

# THE FLORIDA SENATE



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March 12, 2019

Via Email

The Honorable Bill Galvano  
President  
The Florida Senate  
Office of the President  
Suite 409, The Capitol  
404 South Monroe Street  
Tallahassee, Florida 32399  
[Galvano.Bill@flsenate.gov](mailto:Galvano.Bill@flsenate.gov)

Re: Recommendation Regarding Senate Rule 12.9(2) as it Relates to Executive Order of Suspension, Number 19-14, Suspension of Mr. Scott Israel, Sheriff, Broward County, FL

Dear Mr. President:

On March 7, 2019, Executive Order of Suspension 19-14 was challenged in Broward County's 17<sup>th</sup> Judicial Circuit Court by way of a Petition for Writ of Quo Warranto.

Subsequent to the challenge, on March 8, 2019, I wrote to the parties with regard to Senate Rule 12.9(2), which requires all inquiry, investigation, or hearings be held in abeyance until the final determination of a court challenge and the exhaustion of appellate remedies, if any, have occurred. Notwithstanding the requirement to hold the matter in abeyance, I noted your discretion to proceed if the parties consent or you determine due process requires the Senate to move forward.

In preparation of providing a recommendation to you, I requested, and have since received, a response from both parties as to whether each consents and desires to move forward with the proceedings and whether due process requires the Senate to proceed.

On behalf of Mr. Israel, Mr. Benedict Kuehne has requested the matter be held in abeyance until resolution of the pending litigation; does not consent to moving forward with the Senate process until the litigation is resolved; and believes holding the matter in abeyance is consistent with fundamental fairness and due process.

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On behalf of Governor DeSantis, Mr. Nicholas Primrose requests the Senate to move forward with proceedings noting that Mr. Israel requested Senate review and has been participating in the process; and argues the Senate Rule does not contemplate civil litigation initiated after the request for a hearing and participation of the suspended official in the process.

In considering the application of Senate Rule 12.9(2), I note that the foundation of the Senate proceedings is the content of the executive order. The pending litigation challenges the entirety of the executive order. Therefore, it is my opinion that the basis for the Senate proceedings is dependent upon the outcome of the current litigation. I also note that both parties do not consent to move forward with the Senate proceedings while litigation is pending as Mr. Israel, through counsel, has requested the matter be held in abeyance.

Therefore, I recommend the proceedings regarding Executive Order of Suspension 19-14 be held in abeyance until a final determination in the pending litigation has been rendered including the exhaustion of all appellate remedies.

Sincerely,

Dudley Goodlette  
Special Master

Cc: Ms. Christie Letarte, Senate Special Counsel  
Mr. Jeremiah Hawkes, Senate General Counsel  
Mr. Nicholas Primrose, Deputy General Counsel, Executive Office of the Governor  
Mr. Benedict P. Kuehne, Counsel for Mr. Scott Israel  
Mr. Stuart N. Kaplan, Counsel for Mr. Scott Israel