

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA**

CHARLES PAT ROBERTS and  
MAT MEDIA, LLC,

Plaintiffs,

v.

Case No.:

THE FLORIDA HOUSE OF REPRESENTATIVES and  
RICHARD CORCORAN, in his official capacity as  
Speaker of the House of Representatives,

Defendants.

---

**COMPLAINT FOR TEMPORARY AND  
PERMANENT INJUNCTIVE RELIEF**

Plaintiffs, CHARLES PAT ROBERTS and MAT MEDIA, LLC sue  
defendants, THE FLORIDA HOUSE OF REPRESENTATIVES and RICHARD  
CORCORAN, in his official capacity as Speaker of the House of Representatives  
and allege:

1. This is an action for prospective injunctive relief and declaratory judgment.
2. This court has jurisdiction pursuant to 28 USC §1331, 42 USC §1983, and 28 USC § 2201.
3. Plaintiff CHARLES PAT ROBERTS (ROBERTS) is an individual who resides in Leon County Florida, and is the managing member of MAT MEDIA, LLC.

4. Plaintiff MAT MEDIA, LLC, (“MAT MEDIA”) is a Florida Limited Liability Company, located in Leon County, Florida.
5. Defendant FLORIDA HOUSE OF REPRESENTATIVES is one of the two chambers that comprise the Florida Legislature, in which the Florida Constitution vests the legislative power of the State.
6. Defendant RICHARD CORCORAN, in his official capacity as the Speaker of the Florida House of Representatives, is the Speaker of the Florida House of Representatives. The Speaker of the Florida House of Representatives is the presiding officer for that institution pursuant to Article III, Section 2, of the Florida Constitution. Pursuant to House Rule 2.6, the Speaker is empowered to initiate suits on behalf of the House, its members, its committee, and its employees and agents on a matter of significant interest to the House.

#### **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

7. MAT MEDIA and ROBERTS are the subjects of investigation by the HOUSE.
8. Article III, section 5 of the Florida Constitution provides the House of Representatives with the power to compel the production of documents and other evidence and empowers the House to punish those who refuse to obey the subpoena. It states:

**SECTION 5. Investigations; witnesses.**—Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

9. Section 11.143(3)(c), Florida Statutes is the statutory implementation of article III, section 5. It states:

(c) Either house during the session may punish by fine or imprisonment any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons, but such imprisonment must not extend beyond the final adjournment of the session.

10. On January 11, 2018, the HOUSE adopted a report of the Public Integrity and Ethics Committee (“PIE Committee”) to issue subpoenas pursuant to article III, section 5 of the Florida Constitution. A copy of the PIE Committee Report is attached hereto as Exhibit “A.”

11. The PIE Committee Report recommends issuing a subpoena duces tecum to MAT Media and ROBERTS and threatens punishment by fines and/ or

imprisonment for failure to comply with the subpoenas by the close of business on January 16, 2018. See Exhibit “A”.

12. On that same day, the HOUSE served a subpoenaes duces tecum on MAT MEDIA and ROBERTS. A copy of the subpoena to ROBERTS is attached as Exhibit “B”. A copy of the subpoena to Mat Media is attached as Exhibit “C”.
13. Article III, section 5 of the Florida Constitution empowers the HOUSE to punish by imprisonment and/or fine any person who fails to obey a “lawful” subpoena of the House.
14. The HOUSE has asserted that its can exercise its powers to without any judicial oversight. When questioned about the Plaintiffs’ Due Process rights to challenge the subpoenas, Representative Metz, Chair of the PIE Committee, reflecting the view of the House stated: “there is potential for judicial review,” though he thinks that would violate separation of powers. **“I think the House has the power to act here, without judicial oversight.”**
15. There is no judicial review or any review by any independent fact finders of the HOUSE’s decision imprison and/or fine a person when the HOUSE acts pursuant to article III, section 5 of the Florida Constitution and Section 11.143(3)(c), Florida Statutes.

