

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0910**

**MEMORANDUM**

**June 21, 2023**

**To: Members of Congress**

**Fr: Congressman Maxwell Alejandro Frost**

**Re: Ad Hoc Hearing titled “Oversight of Anti-democratic Abuses of Power in the State of Florida.”**

On Thursday, June 22, 2023, at 12:00 p.m. ET, in House Visitor Center room 215 (HVC-215) of the Capitol Building, Congressman Maxwell Alejandro Frost, a Member of the House Committee on Oversight and Accountability will convene an emergency ad hoc hearing to examine such trends in the case of shocking anti-democratic abuses of power currently taking place in the State of Florida.<sup>1</sup>

**I. BACKGROUND**

On May 19, 2023, Congressman Maxwell Alejandro Frost and Ranking Member Jamie Raskin sent a letter to House Committee on Oversight and Accountability Chairman James Comer regarding the continuing spread of efforts to undermine democracy by the Florida state legislative and executive branches of government.<sup>2</sup> They requested that the Committee hold a hearing to examine such trends.

The Members did not receive a response from Chairman Comer. In the absence of action from the Chairman of the House Committee on Oversight and Accountability, Congressman Frost will hold an emergency ad hoc hearing to examine the actions Florida state officials have been taking that undermine democracy.

The hearing will examine not the specific policy platform of the officials in the executive and legislative branches of government in the State of Florida but rather the way they are enacting it by any means necessary, taking illegal and unethical action. The evidence explored in this hearing includes intimidating and removing in an unconstitutional manner democratically elected officials, forcing through political appointments based on loyalty over any other qualification, pre-empting local jurisdiction to make irrelevant the input of Floridians and local elected officials, using fear and intimidation, limiting free speech, and imposing censorship.

Through these actions, members of the Florida legislative and executive branches have collaborated to consolidate power, punish dissent, and strip the rights and freedoms of Floridians. Together, these three steps are characteristic of creating a fascist state and are antithetical to the principles and practices of democracy.

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<sup>1</sup> This is not an official House Committee on Oversight and Accountability hearing.

<sup>2</sup> *Letter to the Honorable Chairman Comer of the Committee on Oversight and Accountability*. (2023, May 19). <https://frost.house.gov/media/blog-post/letter-honorable-chairman-comer-committee-oversight-and-accountability>

Witnesses will present first-hand testimony on the implementation of an anti-democratic agenda and take questions from Members of Congress.

## **II. THE FLORIDA EXECUTIVE AND LEGISLATIVE BRANCHES CONSOLIDATE POWER THROUGH THE INTIMIDATION AND REMOVAL OF ELECTED GOVERNMENT REPRESENTATIVES AND OTHER PERSONNEL**

### **A. Court Districts**

The Florida Constitution allows the Governor to suspend any state or county officer for reasons such as malfeasance, neglect of duty, incompetence, or permanent inability to perform official duties, which are all non-political reasons.<sup>3</sup> It does not allow the Governor to remove officers for voicing opposition or conflicting ideologies.

Andrew Warren was a two-term State Attorney for the Thirteenth Judicial Circuit in Florida, which covers Hillsborough County. He was elected in 2016 and re-elected in 2020 on a platform of criminal legal reform and progressive social policies. In 2022, Governor DeSantis suspended Warren from his office for signing a letter expressing opposition to prosecuting anyone who sought or provided abortion or gender-affirming healthcare, which Governor DeSantis claimed violated state laws.<sup>4</sup>

Warren challenged Governor DeSantis' suspension in federal court, arguing that it was politically motivated and violated his free speech rights and the separation of powers doctrine. He argued that Americans and their elected representatives are meant to represent diverse political interests, but using the power invested in a public office to attack political rivals is fundamentally anti-democratic.

After several months of legal battles, a federal judge ruled that the removal of Warren violated the law. The ruling concluded that Governor DeSantis had violated the First Amendment by basing his suspension on Warren's public statements. The judge added that he did not have the jurisdiction to address that violation – the authority to reinstate Warren lay in the Florida Senate.<sup>5</sup> The Florida Senate, whose majority shares a political affiliation with the Governor, has not reinstated the former State Attorney.

Since then, Governor DeSantis has continued this behavior. In late February 2023, he publicly criticized Florida State Attorney for the Ninth Judicial Circuit Monique Worrell (Orange-Osceola), the second Black person to be elected State Attorney, for exercising prosecutorial discretion. Worrell chose not to prosecute a young man for misdemeanor marijuana charges a year before he was allegedly involved in a high-profile mass shooting case where a journalist, a 9-year-old girl, and her mother were killed.<sup>6</sup> Worrell's decision to not prosecute the misdemeanor charges is neither unique to Worrell nor unusual for prosecutors across the country elected on platforms of how they plan to prioritize limited resources to achieve public safety.

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<sup>3</sup> Fla. Const. Art. III, Sect. 7 (a).

<sup>4</sup> Izaguirre, Anthony. "Prosecutor Suspended by DeSantis Loses Bid to Get Job Back." ABC News, January 20, 2023. <https://abcnews.go.com/US/wireStory/prosecutor-suspended-desantis-loses-bid-job-back-96566000>.

<sup>5</sup> Mazzei, Patricia, and Alexandra Glorioso. "Judge Rules DeSantis Was Wrong, but Lets Prosecutor's Suspension Stand." *The New York Times*, January 20, 2023. <https://www.nytimes.com/2023/01/20/us/desantis-prosecutor-suspended-warren.html>.

<sup>6</sup> Fineout, Gary. "DeSantis May Remove Another Florida Prosecutor from Office." POLITICO, March 1, 2023. <https://www.politico.com/news/2023/03/01/desantis-remove-florida-prosecutor-00085003>.

Worrell recently stated that Governor DeSantis' request for information was part of a larger strategy to put together a pretext for her suspension. Worrell described the request as, "about the Governor wanting to control the politics across this state...quite frankly, it's dangerous because this is a democracy, not a dictatorship."<sup>7</sup>

Governor DeSantis' general counsel, Ryan Newman, sent a letter to Worrell's office requesting records of every case in which a person arrested for a felony or a probation violation was not prosecuted by her office. The letter accused Worrell of failing to administer justice properly and suggested she was responsible for enabling the suspect's violent behavior. However, the marijuana case was dropped because the substance found on the suspect could not be tested to determine if it was hemp or illegal marijuana due to a change in the legal definition of cannabis that Governor DeSantis himself signed into law in 2019. The law required that cannabis have at least 0.3 percent of THC, the primary psychoactive compound in marijuana, to be considered illegal.

Governor DeSantis' intimidation has led to fear; Worrell believes the Governor is building a case for her suspension.<sup>8</sup> These actions against Worrell are an escalation of a legacy of intimidating and retaliating against Florida's elected attorneys. Senator Rick Scott had a history of clashing with Worrell's predecessor, Aramis Ayala. When Senator Scott was the Governor of Florida, he stripped 29 cases from Ayala after she pledged not to seek the death penalty. The victims' families have accused Governor DeSantis and Senator Scott of exploiting their children's deaths.<sup>9</sup>

## **B. Independent School Districts**

There is mounting evidence that, in Florida, elected officials continue to consolidate power and are working outside of democratic channels to threaten and intimidate Floridians into compliance with policies of intellectual homogeneity.<sup>10</sup>

Sections of HB 1557, Florida's *Parent Rights in Education Act*, or "Don't Say Gay" law, that the Florida legislature passed and the Governor signed into law in 2022, prohibits public schools from having "classroom discussion" or giving "classroom instruction" about sexual orientation or gender identity from kindergarten through third grade or in any manner deemed to be against state standards in all grades. The law also prohibits public schools from adopting procedures or student support forms that maintain the confidentiality of a disclosure by a student, including of the gender identity or sexual orientation of a student, from parents.<sup>11</sup> In April 2023, the Florida Board of Education expanded the ban on teaching about sexual orientation or gender identity to all grades K-12, with the sole exception of

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<sup>7</sup> Cann, Christopher. "Worrell Says DeSantis Is Building a Case to Suspend Her from Office." *Orlando Sentinel*, March 9, 2023. [www.orlandosentinel.com/politics/os-ne-monique-worrell-ron-desantis-keith-moses-orlando-shootings-20230309-fwrzqchyvfgtjlqhmxi62vifkm-story.html/](http://www.orlandosentinel.com/politics/os-ne-monique-worrell-ron-desantis-keith-moses-orlando-shootings-20230309-fwrzqchyvfgtjlqhmxi62vifkm-story.html/).

<sup>8</sup> Zizo, Christie. "It's dangerous: Worrell accuses DeSantis of politicizing Pine Hills tragedy to get her suspended." 2023, March 9. <https://www.clickorlando.com/news/local/2023/03/09/its-dangerous-worrell-accuses-desantis-of-politicizing-pine-hills-tragedy-to-get-her-suspended/>

<sup>9</sup> Fineout, Gary. "DeSantis May Remove Another Florida Prosecutor from Office." *POLITICO*, March 1, 2023. [www.politico.com/news/2023/03/01/desantis-remove-florida-prosecutor-00085003](http://www.politico.com/news/2023/03/01/desantis-remove-florida-prosecutor-00085003).

<sup>10</sup> Greenhouse, Steven. "'The Point Is Intimidation': Florida Teachers Besieged by Draconian Laws." *The Guardian*, May 13, 2023. <https://www.theguardian.com/us-news/2023/may/13/florida-teachers-woke-law-ron-desantis>.

<sup>11</sup> Goldstein, Dana. "Opponents Call It the 'Don't Say Gay' Bill. Here's What It Says." *The New York Times*, March 18, 2022, sec. U.S. [www.nytimes.com/2022/03/18/us/dont-say-gay-bill-florida.html](http://www.nytimes.com/2022/03/18/us/dont-say-gay-bill-florida.html).

health or reproductive courses.<sup>12</sup> As a result of these laws, a middle school art teacher was fired because she “did not follow the state mandated curriculum.”<sup>13</sup>

Brian Covey was a full-time substitute teacher at Mandarin Middle School in Jacksonville, Florida. He was fired after posting a video on social media showing rows of empty bookshelves in the school’s library. He said that he shared the video to elevate the impact of a new law requiring the mass review of all library media and classroom materials.<sup>14</sup> The video was seen more than 13 million times, and Florida Governor Ron DeSantis called it a “fake narrative.”<sup>15</sup> According to Covey, his firing has contributed to the intimidation public school teachers in Florida feel and has made them afraid to exercise their free speech rights.

On a separate occasion, the Queer Ally Alliance, a student group at Boone High School, was scheduled to hold its third annual Drag and Donuts event on March 23, 2023, but school administrators canceled it following threats from the DeSantis Administration.<sup>16</sup> The right to hold this meeting is protected under federal law and is legal under Florida state law. The *Federal Equal Access Act*, enacted in 1984 and based on First Amendment precedent, makes clear that a high school that allows extracurricular club meetings on campus cannot bar a meeting based on the religious, philosophical, or political subject matter of the meeting. Furthermore, it says that such a meeting need only meet a short list of criteria: the meeting must be voluntary and led by students; it cannot be sponsored by the school, government, or school or government employees; the meeting cannot substantively interfere with the school’s educational activities; and someone from outside of the school cannot direct, conduct, control, or regularly attend the meeting.<sup>17</sup>

The Drag and Donuts event was a voluntary meeting, with no expectation of attendance. It was organized and led by a student-led organization, not by Boone High School. It was to be held after school, with no interference with school activities. This meeting was not a show, but a presentation on self-acceptance featuring a guest speaker in full coverage attire who has spoken at Florida schools for years.<sup>18,19</sup> According to firsthand reports, the Florida Department of Education demanded the meeting’s guest speaker be disinvited and threatened to revoke the professional licenses of administrators and

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<sup>12</sup> Ax, Joseph. “Florida Education Board Extends Ban on Gender Identity Lessons to All Grades.” *Reuters*, April 19, 2023, sec. United States. [www.reuters.com/world/us/florida-education-board-vote-extending-ban-gender-identity-lessons-2023-04-19/](http://www.reuters.com/world/us/florida-education-board-vote-extending-ban-gender-identity-lessons-2023-04-19/).

<sup>13</sup> Laviertes, Matt. “Florida Teacher Allegedly Fired after Discussing Sexuality with Students.” *NBC News*, May 6, 2022. <https://www.nbcnews.com/nbc-out/out-news/florida-teacher-allegedly-fired-discussing-sexuality-students-rca27656>.

<sup>14</sup> Bella, Timothy, and Hannah Natanson. “Teacher Fired after DeSantis Says Bookshelf Video Was ‘Fake Narrative.’” *Washington Post*, February 20, 2023. <https://www.washingtonpost.com/education/2023/02/18/florida-teacher-empty-school-bookshelves-video-desantis/>.

<sup>15</sup> “Substitute Duval teacher behind viral video showing empty bookshelves in middle school library fired.” *First Coast News*. 17 February 2023. <https://www.firstcoastnews.com/article/news/education/substitute-duval-teacher-brian-covey-behind-viral-video-showing-empty-bookshelves-in-middle-school-library-fired/77-d7027a8e-7ea4-4218-bde6-3f7c989d078f>.

<sup>16</sup> Paschall-Brown, Gail. “Florida School’s ‘Drag and Donuts Event Cancelled After Criticism” *WESH*. March 23, 2023. [www.wesh.com/article/florida-drag-donuts-canceled/43397448](http://www.wesh.com/article/florida-drag-donuts-canceled/43397448).

<sup>17</sup> Equal Access Act, 20 U.S.C. 4071

<sup>18</sup> White, Gary. “Under State Pressure Orlando High School Cancels Lakeland Man’s Drag Talk with Club.” *The Ledger*. March 24, 2023. [www.theledger.com/story/news/local/2023/03/24/under-state-pressure-orlando-school-cancels-lakeland-mans-drag-talk/70041442007/](http://www.theledger.com/story/news/local/2023/03/24/under-state-pressure-orlando-school-cancels-lakeland-mans-drag-talk/70041442007/)

<sup>19</sup> Allen, Jeff. “After-school Drag Event Cancelled After Concerns Raised by Florida Education Leaders, Parents.” *Spectrum News 13*. March 23, 2023. [www.mynews13.com/fl/orlando/news/2023/03/23/drag-event-canceled-](http://www.mynews13.com/fl/orlando/news/2023/03/23/drag-event-canceled-)

teachers should they fail to follow orders.<sup>20</sup>

### C. Special Districts

The Florida Constitution permits the establishment of Special Districts, or units of local government that are similar to municipalities and counties except that their powers are local, specialized, and explicitly prescribed. Florida has over 1,800 of these districts, one of which was established in 1967 and called the Reedy Creek Improvement District (RCID). RCID encompasses all of Disney World.

Disney and Florida Governor Ron Governor DeSantis have been locked in a legal feud since March 2022 when, after over a hundred employees walked out in protest, Disney openly criticized HB 1557, Florida's *Parent Rights in Education Act*, or "Don't Say Gay" law and vowed to help repeal it. Governor DeSantis retaliated on April 19, 2022, by revoking Disney's unique status as a self-governing entity that operates its own services and pays lower taxes in the RCID. Revoking Disney's special status in the RCID could mean Orange and Osceola counties would face a much higher tax burden.

The RCID runs its own fire department and sewer services and handles all the road maintenance. In the ongoing legal dispute between Governor DeSantis and Disney over RCID, Orange County Tax Collector Scott Randolph estimated that the financial obligation is about \$105 million annually to operate services in Reedy Creek. Additionally, Orange County would potentially take on between \$1 billion to \$2 billion in bond debt, which would likely be paid for by a 15 to 20 percent rise in property taxes.<sup>21</sup>

Governor DeSantis expanded on his control over Disney in February 2023, when state legislators gave him the power to handpick members to the board that oversees Disney World's government services. Before the new governor-selected members could take power, the previous board members signed a contract that limited the board's powers to maintaining "roads and basic infrastructure."<sup>22</sup>

Disney sued Governor DeSantis and the board in federal court in April 2023, accusing them of violating its free speech rights and abusing their power.<sup>23</sup> Governor DeSantis responded by trying to remove the judge assigned to the case, U.S. Chief District Judge Mark Walker, claiming he was biased against him because a distant relative owned Disney stock. Judge Walker reluctantly agreed to step down, despite dismissing Governor DeSantis' allegations as baseless.<sup>24</sup> The legal battle has also taken a

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<sup>20</sup> reports that the Florida Department of Education demanded the meeting's guest speaker be disinvited and threatened the professional licenses of administrators and teachers should they fail to follow orders

<sup>21</sup> Cervantes, Lauren. "Orange County Would See Financial Burden If Reedy Creek Dissolves, Tax Collector Says." WKMG, April 20, 2022. [www.clickorlando.com/news/local/2022/04/20/orange-county-would-see-financial-burden-if-reedy-creek-dissolves-tax-collector-says/](http://www.clickorlando.com/news/local/2022/04/20/orange-county-would-see-financial-burden-if-reedy-creek-dissolves-tax-collector-says/).

