



Journal of the Senate

Number 14—Regular Session

Wednesday, April 22, 2015

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CALL TO ORDER

The Senate was called to order by President Gardiner at 10:00 a.m. A quorum present—35:

Mr. President	Galvano	Montford
Abruzzo	Garcia	Negron
Altman	Gibson	Richter
Bean	Grimsley	Ring
Bradley	Hays	Sachs
Brandes	Hukill	Simmons
Braynon	Hutson	Simpson
Bullard	Joyner	Smith
Clemens	Latvala	Sobel
Diaz de la Portilla	Lee	Stargel
Flores	Legg	Thompson
Gaetz	Margolis	

PRAYER

The following prayer was offered by Reverend David Killeen, St. John’s Episcopal Church, Tallahassee:

Accept, O Lord, our thanks and praise for all that you have done for us. We thank you for the splendor of the whole creation, for the beauty of this world, and for the wonder of life.

On this Earth Day, we pray that you will give us wisdom and reverence so to use the resources of nature, that no one may suffer from our abuse of them, and that generations yet to come may continue to praise you for your bounty.

In our capital, districts, and hometowns, we thank you for setting us at tasks which demand our best efforts and for leading us to accomplishments which satisfy and delight us. We thank you also for those disappointments and failures that lead us to acknowledge our dependence on you alone.

Grant that we may not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. For yours is the kingdom, O Lord, and you are exalted as head above all. Amen.

PLEDGE

Senate Pages, Logan Roberts of Tallahassee, son of Dawn Roberts, Staff Director of the Senate Committee on Ethics and Elections; Elizabeth Tauchen of Sebring; Lia Panzner of Hernando Beach; and Emma Bailey of St. Petersburg, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

APPOINTMENTS

The Honorable Andy Gardiner April 22, 2015
President, The Florida Senate

Dear President Gardiner:

The following executive appointments were referred to the Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

*For Term
Ending*

Florida Public Service Commission		
Appointees:	Brown, Julie I.	01/01/2019
	Patronis, Jimmy T., Jr.	01/01/2019

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committee respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;
- (2) Senate action on said appointments be taken prior to the adjournment of the 2015 Regular Session; and
- (3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Garrett Richter, Chair

On motion by Senator Richter, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—33

Mr. President	Bradley	Clemens
Abruzzo	Brandes	Diaz de la Portilla
Altman	Braynon	Flores
Bean	Bullard	Gaetz

Galvano	Joyner	Sachs
Garcia	Latvala	Simmons
Gibson	Lee	Simpson
Grimsley	Margolis	Smith
Hays	Montford	Sobel
Hukill	Richter	Stargel
Hutson	Ring	Thompson

Nays—1

Legg

Vote after roll call:

Yea—Benacquisto, Detert, Evers, Negron, Soto

REINSTATEMENTS

EXECUTIVE ORDER NUMBER 14-111 (Executive Order of Suspension)

WHEREAS, Shawn Leigh Rowland (a.k.a. Shawn Leigh Boyle) is presently serving as a Notary Public of the State of Florida; and

WHEREAS, on or about April 8, 2013, Shawn Boyle was convicted in the Circuit Court of the Eighteenth Judicial Circuit, in and for Brevard County, in case number 2012CF060179, of one count of Acting as an Insurance Agent with a Suspended or Revoked License, a third-degree felony in violation of section 624.310(8), Florida Statutes; and

WHEREAS, during the investigation by this Office, it was discovered that Shawn Boyle had changed her legal name to Shawn Leigh Rowland, and had failed to update her commission and notify the Department of State within 60 days, as required by section 117.05(9), Florida Statutes; and

WHEREAS, Shawn Boyle failed to notify the Department of State of the above-stated change to her criminal history record following her felony conviction while commissioned as a Florida notary public, as required by section 117.01(2); and

WHEREAS, on January 9, 2014, and January 24, 2014, this Office notified Shawn Boyle by certified mail, and required that she respond to the investigation by this Office of her felony conviction while commissioned as a Florida notary public; and

WHEREAS, during the investigation by this Office, it was discovered that Shawn Boyle had moved from the address on file and had failed to notify the Department of State of the change in her address within 60 days, as required by section 117.01(2), Florida Statutes; and

WHEREAS, to date, this Office has not received the required response from Shawn Boyle; and

