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REPLY TO: Miami

May 3, 2019

Dudley Goodlette, Special Master
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Re: Scott Israel
Executive Order of Suspension, Executive Order No. 19-14
Sheriff Israel's Response to Bill of Particulars, Affirmative
Defenses, and Claims in Avoidance

Dear Special Master Goodlette:

Sheriff Israel, as the duly elected Sheriff of Broward County, Florida, responds to Governor DeSantis' Bill of Particulars served on February 25, 2019, pursuant to Florida Senate Rule 12.9(4) and the Special Master's letter of April 29, 2019.

INTRODUCTION

Running as a Democrat against the then-incumbent Republican Sheriff, Scott Israel was elected as the 16th Sheriff of Board County in 2012. Sheriff Israel, re-elected as Sheriff to serve a 4-year-year term in 2016, served as the Broward Sheriff until his suspension by Governor DeSantis on January 11, 2019, through Executive Order 19-14. That

Executive Order suspended Sheriff Israel for purported neglect of duty and incompetence.

Sheriff Israel responded that his suspension was a mere political ruse designed to satisfy partisan political promises made during the Governor's election campaign. In the course of the Senate review of the suspension order, the Governor submitted his Bill of Particulars containing assertions that are patently false, grossly inflammatory, politically charged, and fail to establish grounds warranting removal of Sheriff Israel from office for neglect of duty or incompetence.

FACTUAL PRESENTATION

Sheriff Israel is and has been a sworn and certified law enforcement officer for forty (40) years. His law enforcement career began as a patrol officer for the Fort Lauderdale Police Department in 1979. As Sheriff, he led a public safety and law enforcement agency of 5,600 budgeted positions that includes 1,500 law enforcement personnel, 1,300 detention deputies, 700 firefighters, 450 regional communications staff, and 150 child protection investigators, among other employees.

Citing Sheriff Israel for his responses to the Fort Lauderdale airport shooting on January 6, 2017, and the February 14, 2018 Marjory Stoneman Douglas High School shooting ("MSD shooting"), Governor

DeSantis suspended him for “neglect of duty and incompetence for the purposes of Article IV, Section 7, of the Florida Constitution.” Previous Governor Rick Scott, who was in office when the two cited incidents occurred and for a significant time thereafter, did not act to suspend Sheriff Israel.

The “Powers, duties, and obligations” of the sheriff are set out in §30.15, Florida Statutes (2018). “Sheriffs, in their respective counties, in person or by deputy, shall:”

(a) Execute all process of the Supreme Court, circuit courts, county courts, and boards of county commissioners of this state, to be executed in their counties.

(b) Execute such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their counties.

(c) Attend all sessions of the circuit court and county court held in their counties.

(d) Execute all orders of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.

(e) Be conservators of the peace in their counties.

(f) Suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary.

(g) Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be had against him or her according to law.

(h) Have authority to raise the power of the county and command any person to assist them, when necessary, in the execution of the duties of their office; and, whoever, not being physically incompetent, refuses or neglects to render such assistance, shall be punished by imprisonment in jail not exceeding 1 year, or by fine not exceeding \$500.

- (i) Be, ex officio, timber agents for their counties.
- (j) Perform such other duties as may be imposed upon them by law.
- (k) Establish, if the sheriff so chooses, a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises....

At all times during Sheriff Israel's tenure as Broward Sheriff, the Broward Sheriff's Office was accredited as a law enforcement agency in accordance with the Commission for Florida Law Enforcement Accreditation ("CFA"), the premier state law enforcement accreditation program in the United States. At the time of the MSD shooting, the Broward Sheriff's Office also received certification by the Commission on Accreditation for Law Enforcement Agencies ("CALEA), representing the "gold standard" in public safety, for its law enforcement, communications, and detention policies. This CALEA national certification is known as the "triple crown" among law enforcement agencies, with the BSO having attained Excelsior Status. The entire BSO has 18 separate accreditations in Broward Sheriff Israel's tenure.

In addition to his statutory responsibility as Broward County's chief law enforcement officer, the Broward Sheriff's Office under Sheriff Israel entered into or continued existing operational contract agreements by which municipalities and governmental entities within Broward County contract with the BSO to effect municipal law enforcement.

Parkland, Florida is one such contracting municipality. In every instance of municipal or local government contracting for law enforcement services, the staffing allocation pursuant to the contract is determined by the contracting agency, not BSO.