<sup>22</sup> Swisher, Skylar. "DeSantis' Reedy Creek Board Says Disney Stripped Its Power." *Orlando Sentinel*, March 29, 2023. <https://www.orlandosentinel.com/2023/03/29/desantis-reedy-creek-board-says-disney-stripped-its-power/>.

<sup>23</sup> Complaint, *Walt Disney Parks and Resorts U.S., Inc., v. DeSantis*, (N.D.Fla 2023) (No. 4:23-cv-00163-MW-MAF), read-disneys-lawsuit-against-desantis-and-oversight-board.pdf; "Why Is Disney Suing Florida Gov. Ron DeSantis? - The Washington Post." Accessed June 1, 2023. [www.washingtonpost.com/business/2023/04/27/disney-desantis-florida-lawsuit-explained/](http://www.washingtonpost.com/business/2023/04/27/disney-desantis-florida-lawsuit-explained/); Ziurcher, Anthony. "Disney v DeSantis: Why the Happiest Place on Earth Is Suing Florida's Governor." *BBC News*, April 26, 2023, sec. US & Canada. [www.bbc.com/news/world-us-canada-65407134](http://www.bbc.com/news/world-us-canada-65407134); Birlle, Jack. "DeSantis Likely Faces Uphill Legal Battle with Disney." *Washington Examiner*, April 8, 2023. [www.washingtonexaminer.com/news/weekender-desantis-legal-challenge-to-disney-agreement-likely-faces-uphill-battle](http://www.washingtonexaminer.com/news/weekender-desantis-legal-challenge-to-disney-agreement-likely-faces-uphill-battle).

<sup>24</sup> Fineout, Gary. "Federal Judge Who Ruled against DeSantis Will Recuse Himself from Disney Case." *POLITICO*, June 1, 2023. [www.politico.com/news/2023/06/01/federal-judge-drops-desantis-disney-case-00099823](http://www.politico.com/news/2023/06/01/federal-judge-drops-desantis-disney-case-00099823).

toll on Disney’s business plans, as it had to cancel a \$1 billion office project that would have created 2,000 jobs in the area.<sup>25</sup>

### III. THE CONSOLIDATION OF POWER THROUGH POLITICAL APPOINTMENTS

#### A. Courts

Independent courts are an essential check on the risk of a rogue legislature or Governor selectively applying the rule of law and on the threats to the rights of minority groups. Governor DeSantis has not been shy about his campaign to capture the Florida Supreme Court, saying,

...I was able to replace three of the four liberals my first month in office with conservative justices. I’ve since been able to make a number of appointments since then. So we now have the most conservative state supreme court in the country. And so I think we have a really good track record on doing that.<sup>26</sup>

Governor Ron DeSantis appointed Judge Meredith Sasso to the Florida Supreme Court on May 23. The appointment means that five of the Florida Supreme Court’s seven sitting justices are now Governor DeSantis’s appointees.<sup>27</sup> She joins the state Florida Supreme Court as it considers legal challenges to the Governor’s consolidation of power and laws passed by the Florida Legislature.<sup>28</sup>

#### B. Higher Education

In addition to installing his own personal Supreme Court, Governor DeSantis has taken several steps to install surrogates across higher education, another arena that depends on independence to flourish. Governor DeSantis and the Florida state legislature have enacted plans to defund all diversity, equity, and inclusion (DEI) initiatives.<sup>29</sup> On May 15, 2023, the Governor signed SB 266 into law, which prohibits DEI programming.<sup>30</sup> The law is slated to go into effect July 1, 2023. In addition to passing sweeping reform, the Governor has used methods outside of those granted to him to alter higher education in Florida.

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<sup>25</sup> Barnes, Brooks. “Disney Pulls Plug on \$1 Billion Development in Florida.” *The New York Times*, May 18, 2023, sec. Business. [www.nytimes.com/2023/05/18/business/disney-ron-desantis-florida.html](https://www.nytimes.com/2023/05/18/business/disney-ron-desantis-florida.html).

<sup>26</sup> Schonfeld, Zach. “DeSantis Pledges to ‘Do Better’ than Trump on Picking Supreme Court Justices.” *The Hill*, June 12, 2023. <https://thehill.com/homenews/campaign/4045796-desantis-pledges-to-do-better-than-trump-on-picking-supreme-court-justices/>.

<sup>27</sup> Willis, Lisa. “Gov. Ron DeSantis Is Remaking Florida’s Supreme Court: New Justice Picked.” *Daily Business Review Law.com*, May 23, 2023. [www.law.com/dailybusinessreview/2023/05/23/gov-ron-desantis-is-remaking-floridas-supreme-court-new-justice-picked/](https://www.law.com/dailybusinessreview/2023/05/23/gov-ron-desantis-is-remaking-floridas-supreme-court-new-justice-picked/).

<sup>28</sup> Fineout, Gary. “DeSantis Installs Another Conservative on Florida’s Supreme Court.” *POLITICO*, May 23, 2023. [www.politico.com/news/2023/05/23/desantis-installs-another-conservative-on-florida-supreme-court-00098386](https://www.politico.com/news/2023/05/23/desantis-installs-another-conservative-on-florida-supreme-court-00098386).

<sup>29</sup> Ellis, Nicquel Terry. “Gov. DeSantis’ Conservative Takeover of a Liberal Arts College Could Silence Diversity, Critics Say.” *CNN*, February 15, 2023. <https://www.cnn.com/2023/02/15/us/desantis-new-college-inclusion-reaj/index.html>.

<sup>30</sup> Diaz, Jaelyn. “Florida Gov. Ron DeSantis signs a bill banning DEI initiatives in public colleges.” *NPR*, 15 May 2023. <https://www.npr.org/2023/05/15/1176210007/florida-ron-desantis-dei-ban-diversity#:~:text=Florida%20Gov.,Ron%20DeSantis%2C%20pictured%20here%20on%20April%2021%2C%202023%2C%20signed,initiatives%20in%20his%20state's%20universities.&text=Alex%20Brandon%2FAP-,Florida%20Gov.,diversity%2C%20equity%20and%20inclusion%20programs>.

New College of Florida is a small college known as an LGBTQ+-friendly liberal arts school and a self-described “community of free thinkers.” Public officials in Florida targeted the college and began to stifle opposing ideologies through anti-democratic means. In January 2023, Governor DeSantis replaced six of the 13 New College of Florida’s board of trustees members with conservative allies. This new board forced out the college’s President and appointed Governor DeSantis’s ally, Richard Corcoran, as interim President.<sup>31</sup>

Richard Corcoran was Florida’s commissioner of education and an ally of Governor DeSantis on controversial issues such as student mask requirements and “critical race theory.” He stepped down from the post at the end of April 2022.<sup>32</sup> During his time as commissioner, Corcoran played a central role in a months-long mask battle with the school districts that defied the Governor and imposed mandates, withholding funds from Alachua and Broward counties.<sup>33</sup> Corcoran also led the education department during controversies about school curriculums. He saw his role to “police [teachers] on a daily basis” and bragged that he “censored or fired or terminated numerous teachers.”<sup>34</sup> During the summer of 2022, the State Board of Education began holding “civics bootcamp” where teachers were told “this is the way you should think.”<sup>35</sup>

According to a former New College of Florida trustee, one of many consequences of Governor DeSantis’s actions against New College of Florida is that 13 major donors are canceling more than \$29 million in planned contributions.<sup>36</sup>

In addition to the takeover of leadership at New College, the Florida Governor has bypassed a transparent process and installed political allies instead of qualified candidates at Florida Atlantic University and the University of Florida.

In March 2023, Governor DeSantis approached Florida State Representative Randy Fine to see if he would be interested in becoming Florida Atlantic University’s next President. Fine said he was considering applying for the position, and Governor DeSantis’ office said he would be a “good candidate.”<sup>37</sup> Governor DeSantis signaled he could have the job without allowing an open process that could have yielded someone with more experience in higher education. Randy Fine has vocally expressed his desire that the state “erase“ the entire LGBTQ+ community.<sup>38</sup>

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<sup>31</sup> Ellis, Nicquel Terry. “Gov. DeSantis’ Conservative Takeover of a Liberal Arts College Could Silence Diversity, Critics Say.” CNN, February 15, 2023. <https://www.cnn.com/2023/02/15/us/desantis-new-college-inclusion-reaj/index.html>.

<sup>32</sup> Dailey, Ryan. “Following Years of Controversy, Florida Education Commissioner Richard Corcoran Says He’s Stepping Down.” Creative Loafing Tampa Bay, March 11, 2022. [www.cltampa.com/news/following-years-of-controversy-florida-education-commissioner-richard-corcoran-says-hes-stepping-down-13035885](http://www.cltampa.com/news/following-years-of-controversy-florida-education-commissioner-richard-corcoran-says-hes-stepping-down-13035885).

<sup>33</sup> Moran, Danielle, and Nic Querolo. “Florida Education Chief Resigns as Schools Battle Controversy.” *Bloomberg.Com*, March 10, 2022. [www.bloomberg.com/news/articles/2022-03-10/florida-education-chief-resigns-as-schools-battle-controversy](http://www.bloomberg.com/news/articles/2022-03-10/florida-education-chief-resigns-as-schools-battle-controversy).

“Education Is Freedom.” Hillsdale College. May 14, 2021. Video, <https://www.youtube.com/watch?v=HVujpIator0&t=2299s>.

<sup>35</sup> Rozsa, Lori. “In Trainings, Florida Tells Teachers That Religion Belongs in Public Life.” *Washington Post*, July 2, 2022. <https://www.washingtonpost.com/education/2022/07/02/desantis-civics-separation-church-state/>.

<sup>36</sup> Anderson, Zac. “College Board Rejects Florida’s Request to Remove LGBTQ Subjects from AP Courses.” USA TODAY, June 15, 2023. <https://www.usatoday.com/story/news/politics/2023/06/15/gov-desantis-may-target-ap-psychology-college-board-sends-defiant-letter/70325051007/>.

<sup>37</sup> Ceballos, Ana, and Jimena Tavel. “DeSantis Backs GOP Legislator in FAU President Search.” *Tampa Bay Times*, March 29, 2023. [www.tampabay.com/news/florida-politics/2023/03/28/desantis-fau-randy-fine-president-search-committee/](http://www.tampabay.com/news/florida-politics/2023/03/28/desantis-fau-randy-fine-president-search-committee/).

<sup>38</sup> Riley, John. “Florida Republican Is Fine with ‘Erasing’ LGBTQ Community.” *Metro Weekly*, April 14, 2023. <https://www.metroweekly.com/2023/04/florida-republican-is-fine-with-erasing-lgbtq-community/>.

Ben Sasse, a Senator from Nebraska, became the only person considered for the high-ranking position of President at one of Florida's most prominent universities, the University of Florida. This was forced through despite vocal opposition from some faculty and students, partially due to his 2015 comments on LGBTQ+ rights after the U.S. Supreme Court ruled to guarantee same-sex marriage at the federal level.<sup>39</sup> Protesters called Sasse "homophobic" and "racist."<sup>40</sup>

#### **IV. THE PREEMPTION OF LAWS, POLICIES, AND ORDINANCES PASSED BY LOCAL GOVERNMENTS**

The United States as a nation is predicated on the Jeffersonian maxim that government closest to the people governs best for the people. This is because, with local government, there is a greater public interest in, knowledge of, and control over the uses of power. After all, local governments are more accessible and accountable to their constituents than national governments and are more responsive to local needs and concerns.<sup>41</sup>

Together, the Florida executive and legislative branches have worked to preempt local laws that they disagree with, interfering with local democratic governance on issues from housing to curricula to environmental protection. Local governments in Florida, which are increasingly vulnerable to a volatile climate, have made efforts to secure their safety and natural environment, only to be thwarted by statewide elected officials' self interest.

##### **A. Book Bans**

According to a report by PEN America, more than 200 books were banned in various school districts across Florida between the summer of 2021 and 2022. Between July and December 2022, an additional 357 books were banned in Florida school districts. Florida had the second-highest number of book-banning incidents in the nation during that period, trailing only Texas. Many of the banned books discuss race, sexuality, sexual orientation, and gender identity. The surge in the removal of books came amid a flurry of new Florida laws, such as the *Stop W.O.K.E. Act*, which restricts teaching about systemic racism, and HB 1467, the unlawful implementation of which has resulted in shuttering classroom libraries.<sup>42</sup>

A vocal minority is driving these anti-democratic policy changes. For example, an analysis of book challenges across the country by the *Washington Post* demonstrated that just 11 people filed the

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<sup>39</sup> Weisfeldt, Alta Spells, Leyla Santiago, Sara. "University of Florida Faculty Passes Symbolic Vote against Possible Selection of Sen. Ben Sasse as President." CNN, October 28, 2022. <https://www.cnn.com/2022/10/28/us/ben-sasse-university-of-florida-president-no-confidence-vote/index.html>.

<sup>40</sup> Musa, Amanda, Jennifer Henderson, and David Williams. "Students Protest University of Florida Presidential Finalist Ben Sasse's Visit to School." CNN, October 11, 2022. [www.cnn.com/2022/10/11/us/university-of-florida-president-ben-sasse/index.html](http://www.cnn.com/2022/10/11/us/university-of-florida-president-ben-sasse/index.html).

<sup>41</sup> Songer, Donald R. "Government Closest to the People: Constituent Knowledge in State & National Politics." *Polity* 17, no. 2 (1984): 387–95. <https://doi.org/10.2307/3234515>.

<sup>42</sup> Meehan, Kasey, and Jonathan Friedman. "Banned in the USA: State Laws Supercharge Book Suppression in Schools." PEN America, April 20, 2023. <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>; Mazzei, Patricia, Elizabeth A. Harris, and Alexandra Alter. "Florida at Center of Debate as School Book Bans Surge Nationally." *The New York Times*, April 22, 2023, <https://www.nytimes.com/2023/04/22/books/book-ban-florida.html>. Sheridan, Kerri "Students push back against book bans as the scope of a new Florida law expands." WUSF Public Media, March 6, 2023, <https://wusfnews.wusf.usf.edu/education/2023-03-06/students-push-back-book-bans-scope-new-florida-law-expands>



majority of challenges. Records described by *The Daily Beast* show how the Florida Education Department passed on nearly 100 potentially qualified applicants and instead selected activists with a history of seeking book bans for an important working group.<sup>43</sup>

Book bans promote a homogeneous and exclusive vision of our nation, history, culture, and values. They target books that challenge or criticize this vision, such as those that address issues of racism, sexism, colonialism, oppression, diversity, and inclusion. They also aim to suppress the voices and perspectives of marginalized groups, such as people of color, LGBTQ+ people, immigrants, and religious minorities. Further, book bans are not merely a recommendation but are enforced through legal sanctions, financial penalties, censorship, intimidation, harassment, or violence.

Governor DeSantis' book bans are part of a broader effort to control all aspects of society and the economy, including education, media, judiciary, health care, environment, and technology. Book bans are anti-democratic, create a climate of fear and hostility among the public and the educational community, and create a culture of obedience and conformity among students and educators, who are expected to follow the orders of the authorities without question or dissent.

## **B. Housing**

Florida is experiencing challenges in housing availability and affordability.<sup>44</sup> To address this issue, some local governments have adopted rent control policies that limit the rent that property owners can charge or increase. In the November 2022 election, a rent control ballot initiative passed with 59 percent support in Orange County.<sup>45</sup> However, the state government has moved to preempt these popular, local policies. In January 2023, a state senator filed SB 102, the *Live Local Act*, which restricts the ability of local governments to enact rent control policies.<sup>46</sup> Governor DeSantis signed this bill into law in March of 2023. Previously, the state preempted a local government's ability to require affordable housing units to be part of any new development without giving developers fee waivers and other financial incentives.<sup>47</sup>

In recent years, heavily populated counties across Florida where renters are concentrated have passed ordinances known as a "tenant bill of rights." These policies provided renters with notices about rent increases, fees, and changes of ownership on top of the *Florida Residential Landlord and Tenant Act*. In a move to preempt local government, in April 2023, the Florida Legislature passed HB 1417, the *Residential Tenancies Act*, to prohibit these ordinances and to artificially create uniformity across the state.<sup>48</sup>

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<sup>43</sup> Natanson, Hannah. "Objection to Sexual, LGBTQ Content Propels Spike in Book Challenges." *Washington Post*, May 23, 2023, sec. Education. <https://www.washingtonpost.com/education/2023/05/23/lgbtq-book-ban-challengers/>.