16. The power to subpoena is limited to “matters under investigation before the HOUSE or any of its subcommittees.” MAT MEDIA and ROBERTS assert that the documents have no pertinency to the stated focus of the investigation; namely, an investigation of “certain Visit Florida television contracts to discover the integrity of such contracts and the quality of their procurement.” A transcript of this portion of the house debate is attached as Exhibit “D”
17. The HOUSE subpoenas compel production of private documents that include, without limitation, tax returns, trade secret and other proprietary information not available to the general public.
18. CORCORAN has asserted legislators and legislative staff may make the information received public pursuant to the subpoenas notwithstanding the trade secret and privacy interests inherent in the documents.
19. MAT MEDIA and ROBERTS object to the production and publication of many of the documents requested by the HOUSE because:
  - a. The documents are private documents;
  - b. The documents contain trade secrets; and
  - c. The HOUSE has no legitimate legislative interest in compelling production of these documents from MAT MEDIA and ROBERTS.

20. MAT MEDIA and ROBERTS have no available avenue to object to the production of the documents and they are subject to imprisonment and/ or fine if the documents are not produced by 5:00 p.m. on January 16, 2018.
21. The House has asserted that it provided due process by “allowing Robert’s and Mat’s attorney to appear before the PIE committee provided that he not make any argument.”
22. The issuance of the HOUSE subpoenas on January 11, 2018 follows issuance of the identical subpoenas by the PIE Committee on October 12, 2017, before the commencement of session of the Florida Legislature.
23. MAT Media and Mr. Roberts challenged validity of the “interim” PIE Committee subpoenas by seeking a determination in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Case No. 2017-CA-002284, that the PIE Committee and the Speaker of the Florida House of Representatives, in issuing the subpoenas, exceeded their authority under the Constitution of the State of Florida, Rules of the Florida House of Representatives, and the Florida Statutes, by seeking records from MAT Media and Mr. Roberts. In addition, MAT Media and Mr. Roberts sought a determination that a number of the documents sought were “trade secrets” or were protected pursuant to Florida’s constitutional right to privacy. These

“in session” subpoenas are different and not related to the “out of session subpoenas” previously issued by the PIE committee.

24. The ability to seek a judicial determination of the PIE Committee subpoenas arguably provides some independent judicial review as the article III, section 5 specifically states “Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law”
25. Because the HOUSE objected to any judicial review, after the Plaintiffs challenged the interim subpoenas in state court, the HOUSE, knowing that the Florida Constitution provided no judicial review for an “in session” subpoena, reissued new subpoenas, governed by different rules to MAT MEDIA and ROBERTS.
26. It was the HOUSE’s specific intent to deny MAT MEDIA and ROBERTS a meaningful review of the subpoenas and to deny them procedural due process.
27. Without meaningful independent review of the subpoena power, and the HOUSE’s subpoena, the plaintiffs will be deprived of their property and in Robert’s case potentially his liberty without due process of law guaranteed by the Fifth and Fourteenth Amendments to the Unites States Constitution.

**Count I – Violation of 42 U.S.C. § 1983<sup>1</sup>**

28. MAT MEDIA and ROBERTS re-allege the allegations of Paragraphs 1 through 27.
29. The HOUSE, through its Speaker CORCORAN, acting under color of state law, will deprive MAT MEDIA and ROBERTS of their constitutionally protected right of due process under the Fourteenth Amendment to the United States Constitution by enforcing the in-session subpoenas and requiring Plaintiffs to provide private, confidential documents, with the punishment of fine and imprisonment for failure to comply.
30. The Defendants' actions will deprive MAT MEDIA and ROBERTS of their constitutionally-protected property and liberty interests because there is no proceeding in which they can meaningfully challenge the subpoenas with assurance that the arbiter is not predisposed to find against them.
31. There is no adequate state remedy that would provide MAT MEDIA and ROBERTS with procedural due process protections guaranteed under the Fourteenth Amendment to the United States Constitution to challenge the subpoenas.

---

<sup>1</sup> By limiting its complaint to §1983 and declaratory judgment related to a denial of procedural due process, the plaintiffs do not intend to waive or be estopped from asserting the defenses based on state law related to the in session subpoena.

32. MAT MEDIA and ROBERTS have retained undersigned counsel to vindicate their civil rights and are obligated to pay them a reasonable attorneys fee.

WHEREFORE, MAT MEDIA and ROBERTS request the court to enter an injunction against the Defendants prohibiting them from taking any action to enforce the subpoenas or any action purporting to hold the MAT MEDIA and ROBERTS in contempt, award Plaintiffs costs and attorney's fees pursuant to 42 U.S.C. § 1988, and award any and all further relief this Court deems just.