In the case of the Parkland operating contract, the appointment of commanders (holding the rank of Captain) is made in cooperation and consultation with the contracting entity, the Town of Parkland, with the Town selecting its commander from a list of recommended officers. When BSO entered into the Parkland contract, the BSO was required to absorb the existing Parkland Police Department officers into the BSO organization. Sheriff Israel had no individual involvement with or control over this absorption of existing municipal police officers.

The Fort Lauderdale Airport and Seaport are also contracting entities with BSO whose law enforcement jurisdiction does not separately come within the statutory duties of the Broward Sheriff. The responsibilities of the BSO at the Fort Lauderdale-Hollywood Airport are set out in the contracting documents.

Under Sheriff Israel's guidance, the BSO instituted "active shooter training" for its deputies and the community as early as 2013, even though such training was not required by the Florida Criminal Justice Standards and Training Commission ("CJSTC"). The BSO training

program exercise at Pompano Beach High School in May 2013 was considered a template for police trainers nationwide, evaluating the multi-disciplinary multi-team, coordinated response to a group of gunmen entering the school. This real-life simulation exercise was a part of BSO's twice-a-year full training scenarios.

Prior to the February 14, 2018 MSD shooting, BSO conducted active shooter training for all its deputies in 2015 and 2016, and was continually involved in staggered training for its deputies, monthly training for specialty units, including conducting classes on building tactics, handgun and rifle training, combat lifesaver programs, rescue task force exercises, and tabletop applications for active shooter scenarios that add to active shooter response capabilities.

BSO's training processes and practices were aligned with national best practices, including the implementation of the BSO Active Shooter Policy in effect at the time of the Marjory Stoneman Douglas High School mass shooting. That policy, using "may" as the operative consideration when devising a law enforcement response to an active shooter, stated: "if real time intelligence exists, the sole deputy or team of deputies may enter the area and/or structure to preserve life." This policy was consistent with national standards, had not been criticized previously by

the Florida Department of Law Enforcement, and did not materially differ from policies utilized by other Florida law enforcement agencies. Its implementation by BSO was carefully evaluated and vetted, was subjected to intense scrutiny, was compared with active shooter policies existing within the State of Florida and throughout the United States, and was made available to the Florida Department of Law Enforcement.

The BSO active shooter policy was not and had never been considered a limitation on law enforcement entry into an active shooting or hostage situation. It was implemented as a reasonably prudent authorization that adjusted the existing “Todd Fatta Policy” put in place before Sheriff Israel’s first election as Sheriff. The Todd Fatta Policy required all high risk operations – including active shooter responses – to include a SWAT Team analysis and other protocols before entry is authorized.

Also as a part of its active shooter training program, BSO implemented and conducted training for trainers programs for the Broward County School Board consistently through calendar year 2018. This project included a joint program with the Broward County Police Chiefs’ Association to design and implement a multi-jurisdictional cadre of instructors teaching Broward County Schools’ personnel how to respond to an active shooter incident. By 2017, all of Broward County’s

elementary schools were completed, and half of the middle schools were done by 2018. BSO coordinated the creation of this Broward County Schools program, scheduling instructors to participate in the training, and providing the necessary expertise and resources to assure the success of the still-ongoing program as of the time of the Sheriff's suspension.

On January 6, 2017, a shooting occurred at the Fort Lauderdale-Hollywood Airport ("FLL shooting"), resulting in the mass murders of five travelers. The presence of BSO deputies on the scene at the FLL shooting resulted in the near-immediate apprehension of the shooter within less than 80 seconds of the first shots being fired. Broward Deputy Sheriff Jesus Madrigal, assigned to the Delta Checkpoint in Terminal 2, immediately responded to the sound of the gunshots while on duty, and took the shooter into custody, preventing further tragedy. Acting on his training, Deputy Madrigal's prompt response led to his and responding law enforcement officers being in positions to help victims obtain medical attention quickly and save more lives. He was subsequently recognized as 2018 Deputy of the Year by the Florida Sheriffs Association.

A subsequent investigation of the shooting led to the publication of an official post-event report that confirmed that BSO worked seamlessly with all agencies that responded to the incident. The investigation

confirmed that the shooter planned the shooting by retrieving the gun he had sent through his checked baggage (a Walther 9mm pistol he had legally purchased), loaded the weapon in the men's room, and proceeded to randomly shoot people in the baggage claim area. The shooter was convicted of federal charges and sentenced to five life terms plus 120 years.

