a quasi-judicial role, and I
25 think has somewhat different responsibilities. So

1 there's perhaps a bit of tension there between
2 those two important hats that the director and
3 chief judge wears.

4 Certainly, as the director and as the
5 political-appointed head of the agency, the
6 director is accountable to the Administration
7 Commission and ultimately serves at the pleasure of
8 the Administration Commission and could be removed
9 if the Administration Commission were dissatisfied
10 with his or her performance and vice-a-versa. You
11 know, the director might find himself or herself in
12 the position of resigning if he felt there were
13 some irreconcilable conflict.

14 So the director is certainly accountable to
15 the Commission as a political matter, but I would
16 add to that that because he or she also serves as
17 the chief judge, there's an independent
18 responsibility to be accountable to the people of
19 the State and to make sure that DOAH, again,
20 maintains its integrity as the independent judicial
21 arm of the administrative state functioning within
22 what we call the administrative, you know, state,
23 to use that term, as the court system. I mean,
24 obviously, we're not Article V courts, but we
25 perform that function for the Administrative State

1 and we need to be independent in doing that.

2 But one thing that I would do as chief judge,
3 and I'm not criticize -- I'm not saying this to
4 criticize anyone else who has served in the role,
5 but I would stop hearing cases. You know, the
6 director and chief ALJ can hear cases, of course,
7 as a regular ALJ.

8 I think to avoid any appearance of conflict, I
9 would not do that, and that way it would eliminate
10 any concern that any litigant might have that the
11 judge in his case or her case or its case in the
12 case of an agency might, because of the
13 accountability to the Commission, be influenced by
14 political considerations.

15 And at the same time, that's why it's so
16 important, because of that accountability of the
17 director to the Commission, that the director not
18 have direct involvement with the decisions of the
19 ALJ's. The director cannot become a conduit for
20 clinical concerns. These things have to be kept of
21 a director but kept away from the ALJ's in making
22 their decisions independently as judicial officers.

23 CFO PATRONIS: Now, you said you would also be
24 an active participant and hear cases as the chief
25 ALJ.

1 JUDGE VAN LANINGHAM: I said I would stop
2 hearing cases.

3 CFO PATRONIS: You would stop hearing cases.

4 JUDGE VAN LANINGHAM: I would stop hearing
5 cases, right. I would no longer hear cases because
6 of the, I think -- I'm not saying it's wrong or
7 unethical, but I think there is a potential
8 appearance of a conflict there to have a political
9 appointee accountable directly and serving at the
10 pleasure of the Governor and the Cabinet hearing a
11 case. I think as a litigant, you might have some
12 concern about that. I'm not saying it's unethical.
13 I personally wouldn't do it.

14 CFO PATRONIS: Gotcha. Thank you.

15 COMMISSIONER FRIED: Thank you, Your Honor,
16 for being here today. So you've had 20-plus years
17 over as an ALJ. I'm assuming that they can't even
18 count the amount of cases that you have overseen or
19 opinions that you have written.

20 JUDGE VAN LANINGHAM: It would be quite a few.
21 I think as I pointed out in my letter, I've
22 probably written, you know, regular final order and
23 recommended orders probably -- hundreds certainly,
24 maybe in the neighborhood of 400.

25 If you counted some of the other things that I

1 mentioned, I did Baker Acts for ten years, so that
2 would be thousands more.

3 I sit every month and have for about ten years
4 as special magistrate for code enforcement in
5 Monroe County. You can imagine what those cases
6 are like, and I've heard literally thousands of
7 cases in that capacity.

8 I have sat in and heard claim bills with
9 Mr. Thomas for some years in the past.

10 So all totalled, I've easily, you know, heard
11 and issued 10,000, you know, final or recommended
12 orders including just about everything we do at
13 DOAH. There's not too much that we hear at DOAH
14 that I haven't heard at one time or another.

15 COMMISSIONER FRIED: Because I also read in
16 your cover letter that you're one of the first
17 ALJ's to ever be appointed to DOAH, so you have
18 seen a lot. What are some things that you've seen
19 in the last 20 years that are good, that you would
20 like to bring back? What are things that you see
21 that you would want to change?