### **Count II – Declaratory Judgment**

33. MAT MEDIA and ROBERTS re-allege the allegations of Paragraphs 1 through 27.

34. There is no state remedy that would give MAT MEDIA and ROBERTS procedural due process to challenge the in-session subpoenas issued by Defendants.

35. MAT MEDIA and ROBERTS will be deprived of their property and liberty interests because there is no proceeding in which they meaningfully challenge the subpoenas with assurance that the arbiter is not predisposed to find against them.

36. Article III, section 5 of the Florida Constitution and Section 11.143(3)(c), Florida Statutes (2017) are unconstitutional as they give the House the power to be judge, jury and executioner for alleged violations of its subpoenas without any meaningful independent judicial review as guaranteed by the Fifth and Fourteenth Amendments to the US Constitution.

WHEREFORE Plaintiffs pray the court to declare article III, section 5 of the Florida Constitution, and Section 11.143(3)(c), Florida Statutes, unconstitutional and award the taxable costs of this action.

Dated: January 16, 2018

Respectfully submitted,

s/ MARK HERRON

MARK HERRON

Florida Bar No. 0199737

BRENNAN DONNELLY

Florida Bar No. 268895

ROBERT J. TELFER III

Florida Bar No. 0128694

**MESSER CAPARELLO, P.A.**

P.O. Box 15579 (32317)

2618 Centennial Place

Tallahassee, FL 32308

850-222-0720 – Telephone

850-224-4359 – Facsimile

and

**Jansen & Davis, P.A.**

R. Timothy Jansen

Florida Bar No. 691208  
Email: [jansen@jansenanddavis.com](mailto:jansen@jansenanddavis.com)  
Adam J. Komisar  
Florida Bar No. 86047  
Email: [akomisar@jansenanddavis.com](mailto:akomisar@jansenanddavis.com)  
1206 N Duval St  
Tallahassee, FL 32303-6115  
Telephone: 850-224-1440  
Facsimile: 850-224-0381



**The Florida House of Representatives**  
**Public Integrity & Ethics Committee**

**Richard Corcoran**  
Speaker

**Larry Metz**  
Chair

Report on Investigation  
January 11, 2018

Dear Mr. Speaker:

Your Public Integrity and Ethics Committee herewith submits the following report regarding an investigation of Visit Florida television production and broadcast contracts.

At the request of the Speaker, the Public Integrity & Ethics Committee has been investigating certain Visit Florida television production contracts to discover the integrity of such contracts and the quality of their procurement. In furtherance thereof, on October 12, 2017, the Committee issued subpoenas *duces tecum* to Mat Media, LLC, and Charles Pat Roberts compelling production of documents pertinent to the investigation. Those parties refused to comply with those subpoenas. The law provides the Committee no power to punish such non-compliance. On November 7, 2017, the Committee asked Speaker Corcoran to file an action in Circuit Court, pursuant to section 11.143(4)(b), Florida Statutes, seeking an order compelling compliance with the Committee Subpoenas. Such action remains pending.

The legislative calendar makes time of the essence and patient reliance on the judiciary may not be sufficient to the needs of the investigation.

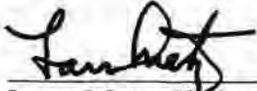
Now having convened in Regular Session the House has authority pursuant to Section 5, Article III of the Florida Constitution, to compel production of documents upon any matter under investigation and may directly punish any refusal to obey its lawful orders. Recognizing that this constitutional power only exists while the House is in session, the Committee requests the House to issue subpoenas to Mat Media, LLC, and to Charles Pat Roberts, compelling the production of

This is in Header

Page 2

all documents previously subpoenaed by the Public Integrity & Ethics Committee, returnable by 5:00 p.m., Tuesday, January 16, 2018. The Committee also recommends that the House declare that each calendar day of noncompliance after the return date of such subpoenas may constitute a separate act of contempt of the House punishable to the Constitutional limit.

A quorum was present in person, and a majority of those present agreed to the above Report.

A handwritten signature in black ink, appearing to read "Larry Metz", written over a horizontal line.

Larry Metz, Chairman

**THE FLORIDA HOUSE OF REPRESENTATIVES**  
**Subpoena Duces Tecum**

To: Charles Pat Roberts  
201 S. Monroe Street, Ste. 201  
Tallahassee, FL 32301

Snd 1/11/18 at 130p  
hycmc gns #101

**YOU ARE COMMANDED** to appear at the Florida House of Representatives, House Office Building, 402 S. Monroe Street, Suite 402, Tallahassee, FL 32399 on January 16, 2018, at 5:00 p.m. and to have with you at that time and place the records listed on the attached Exhibit "A."