The final, as published, version of the Fort Lauderdale-Hollywood Airport Critical Incident Report (October 6, 2017), found no negligence, incompetence, or neglect of duty on the part of Sheriff Israel or the BSO. It did, however, criticize Broward County's emergency radio communications systems that is operated and controlled by Broward County. Sheriff Israel and the BSO had for years pressed the County to upgrade and enhance its regional emergency communications system. BSO is one of many users of the County's regional communications system, but has no control over its operation, implementation, or effectiveness.

The County's emergency radio communications system at the time of the Airport shooting was overwhelmed and unable to handle the communications demand. Even then, the BSO established a Command and Control Center that enabled 17 parking facilities to be cleared. The airport terminals were swept and cleared by the 18 responding SWAT

Teams, and more than 15,000 passengers and other personnel were cleared and evacuated to safekeeping.

In the course of the law enforcement response and evacuation of the FLL shooting, numerous law enforcement agencies participated that were not under the control, responsibility, or supervision of the BSO. To the contrary, federal law enforcement authorities were in charge of the airport and response. BSO worked closely with the federal and other local law enforcement teams at the scene.

It is a known and undisputed fact that Broward County's fractured communications system allowed two law enforcement agencies responding to the scene of the MSD shooting to utilize different radio channels without coordinating through the BSO. This dual communications dynamic that was neither implemented nor supervised by BSO led to significant communications and response problems at the scene of the MSD shooting.

The Broward County Administrator was, at the time of the FLL shooting and continuing through today, involved in the complicated and protracted process of working toward the needed system upgrade. That upgrade had been underway well before the incident and is still a priority Broward County project. The implementation of a new system is a

massive undertaking by Broward County. BSO had been an essential and integral component in the planning process, at least during the administration of Sheriff Israel.

The February 14, 2018 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida is indeed a tragedy. But it was not a preventable tragedy given the intention of a mass murderer to commit acts of terrorism on the suburban high school campus. Sheriff Israel, along with all residents of Broward County, shares the grief of the parents and loved ones of the murdered children, teachers, and administrators. Neither Sheriff Israel nor the BSO were responsible for the mass shooting, nor was Sheriff Israel guilty of neglect of duty and incompetence in connection with that tragedy. Sheriff Israel takes full responsibility for the response of the BSO to that senseless shooting, and implemented many post-event improvements and systems in response thereto during his time as Sheriff.

As the Marjory Stoneman Douglas High School Public Safety Commission Report (January 2, 2019) (“MSD Report”) detailed, the shooting was planned and executed by a former student who was in lawful possession of the deadly weapons he used to exact his revenge on the school for unknown reasons that he can only be attributed to the workings of his diabolically twisted mind. The shooter acted out a

terrorist plot designed to take the lives of innocent students and schools personnel. The MSD found no incompetence or neglect of duty on the part of Sheriff Israel, and offered a constructive critique of what went wrong that day and in the many months preceding the shooter's deadly assault, including the failure of on-site Deputy Scott Peterson to enter the school to locate and confront the shooter. Deputy Peterson is no longer a law enforcement officer.

MSD Commission Chair Sheriff Bob Gualtieri, the elected Sheriff of Pinellas County and a licensed lawyer in good standing with The Florida Bar, has stated publicly that he saw no basis for Sheriff Israel's suspension from office as a result of the Marjorie Stoneman Douglas shooting. In an interview with respected journalist Tony Pipitone, MSD Commission Chair Gualtieri confirmed that nothing in the MSD Commission report constituted grounds for the removal of Sheriff Israel from office by the Governor. <https://www.nbcmiami.com/news/local/MSD-Commission-Chair-Would-Not-Recommend-Removal-of-BSO-Sheriff-From-Office-502532751.html> (December 11, 2018).

Well before the MSD Commission issued its final report, the MSD shooting was used during the political campaign for Governor as a platform by then-candidate DeSantis to demand the removal of Sheriff

Israel. This demand, repeated loudly and often in order to obtain the financial and political support of the National Rifle Association (“NRA”), was made even before the then-candidate had any factual inkling of what had happened at the MSD shooting. Without any facts, expert assistance, or even a rudimentary knowledge of law enforcement practices, then-candidate DeSantis placed unwarranted and unjustified blame on Sheriff Israel, the popular and well-respected Sheriff of Broward County who was handily elected as a Democrat by a landslide margin in 2016.