<sup>44</sup> Harris, Bracey, and Erik Ortiz. "Rents Are Soaring across the U.S. In Tampa, They're Rising at an 'abnormal' Rate." NBC News, March 30, 2022. [www.nbcnews.com/news/record-spike-rents-hits-tampa-bay-newcomers-flocked-florida-pandemic-rcna21805](http://www.nbcnews.com/news/record-spike-rents-hits-tampa-bay-newcomers-flocked-florida-pandemic-rcna21805).

<sup>45</sup> Mates, Thomas. "Orange County voters approve rent control; no immediate effect as controversial ordinance remains tied up in courts." *Click Orlando*. 2022 November 8. <https://www.clickorlando.com/news/politics/2022/11/09/orange-county-voters-approve-rent-control-no-immediate-effect-as-controversial-ordinance-remains-tied-up-in-courts/>

<sup>46</sup> Saunders, Jim. "'Very Offensive': Amid Housing Crisis, State Could Soon Override Local Tenant Laws." WLRN, March 21, 2023. [www.wlrn.org/housing/2023-03-21/florida-lawmakers-could-override-local-tenant-laws](http://www.wlrn.org/housing/2023-03-21/florida-lawmakers-could-override-local-tenant-laws); Live Local Act, S.B. 102, 2023 FL Senate. (2023).

<sup>47</sup> Koh, Elizabeth, and Joey Felchas. "Lawmakers Vote to Limit Florida's Local Affordable Housing Rules." *Tampa Bay Times*, May 3, 2019. [www.tampabay.com/florida-politics/buzz/2019/05/04/lawmakers-vote-to-limit-floridas-local-affordable-housing-rules/](http://www.tampabay.com/florida-politics/buzz/2019/05/04/lawmakers-vote-to-limit-floridas-local-affordable-housing-rules/).

<sup>48</sup> Saunders, Jim. "'Very Offensive': Amid Housing Crisis, State Could Soon Override Local Tenant Laws." WLRN, March 21, 2023. <https://www.wlrn.org/housing/2023-03-21/florida-lawmakers-could-override-local-tenant-laws>.

### C. Environmental Protection

The diversity of threats to Florida’s ecosystems requires unique and targeted conservation strategies. Despite this, the local government’s policies to protect natural lands continue to be the target of state-wide preemption.

The beaches of Key West are a major attraction for travelers. Due to sustained, heavy tourist traffic, residents have attempted to preserve those waters through a series of local referendums. A ban on sunscreen potentially harmful to coral and three ordinances that restricted the massive cruise ships that were choking reefs were all subsequently preempted by the state in 2020 and 2021.<sup>49</sup>

This preemption was followed in 2022 by the passage of SB 1210, which gave the Florida Department of Environmental Protection exclusive decision-making authority over local pollution control assessment and protects the use of potentially harmful chemicals.<sup>50</sup> Laws passed in 2021 preempted localities from limiting the construction of new gas stations or requiring EV infrastructure and from limiting the types of fuels used for energy consumption, thus quashing local voters’ hopes to establish clean energy goals.<sup>51</sup>

### D. Ballot Initiative Threshold

Since 2006, Florida constitutional amendments have required a 60 percent supermajority for approval. This is one of the highest requirements for citizen-led state constitutional amendments. Despite the supermajority threshold, several recent ballot initiatives have passed with just over 60 percent support, including a minimum wage increase (60.82 percent), voting rights restoration for people with felonies (64 percent), and reforms to redrawing political districts (62.59 percent).<sup>52,53</sup> In January 2023, Florida legislators in the majority party once again attempted to make it more difficult to pass ballot initiatives. HJR 129 was introduced to further raise the threshold to pass constitutional amendments from 60 percent to 66.67 percent.

## V. FLORIDA GOVERNMENT OFFICIALS CONSOLIDATE POWER BY BLOCKING PATHS TOWARD ACCOUNTABILITY, OVERSIGHT, AND LIMITING FREE SPEECH

Anti-democratic actors have two preferred playbooks to consolidate power: voter suppression and the courts. Voter suppression ensures that officials and their policies are never genuinely subject to the electorate’s approval. It removes power from the people and entrenches it with the elected few. The courts

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<sup>49</sup> Gross, Samantha. “Key West Banned Sunscreen to Protect Reefs. Florida Legislature Voted to Overrule That.” *Miami Herald*, March 10, 2020. [www.miamiherald.com/news/local/community/florida-keys/article241057161.html](http://www.miamiherald.com/news/local/community/florida-keys/article241057161.html); Stofan, Jake. “Port Preemption Bill Goes to Florida Senate.” WJXT, April 14, 2021. [www.news4jax.com/news/florida/2021/04/14/port-preemption-bill-goes-to-florida-senate/](http://www.news4jax.com/news/florida/2021/04/14/port-preemption-bill-goes-to-florida-senate/); Klas, Mary Ellen. “Pier Operator Fighting Key West Cruise Referendum Gives DeSantis’ Committee \$1 Million.” *Miami Herald*, April 26, 2021. [www.miamiherald.com/news/politics-government/state-politics/article250934164.html](http://www.miamiherald.com/news/politics-government/state-politics/article250934164.html).

<sup>50</sup> An act relating to pollution control standards and liability, S.B. 1210, 2022 FL Senate. (2022).

<sup>51</sup> F.L. Legislature, House, Rules Committee, *An act relating to preemption over restriction of utility services*. 2021 Session. Chpt. 2023-150, <https://laws.flrules.org/2021/150>.

<sup>52</sup> “Florida House Committee Passes Resolution Raising Amendment Threshold to 67%.” *Democracy Docket*. 2023 May 5. <https://www.democracydocket.com/news-alerts/florida-house-committee-passes-resolution-raising-amendment-threshold-to-67/>

<sup>53</sup> “Florida Legislative District Boundaries, Amendment 5 (2010).” *Ballotpedia*. Accessed 2023 June 18. [https://ballotpedia.org/Florida\\_Legislative\\_District\\_Boundaries,\\_Amendment\\_5\\_\(2010\)](https://ballotpedia.org/Florida_Legislative_District_Boundaries,_Amendment_5_(2010))

are a branch of our government that intentionally operates outside the confines of democracy to perform its primary function best – protecting the rights of the marginalized. When the courts no longer see protecting the rights of the marginalized, they immediately become a tool of consolidation power and are easily co-opted into a fascist regime.

### **A. Transparency**

Throughout the 20<sup>th</sup> century, the “Sunshine State” has had robust transparency laws. However, a 2019 law ended transparency in the process of selecting college and university presidents. It consolidated that power with the Governor, paving the way for the appointment of political allies instead of individuals committed to serving students.<sup>54</sup>

To avoid scrutiny, Governor DeSantis has asserted executive privilege to keep his vetting process of potential Florida Supreme Court Justices away from the public,<sup>55</sup> and in 2023, Governor DeSantis signed a law shielding the records of his taxpayer-funded travel from the public.<sup>56</sup> In a rare defeat, the legislature did not pass a bill championed by the Governor that would make it easier to sue journalists for defamation.<sup>57</sup> All of these measures involve public institutions and the use of public funds. Sidestepping public accountability on these fronts undermines democracy and facilitates the construction of an undemocratic, fascist regime that is not accountable to the public.

Further, 2023 marked the third consecutive year that the majority party in the State of Florida, who hold supermajorities in both chambers, pushed through alterations to the state’s election laws. This year, the most recent sweeping election law changes include a provision that clears the way for politicians in office to run for another political position without resigning if they are running for two positions: President or Vice President. Other provisions of SB 7050 go into effect July 1, 2023 but the provision that clears the way for Governor DeSantis to run for president took effect immediately.<sup>58</sup> The appointment process and law limiting a governor’s ability to run for President are meant to ensure that Floridians are represented by officials that are most capable and most invested in their wellbeing. Undermining and circumventing these safeguards is further evidence of a disregard for democracy by the Governor and legislature.

Additionally, the state legislature passed, and Governor DeSantis signed into law, SB 1616, which will hide records about certain elected officials’ past and future travel, as well as people they meet with.<sup>59</sup> This will conceal from the public the Governor’s meetings with donors and other influential people.

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<sup>54</sup> Lieb, David. “Is DeSantis Darkening Florida’s Sunny Open-Records Laws?” AP NEWS, March 13, 2023. <https://apnews.com/article/sunshine-week-ron-desantis-florida-records-a0061801ffbd075af3de46c73e9e4db>;

Stripling, Jack. “DeSantis Signs Bill to Defund DEI Programs at Florida’s Public Colleges.” *Washington Post*, May 16, 2023. [www.washingtonpost.com/education/2023/05/15/desantis-defunds-dei-programs-florida-colleges/](http://www.washingtonpost.com/education/2023/05/15/desantis-defunds-dei-programs-florida-colleges/).

<sup>55</sup> Swisher, Skyler. “Not ‘a King:’ DeSantis Claims Executive Privilege to Keep Records Secret.” *Orlando Sentinel*, January 27, 2023. [www.orlandosentinel.com/politics/os-ne-desantis-executive-privilege-20230124-6c7nadd3tfdypo6pazzu7vhrca-story.html/](http://www.orlandosentinel.com/politics/os-ne-desantis-executive-privilege-20230124-6c7nadd3tfdypo6pazzu7vhrca-story.html/).

<sup>56</sup> CBS Miami Team. “Gov. DeSantis Signs Bill That Keeps His Travel Records Secret,” May 12, 2023. [www.cbsnews.com/miami/news/gov-desantis-signs-bill-that-keeps-his-travel-records-secret/](http://www.cbsnews.com/miami/news/gov-desantis-signs-bill-that-keeps-his-travel-records-secret/).

<sup>57</sup> Bensinger, Ken. “In Blow to DeSantis, Florida Bills to Limit Press Protections Are Shelved.” *The New York Times*, May 3, 2023. [www.nytimes.com/2023/05/03/us/politics/desantis-florida-defamation-bills.html](http://www.nytimes.com/2023/05/03/us/politics/desantis-florida-defamation-bills.html).

<sup>58</sup> Fineout, Gary. “Florida Legislature Passes Bill Allowing DeSantis to Run for President as Governor.” *POLITICO*, April 28, 2023. [www.politico.com/news/2023/04/28/florida-legislature-desantis-presidential-run-00094467](http://www.politico.com/news/2023/04/28/florida-legislature-desantis-presidential-run-00094467).

<sup>59</sup> “CS/SB 1616: Public Records/Transportation and Protective Services.” *The Florida Senate*. Accessed: June 18 2023. <https://www.flsenate.gov/Session/Bill/2023/1616>

## B. Voting Rights

Florida is one of only nine states that restrict the right to vote of formerly incarcerated people who have completed their sentence.<sup>60</sup> This is in stark contrast to some jurisdictions that allow formerly incarcerated people to vote and allow incarcerated people to vote too.<sup>61</sup> In 2018, Florida voters approved with 64.5 percent support Amendment 4, a constitutional amendment to the Florida Constitution, that lifted the lifetime voting ban for people with felonies, except those with murder or sexual offense convictions.<sup>62</sup> Governor DeSantis called this increased access to democracy a “mistake” and the Florida legislature and Governor DeSantis responded in 2019 when Governor DeSantis signed SB 7066 into law, which requires that redefining “completion of all terms of sentence” to include full payment of restitution and fees.<sup>63</sup> This meant that despite the democratic intent of Floridians for these returning citizens to vote, many risked being further criminalized if they ventured to cast a ballot.

The voter suppression project in Florida took another step in 2021 when Governor Ron DeSantis signed SB 90. The law created significant new obstacles to voter access by restricting vote-by-mail, ballot drop-boxes, and criminalizing activities such as providing water to voters waiting in line in the Florida heat.<sup>64</sup>

The Governor established a new election police force, the Office of Election Crimes and Security, to focus on pursuing those who happen to violate any of the legal barriers that the Governor and Florida Legislature put in place.<sup>65</sup> In August 2022, heavily armed Florida police officers descended on the homes of two men accused of illegally voting and arrested one of them at gunpoint. Both men were in their underwear, unarmed, when placed in handcuffs.<sup>66</sup>

## C. State Supreme Court Reversals

Courts are the part of our government that is intentionally shielded from democracy. Therefore, they are frequently targeted by politicians seeking to consolidate power.<sup>67</sup> The Supreme Court of Florida consists of seven justices: six members are chosen from different districts around the state to foster geographic diversity, and one is selected at large. Immediately after appointment, the initial term is three

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<sup>60</sup> American Civil Liberties Union. “Felony Disenfranchisement Laws (Map).” Accessed June 1, 2023. [www.aclu.org/issues/voting-rights/voter-restoration/felony-disenfranchisement-laws-map](http://www.aclu.org/issues/voting-rights/voter-restoration/felony-disenfranchisement-laws-map).

<sup>61</sup> “In the District of Columbia, Maine and Vermont, felons never lose their right to vote, even while they are incarcerated” National Conference of State Legislatures. “Felon Voting Rights,” April 6, 2023. [www.ncsl.org/elections-and-campaigns/felon-voting-rights](http://www.ncsl.org/elections-and-campaigns/felon-voting-rights).

<sup>62</sup> Levine, Sam. “The Biggest Voting Rights Win in Recent US History – and the Republicans Trying to Thwart It.” *The Guardian*, January 9, 2020. <https://www.theguardian.com/us-news/2020/jan/09/florida-voting-rights-felons-amendment-4>.

<sup>63</sup> Goldstein, Jenni. “Florida Convicted Felons Allowed to Vote for 1st Time in Presidential Election after Completing Sentences.” ABC News, October 25, 2020. <https://abcnews.go.com/Politics/convicted-florida-felons-allowed-vote-1st-time-presidential/story?id=73822173>.

<sup>64</sup> Sachs, Sam. “How Florida’s New Election Law May Affect Your Vote.” WFLA, May 6, 2021. <https://www.wfla.com/news/politics/how-floridas-new-election-law-may-affect-your-vote/>.

<sup>65</sup> Schouten, Fredreka. “DeSantis Signs Bill Creating New Florida Election Police Force | CNN Politics.” CNN, April 25, 2022. <https://www.cnn.com/2022/04/25/politics/desantis-florida-election-bill-signing/index.html>.

<sup>66</sup> Levine, Sam. “Man Arrested at Gunpoint in DeSantis Voter Fraud Crackdown, Video Shows.” *The Guardian*, January 12, 2023. <https://www.theguardian.com/us-news/2023/jan/12/florida-police-man-arrest-voter-fraud-body-camera>.

<sup>67</sup> Chappell, Bill, and Daniel Estrin. “Here’s Why Netanyahu’s Court Overhaul, Now on Hold, Brought Israel to the Brink.” *NPR*, March 27, 2023, sec. Middle East. <https://www.npr.org/2023/03/27/1166200532/israel-civil-war-netanyahu-court-control>.

years or less, but serve six-year terms and remain in office if retained in the general election near the end of each term.

Since only 2019, Governor DeSantis has appointed seven justices to the Supreme Court of Florida. This new court has overturned several precedents, including the requirement of unanimous juries in death sentences and the prohibition of prison sentences of over 20 years for juveniles.<sup>68</sup> They have also made it easier to execute defendants with mental illness.<sup>69</sup> This consolidation of judicial power by Governor DeSantis has had a chilling effect on Floridians seeking defense of their rights in court. That this new court has made a sharp departure from precedent in a way that does not protect the rights of the most marginalized or least sympathetic individuals reveals that the Florida Supreme Court, almost entirely replaced by the Governor, is now facilitating the rise of an anti-democratic, fascist regime.

#### **D. Military Consolidation**

To secure a fascist regime, dismantling democratic institutions is often followed by a total usurpation of military power.<sup>70</sup> This expanded military is then given responsibilities, including enforcing compliance with social policies not subject to democratic approval.