These records will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the House General Counsel on or before the scheduled date of production. You may mail or deliver the copies to the House General Counsel and thereby eliminate your appearance at the time and place specified above. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to appear as specified, or fail to furnish the records instead of appearing as provided above, you may be held in contempt of the Florida House of Representatives and may be punished according to article III, section 5 of the Florida Constitution, section 11.143(3)(c) of the Florida Statutes, and applicable Rules of the Florida House of Representatives. Said punishment may include imprisonment for up to ninety days and a fine of up to \$1,000 per failure to comply.

You are subpoenaed to appear and unless excused from this subpoena by the Speaker of the House, you shall respond to this subpoena as directed. If you have any questions regarding this subpoena, you should contact Adam Tanenbaum, House General Counsel, at (850) 717-5500.

Herein fail not, under penalty of law.  
Given under my hand and seal by Order of the House  
this 11th day of January, 2018.



Richard Corcoran, Speaker



ATTEST:



Portia Palmer, Clerk

*To All and Singular the Sheriffs of the State of Florida, and to Other Person(s) Authorized by Law to Serve Process in this State:* You are hereby commanded to serve and return this subpoena according to law.

**Exhibit "A"**

1. All contracts and agreements between MAT Media, LLC and Scripps Network Interactive related to Emeril's Florida for years 2012-2017.
2. All contracts between MAT Media, LLC and Cooking Channel related to Emeril's Florida for years 2012-2017.
3. All contracts between MAT Media, LLC and Food Network related to Emeril's Florida for years 2012-2017.
4. All contracts between MAT Media, LLC and Martha Stewart Living Omni Media, Inc. related to Emeril's Florida for years 2012-2017.
5. All contracts between MAT Media, LLC and MSLO Emeril's Acquisition, LLC related to Emeril's Florida for years 2012-2017.
6. All contracts between MAT Media, LLC and Emeril Lagasse related to Emeril's Florida for years 2012-2017.
7. All contracts between MAT Media, LLC and Emeril Brands related to Emeril's Florida for years 2012-2017.
8. All contracts between MAT Media, LLC and the restaurants featured in Emeril's Florida for years 2012-2017.
9. All contracts between MAT Media, LLC and any other entity, including but not limited to contracts for advertising or sponsorship, regarding Emeril's Florida for years 2012-2017.
10. All contracts between MAT Media, LLC and Florida Office of Film and Entertainment for the production and airing of Emeril's Florida for years 2012-2017.
11. All documents reflecting all rebates and incentives received from Florida Office of Film and Entertainment for the production and airing of Emeril's Florida for years 2012-2017.
12. All documents reflecting all tax rebates and incentives received related to the production and airing of Emeril's Florida for years 2012-2017.
13. All contracts between MAT Media, LLC and any Florida Convention and Visitor Bureau (CVB), Tourist Development Council (TDC), and/or Visit Florida Strategic Partners, including Busch Gardens, Disney, SeaWorld or Universal Studios, concerning co-op participation under contract with Visit Florida for years 2012-2017.
14. All necessary licenses, agreements, and consents obtained authorizing MAT Media, LLC to contract with Emeril Lagasse, Martha Stewart Living Omni Media and the Cooking Channel, along with all costs incurred as a result.
15. All documents reflecting all revenues received by MAT Media, LLC in connection with the production and airing of Emeril's Florida for years 2012-2017, including but not limited to revenues received from the sale of media buys and/or revenues received from featured restaurants and resorts/hotels.
16. All documents reflecting all expenses incurred by MAT Media, LLC in connection with the production and airing of Emeril's Florida for years 2012-2017.
17. All documents evincing performance required by contracts with Visit Florida related to Emeril's Florida including but not limited to receipts, invoices, bills, subcontracts, and media placement agreements.
18. All journals, ledgers, books and records concerning the production and airing of Emeril's Florida for years 2012-2017.
19. Federal tax returns for MAT Media, LLC for 2012-2016.
20. All documents sufficient to reflect income received by Charles Patrick Roberts from MAT Media, LLC in connection with the production and airing of Emeril's Florida for 2012-2017.