Solely to secure votes, DeSantis made a political campaign promise to parents of the murdered students and the NRA that he would remove Sheriff Israel from office if then-Governor Scott did not do so. Yet, Governor Scott, fully informed of all the information purportedly considered by Governor DeSantis, chose not to exercise the suspension power in connection with conduct occurring during his term as Governor.

Governor DeSantis made good on his partisan political campaign pledge when he suspended Sheriff Israel on January 11, 2019, citing neglect of duty and incompetence as the grounds for the suspension. As further evidence of the abjectly political nature of his suspension order, Governor DeSantis addressed his suspension of Sheriff Israel during his inaugural State of the State speech to a joint session of the Florida Legislature on March 5, 2019. In that speech, the Governor warned the

Senate to not interfere with the suspension: “Why any senator would want to thumb his nose at the Parkland families and to eject Sheriff Tony, who is doing a great job and has made history as the first African-American sheriff in Broward history, is beyond me.”

<https://www.news4jax.com/news/politics/sheriff-comment-by-desantis-causes-stir> (March 5, 2019).

AFFIRMATIVE DEFENSES AND CLAIMS IN AVOIDANCE

I. The Bill of Particulars Exceeds the Scope of the Executive Order.

The Governor’s Bill of Particulars is improper and invalid by relying upon and asserting allegations unrelated to the issues identified in Executive Order 19-14. “[T]he Senate is bound to restrict its findings to the specific executive charges in the suspension order and cannot depart from them.” *State ex rel. Meyerson v. Askew*, 269 So. 2d 671, 675 (Fla. 1972).

In his 6-page suspension order, Governor DeSantis outlined a number of conclusory allegations purportedly supporting the alleged “neglect of duty and incompetence” finding, without identifying any actions or inaction on the part of Sheriff Israel in connection with either the MSD shooting or the FLL shooting, other than to assert that “Sheriff Israel is responsible for inserting into the Broward County Sheriff’s

Office Active Shooter Policy that a deputy ‘may’ enter the area or structure to engage an active shooter and preserve life; ...” The Governor’s references to the MSD Commission Report and the FLL shooting report failed to mention that neither document found any neglect of duty or incompetence on the part of Sheriff Israel.

Rather than providing particulars concerning neglect of duty and incompetence as set forth in the Executive Order, the Bill of Particulars purports to identify issues and allege deficiencies that expand the reasons for suspension. In the Bill of Particulars, the Governor asserts that these terrorist murders were “directly attributable” to Sheriff Israel, despite the absence of any stated evidence, considered individually or cumulatively, supporting such a finding.

A Bill of Particulars cannot raise new issues beyond those identified in Executive Order 19-14, as such issues are beyond the scope of the facts and issues that may be relied upon by the Senate in making its findings and determination regarding Sheriff Israel’s removal from office. *State ex rel. Meyerson v. Askew*, 269 So. 2d 671, 675 (Fla. 1972). Therefore, the 14 pages of “factual allegations” in the Bill of Particulars cannot be relied upon in these Senate proceedings.

II. The Alleged Neglect of Duty and Incompetence Do Not Rise from any Statutory or Required Duties of Office.

The suspension for neglect of duty and incompetence does not arise from any duty for which Sheriff Israel was bound by law or the requirements of his office to perform. The execution of policy decisions by the Sheriff do not constitute neglect of any duty of office. Holding Sheriff Israel responsible for the purported actions or inactions attributable to others (including deputies) as opposed to Sheriff Israel is not a valid basis for removal from office under Article IV, Section 7 of the Florida Constitution.

The Governor's disagreement with the actions taken by Sheriff Israel before he became Governor does not constitute any allowable ground for Senate removal of Sheriff Israel from office. Despite the lengthy history of gubernatorial suspensions of public officials, the Governor's suspension of Sheriff Israel represents an unprecedented attempt to remove an elected constitutional officer for purely partisan political purposes. The Governor's suspension represents a clear and dangerous departure from the historical recognition by governors that suspension and removal of elected officials from office cannot be the result of whim, caprice, or personal, arbitrary decisions. Until now, governors have understood the delicate power of the suspension authority, and utilized it sparingly only when a clear basis exists. "The

power of suspension, being solely in the Governor, must be limited to the grounds stated in the Constitution.” *State ex rel. Hardie v. Coleman*, 155 So. 129, 134 (Fla. 1934). Senate removal of Sheriff Israel from office in this instance is a constitutional overreach.