WHEREAS, the Governor is authorized by Article IV, Section 7 of the Florida Constitution to suspend from office by executive order an appointed public official for the commission of a felony; and

WHEREAS, it is in the best interests of the citizens of the State of Florida that Shawn Boyle be immediately suspended from the public office, which she now holds, upon the grounds set forth in this Executive Order;

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, pursuant to Article IV, Section 7 of the Florida Constitution and section 117.01(4), Florida Statutes, find and state as follows:

A. Shawn Boyle is a duly appointed Notary Public of the State of Florida, pursuant to section 117.01, Florida Statutes.

B. Shawn Boyle is commissioned as a Florida notary public from October 25, 2011, through October 24, 2015.

C. Shawn Boyle was convicted of a felony in Brevard County in 2013, while commissioned as a Florida notary public.

D. Shawn Boyle failed to notify the Department of State of the change to her criminal history record following her felony conviction in Brevard County in 2013, as required by section 117.01(2), Florida Statutes.

E. Shawn Boyle failed to update her commission and notify the Department of State within 60 days of the change to her legal name, in violation of section 117.05(9), Florida Statutes.

F. Shawn Boyle failed to notify the Department of State within 60 days of her change of address, in violation of section 117.01(2), Florida Statutes.

G. Shawn Boyle refused to cooperate or respond to an investigation of notary misconduct by the Executive Office of the Governor, as required by section 117.01(4)(c), Florida Statutes.

BEING FULLY ADVISED in the premise, and in accordance with the Florida Constitution and the laws of the State of Florida, this Executive Order is issued:

Section 1. Shawn Boyle is suspended from the public office which she now holds: Notary Public of the State of Florida.

Section 2. Shawn Boyle is prohibited from performing any official act, duty, or function of this public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of this public office during the period of suspension, which shall begin today until further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 25th day of March, 2014.

Rick Scott
GOVERNOR

ATTEST:
Ken Detzner
SECRETARY OF STATE

[Previously referred to the Committee on Ethics and Elections March 26, 2014, and to the Senate Special Master March 12, 2015.]

The Honorable Andy Gardiner
President of the Senate

April 22, 2015

RE: Suspension of:
ROWLAND, Shawn Leigh
Notary Public

Dear President Gardiner:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Shawn Leigh Rowland.

By Executive Order Number 14-111 filed with the Secretary of State on March 25, 2014, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Rick Scott, Governor, suspended Shawn Leigh Rowland as a Notary Public. The Executive Order alleges she had been convicted on or about April 8, 2013, of Acting as an Insurance Agent with a Suspended or Revoked License, a third degree felony pursuant to s. 624.310(8), F.S. The Executive Order also alleges she failed to notify the Department of State of the conviction and failed to update the Department about changes to her legal name and her address as required by s. 117.01(2), F.S. Ms. Rowland's commission is set to expire on October 24, 2015.

On March 12, 2015, this matter was referred to Senate General Counsel George Levesque to act as special master ("Special Master"). Pursuant to Senate Rules, he was required to conduct a hearing and to recommend whether Ms. Rowland should be removed from or reinstated to the office of Notary Public. The Special Master conducted the hearing on April 3, 2015. As required, a Special Master's Final Report was pre-

pared on April 10, 2015. The Special Master presented the Report to the Committee on Ethics and Elections on April 15, 2015.

The Special Master’s Final Report states that at the hearing the Governor’s counsel only argued that Ms. Rowland failed to provide written notification of the change in her criminal history, name, and address within 60 days. Both parties stipulated that on April 8, 2013, Ms. Rowland entered a nolo contendere plea to the criminal charge and that adjudication of guilt was withheld. The parties also stipulated that Ms. Rowland changed her name and address on October 11, 2013. The Special Master found that on March 24, 2014, Ms. Rowland notified the Notary Section in the Office of the Governor with her change in name and address. This occurred after being contacted by the Notary Section concerning changes in Ms. Rowland’s criminal history.