In May 2023, Governor DeSantis signed legislation to expand and make permanent the Florida State Guard, which he had reestablished in 2022. The Florida State Guard is a state militia that answers directly to the Florida Governor, rather than the U.S. Army, as the National Guard does. The signing of HB 1285 into law more than tripled authorized personnel numbers from 400 to 1500 and ballooned the militia's operating budget from \$10 million to \$107.6 million.<sup>71</sup> In addition to this expansion, one provision calls for establishing a "Specialized Unit" that will be armed and possess the same authority as law enforcement.<sup>72</sup>

### **VI. THE FLORIDA GOVERNOR HAS EXCEEDED HIS POWER, DRAWING FLORIDA INTO LEGAL BATTLES HE IS LIKELY TO LOSE OR ABANDON**

As of December 2022, Governor DeSantis's administration has spent \$16.7 million in court on legal fees as a party in over a dozen lawsuits during his first term in office.<sup>73</sup> These cases have repeatedly thwarted Governor DeSantis' agenda, including enjoining three of his most touted laws. The Florida Legislature's 2021 HB 1, *Combating Public Disorder Act*, broadly known as the "Anti-Riot" bill was found by the Federal District Court to be a vague, overbroad criminalization of Floridians' rights to

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<sup>68</sup> Ellenbogen, Romy. "DeSantis Signs Death Penalty Bill. It Could Have Sent Parkland Shooter to Death Row." *Miami Herald*, April 20, 2023. [www.miamiherald.com/news/politics-government/state-politics/article274535026.html](http://www.miamiherald.com/news/politics-government/state-politics/article274535026.html); Kam, Dara. "Florida Supreme Court Reverses Its Course on Juvenile Sentencing." *Miami Herald*, March 12, 2020. <https://www.miamiherald.com/news/state/florida/article241149301.html>.

<sup>69</sup> Farrington, Brendan. "Florida High Court Again Reverses Itself on Death Penalty." AP NEWS, May 21, 2020. <https://apnews.com/article/---da9ef55f81ebcdf5ead09f8b1f546cb1>.

<sup>70</sup> "World at War: What is Fascism?". *Council on Foreign Relations*. Accessed 13, June 2023. <https://world101.cfr.org/historical-context/world-war/what-fascism>

<sup>71</sup> Lehrfeld, Jonathan, and Davis Winkie. "Florida Expands State Defense Force, Establishes It as Permanent Unit." *Military Times*, June 7, 2023. <https://www.militarytimes.com/news/your-military/2023/06/07/florida-expands-state-defense-force-establishes-it-as-permanent-unit/>.

<sup>72</sup> Giallombardo. Florida State Guard, Pub. L. No. H.B. 1285 (2023). <https://www.flsenate.gov/Session/Bill/2023/1285/BillText/er/PDF>.

<sup>73</sup> Klas, Mary Ellen. "DeSantis' Culture Wars Grabbed Headlines — and Legal Challenges That Cost \$17 Million." *Miami Herald*, December 22, 2022. [www.miamiherald.com/news/politics-government/state-politics/article270290952.html](http://www.miamiherald.com/news/politics-government/state-politics/article270290952.html).

assemble just months after the law's passage.<sup>74</sup> The continuing injunction on the law was upheld in April 2023 by the Federal 11<sup>th</sup> Circuit Court of Appeals.

The state of Florida and school districts are facing legal challenges in federal and administrative courts. A lawsuit challenging HB 7, the *Stop W.O.K.E. Act*, argues the law violates the First and 14th Amendments by imposing viewpoint-based restrictions on educators and students that are value and discriminatory and that it violates the Equal Protection Clause because it was enacted with the intent to discriminate against Black educators and students. The Florida Department of Education is facing ongoing legal proceedings alleging it exceeded its authority and rewrote the state law by, among other things, imposing new requirements and restrictions beyond those approved by the Legislature.<sup>75</sup> A Federal judge also struck down the *Stop W.O.K.E. Act*, calling it “dystopian” in its official banning of views disfavored by the administration and its outlawing of academic freedom.<sup>76</sup>

Similarly, when Florida passed a law to bar social media platforms from banning elected officials, a lawsuit claimed, “The act is so rife with fundamental infirmities that it appears to have been enacted without any regard for the Constitution...The act imposes a slew of hopelessly vague content-based, speaker-based, and viewpoint-based restrictions on the editorial judgments and affirmative speech of the selected online businesses that it targets.” The trial court and the 11<sup>th</sup> Circuit both struck down the law.<sup>77</sup>

The 11<sup>th</sup> Circuit Court, which ruled on all three of these cases, is considered one of the most conservative Circuit Courts. Currently, six of its twelve members were appointed by former President Donald J. Trump.<sup>78</sup>

In 2023, the League of Women Voters of Florida sued, arguing that SB 7050 violates members' First Amendment rights to speech and assembly by curtailing their ability to register voters.<sup>79</sup> This comes in addition to the continuing legal battle with Disney, which document how Governor DeSantis targeted and retaliated against its acts of speech in a 77-page legal filing.<sup>80</sup>

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<sup>74</sup> Anderson, Curt. “Florida’s GOP-Backed ‘anti-Riot’ Law Blocked by Judge.” AP NEWS, September 9, 2021. <https://apnews.com/article/courts-george-floyd-florida-race-and-ethnicity-laws-bd110e1229212aa5345a039db2223325>.

<sup>75</sup> For more information see: Democracy Forward at <https://democracyforward.org/work/desantis-censorship-agenda/>; NAACP LDF at [https://www.naacpldf.org/press-release/eleventh-circuit-affirms-decision-to-preliminarily-block-unlawful-stop-w-o-k-e-censorship-law/#:~:text=The%20lawsuit%20argues%20the%20Stop,that%20are%20vague%20and%20discriminatory](https://www.naacpldf.org/press-release/eleventh-circuit-affirms-decision-to-preliminarily-block-unlawful-stop-w-o-k-e-censorship-law/#:~:text=The%20lawsuit%20argues%20the%20Stop,that%20are%20vague%20and%20discriminatory;); or PEN America at <https://pen.org/pen-america-v-escambia-county/>.

<sup>76</sup> The Foundation for Individual Rights and Expression. “Novoa v. Diaz — Opposition to Defendant’s Motion to Dismiss.” The Foundation for Individual Rights and Expression. Accessed June 13, 2023. <https://www.thefire.org/research-learn/novoa-v-diaz-opposition-defendants-motion-dismiss>.

<sup>77</sup> Saunders, Jim. “Industry Groups File Federal Lawsuit Challenging Florida’s New Laws Aimed at Big Tech.” *Miami Herald*, May 27, 2021. [www.miamiherald.com/news/politics-government/state-politics/article251739288.html](http://www.miamiherald.com/news/politics-government/state-politics/article251739288.html).

<sup>78</sup> Rankin, Bill. “Trump Packs Influential Atlanta Court with Conservative Judges.” *The Atlanta Journal-Constitution*, n.d., sec. Local News.

<sup>79</sup> League of Women Voters of Florida. “League of Women Voters of Florida Sues State For Restricting & Penalizing Voter Engagement Efforts.” *League of Women Voters of Florida* (blog), May 24, 2023. <https://lwvfl.org/league-of-women-voters-of-florida-sues-state-for-restricting-penalizing-voter-engagement-efforts/>.

<sup>80</sup> CNN. “READ: Disney’s Lawsuit against DeSantis and Oversight Board.” CNN, April 26, 2023. <https://www.cnn.com/2023/04/26/politics/read-disney-desantis-lawsuit/index.html>.

The Florida legislature, anticipating further lawsuits, passed a new budget in May of 2023, including \$16 million earmarked for litigation costs to defend Florida statutes and policies.<sup>81</sup> All these lawsuits stem from actions to suppress voters, consolidate power, and strip away rights and freedoms that could get in the way of a fascist regime. Regardless of what agenda or platform the Florida governor and Legislature want to push, there are democratic channels in place to ensure that public officials are always accountable to the electorate. Here, those channels are not only being circumvented to the detriment of the public's democratic rights but at great expense to the taxpayer.

## VII. THE UNDERMINING OF DEMOCRACY IN FLORIDA IS AN IMMINENT THREAT

### A. Fascism in Florida

This memo has outlined an extensive list of anti-democratic actions taken by Governor DeSantis and allied Florida state officials. Not only are these actions undemocratic, but they represent the stages of fascism.

Experts document that fascist governments are defined by three key activities: (1) dismantling democratic institutions and customs through administrative law and policy changes, (2) consolidating power across government branches through removal of elected officials and political cronyism, and (3) abuse of official power by a charismatic leader, at the expense of the people the leader purports to serve, to further the leader's own political ambitions.<sup>82</sup> A review of the actions outlined in the memo makes it clear that Governor DeSantis and other state Florida officials have been and will likely continue to carry out a range of actions that fit clearly into these categories.

#### Dismantling Democracy

Governor DeSantis and his allies in the Florida state government have launched a full out attack on several democratic cornerstones in the state, overturning local laws and infringing on speech to push policies that help consolidate their power. They have disregarded the will of the people, as expressed through countless local and state ballot initiatives, by preempting them with state laws that oftentimes predominantly benefit allies of the Florida executive.<sup>83</sup> Worse, the Florida state legislature followed these anti-democratic reversals by attempting to raise the threshold for ballot initiatives, further limiting

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<sup>81</sup> Klas, Mary Ellen. "DeSantis' Culture Wars Grabbed Headlines — and Legal Challenges That Cost \$17 Million." *Miami Herald*, December 22, 2022. [www.miamiherald.com/news/politics-government/state-politics/article270290952.html](http://www.miamiherald.com/news/politics-government/state-politics/article270290952.html).

<sup>82</sup> Soucy, R. "Fascism." *Encyclopedia Britannica*, May 2, 2023. <https://www.britannica.com/topic/fascism>.

<sup>83</sup> Saunders, Jim. "'Very Offensive': Amid Housing Crisis, State Could Soon Override Local Tenant Laws." *WLRN*, March 21, 2023. [www.wlrn.org/housing/2023-03-21/florida-lawmakers-could-override-local-tenant-laws](http://www.wlrn.org/housing/2023-03-21/florida-lawmakers-could-override-local-tenant-laws); Live Local Act, S.B. 102, 2023 FL Senate. (2023).; Koh, Elizabeth, and Joey Felchas. "Lawmakers Vote to Limit Florida's Local Affordable Housing Rules." *Tampa Bay Times*, May 3, 2019. [www.tampabay.com/florida-politics/buzz/2019/05/04/lawmakers-vote-to-limit-floridas-local-affordable-housing-rules/](http://www.tampabay.com/florida-politics/buzz/2019/05/04/lawmakers-vote-to-limit-floridas-local-affordable-housing-rules/); Gross, Samantha. "Key West Banned Sunscreen to Protect Reefs. Florida Legislature Voted to Overrule That." *Miami Herald*, March 10, 2020. [www.miamiherald.com/news/local/community/florida-keys/article241057161.html](http://www.miamiherald.com/news/local/community/florida-keys/article241057161.html); Stofan, Jake. "Port Preemption Bill Goes to Florida Senate." *WJXT*, April 14, 2021. [www.news4jax.com/news/florida/2021/04/14/port-preemption-bill-goes-to-florida-senate/](http://www.news4jax.com/news/florida/2021/04/14/port-preemption-bill-goes-to-florida-senate/); Klas, Mary Ellen. "Pier Operator Fighting Key West Cruise Referendum Gives DeSantis' Committee \$1 Million." *Miami Herald*, April 26, 2021. [www.miamiherald.com/news/politics-government/state-politics/article250934164.html](http://www.miamiherald.com/news/politics-government/state-politics/article250934164.html).

Floridians' democratic right to affect policies that directly impact them.<sup>84</sup>

Another way that Governor DeSantis's government has shrunk democracy in Florida is by serving their censorship objectives through the continued expansion of "Don't Say Gay" laws, book bans, and DEI bans, limiting the freedoms of teachers and students.<sup>85</sup> Enforcing these policies has led to increased infringement on educators' First Amendment rights, with officials firing teachers and canceling public events that fail to comply with the executive's agenda. Further, when Disney spoke out against these measures, Governor DeSantis retaliated by revoking Disney's self-governing status, stacking Disney's governing board with his allies, and trying to get Disney's suit disputing these attacks assigned to a friendly judge.<sup>86</sup>

### Consolidating Power

Governor DeSantis's administration has engaged in a comprehensive campaign to remove elected officials that they disagree with and replace them with political allies, oftentimes bypassing key transparency measures in the process. They removed democratically elected State Attorney Warren and are threatening Circuit Judge Worrell's employment for expressing policy positions that oppose their own.<sup>87</sup> Governor DeSantis has enforced his educational agenda by replacing college board of trustees members who disagreed with the executive and bypassing selection transparency processes to install political allies as school chancellors, simultaneously overlooking qualified candidates that were backed by the universities.<sup>88</sup> Finally, Governor DeSantis has moved quickly to replace justices on the state Supreme Court with politically friendly justices, allowing the body to overturn a plethora of recent caselaw that the Governor disagrees with.<sup>89</sup>

### Abuse of Official Power

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<sup>84</sup> "Florida House Committee Passes Resolution Raising Amendment Threshold to 67%." *Democracy Docket*. 2023 May 5. <https://www.democracydocket.com/news-alerts/florida-house-committee-passes-resolution-raising-amendment-threshold-to-67/>

<sup>85</sup> Goldstein, Dana. "Opponents Call It the 'Don't Say Gay' Bill. Here's What It Says." *The New York Times*, March 18, 2022, sec. U.S. [www.nytimes.com/2022/03/18/us/dont-say-gay-bill-florida.html](http://www.nytimes.com/2022/03/18/us/dont-say-gay-bill-florida.html).; Ax, Joseph. "Florida Education Board Extends Ban on Gender Identity Lessons to All Grades." *Reuters*, April 19, 2023, sec. United States. [www.reuters.com/world/us/florida-education-board-vote-extending-ban-gender-identity-lessons-2023-04-19/](http://www.reuters.com/world/us/florida-education-board-vote-extending-ban-gender-identity-lessons-2023-04-19/).; Laviertes, Matt. "Florida Teacher Allegedly Fired after Discussing Sexuality with Students." *NBC News*, May 6, 2022. <https://www.nbcnews.com/nbc-out/out-news/florida-teacher-allegedly-fired-discussing-sexuality-students-rcna27656>.; Paschall-Brown, Gail. "Florida School's 'Drag and Donuts Event Cancelled After Criticism" *WESH*. March 23, 2023. [www.wesh.com/article/florida-drag-donuts-canceled/43397448](http://www.wesh.com/article/florida-drag-donuts-canceled/43397448).

<sup>86</sup> Swisher, Skylar. "DeSantis' Reedy Creek Board Says Disney Stripped Its Power." *Orlando Sentinel*, March 29, 2023. <https://www.orlandosentinel.com/2023/03/29/desantis-reedy-creek-board-says-disney-stripped-its-power/>.

<sup>87</sup> Fineout, Gary. "DeSantis May Remove Another Florida Prosecutor from Office." *POLITICO*, March 1, 2023. <https://www.politico.com/news/2023/03/01/desantis-remove-florida-prosecutor-00085003>.

<sup>88</sup> Ellis, Nicquel Terry. "Gov. DeSantis' Conservative Takeover of a Liberal Arts College Could Silence Diversity, Critics Say." *CNN*, February 15, 2023. <https://www.cnn.com/2023/02/15/us/desantis-new-college-inclusion-reaj/index.html>.

<sup>89</sup> Fineout, Gary. "DeSantis Installs Another Conservative on Florida's Supreme Court." *POLITICO*, May 23, 2023. [www.politico.com/news/2023/05/23/desantis-installs-another-conservative-on-florida-supreme-court-00098386](http://www.politico.com/news/2023/05/23/desantis-installs-another-conservative-on-florida-supreme-court-00098386).



Finally, Governor DeSantis, aided by his political allies, has abused his official power, harming Floridians in the process, by passing laws reducing government transparency, expanding state military bodies, and engaging in legal battles to defend his policies. The Florida legislature, backed by the Governor, recently passed measures that would shield his taxpayer-funded travel from the public and allow him to keep his office while pursuing higher office, diminishing accountability to Floridians.<sup>90</sup> The Governor has also consolidated his power through force by strengthening the Florida State Guard and police force tied to the Office of Election Crimes and Security, which he is using to intimidate voters.<sup>91</sup> Finally, he has spent \$16.7 million in court and legal fees for a dozen lawsuits to defend policies he has implemented to appeal to and grow his supporters and normalize fascism.<sup>92</sup>

Since Governor DeSantis and his allies' administration in Florida have indisputably and reputably carried out actions that fall into the three traits of fascism, their government can only be categorized as fascist.

## **B. Stages of Fascism**

Fascism spreads during severe socio-political and economic distress, exploiting people's fears and dissatisfaction. These fears may be amplified by a rapidly changing national demographic or a global event that significantly disrupts employment or financial security. The exploitation of these fears often manifests as a promise to restore national dignity, solve economic problems, and counter perceived threats. The effective use of propaganda and suppression of opposition generally aids the spread of fascist ideology.