GENERAL DENIAL

Each and every factual allegation contained within Executive Order 19-14 and within the Bill of Particulars is denied unless expressly admitted herein.

At their core, the allegations of Executive Order 19-14 contend Sheriff Israel was incompetent and neglected his duties arising from “two specific, tragic events [that] have highlighted years of failed leadership by [Sheriff] Israel, resulting in the loss of life, a failure to protect the peace and failure to protect the lives of residents and visitors of Broward County, Florida.” Bill of Particulars, p. 2. The Bill of Particulars, containing 14 pages of allegations, does little to illuminate the particular alleged failures by Sheriff Israel that purportedly led to the two charged mass murder incidents warranting his removal from office for incompetence or neglect of duty. In essence, Sheriff Israel’s suspension is based on the Governor’s opinion that, because these two terror incidents occurred in Broward County while Sheriff Israel was in office, he must have failed in some way to prevent the crimes from taking place. That is

not and cannot be a basis for suspension or removal from office.

A. Fort Lauderdale-Hollywood Airport Shooting Incident.

For example, on the issue of the FLL shooting, the Bill of Particulars asserts that “miscommunications and frantic responses’ from BSO personnel aided in the loss of control during the event.” Apart from the fact that the Governor’s assertion misstates the FLL shooting report, no facts support the conclusion that “after-the-fact” handling of the Airport evacuation caused any loss of life or public endangerment. There is no support for the contention that any “loss of control” had any impact on any aspect of public health, safety, or welfare.

Similarly, the Bill of Particulars, p. 4, asserts: “The Critical Incident Report found that BSO’s failure to ensure proper incident command procedures led to the confusion that ensued after the initial shooting incident.” This statement is taken out of context and lacks factual support because the Final Report finds reasons to critique, not criticize, all responding agencies – federal, state, and local – for not better handling the shooting’s aftermath, even though the BSO arranged and supervised the safe, incident-free evacuation of 15,000 travelers from the airport.

The Bill of Particulars at page 4 even cites to a purported “initial

draft” of the Critical Incident Report to assert that “tabletop exercises were not frequent enough, nor was there sufficient preparation for an actual event.” This so-called “initial draft” is nothing of the sort, and does not even represent any preliminary factual findings. Instead, any facts and findings are contained in the final report as issued, no portion of which presents facts even suggesting incompetence or neglect of duty on the part of Sheriff Israel. The report actually finds abundant reason to compliment the coordinated efforts of the responding law enforcement agencies in preventing the loss of life that might have occurred without the immediate law enforcement response to the mass shooting.

The Bill of Particulars at page 4 faults Sheriff Israel for failing “to properly allocate law enforcement personnel at Fort Lauderdale-Hollywood Airport in the years preceding the shooting incident.” Yet, at all relevant times the BSO fully implemented its negotiated contractual agreement with Broward County without any criticism or constraints. The Governor’s after-the-fact opinion that BSO should have increased personnel despite having no identified known need at the time is just the sort of arm-chair advisory by a non-law enforcement specialist that cannot be equated to a finding of neglect of duty or incompetence in the law enforcement or public official realms.

The same can be said for the statement at pages 4-5 of the Bill of

Particulars that “Allocation of staff and resources is purely a responsibility that falls on the elected sheriff.” Not only is that a flatly false statement and an uninformed opinion, the report identifies the confluence of many decision makers and influencers on the subject of airport security, none of whom were critical in real time.

B. Marjory Stoneman Douglas High School Incident.

Much can be said about the Valentine’s Day 2018 mass shooting tragedy at Marjory Stoneman Douglas High School. But finding blame in the form of a neglect of duty and incompetence on the part of Sheriff Israel is not among the valid points of discussion. The MSD Commission Report finds no neglect of duty or incompetence on the part of Sheriff Israel. Neither does it identify facts that can responsibly or legitimately be used by the Governor to accuse Sheriff Israel of neglect of duty or incompetence and suspend him from office.

The Bill of Particulars states on page 5 that Sheriff Israel “was responsible for performing all law enforcement functions and assisting Broward County Schools with the protection and security of the school and its occupants.” Sheriff Israel and the BSO did just that, and no fact in the Bill of Particulars or in the MSD Report finds otherwise.