22 JUDGE VAN LANINGHAM: Well, I wasn't one of
23 the first ALJ's appointed, although I had the
24 privilege -- I came in with a group of seven in
25 2000. DOAH had been around for about 25 years

1 then, and I had the privilege of serving with many
2 ALJ's who had been hearing officers back, you know,
3 at the beginning. So I am now one of the very few
4 people at DOAH -- there are three that have been
5 there longer than me at this point, but I'm one of
6 the very few people that has the institutional
7 knowledge that goes all the way back to the
8 beginning having worked with and served alongside
9 those folks.

10 So one of the things that happens when you've
11 been at a place a long time is you've tended to see
12 ideas come and go and you maybe hear some new
13 people come in and say, well, we should do this.
14 Well, we did that, you know, ten years ago. It
15 didn't work, you know.

16 But I like to think that, you know, I have a
17 mind that's an open mind. I'm not, you know, data
18 driven and I would always be looking for things we
19 could do and the things we could do better.

20 But in terms of things that we've done in the
21 past, I guess in some respects what we're building
22 on now and you've mentioned -- you've mentioned in
23 some of your questions what we're doing in response
24 to COVID. One of those things that we're doing is
25 conducting hearings by Zoom, on the Zoom platform

1 and that's been mentioned by several candidates.
2 As I mentioned in my cover letter, I think Zoom is
3 probably here to stay for DOAH. I don't know what
4 some people's experience is, but I think by and
5 large we've gotten pretty positive feedback from
6 litigants and from other judges. I think we'll
7 probably continue doing it because it expands our
8 ability to hear cases using remote platforms, and
9 it cuts costs, it cuts on the need for travel, it
10 saves time.

11 But I also think it gives us, as I mentioned
12 in my letter, an opportunity to potentially
13 re-organize, you know, a more efficient our judges
14 internally. We're currently organized around
15 geographic locations of the staff and that's really
16 anachronistic. That dates back to the '70s and
17 '80s when the AL -- the hearing officers were on
18 the road every day. And so you didn't want to be
19 going from Sarasota to Jacksonville and back to
20 Miami and back to, you know, Pensacola on
21 successive days, and so we arranged around those
22 places.

23 So I think I might consider looking at, for
24 example, building on that kind of -- organizing for
25 that kind of efficiency, but instead of doing it

1 geographically, perhaps doing it by subject matter,
2 the way you have divisions and the circuit court,
3 you know, and allow people to build up some
4 expertise in different types of cases and then
5 rotate into others, just as one example.

6 COMMISSIONER FRIED: And I think just to
7 follow up on CFO's questions that you answered
8 dealing with you not hearing cases, but as far as
9 chief judge, would you get involved more so in the
10 ALJ's decisions in the cases they hear? Would you
11 operate more as kind of hands off as chief judge?

12 JUDGE VAN LANINGHAM: Yeah, I would absolutely
13 not get involved in any individual decision-making.
14 I've heard comments today that I have to
15 respectfully disagree with.

16 The director, in my view, should not become
17 involved or participate in individual cases, and I
18 think he shouldn't or she shouldn't even discuss
19 the merits of a pending case with the presiding
20 judge. While it's probably okay for an ALJ to
21 voluntarily seek the chief judge's advice about a
22 matter, the APA doesn't authorize the director on
23 his own initiative to insert himself into the
24 decision-making process.

25 And we need to remember that the decisions of

1 individual ALJ's are not the decisions of DOAH or
2 of the director. DOAH doesn't decide cases as a
3 collegial body. NOAH doesn't decide cases at all,
4 only ALJ's do. An individual ALJ's recommended or
5 final orders reflect the personal decisions of and
6 speak for that ALJ alone, not for DOAH as an agency
7 and not for anyone employed outside of DOAH.