The progression of fascism takes place in five stages: initial creation, rooting, arrival to power, consolidation of power, and radicalization or entropy.<sup>93</sup>

1. **Initial Creation:** In the initial creation stage, fascist ideologies are formed in response to a socio-political crisis and discontent, typically during economic instability or a perceived threat to national identity.
2. **Rooting:** During the rooting stage, fascism becomes entrenched within a portion of the population, often through charismatic leadership and propaganda emphasizing national unity and power.
3. **Seizure of Power:** The movement reaches mainstream acceptance in the third stage, leading to

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<sup>90</sup> CBS Miami Team. "Gov. DeSantis Signs Bill That Keeps His Travel Records Secret," May 12, 2023. [www.cbsnews.com/miami/news/gov-desantis-signs-bill-that-keeps-his-travel-records-secret/](https://www.cbsnews.com/miami/news/gov-desantis-signs-bill-that-keeps-his-travel-records-secret/); Fineout, Gary. "Florida Legislature Passes Bill Allowing DeSantis to Run for President as Governor." *POLITICO*, April 28, 2023. [www.politico.com/news/2023/04/28/florida-legislature-desantis-presidential-run-00094467](https://www.politico.com/news/2023/04/28/florida-legislature-desantis-presidential-run-00094467).

<sup>91</sup> Lehrfeld, Jonathan, and Davis Winkie. "Florida Expands State Defense Force, Establishes It as Permanent Unit." *Military Times*, June 7, 2023. <https://www.militarytimes.com/news/your-military/2023/06/07/florida-expands-state-defense-force-establishes-it-as-permanent-unit/>; Schouten, Fredreka. "DeSantis Signs Bill Creating New Florida Election Police Force | CNN Politics." *CNN*, April 25, 2022. <https://www.cnn.com/2022/04/25/politics/desantis-florida-election-bill-signing/index.html>.

<sup>92</sup> Klas, Mary Ellen. "DeSantis' Culture Wars Grabbed Headlines — and Legal Challenges That Cost \$17 Million." *Miami Herald*, December 22, 2022. [www.miamiherald.com/news/politics-government/state-politics/article270290952.html](https://www.miamiherald.com/news/politics-government/state-politics/article270290952.html).

<sup>93</sup> Paxton, Robert O. "The Five Stages of Fascism." *The Journal of Modern History* 70, no. 1 (1998): 1–23. <https://doi.org/10.1086/235001>.

political power, often via democratic means, exploiting divisions and fears within society.

4. Consolidation of Power: This stage involves systematically dismantling democratic institutions and establishing autocratic rule, often justified as necessary for national security or unity.
5. Radicalization or Entropy: The final stage can involve increased radicalization, leading to wars or genocide, or entropy, wherein the regime cannot maintain its momentum and begins to decay.

The evidence of anti-democratic abuses of power by the Florida state executive and legislative branches of government demonstrates that these parties have been intentional or complicit in advancing the early and middle stages of fascism. Unconstitutionally intimidating and removing democratically elected officials, forcing through political appointments based on loyalty over any other qualification, preempting local jurisdiction to make irrelevant the input of Floridians and local elected officials, using fear and intimidation, limiting free speech, and imposing censorship align with the characteristics of the initial creation, rooting seizure of power, and consolidation of power stages of fascism.

## **B. Radicalization in Florida**

Historically, the final stage of fascism, radicalization, has led to mass torture, murder, genocide, and war fueled by hate and allegiance. Much luck and even more sacrifice have ensured that fascist regimes progressing through all five stages are short-lived and of internal collapse due to overreach, total military defeat, popular resistance, and revolution.

There is ample reason to be concerned that radicalization will take hold in any state or country, especially if the first four stages of fascism are not reversed, and budding radicalization is ignored, not openly and clearly condemned, or endorsed by those who hold power.

From 2020 to 2021, there was a 72 percent rise in extremist-related incidents in Florida. The increase grew by an additional 9 percent from 2021 to 2022. Not only is Florida home to the most people charged concerning the January 6, 2021, attack on the U.S. Capitol, but hate crimes against Jewish people have risen 300 percent since 2012.<sup>94</sup>

On June 10, 2023, two dozen people gathered outside Disney in Orlando, Florida, holding flags displaying the Swastika and “Governor DeSantis 2024.”<sup>95</sup>

On Monday, June 12, 2023, Governor DeSantis had not yet commented on the activity.<sup>96</sup>

## **VIII. WITNESSES**

**Rep. Anna V. Eskamani**, State Representative, Florida House District 42

Representative Anna V. Eskamani is an Orlando native and daughter of immigrants. Before her time in office, Anna served as the Senior Director of Public Affairs and Communications for Planned Parenthood of Southwest and Central Florida. Anna won her legislative seat in 2018 and won by overwhelming majorities in 2020 and 2022, making history as the first Iranian-American

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<sup>94</sup> “Hate in the Sunshine State: Extremism & Antisemitism in Florida, 2020-2022. (2022, September 13). Accessed 2023, June 13. <https://www.adl.org/resources/report/hate-sunshine-state-extremism-antisemitism-florida-2020-2022>

<sup>95</sup> Morgan, Silas. “Officials denounce Nazi demonstration outside Disney amid rising antisemitism in Florida. *Orlando Sentinel*. (2023, June 12). Accessed 2023, June 13. <https://www.orlandosentinel.com/2023/06/12/officials-denounce-nazi-demonstration-outside-disney-amid-rising-antisemitism-in-florida/>

<sup>96</sup> Id.

elected to any public office in Florida. In the Florida legislature, she has seen first-hand the coordination between the Florida state legislative and executive branches of government. Eskamani has resisted the anti-democratic consolidation of power around the State Executive since her time in office began. She has drawn attention to the attacks on the environment, the freedoms of Floridians, and public schools.

**Andrew Warren**, Former State Attorney, Florida's 13<sup>th</sup> Circuit

Warren was born and raised in Gainesville, Florida. Following law school, he clerked in federal district court before serving as a federal prosecutor with the United States Department of Justice. As a prosecutor, Mr. Warren earned accolades from the Justice Department and federal law enforcement agencies, including the 2013 Attorney General Award for Trial Litigation. He has lectured and served on panels across the United States and abroad regarding criminal justice, and he was an instructor at the Justice Department's national training center. Warren was elected as State Attorney of Florida's 13th Judicial Circuit, Hillsborough County, in 2016 and re-elected in 2020. In 2022, Governor DeSantis suspended Mr. Warren indefinitely, making him one of several Florida elected officials removed or threatened to be removed from office by the Governor.

**Jasmine Burney-Clark**, Founder and Consulting Director, Equal Ground

Jasmine Burney-Clark, is the Founder of Equal Ground Education Fund and Action Fund, a Black-led community-centered civic engagement organization prioritizing voter registration, education, and turnout. Most recently, she was a Senior Advisor to the NAACP (National) and Executive Director of the Florida 501c3 Civic Engagement Table, where she advanced work through three state-wide programs: Civic Engagement (voter registration and turnout, issue advocacy, and constituency engagement), Civic Access (voting rights and election administration) and Civic Representation (census, redistricting and "clean elections"). She worked to expand equal access to the ballot box on behalf of the New American Majority. She is now working to defend voting rights and access to the ballot in her home state of Florida. She has done pro-democracy work in Florida since 2010.

**Brian Covey**, Former Duval County, Florida, substitute math teacher

Brian Covey was a Florida substitute teacher fired for documenting how an unfunded mandate resulted in the sudden removal of all books from Duval County Public Schools. Prior to pursuing a career in teaching, Brian spent 13 years in corporate Financial Planning & Analysis before co-developing a mobile and scalable waste-management solution for locally produced, large-scale water quality improvement. Governor DeSantis has publicly called Brian's documentation of empty bookshelves "a fake narrative", "a stunt", and used his firing as an example of "Exposing the Book Ban Hoax". Understanding the historical significance of his children's current reality being called a "Blueprint for America", Brian used his financial experience to show that Florida House Bill 1467 – which skipped Appropriations Committee Review – will cost just one of the 67 Florida Public School Districts over \$15 million and would take over a decade at current rate of review.

Written Testimony

**Paul Cox**, President, IATSE Local 631

**Matletha Bennett**, Senior Staff Attorney, Southern Poverty Law Center's Voting Rights Program

**TESTIMONY OF BRIAN COVEY, FLORIDA TEACHER  
FIRED FOR DOCUMENTING THE COMPLETE  
REMOVAL OF BOOKS**

**Before the Ad Hoc Hearing Titled “Oversight of Anti-  
democratic Abuse of Power in the State of Florida.”**

**June 22, 2023**

Good afternoon Congressman Frost and Members of the House of Representatives.

My name is Brian Covey. Thank you for allowing me to provide my perspective as a parent and first-year teacher in Florida.

I would like to begin by sharing two of the most important voices in this story and the reason I am here today. My daughter wanted you all to know that “taking away all the books was wrong and rude. I am worried about all my friends who like to read with me and don’t have books at home.” My son wanted you to hear that “fifth graders have read every book in the school and there is nothing inappropriate. If there were, my friends and I would have already given it to the teacher, and they would make it disappear.”

I learned about the complete and sudden removal of books from my children’s education when walking into a school event during State-sponsored Literacy week. Teachers hosted an Escape Room Challenge for parents and students to answer puzzles. It was a fun event with a book fair for families to purchase books to support the school library.

My children explained that the school collected all books that students were currently reading, classroom libraries were put into storage or covered with bulletin board paper, students no longer could check out books or share books from home, and they removed Media/Guidance resource – where librarians are a consistent educator working on reading comprehension during 1<sup>st</sup> through 5<sup>th</sup> grade.

As one Duval County Public Schools librarian explained to me: *“My duty as a media specialist was to stand before my colleagues and instruct them to pull all their books. I stood before a group of people I respected deeply, crying, as I watched the shock register, transfer to confusion, and then anger. It is on my shoulders to physically touch every book in the school library as part of the time-consuming and inefficient county book vetting process.*

*Students had no books to practice reading with, nothing for centers, guided phonics lessons with the teacher, no read aloud chapters at the end of the day, and no additional texts to elaborate science or history concepts - NOTHING except textbooks provided by the county.*

*Working in education is a fundamental calling. But here I am, serving as the voice for a process that I am ashamed of, policing colleagues I trust and admire, turning my students away. I know that this is wrong, and I question myself constantly, but I keep going. My head and heart are full of doubt and disgust, but also hard knowledge and pressure that if I don’t do this, my students will suffer even more.”*

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Becoming a substitute teacher was the beginning of a new career for me. I wanted to be a good teacher, and in October I took over a middle school Intensive Math Vacancy where the students proudly boasted that they had already made two teachers quit that school year. The principal praised me at a staff meeting because they went from daily security calls to Room 426, to not a single incident since I took over.

On January 27<sup>th</sup>, 2023, I was told to check out what they did to the middle school library. When I walked into the library, I was confronted with empty bookshelves on one side while the other side had media equipment turned over to make the books inaccessible to students.

I took a 17-second video of empty bookshelves to put a visualization to what was happening in Florida Public schools and posted it to Twitter with the words “y’all wanna...”. I was optimistic that this was a mistake and emergency measures would be implemented to correct whatever misunderstanding caused this to happen in the middle of the school year.

After the school became aware of my video, they sent an email to my employer on February 1<sup>st</sup> stating: “Hi. I do not know your policy for videoing and posting on social media, etc. But we do not want him removed from the assignment. The principal just wants to make sure you would be able to update him about the restocking with approved book.” Not once was my advocacy of documenting the reality of books being removed from Duval County Public Schools addressed to me by the school district or my employer – Education Staffing Solutions.

On February 14<sup>th</sup>, a local reporter asked Governor DeSantis specifically about my video that had 13 million views on Twitter, and he responded, “That video was a fake narrative. That was not true... I think they are trying to do things to virtue signal, and it is all politically motivated... Any time you hear about something that seems so outlandish; just understand they are manufacturing that to try to create a narrative.” I worked the next day without a mention about the governor’s comments and that evening I received a 45-second phone call that my services were no longer needed from HR in New Jersey.

On March 8<sup>th</sup>, Governor DeSantis held a press conference he titled “Exposing the Book Ban Hoax” that started by playing a portion of my video of empty bookshelves followed by 5-minutes of pornography that he claimed was being pushed on 10-year olds “all over the country”. Within minutes of taking the stage he declared: “There was a Duval County School video where they took a video of empty bookshelves, and they say ‘the state of Florida doesn’t want books, they are trying to censor books’ and all this stuff. Turned out that was a hoax. Turned out that individual who did that in the school system was fired.”

On February 26<sup>th</sup>, Business Insider published an article where a spokesman for DeSantis responded, “I also encourage you to ask Mr. Covey about why he lied and felt it was appropriate to politicize this issue.”

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Unfunded mandates are the preferred weapon in a political culture war.

Ron DeSantis did not expect a full-time substitute teacher without the fear of losing certification would recognize and document a historically significant event happening in real time. He also didn’t expect me to have the financial analytic skills to **accurately document how this unfunded mandate illegally skipped the Appropriations Committee by saying the implementation would not cost more than \$200,000. Along with being a book ban, Florida’s House Bill 1467 is also an unfunded mandate, passing the cost of their own censorship to the schools themselves.**

To avoid attaching funds for this administrative task, Florida House Bill 1467 passed the responsibility of the content of books down to each individual district. The only staff that could approve books are Certified Media Specialist and principals and school boards are assigned responsibility over all books in their purview.

When book removal was implemented there were 54 Certified Media Specialists to approve 1.6 million titles in Duval County Public Schools. At maximum efficiency the legislation allowed for 1 minute, 24 seconds per review to read the book, find an approved online review, fill out a questionnaire, and enter it into the system.

In a campaign speech a couple weeks ago DeSantis said, “You can’t have one fraction of society weaponizing the power of the state against factions that it doesn’t like.” While he was referring to the latest Trump Indictment, his words are exactly how the book approval mandate was structured. By allowing any “parent or resident of the county” to challenge any school material, serial book challengers account for over 60% of the challenge submissions.

From January 25<sup>th</sup> through June 5<sup>th</sup>, Certified Media Specialist have diligently worked to review ~149,000 (or 9.32%) of the 1.6 million titles in Duval County Public Schools. The first 10,000 titles were consolidated into Excel as existing IT staff created an Internally Developed Software to create a searchable database on each individual school’s website as required by law. Media Specialists have said that the system is buggy and the number of books reported includes multiple entries for each title because they had different ISBN or approved differently by other specialist.

At the current rate of 14 minutes, 20 seconds per review, it would take 10 years, 3 months, and 9 days just for students to have access to the titles they had on January 1<sup>st</sup>. The removal of librarians from working with students on reading comprehension has an opportunity cost to the district almost \$1.3 million YTD and would require an additional \$13.8 million to complete.

Certified Media Specialist were offered \$12 an hour to review books over the summer because this mandate was unfunded. In truth, if the cost of implementing this review were added to the budget the investment in reading would far surpass the \$100 million he budgeted to form the Florida State Guard.

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*Anger and fear are basic emotions. Compassion and empathy are learned traits.*

My children attend an A-rated elementary school just down the road from the A-rated elementary school I attended. We were extremely satisfied with the quality of their education and know that the teachers treat their students with compassion and empathy.

Florida House Bill 1467 became law in July 2022. The Florida Department of Education was given until January 1<sup>st</sup>, 2023, to come up with the 50-minute training required to certify Media Specialist.

In December, they sent a memo that added classroom libraries to the review process. This increased the total number of titles in Duval County by 50%.

By attaching the Parental Rights (a/k/a “Don’t Say Gay”) bill and the “Stop W.O.K.E. act” to a 1997 law about distribution of pornography to minors the intimidation of one mistake having serious law enforcement consequences with an “err on the side of caution” guidance from the Department of Education. This law was designed to increase fear among teachers and encouraged rage amongst those defending the implementation of these laws.

Charter schools who receive state funds to operate are exempt from these regulations. During this legislative session, the approval of books was increased through 12<sup>th</sup> grade.

This bill was specifically worded to maximize the removal of books through official and unofficial channels. I questioned why Certified Media Specialists were required to consult with “reputable, professionally recognized reviewing periodicals”. This part of the bill is a tool to encourage “weeding” of books.

Duval County Public Schools have sent about 60 tons of library books to a paper recycling center in Georgia. Roughly 5,000 books listed by title and marked for discard between November and March. On May 10, 1933, German students burned upwards of 25,000 volumes of “un-German” books, presaging an era of state censorship and control of culture, and ultimately extreme violence towards the marginalized.