It is a fact that Deputy Peterson did not enter the MSD building

where the active shooter was committing mass murder. It is equally true that no fact exists to show that even a prompt appearance by Deputy Peterson would have prevented the extent of the shooting tragedy in any respect. That Deputy Peterson shirked his law enforcement responsibilities for his own personal reasons, unbeknownst to anyone before or at that time, does not and cannot result in any accusation of a neglect of duty or incompetence on the part of Sheriff Israel. Deputy Peterson had exhibited no conduct prior to that time that might even have indicated his lack of fitness for duty.

Once again resorting to an “initial report” by the MSD Commission but not the Final Report, the Bill of Particulars asserts at page 7 that the BSO and Sheriff Israel knew or should have known of failures of security at MSD prior to the mass shooting. But that is not what the Final Report identified, and there is nothing in the Final Report holding Sheriff Israel or the BSO responsible as a breach of duty or public safety for having assigned one armed deputy to MSD. The School Resource Officer staffing at the time of the February 14, 2018 shooting incident was entirely consonant with the then-perceived public safety needs and resources.

Deputy Peterson’s failures, for which the Governor holds Sheriff Israel responsible for neglect of duty and incompetence at page 7 of the Bill of Particulars, do not constitute factual failings of duty on Sheriff

Israel's part. The Governor cannot blindly and without factual support hold Sheriff Israel responsible for the "negligence" of Deputy Peterson, when in fact it was Deputy Peterson's affirmative, intentional, and volitional decision to remain outside MSD as he evaluated the extent of the unfolding situation. Deputy Peterson acted intentionally in failing to more aggressively investigate the reported shooting.

It may well be the Governor's opinion that Deputy Peterson and "the seven other BSO deputies ... failed to engage the shooter and mitigate further harm to others[.]" That is neither a fact nor a basis for alleging Sheriff Israel's neglect of duty or incompetence. What is an undisputed fact is that while Sheriff Israel was in charge of BSO, it was continuously accredited and certified at the highest levels of law enforcement standards as a compliant and leading law enforcement agency that was consistent with national and Florida standards. In many respects during his tenure, the BSO was a model for national law enforcement standards.

The Governor's criticism of the BSO Active Shooter Policy at Bill of Particulars pages 8-9 is nothing more than an after-the-fact opinion. Not only was the then-existing policy compliant with national and Florida law enforcement standards, but it was also similar to other policies used

throughout the United States. Neither the Governor nor the MSD Report identified a factual basis to assert that the BSO Active Shooter Policy as approved and implemented was the cause of or responsible for the mass murder shooting at Marjory Stoneman Douglas High School. Unfortunately and all too often, terrorist incidents, mass murders, and criminal acts of violence are not preventable. That the incident occurred does not constitute incompetence or neglect of duty on the part of Sheriff Israel.

Because the facts alleged in Executive Order 19-14 and in the Bill of Particulars do not demonstrate failures on the part of Sheriff Israel sufficient to constitute incompetence or neglect of duty, Sheriff Israel should immediately be reinstated to office.

RESPONSE TO SPECIFIC CHARGES

In the section “Specific Charges” of the Bill of Particulars, the Governor improperly attempts to impose statutory duties and standards upon Sheriff Israel that are not assigned to him. Accordingly, Sheriff Israel objects to such efforts and responds as follows:

1. Section 30.15, Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Sheriff Israel denies he neglected his duty or was otherwise incompetent.

2. Section 30.07, Florida Statutes, speaks for itself. The negligence of a deputy sheriff does not constitute the Sheriff's neglect of duty or incompetence as a matter of law or fact. As such, the statute is inapplicable to the present case.

a. Denied.

b. Denied.

c. Denied.

d. Denied.

e. Denied.

f. Denied.

g. Denied.

h. Denied.

i. Denied.

3. Denied.

a. Denied.

b. Denied.

c. Denied.

d. Denied.

e. Denied.

4. Denied.

- a. Denied.
- 5. Denied.
- 6. Denied.
- 7. Denied.
- 8. Denied.
 - a. Denied.
 - b. Denied.
 - c. Denied.
 - d. Denied.
 - e. Denied.
 - f. Denied.
 - g. Denied.
 - h. Denied.
 - i. Denied.
 - j. Denied.
 - k. Denied.
 - l. Denied.
 - m. Denied.
 - n. Denied.
 - o. Denied.
 - p. Denied.

- q. Denied.
- 9. Denied.
 - a. Denied.
 - b. Denied.
- 10. Denied.
- 11. Denied.
- 12. Denied.
 - a. Denied.
 - b. Denied.
 - c. Denied.
- 13. Denied.
- 14. Denied.

Respectfully submitted,



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