8 And if I can just make one other point to
9 follow up on that because there's been talk about
10 consistency and the importance of consistency.
11 Conflicting results when they're issued by
12 different administrative law judges are the small
13 price that we pay for ALJ decisional independence
14 and for the separation of powers. ALJ 's don't
15 possess deligative legislative authority to
16 promulgate law by rule, and they don't have the
17 constitutional power of the Article V judiciary to
18 declare with binding authority what the law is as a
19 general matter.

20 The separation of powers would be violated if
21 ALJ's began treating each other's orders as
22 controlling law rather than a secondary source as
23 having the power to persuade. And even if they had
24 precedential value, it would be the precedential of
25 a trial judge's decision, not a court of appeal.

1 So while there may be preidental reasons for
2 one ALJ to follow another ALJ's rulings, stability,
3 for example, predictability, consistency, you do
4 that when it's possible, but you're not required to
5 do that because you're not bound by your colleagues
6 decisions.

7 But to the main point that I wanted to make
8 here, it's manifestly not the chief judge's job to
9 see to it that ALJ's rulings are correct in the
10 director's eyes or intervene for the sake of
11 bringing consistency to ALJ's rulings on recurring
12 points of law over which disagreement has arisen.
13 It's a feature, not a bug, that DOAH does not speak
14 with one voice but instead offers more than 30
15 independent, intelligent, judicial voices, each one
16 capable of bringing a different perspective to bear
17 on a legal issue, of giving fresh incite and of
18 proposing an elegant solution to a problem.

19 Occasionally, these voices will clash, and
20 when that happens, we have appeals. Correcting
21 error and bringing consistency to the law are the
22 jobs of the district courts of appeal, not DOAH's
23 director.

24 COMMISSIONER FRIED: And the last question
25 goes on to the same similar concepts of hiring new

1 ALJ's, that the process that's in place versus what
2 you would potentially change.

3 JUDGE VAN LANINGHAM: Thank you, Commissioner.

4 As I wrote in my application letter, I support
5 the idea of transferring the power of hiring ALJ's
6 from DOAH to the Governor or the Administration
7 Commission, to have those decisions made by elected
8 officials. I believe that ALJ's should be
9 appointed like judges and not hired like judicial
10 assistants. I believe that the appointment process
11 like that would add to the prestige and the dignity
12 of the office of the administrative law judge, but
13 that's not the status quo. That would require
14 legislative change and there's no reason any of
15 that is going to happen soon.

16 So if I were selected as DOAH's director,
17 obviously I would be responsible for hiring ALJ's.
18 It's a very important function, although it's not
19 something the director's called upon to do on a
20 frequent basis. When I'm looking at the current
21 lineup of ALJ's, I anticipate that we'll need to
22 replace between three and five judges over the next
23 five years due to retirement, so you're talking
24 about maybe one ALJ per year being hired over the
25 next five years.

1 Now, I have personal experience hiring ALJ's
2 at DOAH. As a senior judge, I played a key role in
3 bringing in many currently-serving administrative
4 law judges including Gary Early, Elizabeth
5 McArthur, Cathy Sellers, Jessica Varn, Daren
6 Schwartz, Todd Resavage, and Mary Li Creasy just to
7 name a few. So I think it's a pretty good track
8 record.

9 I have a personal judicial philosophy that's
10 built on plain-meaning textualism, adherence to
11 neutral principles, and a healthy respect for the
12 separation of powers. If you were to read my
13 opinions going all the way back to the year 2000,
14 you'd see these ideas discussed and applied.

15 And I doubt, Governor DeSantis, that there's
16 any daylight between the judicial philosophy that
17 you look for in appointing constitutional judges
18 and what I would look for in candidates for ALJ
19 positions.

20 But having said that, I'm keenly aware that
21 the topic of judicial philosophy is fair game for
22 political debate and that reasonable minds can
23 differ about these points. Today's governors might
24 prefer judges informed by the federalist society,
25 but tomorrow's chief executive might find the

1 American Constitutional Society's views more to his
2 or her liking and that's another reason why I
3 prefer that the responsibility for ALJ selection be
4 transferred to the Governor or the Administration
5 Commission. Voters should get to decide through
6 their elected representatives what kind of judges
7 take the bench.