**THE FLORIDA HOUSE OF REPRESENTATIVES**  
**Subpoena Duces Tecum**

To: MAT Media, LLC, Records Custodian  
c/o Charles Pat Roberts, Registered Agent and Managing Member  
201 S. Monroe Street, Ste. 201  
Tallahassee, FL 32301

5/11/18 at 130p  
by cma gcs #101

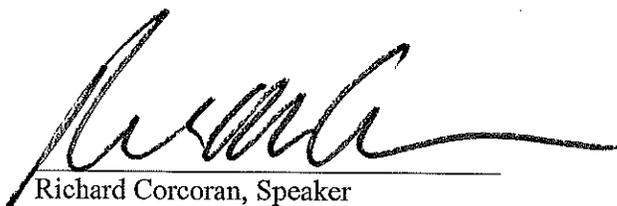
**YOU ARE COMMANDED** to appear at the Florida House of Representatives, House Office Building, 402 S. Monroe Street, Suite 402, Tallahassee, FL 32399 on January 16, 2018, at 5:00 p.m. and to have with you at that time and place the records listed on the attached Exhibit "A."

These records will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the House General Counsel on or before the scheduled date of production. You may mail or deliver the copies to the House General Counsel and thereby eliminate your appearance at the time and place specified above. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to appear as specified, or fail to furnish the records instead of appearing as provided above, you may be held in contempt of the Florida House of Representatives and may be punished according to article III, section 5 of the Florida Constitution, section 11.143(3)(c) of the Florida Statutes, and applicable Rules of the Florida House of Representatives. Said punishment may include imprisonment for up to ninety days and a fine of up to \$1,000 per failure to comply.

You are subpoenaed to appear and unless excused from this subpoena by the Speaker of the House, you shall respond to this subpoena as directed. If you have any questions regarding this subpoena, you should contact Adam Tanenbaum, House General Counsel, at (850) 717-5500.

Herein fail not, under penalty of law.  
Given under my hand and seal by Order of the House  
this 11th day of January, 2018.

  
Richard Corcoran, Speaker



ATTEST:   
Portia Palmer, Clerk

*To All and Singular the Sheriffs of the State of Florida, and to Other Person(s) Authorized by Law to Serve Process in this State:* You are hereby commanded to serve and return this subpoena according to law.

**Exhibit "A"**

1. All contracts and agreements between MAT Media, LLC and Scripps Network Interactive related to Emeril's Florida for years 2012-2017.
2. All contracts between MAT Media, LLC and Cooking Channel related to Emeril's Florida for years 2012-2017.
3. All contracts between MAT Media, LLC and Food Network related to Emeril's Florida for years 2012-2017.
4. All contracts between MAT Media, LLC and Martha Stewart Living Omni Media, Inc. related to Emeril's Florida for years 2012-2017.
5. All contracts between MAT Media, LLC and MSLO Emeril's Acquisition, LLC related to Emeril's Florida for years 2012-2017.
6. All contracts between MAT Media, LLC and Emeril Lagasse related to Emeril's Florida for years 2012-2017.
7. All contracts between MAT Media, LLC and Emeril Brands related to Emeril's Florida for years 2012-2017.
8. All contracts between MAT Media, LLC and the restaurants featured in Emeril's Florida for years 2012-2017.
9. All contracts between MAT Media, LLC and any other entity, including but not limited to contracts for advertising or sponsorship, regarding Emeril's Florida for years 2012-2017.
10. All contracts between MAT Media, LLC and Florida Office of Film and Entertainment for the production and airing of Emeril's Florida for years 2012-2017.
11. All documents reflecting all rebates and incentives received from Florida Office of Film and Entertainment for the production and airing of Emeril's Florida for years 2012-2017.
12. All documents reflecting all tax rebates and incentives received related to the production and airing of Emeril's Florida for years 2012-2017.
13. All contracts between MAT Media, LLC and any Florida Convention and Visitor Bureau (CVB), Tourist Development Council (TDC), and/or Visit Florida Strategic Partners, including Busch Gardens, Disney, SeaWorld or Universal Studios, concerning co-op participation under contract with Visit Florida for years 2012-2017.
14. All necessary licenses, agreements, and consents obtained authorizing MAT Media, LLC to contract with Emeril Lagasse, Martha Stewart Living Omni Media and the Cooking Channel, along with all costs incurred as a result.
15. All documents reflecting all revenues received by MAT Media, LLC in connection with the production and airing of Emeril's Florida for years 2012-2017, including but not limited to revenues received from the sale of media buys and/or revenues received from featured restaurants and resorts/hotels.
16. All documents reflecting all expenses incurred by MAT Media, LLC in connection with the production and airing of Emeril's Florida for years 2012-2017.
17. All documents evincing performance required by contracts with Visit Florida related to Emeril's Florida including but not limited to receipts, invoices, bills, subcontracts, and media placement agreements.
18. All journals, ledgers, books and records concerning the production and airing of Emeril's Florida for years 2012-2017.
19. Federal tax returns for MAT Media, LLC for 2012-2016.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