Making only “approved” titles accessible to students allows proponents to fight back from the label of “book banning” with words like “quarantine” or “curation”.

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Moms for Liberty pitches itself as a nonpartisan, grassroots effort started by passionate parents who call themselves "joyful warriors."

Two years ago, at the Moms 4 Liberty National Conference, Ron DeSantis said to a cheering audience: “Now is not the time to be a shrinking violet. Now is not the time to let them grind you down. You’ve got to stand up and you’ve got to fight.”

While I can easily give examples of school board meetings that have turned into shouting matches and Proud Boys announcing they are “alpha males” to during public comment, but as I was preparing for this testimony, Moms for Liberty serendipitously accepted my request into the Duval County Chapter’s Facebook group.

In a heavily regulated group with 616 members, I was shocked by what I saw. A school board member who has actively participated since July 2021 using terms like “Marxist narrative” and posting Ron DeSantis’ “Exposing the Book Ban Hoax” press conference while public talking about receiving calls from teachers who are distraught by the removal of books at school board meetings. Another Member is a serial book banner from Clay County. And I was shocked to see member who is on the State Board of Education has been an active participant since August 2021.

You would be hard pressed to find an organization that has the type of back channel for complaints and disagreements with teachers have a direct ear to elected officials and the State Board of Education. Any parental complaint from parents in this group was followed up with a request for more details in private messages. When I read about the teacher who resign for showing PG-rated



Disney movies despite signed permission slips allowing it, I realize this network is being used to attack public education from the inside.

*“Politics has gotten so cruel and intrusive that it’s using children’s education as pawns.”*

Just this week, Leon County Superintendent Rocky Hanna who has been under investigation for his "politically charged statements" and infusing “personal views” entered a settlement agreement with the Department of Education which includes stipulations if Hanna becomes employed in a position that requires his teaching certificate: two years probation, a \$1,000 fine to be paid during the probationary period and a requirement that Hanna take college-level classes in education leadership and education ethics.

He accepted this lesser punishment saying, “Over the last 4 years, 61 of 67 Florida public school superintendents have been removed from office or replaced, many for political reasons. I do not want to become number 62 and replaced by a governor appointee. If this were to happen, I wouldn't be in a position to help anyone.”

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*“The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.”*

*American Library Association “Freedom to Read Statement”, May 1953*

## **Testimony of State Representative Anna V. Eskamani**

Good afternoon Congressman Frost and Members of the House of Representatives.

My name is Anna V. Eskamani. I serve as the State House Representative for Florida's District 42, which encompasses parts of Orlando, Winter Park, Maitland, Belle Isle, Edgewood and the Historic Town of Eatonville. I was first elected in 2018 and have served my community for three consecutive terms. I was born and raised in Orlando, attended local public schools and the University of Central Florida.

I care deeply about my community and am grateful for the opportunity to speak with you today, to address a matter of utmost importance: An examination of antidemocratic abuses of power in the State of Florida. I am here alongside my colleagues to bring to light the alarming actions taken by the Republican supermajority in Florida -- actions that have compromised the legislative process, eroded individual freedoms, attacked public education, threatened our economy and preempted local government authority, stripping our communities of their ability to solve everyday problems. These are not hypothetical threats or hyperbole; Florida has become ground zero for extremism and it is important for those of us on the ground to provide insight to what has become a dangerous trend within Florida's political landscape and identity.

First and foremost, the fundamental principle of democracy lies in the ability of our elected representatives to engage in a fair and transparent legislative process. However, it has become evident that the Republican supermajority in Florida has strayed from this path. Their practices have undermined the democratic foundation upon which our nation stands, leaving many Floridians voiceless and marginalized. They have limited public input, stifled dissenting voices, and pushed through legislation without adequate scrutiny or debate. The sanctity of the legislative process has been compromised, and it is our duty to expose and rectify this injustice.

A few examples. Florida House Rules for the 2023 Legislative Session not only continue the process of structured debate, meaning the majority party dictates how much time is taken to discuss and debate even some of the most controversial policies, but there is now a process for expulsion of members, no doubt an addition designed to censor dissent. The Florida Legislature has also denied adequate public testimony on bills, sometimes limiting testimony from the public to 30 seconds or less, if at all. Perhaps most alarming has been the arrests of citizens expressing their first amendment rights. Not only have we witnessed more than two dozen Floridians who protested be subject to arrest during the 2023 legislative session, but two months following protesters throwing underwear down onto the House Floor the Florida Department of Law Enforcement has issued warrants and has arrested those individuals as well. Students at the University of South Florida who peacefully protested on their college campus were also arrested and are now facing felony charges. These acts of protest should not warrant criminal penalties, and yet this has become the norm in the so-called "free" state of Florida.

Attacks on the First Amendment have not just impacted individual Floridians, it has also impacted the business sector. The Florida Conservative Supermajority has attempted to censor private businesses through both policy and intimidation. First there is House Bill 7 from the 2022 legislative session which targets K-12 education, higher education, and businesses in their integration and implementation of diversity programs. Fortunately, a federal court has halted this law's enforcement on the business community, but that has not stopped Governor DeSantis' anti-democratic agenda as he attempts to circumvent the judicial branch and use policies to target companies like Walt Disney World for their defense of LGBTQ+ people. Weaponizing government to punish actors that express an opinion you do not like is unethical -- but it is also undemocratic.

Let us not overlook the sustained attacks on public education in the State of Florida. Education is the cornerstone of a prosperous society, empowering individuals with the knowledge and skills necessary for success. However, the Republican supermajority has chosen to prioritize their own agenda over the well-being and future of our children by using government to censor free thought, ban books, and whitewash history. They have also inserted conservative orthodoxy into the collegial environment and have banned all diversity, equity and inclusion programs at universities and colleges. Of course, New College of Florida, once a respected public honors college, has now undergone a hostile conservative takeover, with Governor DeSantis appointing his friends and political allies to their staff and board to censor curriculum and content.

Finally, the issue of preemption demands our attention. Preemption, when used judiciously, can serve as a valuable tool to establish consistent policies across jurisdictions. However, in the State of Florida, preemption has been wielded as a weapon against local governments, effectively silencing their voices and nullifying their ability to address the unique needs and challenges of their communities. This heavy-handed approach demonstrates a disregard for local democracy and a dangerous concentration of power in the hands of the state government. Many local elected officials operate in fear – thinking that they displease the Governor or express an opinion he does not like, that they too will be removed from office.

In conclusion, the Republican supermajority in Florida has compromised the legislative process, eroded individual freedoms, attacked public education, threatened our economy and wielded preemption as a means of control. It is our duty to shed light on these antidemocratic abuses of power and to advocate for the restoration of democratic principles in the State of Florida. I thank you again for the time, and look forward to your questions.

Paul Cox  
President IATSE Local 631

DeSantis's attacks on Disney are extremely concerning. While I strongly believe that Disney brought this moment on themselves, by financially supporting DeSantis and his run for Governor the first time around, and support candidates that show fealty to DeSantis, all for tax breaks and special loopholes that DeSantis was more than willing to give Disney before they started fighting, the issue of the politically motivated revenge on Disney is concerning and one that the general public should take note of.

In the simplest terms the Reedy Creek Improvement District (RCID) was a local government, that had a governing board made up of people that were elected by the citizens of RCID, and those voters have lost their voice, and have been disenfranchised of their sacred vote. That simple fact, above all else, should show us how dangerous DeSantis's uncompromising consolidation of personal power is: he is willing to remove the American People's right to vote to "win" revenge.

RCID is made up of two incorporated cities, Lake Buena Vista and Bay Lake, there are voting Americans that live in those cities, and use to vote for the Board of Directors of RCID, just like any other counties. If people in Denton County in Texas were to have their right to vote for their government taken away from them, there would be outrage, and I would dare say that it would go farther than that in Texas. (I say that as a former voter of Denton County). How would this action be different? The only substantial difference is Disney decided whom they would sell land to within the RCID boundaries, and thus defined the voters. That difference, while it allowed Disney to control the voter make up, is still at the core American Voters that have been disenfranchised.

It has affected those that work at Disney World for the simple fact that no one knows what comes next: Will I have to pay tolls to drive to work each day, in a misplaced attempt to punish Disney? Will Tourists be turned off by the amount in lodging taxes that he makes them pay, to punish Disney, and thus cause jobs to be lost because of losses to tourism? Will not as many people come to Disney, where Florida depends on the tax base these travelers bring to Florida, and thus cause budget shortfalls that continue to erode essential government services, like education, that are often already falling behind? What does my family's future look like right now with all of this in play? What happens when I look outside of Disney and this fight?

The Majority in the Florida legislature has been in lockstep with DeSantis. This legislative session is a prime example. He has been willing to union bust (because the Teachers Unions campaigned against him), gut public education (all because a teacher dared to run against his ticket), send clear messages that those that do not believe like him are not welcome. He has no issue signing and asking for laws that are overturned by the courts, that he has appointed. That does not matter to him, because the act of passing the law in the first place creates fear that controls the public.

The tactics used to consolidate power in the Florida executive has caused serious concern for my family's future in this State and this great Country. I am a true believer in the Trade Union movement, one that has given everything to improving the lives of the Working Class in the country, my wife is Jewish, who's family was directly impacted from the Holocaust. What I am going to say next is not hyperbolic and is not an overreaction or craziness, but when you must have a conversation with your loved ones about contingency planning in case, that is not something that I thought that I would have. I have had that conversation more than once in the past year.

In Solidarity,  
Paul Cox

**June 22, 2023**

Representative Maxwell Frost  
Chair, House of Representatives Ad Hoc Committee titled  
“Oversight of Anti-democratic Abuses of Power in the State of Florida”  
1224 Longworth House Office Building  
Washington, DC 20510

Dear Congressman Frost and Members of the Ad Hoc Committee titled “Oversight of Anti-democratic Abuses of Power in the State of Florida”,

On behalf of the Southern Poverty Law Center Action Fund (SPLC Action Fund), I write to provide our insights for the House of Representatives Ad Hoc Committee titled “Oversight of Anti-democratic Abuses of Power in the State of Florida.” I appreciate the opportunity to share expertise on the legal landscape surrounding Florida’s election laws.

SPLC Action Fund is a catalyst for racial justice in the Deep South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. We advocate for the implementation of policies and laws to eliminate the structural racism and inequalities that fuel the oppression of Black, Indigenous, and other people of color, women, low-income people, and the LGBTQ+ community. This includes policies to protect voting rights. The Voting Rights Practice Group works to empower voters and eliminate disenfranchisement and discriminatory voting practices in the Deep South, including Florida. In collaboration with community partners and organizers, we engage and mobilize voters, restore voting rights to returning citizens, pursue electoral policy reforms, and bring litigation to challenge unconstitutional and discriminatory voting practices.

### **Shelby County and Florida’s Legal Tug-of-Wars**

In three days, we will mark the tenth anniversary of the United States Supreme Court’s decision in *Shelby County v. Holder*<sup>1</sup>, one of the most consequential voting rights cases of our time. In this landmark 5-4 decision, the Court struck down the coverage formula in Section 4(b) of the Voting Rights Act of 1965 (VRA), eliminating a preclearance process that had protected the voting rights of Black, Indigenous and other People of Color (BIPOC) for generations – especially in the Deep South. The importance of the preclearance requirement cannot be overstated. In the immediate aftermath of the *Shelby County* decision, Deep South states moved swiftly to suppress the BIPOC vote. From enacting strict photo ID laws to closing polling places in majority-BIPOC communities to breeding a culture of fear and intimidation, state legislatures have worked strategically to limit the voting strength of communities of color. As a result, BIPOC communities have faced almost insurmountable barriers in attempting to cast their ballot.

Although there have been some significant legal victories, voting rights groups in Florida have faced an uphill battle in the restoration of voter protections. Even with the U.S. Supreme Court’s recent opinion in

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<sup>1</sup> 570 U.S. 529 (2013).

*Allen v. Milligan*<sup>2</sup>, holding that Alabama’s congressional map denies Black voters a fair number of congressional seats and affirming the right of communities of color to fair representation in government, there is still much work to do to enshrine voting rights once and for all. No longer subject to preclearance, Florida has proceeded to chip away at key voting protections each year for a decade, and courts have been hesitant to adequately address and strike down these challenging barriers to voting.

Election laws should be designed to ensure the highest standard of democratic access for U.S. citizens, upholding important principles that transcend partisanship. Nevertheless, Florida is a prime example of the damaging effects the *Shelby County* decision has made on voting laws and litigation, operating as Ground Zero for a legal tug-of-war unlike any other state. From renewed challenges to Florida’s felon re-enfranchisement scheme, to suppressive voting laws that target both voters and organizations designed to assist voters, to racially gerrymandered redistricting maps, civil rights organizations and community partners have been relentless in the fight to ensure free, fair and equal access to the ballot box.

### **Amendment 4 and the Fight for the Ballot**

Florida is the nation’s felon disenfranchisement leader, taking away the right to vote from around 1.1 million residents.<sup>3</sup> Prior to the adoption of the Voting Restoration Amendment (known as Amendment 4), Florida’s criminal disenfranchisement laws were among the most restrictive in the country. In 2018, SPLC joined a coalition of voting rights groups, led by the Florida Rights Restoration Coalition, to support the passage of Amendment 4. Sixty-five percent of Florida voters chose to restore voting rights to 1.4 million residents who had completed their sentences for felony convictions. After years of inaction by elected officials, Floridians overwhelmingly approved the largest expansion of the right to vote since the Voting Rights Act.

Despite the unambiguous and self-executing nature of Amendment 4, the Florida Legislature closed its 2019 Legislative Session with the passage of Senate Bill 7066, so-called “implementing legislation” that ignored the will of the voters and gutted the spirit of Amendment 4 by defining completion of one’s sentence to include payment of all fines and fees associated with the sentence. No reasonable person could have imagined that after passage of Amendment 4, a person who had completed their term of imprisonment would nevertheless remain disenfranchised due to legal financial obligations (LFOs).

During the summer of 2019, SPLC and other civil rights organizations filed multiple lawsuits in the U.S. District Court for the Northern District of Florida challenging the law’s unconstitutional poll tax.<sup>4</sup> Florida’s decentralized system of recordkeeping makes it difficult for individuals to determine what they owe, and many returning citizens struggle to obtain decent jobs or housing, and struggle to pay back those obligations, with minorities—especially women of color—bearing the brunt of the legislation’s impact. These legal challenges to the law have been largely unsuccessful, however, spurring a series of confusing and conflicting court opinions.<sup>5</sup>

On May 24, 2020, the district court found Florida’s “pay-to-vote” system unconstitutional under the 14th and 24th Amendment and the National Voter Registration Act, providing guidelines for determining ability

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<sup>2</sup> Case No. 21-1086 (2023): [https://www.supremecourt.gov/opinions/22pdf/21-1086\\_1co6.pdf](https://www.supremecourt.gov/opinions/22pdf/21-1086_1co6.pdf).

<sup>3</sup> <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>

<sup>4</sup> The cases consolidated under *Jones v. Desantis*, 2020 WL 2618062 (N.D. Fla. May 24, 2020) include: *Gruver v. Barton*, Case No. 4:19-cv-00302 (N.D. Fla. 2019); *McCoy v. DeSantis*, Case No. 4:19-cv-00304 (N.D. Fla. 2019); *Raysor v. Lee*, Case No.: 4:19-cv-00301 (N.D. Fla. 2019); *Mendez v. DeSantis*, Case No. 4:19-cv-00272 (N.D. Fla. 2019); and *Jones v. DeSantis*, 4:19-cv-00300 (N.D. Fla. 2019).

<sup>5</sup> [https://www.naacpldf.org/wp-content/uploads/Am-4-SB7066-Timeline-Document\\_9.15.2022\\_final.pdf](https://www.naacpldf.org/wp-content/uploads/Am-4-SB7066-Timeline-Document_9.15.2022_final.pdf).

to pay and a process for those unsure of their eligibility to register and vote.<sup>6</sup> The gender discrimination claim brought by SPLC in their case failed on appeal, and a full panel of the Eleventh Circuit Court of Appeals issued an order reversing and vacating the district court’s ruling in the consolidated cases<sup>7</sup>, reinstating SB 7066’s disqualifying LFO requirements permanently.