8 I also want to add that as important as
9 judicial philosophy is, in looking for ALJ's there
10 are other values that strike me as equally and more
11 important. Independent mindedness, for one, and
12 for reasons set forth in my cover letter. And I
13 also look for a record of accomplishment and
14 success or some indicia of intellect, for
15 demonstrative familiarity with administrative law,
16 and for a genuine desire to be an administrative
17 law judge as opposed to a judge.

18 In terms of process, I'd like to incorporate
19 more elements of the judicial selection process
20 that the JNC's use. I think in the interim, you
21 know, I would consider doing things like appointing
22 a merit selection panel, as they do in the federal
23 courts when they're selecting a magistrate, so you
24 could bring in some outside folks that might bring
25 some different perspectives and not just have it

1 done in house and, therefore, not be so parochial
2 thinking about, well, who would we like to work
3 with, but have others who could -- you know, maybe
4 some general counsels, maybe some private
5 practitioners, you know, get some other -- get some
6 other input and have other folks too who could
7 thoroughly vet the candidates.

8 I think I would prefer to see us use the
9 judicial application that the JNC's use. We
10 currently would hire ALJ's using the People First
11 application, and it's really not well-tailor to get
12 the kind of information you'd like to get for a
13 judicial candidate.

14 So those are the kind of changes I'd make.
15 Again, they're more evolutionary than
16 revolutionary, you know. I'm sure this body -- I
17 don't think that DOAH is in need of a turnaround
18 artist. I think DOAH runs pretty well. I think
19 the changes I had in mind, again, are more
20 evolutionary than revolutionary, and I would see
21 myself as bringing a kind of enlighten continuity
22 and not some kind of radical change to the place.

23 COMMISSIONER FRIED: Thank you.

24 GOVERNOR DESANTIS: Okay. Thank you.

25 Appreciate it.

1 JUDGE VAN LANINGHAM: Thank you, Governor.

2 GOVERNOR DESANTIS: And I want to thank
3 everyone for applying and being here. This
4 appointment is basically a mulligan. We did this
5 and I think we had two people and they weren't --
6 nothing against them, but I think, clearly, you
7 know, we've got a lot of really qualified
8 applicants this time.

9 And I think everyone that presented today, you
10 know, the legal acumen is there. I don't think
11 there's any question about that. And I know some
12 of you have served as or are serving as
13 administrative law judges, and I'm sure you're
14 doing a good job. It's apparent in how you
15 presented, so I want to thank everyone for doing
16 it.

17 I think that the candidates were very, very
18 good. I also think, though, that, you know, I
19 think it was pointed out, I mean, this is a legal
20 position, but it's also really an administrative
21 position, and I think it's really important to have
22 somebody who is going to run it in a really
23 effective way.

24 And I don't necessarily have doubts about any
25 of the folks per se, but I do think, you know, what

1 really impressed me, I mentioned at the beginning,
2 Pete Antonacci, Broward Elections probably ran as
3 good as they've ever run and I know that was
4 because of your leadership.

5 And so I would like to make the motion to
6 appoint Pete Antonacci as the chief judge.

7 Is there a second?

8 CFO PATRONIS: Second.

9 GOVERNOR DESANTIS: All in favor?

10 ATTORNEY GENERAL MOODY: Aye.

11 CFO PATRONIS: Aye.

12 COMMISSIONER FRIED: Dissent.

13 GOVERNOR DESANTIS: Okay. So it looks like by
14 a three to one vote the motion's adopted and
15 congratulations. And, again, thanks for everyone
16 else, and thank you for your service. You guys are
17 doing a great job.

18 (WHEREUPON, THE MEETING WAS ADJOURNED).

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CERTIFICATE

STATE OF FLORIDA,)

COUNTY OF LEON.)

I, JILLIAN BITZER, FPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 8th day of February, 2021.



JILLIAN BITZER, FPR
Court Reporter

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