---

FLORIDA HOUSE OF REPRESENTATIVES  
EXCERPT OF PROCEEDINGS

---

DATE: JANUARY 11, 2018  
TRANSCRIBED BY: DEBRA R. KRICK  
Court Reporter and  
Notary Public in and for  
State of Florida at Large

PREMIER REPORTING  
114 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

1

## EXCERPT OF PROCEEDINGS

2

FEMALE SPEAKER: Dear Mr. Speaker, your Public Integrity and Ethics Committee herewith submits the following report regarding an investigation of Visit Florida television production and broadcast contracts.

3

4

5

6

7

Reading of the report, Mr. Speaker.

8

9

SPEAKER OF THE HOUSE: Representative Metz, you are recognized on the report.

10

REPRESENTATIVE METZ: Thank you, Mr. Speaker.

11

12

13

14

15

16

17

As you know, at the request of the Speaker, the Public Integrity and Ethics Committee has been investigating certain Visit Florida contracts related to the production of television programs, and we are trying to find out what the integrity of the contracts are, and the quality of their procurement.

18

19

20

21

22

23

24

25

In furtherance thereof, on October 12, 2017, the Committee issued subpoenas to Mat Media, LLC and Charles Pat Roberts compelling production of documents pertinent to the investigation. Those parties refused to comply with the subpoenas. The law provides our committee with no power to enforce the subpoenas. We have no power to punish noncompliance.

1           And on November 7th, 2017, the Speaker  
2           asked -- (INAUDIBLE) -- to file an action in  
3           circuit court pursuant to Section 11.143(b)(4)(b),  
4           Florida Statutes, seeking an order compelling  
5           compliance with the Committee subpoenas. That  
6           action remains pending. We still have not received  
7           any enforcement orders on the subpoenas.

8           The legislative calendar makes time of the  
9           essence with this regard -- in this regard, and  
10          patient reliance on the judiciary may not be  
11          sufficient for the needs of our investigation.

12          Now, that we are convened in regular session,  
13          Mr. Speaker, the House has authority pursuant to  
14          Article III, Section 5, of the Florida Constitution  
15          to compel production of documents upon any matter  
16          under investigation, and may directly punish any  
17          refusal to obey its lawful orders.

18          Recognizing that this power under the  
19          Constitution only exists when the House is in  
20          session, the Committee requests the House to issue  
21          subpoenas to Mat Media, LLC, and to Charles Pat  
22          Roberts, compelling production of documents as  
23          specified in the subpoenas. They were previously  
24          subpoenaed the same documents by -- and  
25          returnable -- have those documents returnable by

1 5:00 p.m. on Tuesday, January 16, 2018.

2 The Committee also recommends that the House  
3 declare that each calendar day of noncompliance  
4 after the return date of such subpoenas may  
5 constitute a separate act of contempt of the House  
6 punishable to the constitutional limit.

7 Mr. Speaker, we adopted this report today in  
8 our meeting. A quorum was present, and a majority  
9 of those present agreed to the above report.

10 And that is the report, Mr. Speaker. Thank  
11 you.

12 SPEAKER OF THE HOUSE: You are now recognized  
13 for a motion, Representative Metz.

14 REPRESENTATIVE METZ: Thank you, Mr. Speaker.

15 Mr. Speaker, I move that the House accept the  
16 Public Integrity and Ethics Committee report on  
17 investigation and issue subpoenas to Mat Media,  
18 LLC, and to Charles Pat Roberts, compelling the  
19 production of all documents previously subpoenaed  
20 by the Public Integrity and Ethics Committee,  
21 returnable by 5:00 p.m. on Tuesday, January 16,  
22 2018; and declare that each calendar day of  
23 noncompliance after the return date of such  
24 subpoenas may constitute a separate act of contempt  
25 of the House punishable to the constitutional

1 limit.