Nearly two years after the Amendment 4 court battles, and still no statewide database for verifying financial obligations or a dedicated place to flag citizens who register or vote illegally, confusion, disenfranchisement, and even re-incarceration for hundreds of thousands of potential voters remain. In 2022, Florida weaponized the Office of Election Crimes and Security, their newly established election police force, to arrest and charge people with felony convictions for “illegally” voting, even though some believed they could vote following the passage of Amendment 4 and had received voter information cards from their supervisors of elections<sup>8</sup>. At least two people were registered to vote from inside the county jail during registration drives organized by election officials<sup>9</sup> and others’ charges were spurred by a series of complaints filed by a Gainesville database researcher and programmer.<sup>10</sup>

As these cases are resolved in state criminal courts, Florida continues to move the goal post by passing new laws to expand the jurisdiction of the Attorney General to investigate and prosecute election crimes<sup>11</sup> and place the onus on individuals to navigate a confusing system to determine their own voter eligibility<sup>12</sup>. This intentional manipulation of the judicial process flies in the face of the constitutional checks and balances established to protect each branch of government from infringement by another.

In April 2023, civil rights organizations renewed their challenges to Florida’s re-enfranchisement scheme, charging that the state’s voter registration application violates the National Voter Registration Act of 1993 (NVRA) and the form’s lack of information about the voter eligibility requirements for Floridians with past convictions creates confusion, impedes the organizations’ voter registration activities, and puts people in danger of criminal penalties.<sup>13</sup> The lawsuit is ongoing.

### **Barriers to Access or “Election Integrity”: Voter Suppression Challenges**

In 2021, the Florida Legislature introduced and passed Senate Bill 90, which created unnecessary barriers and burdens that disproportionately and unconstitutionally impact Black and Latinx voters, women voters, and voters with disabilities.<sup>14</sup> While supporters have touted “election integrity” as the basis for the changes in the law, these excessive restrictions perpetuate a narrative of distrust in our elections processes and make it more difficult for voters—especially disenfranchised communities, such as BIPOC voters, voters with disabilities, and voters in rural communities—to cast a ballot.

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<sup>6</sup> *Jones v. Desantis*, 2020 WL 2618062 (N.D. Fla. May 24, 2020).

<sup>7</sup> *Jones v. Governor of Florida*, 950 F.3d 795 (CA11 2020): <https://www.brennancenter.org/sites/default/files/2020-09/2020-09-11%20Corrected%20Opinion.pdf>.

<sup>8</sup> Jennifer Glenfield, “Body camera footage shows stunned Floridians being arrested for voter fraud,” <https://www.miamiherald.com/news/politics-government/state-politics/article267451937.html>, Miami Herald, December 7, 2022.

<sup>9</sup> Alan Festo, “Second person arrested in voter fraud investigation at Alachua County jail; bail set at \$75k,” <https://www.gainesville.com/story/news/2022/05/03/2nd-man-arrested-states-alachua-county-voter-fraud-investigation/9626743002/>, The Gainesville Sun, May 3, 2022.

<sup>10</sup> Javon L. Harris, “Voting activists launch statewide election integrity campaign to help inmates charged,” <https://www.gainesville.com/story/news/2022/05/05/florida-rights-restoration-coalition-fights-voting-rights/9664359002/>, The Gainesville Sun, May 5, 2022.

<sup>11</sup> Senate Bill No. 4-B, Chapter 2023-2, § 1, Laws of Florida (codified in Section 16.56, Fla. Stat.).

<sup>12</sup> Committee Substitute for Senate Bill No. 7050, Chapter No. 2023-120, § 5, Laws of Florida (codified in Section 97.071, Fla. Stat.).

<sup>13</sup> *League of Women Voters of Florida, Inc., et al v. Cord Byrd*, Case No. 4:23-cv-00165-AW-MAF (N.D. Fla. 2023)

<sup>14</sup> Senate Bill 90, Chapter 2021-11, Laws of Florida (codified in various sections of Florida Statutes).



Among other things, SB 90 changed vote-by-mail and ballot request procedures, banned giving out food and drinks to voters waiting in line, restricted drop box locations and hours, limited third-party voter registration drives, added new voter ID requirements, and limited vote-by-mail assistance.

The SPLC filed a federal lawsuit on behalf of Harriet Tubman Freedom Fighters, Corp., a nonprofit, nonpartisan organization that focuses its registration efforts on youth, communities of color and returning citizens, challenging this unconstitutional aspect of the Florida law.<sup>15</sup> The lawsuit focused on a requirement that groups engaged in voter registration activities provide confusing, misleading information to voters that the organization “might not” submit the voter’s registration application on time and direct voters to the state’s online registration portal. Florida already has some of the most onerous third-party voter registration laws in the country, imposes hefty penalties on groups that do not return voter registration forms on time and has not had significant issues with untimely applications submitted by these groups. The SPLC’s lawsuit was one of three consolidated cases to challenge the law’s burdensome provisions.

On March 31, 2022, the U.S. District Court for the Northern District of Florida found that Senate Bill 90 infringed on the right to free speech by forcing organizations to make false claims to potential voters while trying to help them register. Ruling in three cases consolidated with SPLC’s lawsuit, the court mandated that Florida seek pre-clearance from the Department of Justice for the next 10 years for changes to voting laws that would restrict drop boxes, voting by mail, third-party voter registration organizations, or assisting other voters.<sup>16</sup> On May 6, 2022, the Eleventh Circuit Court of Appeals in Atlanta overturned the injunction that stopped the law from being enforced, giving Florida free rein to enforce the suppressive measures.<sup>17</sup>

On April 27, 2023, in a 2-1 decision, the Eleventh Circuit permanently overturned the district court’s ruling in the Senate Bill 90 case, relying largely on the *Shelby County* decision from 2013, and *Brnovich v. Democratic National Committee*<sup>18</sup> from 2021, another Supreme Court decision that further gutted the Voting Rights Act and held that states can act to prevent voter fraud even without evidence of fraud. To reach its holding, the majority selectively credited certain evidence, minimized and disparaged other evidence, and plainly ignored the facts supporting U.S. District Judge Mark Walker’s earlier finding of discrimination. The flawed principles established by Supreme Court precedent were taken to their logical ends in the Eleventh Circuit’s opinion; but, in a rare moment of hope, the opinion struck a portion of the provision that had been relied on to potentially ban line relief as “unconstitutionally vague.”<sup>19</sup>

Most recently, during the 2023 legislative session, the Florida Legislature passed Senate Bill 7050<sup>20</sup>, expanding voting barriers to the entire process of registering and assisting voters. Third-party voter registration organizations (3PVROs), many of which provide essential access and assistance to the state’s most marginalized communities, have been inundated with unsubstantiated claims of widespread fraud and now face limitations that restrict who can collect and handle voter registration applications. Additionally, 3PVROS would be required to reregister with the state every election cycle,

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<sup>15</sup> *Harriet Tubman Freedom Fighters, Corp., et al. v. Laurel Lee, et al.*, Consolidated Case: 4:21cv242-MW/MAF (N.D. Fla. 2021) (consolidated with *League of Women Voters of Florida, et al v. Laurel Lee, et al*, Consolidated Case: 4:21cv186-MW/MAF (N.D. Fla. 2020))

<sup>16</sup> *League of Women Voters of Florida v. Lee*, Consolidated Case No. 4:21cv186, Final Order Following Bench Trial (N.D. Fla. March 31, 2022): [https://www.splcenter.org/sites/default/files/documents/final\\_order\\_following\\_bench\\_trial.pdf](https://www.splcenter.org/sites/default/files/documents/final_order_following_bench_trial.pdf).

<sup>17</sup> *League of Women Voters of Florida v. Florida Secretary of State*, Consolidated Case No. 22-11143, Order (11th Cir. May 6, 2022): <https://media.ca11.uscourts.gov/opinions/pub/files/22-11143.ord.pdf>.

<sup>18</sup> 141 S. Ct. 2321 (2021).

<sup>19</sup> *League of Women Voters v. Florida Secretary of State*, Consolidated Case No. 22-11143 (11th Cir. April 27, 2023) <https://media.ca11.uscourts.gov/opinions/pub/files/202211143.pdf>.

<sup>20</sup> Committee Substitute for Senate Bill No. 7050, Chapter No. 2023-120, Laws of Florida (codified in various sections of Florida Statute).



would be subject to a shortened timeframe for returning completed voter application forms, and would face increased financial and criminal penalties for certain violations. These unnecessary changes erect unconstitutional barriers that affect 3PVRs' rights to free speech and association, and create a framework that makes it extremely difficult and expensive for nonprofit voter registration organizations to operate. Despite protests from a diverse coalition of voting rights and community organizations, including the Southern Poverty Law Center, legislators rammed the bill through the legislative session along party lines. Governor DeSantis signed the bill into law on May 24, 2023, and the Law is effective on July 1<sup>st</sup>.

There are currently three legal challenges to this law pending in the Northern District of Florida and focusing primarily on the changes targeting 3PVRs<sup>21</sup>. All three of the current lawsuits have filed preliminary injunctions to halt the law's impact prior to its July 1st implementation date; the hearing is scheduled for late June.

### **Cracking, Packing and the Manipulation of the Redistricting Process**

Florida's actions to restrict the voting and representational rights of Black Floridians via restrictive voting laws reflect a pattern and practice of intentional racial discrimination that continues into the redistricting process, inciting a political and legal tug-of-war for local, state, and congressional seats. The City of Jacksonville, the most populous city in the state of Florida, has faced particular representational challenges.

In January 2022, the Florida Legislature began their decennial redistricting task of drawing a new congressional map that would comply with constitutional and statutory standards. In a series of unprecedented and inappropriate moves, Governor DeSantis inserted himself into the redistricting process at every turn, leading the legislature to forego its own ostensibly constitutional map to push through a map the Governor prioritized.<sup>22</sup> Civil rights organizations brought multiple lawsuits, alleging on state and federal grounds that the maps diminished Black voter power in northern Florida and the 5<sup>th</sup> Congressional district—made up in large part by Jacksonville residents—in violation of the Fair Districts Amendment of the Florida Constitution and the 14th and 15th amendments of the U.S. Constitution, and intentionally favored the Republican party to the detriment of Democrats in violation of the Fair Districts amendments<sup>23</sup>. Litigation is ongoing in both cases, yet the unconstitutional and discriminatory maps were used during the 2022 midterms.<sup>24</sup>

In May 2022, SPLC, the Harvard Election Law Clinic and the ACLU of Florida, challenged Jacksonville's city council map on behalf of local activists and voting rights organizations, alleging the city council drew racially gerrymandered district lines that intentionally packed Black residents into only four districts out of the 14 total districts in the city, unnecessarily segregated the community of Jacksonville along racial lines, and ensured that adjacent districts had artificially large white populations.<sup>25</sup> On October 12, the court granted the plaintiffs' preliminary injunction<sup>26</sup> to halt the use of the maps ahead of the 2023 election, and

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<sup>21</sup> *Florida State Conference of Branches and Youth Units of the NAACP v. Byrd*, Case No. 4:23-cv-00215, Complaint (N.D. Fla. May 24, 2023); *League of Women Voters of Florida v. Moody*, Case No. 4:23-cv-00216, Complaint (N.D. Fla. May 24, 2023); *Hispanic Federation v. Byrd*, Case No. 4:23-cv-00218, Complaint (N.D. Fla. May 25, 2023)

<sup>22</sup> <https://www.democracydocket.com/analysis/2020-redistricting-cycle-report-how-maps-were-challenged-in-court/>

<sup>23</sup> *Black Voters Matter v. Lee*, Case No. 2022-ca-000666, Complaint for Injunctive and Declaratory Relief (Fla. 2d Cir. Ct. April 22, 2022): <https://www.democracydocket.com/wp-content/uploads/2022/04/Complaint-Concerning-Constitutional-Challenge-To-Statute-Or-Ordinance.pdf> and *Common Cause Florida v. DeSantis*, Case No. 4:22-cv-109, First Amended Complaint for Declaratory and Injunctive Relief (N.D. Fla. April 29, 2022): [https://www.commoncause.org/florida/wp-content/uploads/sites/8/2022/04/14977\\_92\\_Pacer91-Exhibit-A-Proposed-Amended-Complaint.pdf](https://www.commoncause.org/florida/wp-content/uploads/sites/8/2022/04/14977_92_Pacer91-Exhibit-A-Proposed-Amended-Complaint.pdf).

<sup>24</sup> <https://www.democracydocket.com/cases/florida-congressional-redistricting-challenge-black-voters-matter/>

<sup>25</sup> *Jacksonville Branch of the NAACP v. City of Jacksonville*, Case No. 3:22-cv-493, Complaint (M.D. Fla. May 3, 2022): [https://www.splcenter.org/sites/default/files/documents/jacksonville\\_naacp\\_v\\_city\\_of\\_jacksonville-complaint\\_3-22-cv-493.pdf](https://www.splcenter.org/sites/default/files/documents/jacksonville_naacp_v_city_of_jacksonville-complaint_3-22-cv-493.pdf).

<sup>26</sup> <https://www.splcenter.org/presscenter/court-blocks-racially-gerrymandered-jacksonville-city-council-maps-2023-and-2024>.



the city council was required to draw and implement new maps that provide fair representation to the Black community in Jacksonville. When the city council failed to draw and implement fairer maps, the court ordered fairer maps drawn by the voting rights organizations involved in the case be used for the 2023 elections. On May 9, 2023, the voting rights organizations, Jacksonville residents, and the Jacksonville City Council reached a settlement to ensure those maps would be used until the next redistricting cycle after 2030.

### **Conclusion**

Florida's constantly-evolving election laws—and the legal battles that inevitably ensue following their passage—have marred the voting process with fear, confusion, and intimidation. Despite these challenges, civil rights and community groups are working fervently throughout the state to protect voters and voting rights organizations; but they cannot do it alone. Congress must pass federal voting legislation that protects the rights of citizens to make their voices heard in elections across the country, in every state, and for every level of office. To defend voting rights and realize the promise of democracy for all, we need robust standards ensuring every American can exercise their right to vote, and we need to restore the coverage formula and preclearance components of the 1965 Voting Rights Act. As we forge ahead towards the 2024 elections, it is imperative that the federal government act now to protect against the dilution, discrimination, and disenfranchisement of vulnerable populations in Florida. Our future and our democracy depend on it.

For further information, please contact Matletha Bennette, Senior Staff Attorney, Voting Rights, by e-mail at [matletha.bennette@splcenter.org](mailto:matletha.bennette@splcenter.org) or by phone at 850-408-4840.

Respectfully,

Matletha Bennette  
Senior Staff Attorney, Voting Rights  
SPLC Action Fund

Testimony of Andrew Warren Before the Ad Hoc Hearing Titled  
“Oversight of Anti-democratic Abuse of Power in the State of Florida.”  
– June 22, 2023

Good afternoon Congressman Frost and Members of the House of Representatives.

I am Andrew Warren, the duly-elected State Attorney in Hillsborough County, Florida. Hillsborough County, home to the city of Tampa and 1.5 million Floridians, is a wonderful, purple slice of America. I was first elected State Attorney in 2016 and re-elected in 2020 with nearly 370,000 votes. Before being elected, I served as a federal prosecutor with the United States Department of Justice. Thank you for the opportunity to testify today on anti-democratic abuses of power in the state of Florida—where I was born and where I returned home to serve my community and raise my two beautiful daughters.

“America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves.” That quote is often misattributed to Abraham Lincoln, but it is an accurate warning of how fragile our democracy is. This is a perilous time for our nation. President Trump introduced us to modern authoritarianism through divisive rhetoric: he demonizes his detractors, and verbally attacks elections, judicial independence, and the rule of law. This all, of course, culminated in the January 6 physical attack on this very Capitol. Trump’s unique brand of politics has inspired copycats around the country, including Florida Governor Ron DeSantis.

Governor DeSantis has weaponized Trump’s authoritarian approach by elevating words into deeds. With the help of the Florida Legislature, Governor DeSantis has exploited cracks in the system and trampled both the spirit and the letter of the law to punish those who disagree

with him. He's attacked businesses, the LGBTQ+ community, and elected officials—chilling free speech and undermining the foundational principles of our republic in the process.

On August 4, 2022, Governor DeSantis abused his power and illegally suspended me from my position as State Attorney. That is not my opinion; that's a fact. A federal judge found that the suspension violated both state and federal law. The judge determined that the Governor's allegations against me were false and that the issue was "not close." He found that I had done my job as State Attorney extremely well, consistent with how I told my constituents I would. He concluded that the Governor's controlling motions were "bringing down a reform prosecutor ... and the political benefit that would result." The judge also found that it "did not matter" to Governor DeSantis whether the Governor's allegations against me were factually correct.

The court said it did not have jurisdiction to reinstate me—an issue that is currently on appeal—but the judge wrote, "if the facts matter, the Governor can simply rescind the suspension." Governor DeSantis has not done so. And despite the court's crystal-clear determination that my suspension was unlawful, Governor DeSantis continues to brag about suspending me, usually while misrepresenting the underlying facts.