Concerning Ms. Rowland’s testimony, the Special Master stated he found Ms. Rowland to be a credible witness and accepted her testimony as true. The Special Master’s Final Report indicates that Ms. Rowland asked for leniency and provided additional background. Ms. Rowland testified that she was embroiled in divorce proceedings during 2013. She testified that to bring closure to the ordeal, she accepted a nolo contendere plea offer which included a withhold of adjudication. Ms. Rowland stated that her public defender advised her that she would not have to report the plea as a conviction because adjudication of guilt was not imposed. Based on that advice, she was not aware that she was obligated to report the criminal charge and resolution of the matter. During this time period, Ms. Rowland was not employed. Nor was Ms. Rowland using her notary commission. Additionally, Ms. Rowland provided general letters of recommendation to the Special Master, one of which was from an attorney that she has known for approximately 30 years.

The Special Master concluded:

Based on the foregoing, it is my opinion that counsel for the Governor has demonstrated appropriate grounds for Shawn Rowland to be suspended and removed from office. I make this finding based upon a clear violation of the law. As counsel for the Governor argued, notaries public are public officers subject to a higher standard. My recommendation is based on the law and the facts as proven. While Shawn Rowland presented as a sympathetic and credible witness, it is not my role to say whether leniency or a lesser penalty should apply. This conclusion and report is only a recommendation to the President and the Senate. If leniency or mercy is to be granted, it is within the power and discretion of the Senate to grant it.

At the Committee on Ethics and Elections meeting on April 15, 2015, the Special Master presented the report and responded to questions from members concerning the facts and findings contained therein. Some committee members expressed concern regarding the technical nature of the allegations. To that point, the Special Master acknowledged that no evidence had been presented to suggest Ms. Rowland used her notary commission improperly or for nefarious purposes. Further, some members of the committee viewed the advice provided by Ms. Rowland’s public defender that she did not have a felony conviction on her record as an additional mitigating factor. The Special Master was asked whether or not “we’ve caught a criminal.” The Special Master responded in the negative. Further, he explained that in a criminal context, these facts would support the case for leniency. However, he also indicated the issue dealt with the privilege of holding a public office and not a criminal prosecution, and reasonable people may disagree as to how high the standard should be and whether leniency would be appropriate. In light of the technical nature of the violations and the mitigating circumstances, the Committee voted to reject the Special Master’s Final Report and recommend to the Senate that Ms. Rowland be reinstated as a Notary Public.

Based on the foregoing, I advise and recommend that the Senate reinstate Ms. Shawn Rowland to the office of Notary Public.

Sincerely,
Garrett Richter, Chair

On motion by Senator Richter, the report was adopted and the Senate confirmed the reinstatement of Ms. Rowland, identified in the foregoing report of the committee to the office of Notary Public in accordance with the recommendation of the committee.

The vote was:

Yeas—34

Mr. President	Galvano	Richter
Abruzzo	Garcia	Ring
Altman	Gibson	Sachs
Bean	Grimsley	Simmons
Bradley	Hays	Simpson
Brandes	Hukill	Smith
Braynon	Hutson	Sobel
Bullard	Joyner	Soto
Clemens	Latvala	Stargel
Diaz de la Portilla	Lee	Thompson
Flores	Margolis	
Gaetz	Montford	

Nays—1

Legg

Vote after roll call:

Yea—Benacquisto, Detert, Evers, Negron

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Ken Detzner, Secretary of State, had certified to the election of the following Senator:

**STATE OF FLORIDA
DEPARTMENT OF STATE
DIVISION OF ELECTIONS**

I, **Ken Detzner**, Secretary of State of the State of Florida, do hereby certify that the following candidate was duly elected at the Special Election held on the 7th day of April, A.D., 2015, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT 6	ELECTED SENATOR Travis Hutson
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GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 21st day of April, A.D., 2015.

Ken Detzner
SECRETARY OF STATE

ADOPTION OF RESOLUTIONS

At the request of Senator Hukill—

By Senator Hukill—

SR 178—A resolution recognizing May 2015 as “American Stroke Month” in Florida.

WHEREAS, stroke is the fourth leading cause of death in the United States, striking more than 795,000 Americans each year and killing almost 130,000, including a total of 25,310 Floridians from 2011 through 2013, and

WHEREAS, stroke is also a leading cause of serious long-term disability in the United States, with more than 1.1 million adults experiencing functional limitations or difficulty with activities of daily living resulting from stroke, and

WHEREAS, on the average, a stroke occurs every 40 seconds and takes a life every 4 minutes in the United States, and