2 SPEAKER OF THE HOUSE: Representative Metz  
3 moves that the House accept the Public Integrity  
4 and Ethics Committee report on investigation and  
5 issue subpoenas to Mat Media, LLC, and to Charles  
6 Pat Roberts, compelling the production of all  
7 documents previously subpoenaed by the Public  
8 Integrity and Ethic Committee, returnable by 5:00  
9 p.m. Tuesday, January 16, 2018; and declare that  
10 each calendar day of noncompliance after the return  
11 date of such subpoenas may constitute a separate  
12 act of contempt of the House punishable to the  
13 constitutional limit.

14 Are there questions?

15 Is there debate?

16 Question, you're recognized.

17 REPRESENTATIVE GELLER: Thank you,  
18 Mr. Speaker. Yes, I have a couple of questions,  
19 Chairman Metz.

20 This is a fairly extraordinarily remedy, and I  
21 am candidly not terribly familiar with how this  
22 procedure will play out. So I know that the  
23 Constitution permits us in -- in Article III,  
24 Section 5, to issue lawful subpoenas.

25 In particular, I would like to know if the

1 people who are being served these subpoenas were in  
2 fear that there were, for instance, some trade  
3 secrets that are entitled to be protected, or if  
4 they had materials that they felt should not be  
5 subject to production due to a right to privacy.  
6 What's the mechanism by which they could have a due  
7 process right to challenge the specifics of the  
8 subpoena?

9 SPEAKER OF THE HOUSE: Representative Metz,  
10 you're recognized.

11 REPRESENTATIVE METZ: Thank you, Mr. Speaker.

12 Well, you're correct in your observation at  
13 the beginning of your question, Representative  
14 Geller. This is unprecedented in the sense we  
15 haven't been down this road before, so I don't have  
16 any experience to relate to you on that.

17 Obviously, we know from our general  
18 understanding of the law and how the separation of  
19 powers works, that we are all under the  
20 Constitution -- all three branches of government  
21 are subject to the Constitution, and I would just  
22 extrapolate from that, that there is obviously the  
23 potential, perhaps, for a judicial review, but that  
24 would violate separation of powers, in my opinion;  
25 but I am just saying I can't go beyond that when

1           there is no precedential law to rely upon for an  
2           answer to that question.

3           In general, we have three branches of  
4           government. They are each independent, and one  
5           cannot take over the powers of the other. So I  
6           think the House has the power to act here without  
7           regard to judicial oversight.

8           SPEAKER OF THE HOUSE: Representative Geller  
9           for follow-up.

10          REPRESENTATIVE GELLER: Thank you,  
11          Mr. Speaker.

12          And I appreciate that this is new ground for  
13          all of us, and I don't expect you to be able to  
14          answer beyond what -- what you know.

15          Is there a formal position of the House as to  
16          whether there is any mechanism for the people being  
17          subpoenaed to raise the kinds of challenge -- due  
18          process challenges I mentioned as to, for instance,  
19          trade secret protection or right to privacy if they  
20          think those things exist? Not that I am trying to  
21          judge that they do or don't.

22          SPEAKER OF THE HOUSE: Representative Metz.

23          REPRESENTATIVE METZ: Thank you, Speaker.

24          When we had our meeting of the Public  
25          Integrity and Ethics Committee today, and we

1 allowed the counsel for the parties the opportunity  
2 to be heard. They were heard fully. They had a  
3 letter that they had prepared and hand-delivered to  
4 the Committee today -- which, in retrospect, it  
5 should have been delivered before today so we could  
6 all have had a chance to actually read it before we  
7 were being in the committee meeting making  
8 decisions. But be that as it may, that was their  
9 choice to do the letter today and not earlier.

10 So they had a due process hearing, if you  
11 think about it, because the Committee is the one  
12 that issued this report to the House. We are now  
13 debating it in a public forum on the House floor,  
14 and the House will speak as a body to it in a few  
15 moments, I am sure, one way or the other we will  
16 speak to the issue.

17 So there is a due process element already in  
18 play with regard to the hearing that we had in  
19 committee today, and the way our proceeding unfolds  
20 in full public view here on the House floor.