My suspension was an unlawful attack on democracy. The Governor illegally overturned the result of my election to remove the rightfully elected state attorney chosen by the people of Hillsborough County, in order to replace me with one of his political acolytes.

Ron DeSantis may be the Governor of Florida, but he is not a King. He has not been given the power to usurp the will of the voters and remove an elected official from office for politics and publicity—which, as a federal court found, were his controlling motivations. My unlawful suspension is a blatant violation of one of our nation's most fundamental principles: the

people elect their leaders. Even my 9-year-old daughter knows that. Illegal acts like the Governor's erode the framework of American democracy.

My unlawful suspension was also an unlawful attack on free speech. The Governor targeted me because I had spoken out against the rush to criminalize abortion across America after last year's Supreme Court decision that overturned *Roe v Wade*. He also targeted me because I had spoken out against discrimination of transgender Americans. The court found that he violated my First Amendment rights under the U.S. Constitution by suspending me for speaking out on these important issues and because I am a Democrat.

Illegally removing a duly elected prosecutor for political reasons is a stunning abuse of power, but it is merely one of many times the Governor has abused his authority to punish those who disagree with him. He shows remarkable disdain for the laws he is sworn to uphold. He has championed several laws that have been found by courts to violate Floridians' constitutional rights, including legislation restricting discussion of race in school, penalizing social media companies, criminalizing peaceful protest, and banning transgender Floridians from receiving appropriate medical care. Governor DeSantis has also punished private businesses who dare defy him, including the Special Olympics, the Tampa Bay Rays baseball team, and Disney. He bragged about retaliating against Disney for expressing its opposition to the controversial "Don't Say Gay" bill. This fight with one of Florida's largest employers has already cost Floridians billions of dollars and thousands of jobs.

Governor DeSantis has attacked Florida's democracy in a variety of ways as well. He disenfranchised voters by redrawing Florida's congressional districts, and he has condoned false claims of widespread voter fraud: claims that have been thoroughly debunked. Specifically, he passed an unnecessary law that enacted restrictions on voting. He created a costly election police

force ostensibly to combat voter fraud, despite the fact that someone is three times more likely to be struck by lightning than have committed voter fraud. And Governor DeSantis has made a spectacle of arresting and prosecuting returning citizens for impermissibly voting even though the government apparently told those individuals they were allowed to vote. Judges and prosecutors have already dismissed several of those cases.

Governor DeSantis likes to brag about the so-called “free state of Florida,” but in my lifetime, the state has never been less free. From the LGBTQ+ community and teachers to private businesses and elected officials, if you cross the Governor, you are at risk of political reprisals. This fear-based, punitive approach to governance should send shivers down the spine of anyone who cares about free speech, fair elections, or the rule of law—three core principles on which American democracy is built.

It would be convenient for Governor DeSantis’s supporters to dismiss my testimony because he and I are from different political parties—which we are—or because I am frustrated about my suspension—which I am—or because I disagree with many of his policies—which I do. But this is not politics as usual. I disagree with many Republican officials and Republican policies—as well as some Democrats and Democratic policies. Even though I may disagree, I know those officials and their policies are not threats to democracy. Governor DeSantis’s track record of abusing his power, however, certainly is.

## **Testimony of Jasmine Burney-Clark**

Good afternoon Congressman Frost and Members of the House of Representatives.

On behalf of Equal Ground Education Fund, a Black-led community-centered voting rights organization headquartered in Orlando, FL working to protect and expand the voting rights of Black Floridians throughout the state. Thank you for the opportunity to testify on the importance of safe, fair, and accessible voting in Florida, the new voter suppression laws that have eroded access to the ballot box, the ability to register folks to vote, and the resulting lawsuits.

A lot has been said about Florida over the past few years. As a native Floridian who has dedicated my personal and professional life to civic engagement, I would like to start by sharing my story of limitations to civic access and representation and addressing a very important issue that has been plaguing the state of Florida for quite some time now - voter suppression.

This is a serious issue that deserves our attention and action if we are to preserve the integrity of our nation's democracy.

### **Redistricting**

Throughout Florida's history, rampant gerrymandering deeply compromised our government by suppressing citizens' rights to elect representatives to the legislature and Congress fairly. Elected officials were effectively choosing their voters and voters had no true ability to select their representatives of choice because elections were predetermined by the outlines of the districts.<sup>1</sup> The

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<sup>1</sup> Common Cause Florida, A Recent History of Redistricting in Florida(2000-2016) - 2016, <https://www.commoncause.org/florida/a-recent-history-of-redistricting-in-florida/>

year was 1992 and I had just turned six. Florida's delegation had African-American members for the first time since Reconstruction.<sup>2</sup> Specifically congressional district 3, a minority-majority racially gerrymandered district snaking across the northern to central parts of the state to allow for the creation of an African American District which I happen to reside in. For the next 30 years this district would be the center of redistricting and map-drawing debates that have seen multiple rounds of litigation and leaders. For 30 years of my life my congressional representation and the resources tied to it from this federal government have been at stake due to the posturing of political and racial gerrymandering by Florida legislators.

Florida has a long history of gerrymandering, which is the practice of manipulating the boundaries of electoral districts to favor one political party or group over another. Gerrymandering is often used to create "safe" districts for incumbent politicians or to pack opposing voters into a small number of districts in order to dilute their voting power.

This fall, I will represent Equal Ground and join co-plaintiffs in court to fight once again for the restoration of two Black congressional districts including the congressional district where I currently reside that was unconstitutionally redistricted in 2022 by the doing of Gov. DeSantis.

## **History of Voter Suppression**

Over the past few years, Florida has become a breeding ground for voter suppression laws. But no state disenfranchises more of its citizens than Florida.<sup>3</sup> These laws create major obstacles to vote-by-mail, curtail access to drop boxes, and criminalize line-warming activities such as

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<sup>2</sup> <https://mcimaps.com/florida-redistricting-preview-4-floridas-1990s-congressional-redistricting/>

<sup>3</sup> [https://www.brennancenter.org/sites/default/files/publications/Florida\\_Voting\\_Rights\\_Outlier.pdf](https://www.brennancenter.org/sites/default/files/publications/Florida_Voting_Rights_Outlier.pdf)



providing water to voters they also violate the Voting Rights Act and unlawfully abridge voters' rights to voter assistance at polling locations.

The appointment of an elections police department paved the way for voters to be removed from the voting rolls, and further prohibit Supervisors of Elections from being able to effectively do their job with the support of well-intentioned organizations and donors who desire to see more people engage in our civic process.

Equal Ground recognizes the deep history of racist and suppressive tactics used in this country to disenfranchise Black and Brown voters from participating in the electoral process, and the creation of an elections police department is a solution to a problem that does not exist. We already have safeguards in place to investigate and prosecute those who violate our election laws, and in a state that prides itself on fiscal responsibility, this new elections police force is a waste of tax dollars. Our political atmosphere has become so polarized and divisive, and we at Equal Ground have genuine concerns that this agency will be weaponized to attack political enemies and divert attention and resources from the real work of making voting more accessible to those who desire to participate in the democratic process. With voting being the cornerstone of our democracy, we cannot in good conscience support any effort that will lead to voters being removed from the voting rolls if they don't vote within a certain time frame. As Americans, there is no expiration to our citizenship and as such, there should be no expiration to the most sacred right we have in a democracy – and that is the right to vote.

Our democracy is at stake and we, as voters and Americans who believe in our democracy, must be unified in condemning these repeated attempts to impede our ability to be civically engaged. Voter purges, poll taxes, and partisan gerrymandering make up Florida's notorious reputation of passing restrictive voter suppression laws.

**Purges:** In year 2000, nearly 12,000 voters were purged from the voter rolls after being wrongly identified as returning citizens also referred to as convicted felons. 41% of them were Black residents.<sup>4</sup>

**Early Voting:** In 2010 Black voters utilized the option to vote early at a higher rate than in previous elections and in 2011 the Florida legislature cut early voting days nearly in half from 14 days to 8 days.<sup>5</sup>

**Rights Restoration:** In 2018 through a citizen ballot initiative approved by nearly 65% of voters, 1.6M returning citizens through a citizen ballot initiative were given the right to automatic voting rights restoration with the exception of certain felonies. Nearly one-third of those who have lost the right to vote for life in Florida are black, although African Americans make up just 16 percent of the state's population.<sup>6</sup> Florida is a key battleground state with a diverse population, and any attempt to suppress the votes of certain communities can have a significant impact on the outcome of elections. In fact, in the 2018 gubernatorial race, the margin of victory was just over 30,000 votes, highlighting the importance of every vote.

**Poll Tax:** After this close election, the new administration and legislature immediately got to work making it harder for formerly incarcerated people to vote. Shortly thereafter, in 2019 a poll tax was implemented by the legislature to require they pay fees, fines and restitution before they could access their right to vote. The 2019 election administration law mandates that the state and county notify convicted felons of the outstanding terms of their sentence with respect to voting eligibility, upon release from custody/supervision.<sup>7</sup> The new law creates two classes of returning citizens: a group wealthy enough

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<sup>4</sup><https://www.orlandosentinel.com/2021/03/10/a-civics-lesson-floridas-sordid-voting-rights-past-and-its-grim-future-editorial/?clearUserState=true>

<sup>5</sup> <https://www.nytimes.com/2011/05/06/us/politics/06voting.html>

<sup>6</sup> Christopher Uggen, Sarah Shannon & Ryan Larson, The Sentencing Project, 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016, at 15 (2016), available at <http://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf>.

<sup>7</sup><https://www.flsenate.gov/Committees/bills/summaries/2019/html/2038#:~:text=Mandates%20that%20the%20state%20and,upon%20release%20from%20custody%2Fsupervision.>

to afford their voting rights and another group who cannot afford to vote. But the right to vote should not come with a price tag.<sup>8</sup> The law has been referred to as a poll tax. In 1889 the Legislature adopted a \$2 annual poll tax as a requirement for voting. Florida was the first state in the nation to adopt a poll tax.<sup>9</sup> This tax is something scores of people can't feasibly resolve as there is no centralized database for fees and fines in the state.<sup>10</sup>

**Vote By Mail:** Amid the coronavirus outbreak, mail balloting expanded tremendously across the state.<sup>11</sup> In 2020 most (86%) VBM voters filled out their ballot alone, and of those who filled out their ballot with someone else, a majority (68%) did so with their spouse or partner. Blacks (50%) were more likely than any other racial demographic to vote by mail, while Hispanics (35%) were the least. During the 2021 Florida legislative session, the passage of Senate Bill 90, would once again disrupt the Florida elections administration process. It expanded the criminalization of third-party ballot returns, it outlawed the distribution of any item including food and water to any voter, and reduced the scope of protection of voter assistance outside the no-solicitation zone. This change interferes with the work of non-partisan voter education and outreach organizations like Equal Ground for no valid reason. As trusted messengers in our community, we provide vital assistance to voters, which voters depend upon for language assistance, troubleshooting voting rights violations, and assistance with voting. Finally, SB 90 seeks to restrict requests for vote-by-mail ballots by requiring applicants to produce ID. Despite a steady stream of attacks on the right to vote of Floridians of color, Florida was simultaneously known for having built reliable vote-by-mail and dropbox system. The only thing that's changed is that certain politicians were afraid of Black and Brown people using their voices like we did in 2020. We're here to say that Florida can't have it both ways. It cannot be that we build up vote by mail when it works for one

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<sup>8</sup> <https://www.acluf.org/en/news/florida-governor-introduces-poll-tax-curtailling-amendment-4>

<sup>9</sup> <https://www.tampabay.com/news/perspective/floridas-history-of-suppressing-blacks-votes/2146546/>

<sup>10</sup> <https://www.businessinsider.com/florida-worst-case-racist-voter-suppression-voting-election-2020-10>

<sup>11</sup> [https://lci.fsu.edu/wp-content/uploads/sites/28/2022/09/Updated-Florida-2020-Election-Report-V3\\_Compressed\\_.pdf](https://lci.fsu.edu/wp-content/uploads/sites/28/2022/09/Updated-Florida-2020-Election-Report-V3_Compressed_.pdf)

community, but restrict it when people of color start using it. Everyone should be able to make themselves heard equally at the ballot, and we're not going to relent until that's a reality in Florida.

**Elections Police Taskforce:** The passage of Florida Senate Bill 524 created a partisan-appointed elections police department, paving the way for voters to be removed from the voting rolls, and further prohibiting Supervisors of Elections from being able to effectively do their job. Equal Ground recognizes the deep history of racist and suppressive tactics used in this country to disenfranchise Black voters from participating in the electoral process, and the creation of an elections police department is a solution to a problem that does not exist. We already have safeguards in place to investigate and prosecute those who violate our election laws, and in a state that prides itself on fiscal responsibility, this new elections police force is a waste of tax dollars. Our political atmosphere has become so polarized and divisive, and our concerns that this agency will be weaponized have materialized. In the week leading up to the to the 2022 Primary election Returning Citizens became the target of a witch hunt by this task force in an effort attack divert attention and resources from the real work of making voting more accessible to those who desire to participate in the democratic process. With voting being the cornerstone of our democracy, we cannot in good conscience support any effort that will lead to voters being removed from the voting rolls because our state hasn't invested in the infrastructure to verify voter eligibility.

**Third-Party Voter Registration Organizations:** With the signing of Senate Bill 7050, the state has doubled down on its anti-democratic efforts to silence Black and Brown voters. SB 7050 builds upon Florida's racist history of voter suppression and attacks the very modes of voting utilized by Black Floridians and the community organizations that often work to engage them. This bill outlaws the hiring of returning citizens with certain felony convictions and the hiring of non-citizens. Just two years ago fines for third party voter registration organizations were capped at \$1,000, under this bill they have now been capped at \$250,000 making it entirely cost-prohibitive to collect voter registration cards. This law adds a

disclaimer to voter registration cards shifting the responsibility to verify if a person is eligible to register to vote solely to the voter while failing to provide proper tools from the State to facilitate this process.

It is also important to note that these tactics are not unique to Florida. Across the country, we have seen a rise in voter suppression tactics, particularly in states with Republican leadership. These tactics are often targeted at Black and Brown communities who are more likely to vote for Democratic candidates. This is a clear attempt to manipulate the democratic process and ensure that the Republican party maintains power.

These tactics are not only morally wrong, but they also undermine the very foundation of our democracy. The right to vote is a fundamental aspect of our democracy, and any attempt to suppress or restrict that right is a direct attack on our democracy. It is our duty as citizens to ensure that every eligible voter has the right to vote and that their vote is counted.

The fact that these tactics are being used in Florida is particularly concerning.

For decades, the Voting Rights Act has been instrumental in protecting the rights of all citizens to vote, regardless of their race or ethnicity. It was signed into law in 1965, at a time when discrimination against African Americans and other minorities was rampant, and it has been a cornerstone of civil rights legislation ever since.

However, in recent years, we have seen a disturbing trend of erosion of the Voting Rights Act. In 2013, the Supreme Court struck down a key provision of the act that required certain states with a history of discrimination to receive federal approval before changing their voting laws. This decision, in *Shelby County v. Holder*, has had a significant impact on voting rights and has allowed for the implementation of laws that disproportionately affect Black and Brown voters.

Since the Shelby County decision, we have seen a wave of new voting laws that make it harder for people to vote. These laws include strict voter ID requirements, limiting early voting, and purging voter rolls. These laws have a disproportionate impact on Black and Brown voters, who are more likely to lack the necessary identification or face other barriers to voting.

In conclusion, the issue of voter suppression in Florida is a serious concern that requires our attention and action. Let me be very clear, Governor DeSantis and the Florida GOP passed voter suppression laws with the intent to silence Black and Brown voices and diminish the power of Black and Brown voters, who are a threat to their political power. The right to vote is a fundamental aspect of our democracy, and any attempt to suppress that right is a direct attack on our democracy. We must hold our leaders accountable and ensure that every eligible voter has the right to vote and that their vote is counted.

We must demand that our elected officials take action to protect voting rights and pass legislation that restores the Voting Rights Act to its full strength. These issues have raised concerns about the fairness and accessibility of the voting process in Florida, and have led to calls for reform from voting rights advocates and Congress.

This erosion of the Voting Rights Act is a threat to our democracy. Voting is a fundamental right, and when barriers are put in place that make it harder for people to vote, we are denying them their voice in our democracy. We need to ensure that all citizens have equal access to the ballot box and that their voices are heard. As Americans, we must stand up for the right to vote and fight against any attempts to erode this fundamental right. Thank you for your time today.