

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

RICK SCOTT FOR FLORIDA and
NATIONAL REPUBLICAN SENATORIAL
COMMITTEE,

CASE NO.:18-CA-011071

Plaintiffs,

v.

CRAIG LATIMER, in his official
capacity as Hillsborough County
Supervisor of Elections, and
THE HILLSBOROUGH COUNTY
CANVASSING BOARD,

Defendants.

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

THIS CAUSE came before the Court for hearing on November 14, 2018, upon Plaintiffs' oral petition for writ of mandamus, and the Court, having considered the argument of counsel and the affidavit submitted by Plaintiffs, and otherwise being duly informed in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

1. The Plaintiffs' ore tenus motion to amend the Complaint and the Motion to seek alternative relief in the form of a writ of mandamus pursuant to Florida Rule of Civil Procedure 1.630 is granted.
2. Rule 1S-2.031(2), Florida Administrative Code, applies to both manual and machine recounts.
3. Rule 1S-2.031(3)(d) entitles each candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the machine recount to have one representative present during the machine recount.

4. Rule 1S-2.031(3)(d) also entitles each political party with a candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the machine recount to have one representative present during the machine recount.

5. Rule 1S-2.031(2)(f), Florida Administrative Code, requires machine recounts to be conducted in the same room as the Supervisor of Elections' employees conducting the machine recounts and representatives of each candidate and political party entitled to have a representative.

6. The Hillsborough County Supervisor of Elections is currently excluding from the same room in which the machine recount for U.S. Senate is being conducted, the representatives of the candidates and political parties entitled to have representatives, in violation of Rule 1S-2.031(2)(f).

7. Relief is appropriate in the form of a writ of mandamus pursuant to Florida Rule of Civil Procedure 1.630. Injunctive relief is not appropriate.

8. The Court orders Craig Latimer, in his official capacity as Hillsborough County Supervisor of Elections, and the Hillsborough County Canvassing Board to immediately allow one representative for each candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the machine recount (including Governor Rick Scott) and each political party with a candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the machine recount into the room in which the machines are located and the machine recount is being conducted.

DONE AND ORDERED, in chambers in Hillsborough County, Florida, this fourteenth day of November, 2018.

Electronically Conformed 11/14/2018
Cheryl Thomas JUDGE CHERYL THOMAS