21 SPEAKER OF THE HOUSE: Representative Geller  
22 for a follow-up.

23 REPRESENTATIVE GELLER: Thank you. My last  
24 one, and is it, in fact -- my understanding is the  
25 lawful limit which we are discussing -- thank you,

1 Mr. Speaker. Excuse me.

2 My understanding, Chairman, is that the lawful  
3 limit that we are discussing is up to 90 days  
4 imprisonment. Is it, in fact, the intent of the --  
5 the motion that that 90 days of imprisonment, or  
6 the fine that could also be imposed, be available  
7 and imposed for each single day that the materials  
8 might not be forthcoming?

9 I don't have a problem with the constitutional  
10 limit, but I am just inquiring as to whether, if it  
11 was a week late, are we seeking seven times 90 days  
12 imprisonment?

13 SPEAKER OF THE HOUSE: Representative Metz,  
14 you're recognized.

15 REPRESENTATIVE METZ: Thank you, Mr. Speaker.

16 Well, of course at this stage of the  
17 proceedings, we are not discussing penalties at  
18 all, because we are hoping that when the House  
19 speaks to this, and if the decision is made to  
20 issue the subpoenas, that the will of the House  
21 will be observed by the parties in question, and we  
22 won't have to ever get there. So that's my first  
23 response, is that we hope it's never going to come  
24 to that, and it really shouldn't.

25 But if it ends up in a situation where the

1 enforcement power has to be exercised, I want to  
2 mention to the body that the penalty is punishable  
3 by fine not exceeding \$1,000, or imprisonment not  
4 exceeding 90 days, or both. So there would be an  
5 option there with financial penalties or jail or  
6 both. And, yes, the report does read that each day  
7 of noncompliance is a separate violation.

8 SPEAKER OF THE HOUSE: Are there any other  
9 questions?

10 Is there debate?

11 All in favor of the motion, signify by saying  
12 yay?

13 (Chorus of yays.)

14 SPEAKER OF THE HOUSE: Opposed?

15 Show the motion adopted and the subpoena so  
16 ordered.

17 Madam Clerk, do you have the subpoenas ready  
18 to execute?

19 THE CLERK: The subpoenas are ready to  
20 execute, Mr. Speaker.

21 SPEAKER OF THE HOUSE: Madam Clerk, please  
22 bring the subpoenas to the rostrum.

23 (Subpoenas signed.)

24 SPEAKER OF THE HOUSE: Madam Clerk, I have  
25 just signed both subpoenas, you will attest?

1                   Madam Clerk, please deliver the executed  
2                   subpoenas to the process server who is waiting in  
3                   my office.  
4                   (Whereupon, the excerpt of the proceedings  
5                   concluded.)  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## TRANSCRIPT CERTIFICATE

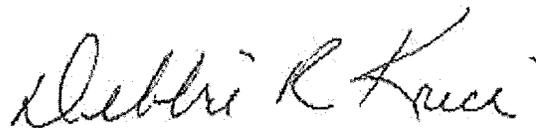
STATE OF FLORIDA     )  
COUNTY OF LEON     )

I, DEBRA R. KRICK, Court Reporter, hereby  
certify that the foregoing transcript of a  
audio-recorded proceedings was taken down as stated in  
the caption, and the questions and answers thereto were  
reduced to typewriting under my direction;

That the foregoing pages 2 through 11  
represent a true, correct, and complete transcript of  
the tape-recording;

And I further certify that I am not of kin or  
counsel to the parties in the case; am not in the  
regular employ of counsel for any of said parties; nor  
am I in anywise interested in the result of said case.

Dated this 12th day of January, 2018.



---

DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #GG015952  
EXPIRES JULY 27, 2020

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

CHARLES P. ROBERTS and
MAT MEDIA, LLC

Plaintiff(s)

v.

THE FLORIDA HOUSE OF REPRESENTATIVES
and RICHARD CORCORAN, in his official capacity
as Speaker of the House of Representatives

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Richard Corcoran, Speaker of the House
The Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mark Herron
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, FL 32308

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

CHARLES P. ROBERTS and
MAT MEDIA, LLC

Plaintiff(s)

v.

THE FLORIDA HOUSE OF REPRESENTATIVES
and RICHARD CORCORAN, in his official capacity
as Speaker of the House of Representatives

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Florida House of Representatives
Richard Corcoran, Speaker of the House
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mark Herron
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, FL 32308

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: