



Journal of the Senate

Number 2—Special Session I

Wednesday, October 23, 2019

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CALL TO ORDER

The Senate was called to order by President Galvano at 2:00 p.m. A quorum present—40:

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

PRAYER

The following prayer was offered by Senator Harrell:

Heavenly Father,

We praise you and glorify your holy name. We give thanks to you, our Lord, our God and Savior, our comforter and our counselor, for all the blessings we have received from your hand on this beautiful day in our lovely Sunshine State. Our state has faced many difficult challenges over the years, not the least of which are the horrific events that took place at Marjory Stoneman Douglas High School on February 14, 2018. As we come into special session, we put our trust in you as we make decisions regarding that fateful day. We ask that you would fill us with your spirit of love, that you would help us to set aside our differences, and look to you as our guide and source of empathy and compassion as we address the difficult issue before us.

We ask for your special blessing upon the victims, the survivors, and their families and friends of that horrific event at Marjory Stoneman Douglas High School. Put your hand upon them and give them comfort and peace, your peace, the peace which passes all understanding, as they continue to deal with the loss of their loved ones.

We ask for your guidance, counsel, and wisdom as we deliberate today. Guide our paths and give us discernment to choose your path over the path of least resistance or the “popular” path. We know that the wise path is often the most difficult path, but in the end, it is the correct

path. Give us a heart of wisdom so that we may make the decisions that you would have us make today. Give us the wisdom of your spirit.

Help us to remember your words in Proverbs 3:5-6:

“Trust in the Lord with all your heart,
and lean not on your own understanding;
in all your ways acknowledge him
and he shall direct your paths.”

So today, trusting in him, I pray for wisdom as Solomon, the wisest of ancient biblical kings, prayed:

*Solomon’s Prayer for Wisdom
(1 Kings 3:3-9; Wis 7:7-22a)*

“O God of my ancestors and Lord of mercy,
who have made all things by your word,
and by your wisdom have formed humankind
to have dominion over the creatures you have made,
and rule the world in holiness and righteousness,
and pronounce judgment in uprightness of soul,
give me the wisdom that sits by your throne,
and do not reject me from among your servants.

For I am your servant the son of your serving girl,
a man who is weak and short-lived,
with little understanding of judgment and laws;
for even one who is perfect among human beings will be
regarded as nothing without the wisdom that comes from you.

You have chosen me to be king of your people
and to be judge over your sons and daughters.
You have given command to build a temple on your holy mountain,
and an altar in the city of your habitation,
a copy of the holy tent that you prepared from the beginning.

With you is wisdom, she who knows your works
and was present when you made the world;
she understands what is pleasing in your sight
and what is right according to your commandments.

Send her forth from the holy heavens,
and from the throne of your glory send her,
that she may labor at my side,
and that I may learn what is pleasing to you.

For she knows and understands all things,
and she will guide me wisely in my actions
and guard me with her glory.

Then my works will be acceptable,
and I shall judge your people justly,
and shall be worthy of the throne of my father.

For who can learn the counsel of God?
Or who can discern what the Lord wills?
For the reasoning of mortals is worthless,
and our designs are likely to fail;
for a perishable body weighs down the soul,
and this earthy tent burdens the thoughtful mind.

We can hardly guess at what is on earth,
and what is at hand we find with labor;
but who has traced out what is in the heavens?
Who has learned your counsel,

unless you have given wisdom
and sent your holy spirit from on high?

And thus the paths of those on earth were set right,
and people were taught what pleases you,
and were saved by wisdom.”

Put your hand upon us, O Lord, and give us your wisdom. We ask all of this, in your holy name. Amen.

PLEDGE

Senator Stewart led the Senate in the Pledge of Allegiance to the flag of the United States of America.

SPECIAL MASTER FLOOR PRIVILEGES

The President accorded the privileges of the floor to the Honorable J. Dudley Goodlette, Special Master on the Executive Order of Suspension Number 19-14, and to Mr. Kyle Dudek, Assistant to the Special Master, for the purpose of addressing questions from the body pursuant to Rule 12.

By direction of the President, the Secretary read the following report:

REPORT OF COMMITTEE

The Honorable Bill Galvano
President of the Senate

October 22, 2019

Re: Executive Order of Suspension, No. 19-14
Suspension of Mr. Scott Israel, Sheriff
Broward County, FL

Dear President Galvano:

The Committee on Rules submits this final report on the matter of suspension of Mr. Scott Israel.

By Executive Order Number 19-14 filed with the Secretary of State on January 11, 2019, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Ron DeSantis, Governor, suspended Mr. Scott Israel as Sheriff of Broward County for neglect of duty and incompetence.

On January 14, 2019, the Senate informed Mr. Israel of his right to a hearing and on January 24, 2019, the matter was referred to a Special Master. On January 29, 2019, Mr. Israel requested a hearing and the Special Master engaged in pre-hearing proceedings until litigation between the Governor and Mr. Israel was initiated on March 7, 2019. Pursuant to Senate Rules, on March 12, 2019, the matter was held in abeyance until the rendering of a final determination in the litigation and exhaustion of all appellate remedies.

On April 23, 2019, after a final determination in the litigation and the exhaustion of appellate remedies, the Special Master resumed proceedings. The Special Master conducted a public case management conference on May 1, 2019, and a public evidentiary hearing was held on June 18, 2019 and June 19, 2019. The Governor and Mr. Israel submitted proposed findings of fact and conclusions of law to the Special Master on August 12, 2019, and August 20, 2019, respectively. On September 24, 2019, the Special Master delivered his advisory Report and Recommendation, recommending reinstatement, for consideration.

By proclamation on September 25, 2019, the Senate was convened in special session beginning at 9:00 a.m. on Monday, October 21, 2019, and ending at 11:59 p.m. on Friday, October 25, 2019, for the sole and exclusive purpose of considering the reinstatement or removal of Mr. Israel as Sheriff of Broward County. Additionally, on September 25, 2019, the advisory report and recommendation of the Special Master was referred to the Committee on Rules pursuant to Senate Rule 12.7.

On Monday, October 21, 2019, a public meeting of the Committee on Rules was held for consideration and report. I report the Committee on

Rules voted to recommend that the evidence supports the Executive Order of Suspension by the Governor, and that Mr. Scott Israel be removed from the office of Sheriff of Broward County pursuant to the State Constitution and the Florida Statutes.

Sincerely,
Lizbeth Benacquisto, Chair

POINT OF ORDER

Senator Rodriguez raised a point of order that pursuant to Rules 12.7 and 12.9, the vote of the Committee on Rules on Monday, October 21, 2019, should have been on a motion to accept or reject the Report of the Special Master, not to uphold the Governor's suspension of Sheriff Scott Israel, and was therefore out of order.

The President referred the point of order to Senator Benacquisto, Chair of the Committee on Rules.

RULING ON POINT OF ORDER

On recommendation by Senator Benacquisto, Chair of the Committee on Rules, Senate Rule 11.7 provides *Mason's Manual of Legislative Procedure* as a source of procedural authority for the Senate when the Senate Rules do not directly address a question of order.

Paragraph 1 of Section 241 of *Mason's Manual of Legislative Procedure* states: "A point of order must be raised before the irregularity or occasion for raising the point of order has passed." Raising this point for consideration should have been done during the meeting of the Committee on Rules held on Monday, October 21, 2019, therefore, the point is not well taken.

The President ruled the point not well taken.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 6:30 p.m.

REPORT OF COMMITTEE, continued

SENATOR BENACQUISTO PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Benacquisto, the Report of the Committee on Rules was adopted and the Senate found the evidence supported the Executive Order of Suspension by the Governor and that Mr. Scott Israel be removed from the Office of Sheriff of Broward County pursuant to the State Constitution and the Florida Statutes.

The vote was:

Yeas—25

Mr. President	Diaz	Perry
Albritton	Flores	Rouson
Baxley	Gainer	Simmons
Bean	Gruters	Simpson
Benacquisto	Harrell	Stargel
Bracy	Hooper	Taddeo
Bradley	Hutson	Wright
Brandes	Mayfield	
Broxson	Passidomo	

Nays—15

Berman	Gibson	Rader
Book	Lee	Rodriguez
Braynon	Montford	Stewart
Cruz	Pizzo	Thurston
Farmer	Powell	Torres

REPORT OF ACTION

THE FLORIDA SENATE

Tallahassee
Report and Order

In re: Executive Suspension of)
Scott J. Israel)
Sheriff, Broward County)
State of Florida)

Pursuant to Article IV, Section 7(a) of the Constitution of Florida, the Governor, Ron DeSantis, suspended Mr. Scott J. Israel from office by Executive Order Number 19-14 for neglect of duty and incompetence, which order was filed with the Secretary of State on January 11, 2019.

The executive order was received by the Florida Senate. On January 14, 2019, the Senate informed Mr. Israel of his right to a hearing and on January 24, 2019, the matter was referred to a Special Master. On January 29, 2019, Mr. Israel requested a hearing and the Special Master engaged in pre-hearing proceedings until litigation between the Governor and Mr. Israel was initiated on March 7, 2019. Pursuant to Senate Rules, on March 12, 2019, the matter was held in abeyance until the rendering of a final determination in the litigation and exhaustion of all appellate remedies.

On April 23, 2019, after a final determination in the litigation and the exhaustion of appellate remedies, the Special Master resumed proceedings. The Special Master conducted a public case management conference on May 1, 2019, and a public evidentiary hearing was held on June 18, 2019 and June 19, 2019. The Governor and Mr. Israel submitted proposed findings of fact and conclusions of law to the Special Master on August 12, 2019, and August 20, 2019, respectively. On September 24, 2019, the Special Master delivered his advisory Report and Recommendation, recommending reinstatement, for consideration.

By proclamation on September 25, 2019, the Senate was convened in special session beginning at 9:00 a.m. on Monday, October 21, 2019, and ending at 11:59 p.m. on Friday, October 25, 2019, for the sole and exclusive purpose of considering the reinstatement or removal of Mr. Is-

rael as Sheriff of Broward County. Additionally, on September 25, 2019, the advisory Report and Recommendation of the Special Master was referred to the Committee on Rules pursuant to Senate Rule 12.7.

On Monday, October 21, 2019, a public meeting of the Committee on Rules was held for consideration and report. The Committee on Rules voted to recommend that the evidence supports the Executive Order of Suspension by the Governor and that Mr. Scott Israel be removed from the office of Sheriff of Broward County pursuant to the State Constitution and the Florida Statutes.

On Wednesday, October 23, 2019, pursuant to motion, the Senate accepted and adopted the report and recommendation of the Committee on Rules and removed Mr. Scott J. Israel from office.

WHEREFORE, IT IS ORDERED by the Senate of the State of Florida, that:

- 1. Mr. Scott J. Israel is removed from the office of Sheriff of Broward County, Florida.
- 2. This order be filed with the Department of State and in the permanent records of the Florida Senate.

DONE AND ORDERED this 23rd day of October, 2019.

Bill Galvano, President
Debbie Brown, Secretary

REPORT OF FILING

Pursuant to section 112.45, Florida Statutes, the Florida Senate Report and Order was signed by the required officers and filed with the Secretary of State on October 23, 2019.

Debbie Brown, Secretary of the Senate

ADJOURNMENT

On motion by Senator Benacquisto, the Senate in Special Session adjourned sine die at 5:48 p.m.