



CITY OF TAMARAC
NOTICE OF WORKSHOP MEETING
CITY COMMISSION OF TAMARAC, FL
Commission Chamber at 10:00 AM
October 25, 2021

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

Commissioner Bolton

1. Presentation - Community Survey Results

Presentation by Chris Tatham of ETC Institute

2. Presentation - Proposed HB1 Legislation

Requested by Commissioner Gelin. Presentation by Bacardi Jackson, of the Southern Poverty Law Center & SPLC Action Fund

3. Presentation - FY2021 Budget Amendment

Presentation by Financial Services Director Christine Cajuste, and Budget Manager Jeff Streder

4. Presentation - Annual Insurance Renewals

Presentation by the Human Resources Department

*** Recess at approximately 1:00 p.m., at the Commission's discretion*

5. Presentation - Annual Building Department Report/Activity 510 ISO

Presentation by Chief Building Official George Folles

6. Presentation - City Commission Initiatives and PIO Support

Presentation by the City Manager's Office and the Public Information Office

7. Discussion and possible direction regarding proposed changes to the Code of Ordinances

Requested by Commissioner Gelin

1. Clarifying that conduct of commercial activity in a residential area is strictly prohibited; establishing a penalty for violation as the largest fine which a city may impose under Florida law against both the promoter of the commercial activity and the owner of the property on which it is occurring and authorizing the Police, Code Enforcement, Fire Department or any other lawful authority to enforce this prohibition. Enforcement shall include immediately ceasing the unlawful commercial activity, clearing the premises, impounding any vehicles unlawfully parked, and impounding any property being used to promote the unlawful commercial activity for use as evidence in a forfeiture proceeding.

2. Amend Section 10-5(J)(5) stating that any matter that is withdrawn prior to the public hearing, or denied by the Commission or Planning Board, cannot be resubmitted to the City for 18 months

3. Amending the City's Code to clarify that only the City Commission can grant an extension for a Land Use Plan Amendment (LUPA) or Rezoning application consistent with F.S. 163.3184 3 C1 & 4E1

8. Discussion and direction related the CY2021 and CY2022 Commission meeting dates

Requested by City Clerk Jennifer Johnson

The City Commission may consider and act upon such other business as may come before it. In the event this agenda must be revised, such revised copies will be available to the public at the City Commission meeting.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans with Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the City Clerk's Office at (954) 597-3505 of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service at either of the following numbers: 1-800-955-8770 or 1-800-955-8771.



Jennifer Johnson, CMC
City Clerk



Title - Commissioner Bolton



Title - Presentation - Community Survey Results

Presentation by Chris Tatham of ETC Institute

ATTACHMENTS:

Description	Upload Date	Type
City of Tamarac Community Satisfaction Survey Presentation	10/20/2021	Presentation

City of Tamarac Community Satisfaction Survey

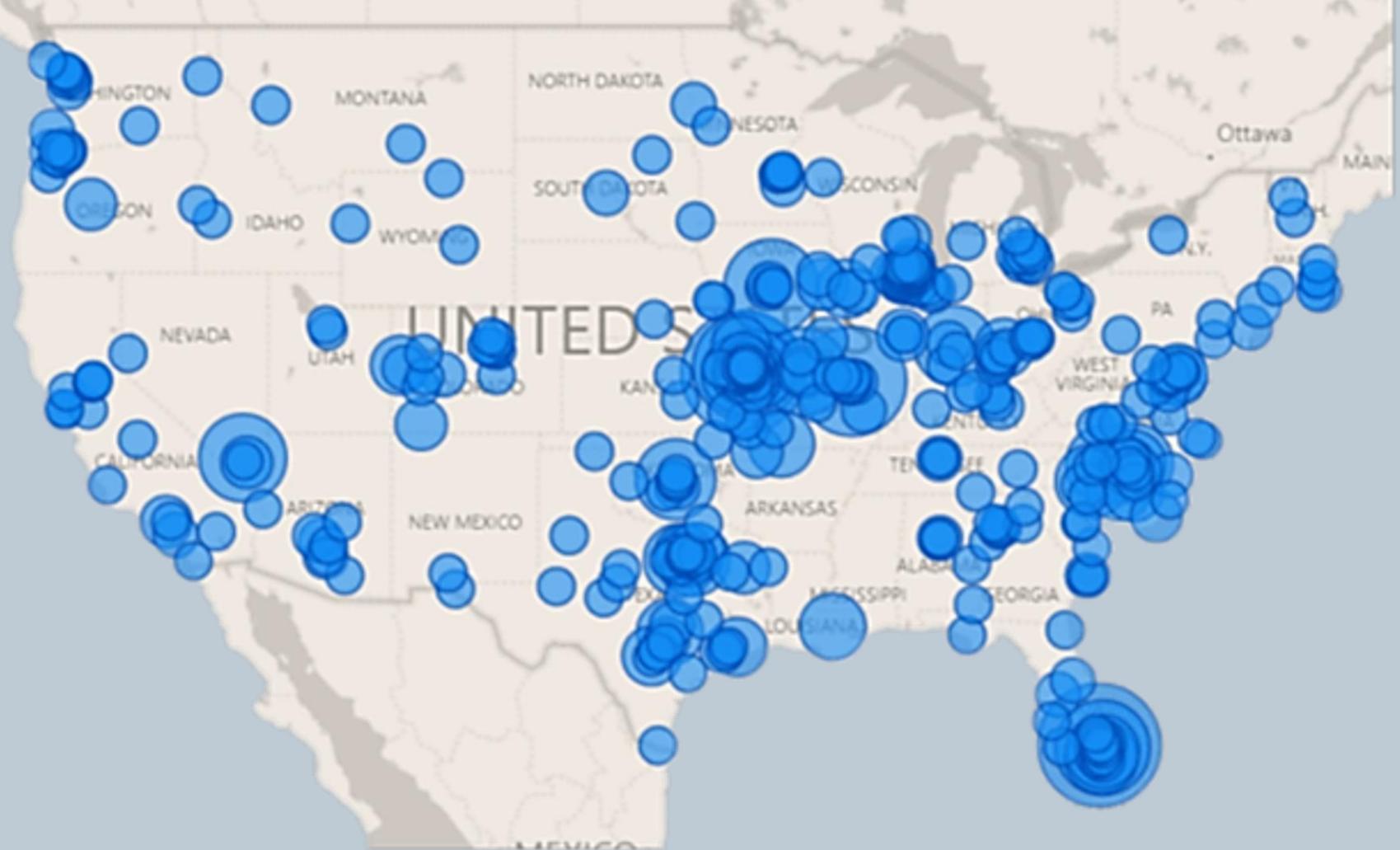
PRESENTED BY ETC INSTITUTE

OCTOBER 2021



**Clients include 25 of
the 35 largest U.S.
cities and 13 of the
20 largest U.S.
counties.**

**ETC Institute also
has a global
presence in Africa,
Asia, Australia, and
Latin America.**



A National Leader in Market Research

Helping local governments gather and use survey data to enhance organizational performance for more than 30 years

More than 2,000,000 persons surveyed since 2011 in more than 1,000 communities around the world.

Agenda

Purpose and Methodology

Bottom Line Up Front

Major Findings

Summary and Conclusions

Questions

Purpose

Objectively assess satisfaction with the quality of City services among the City's residents

Identify opportunities to improve satisfaction in areas that are high priorities to residents

- Importance-Satisfaction Analysis

Measure trends over time

- The City has conducted previous surveys in 2007, 2009, 2011, 2013, 2016, and 2018

Compare Tamarac's performance to other communities

Methodology

Survey Description

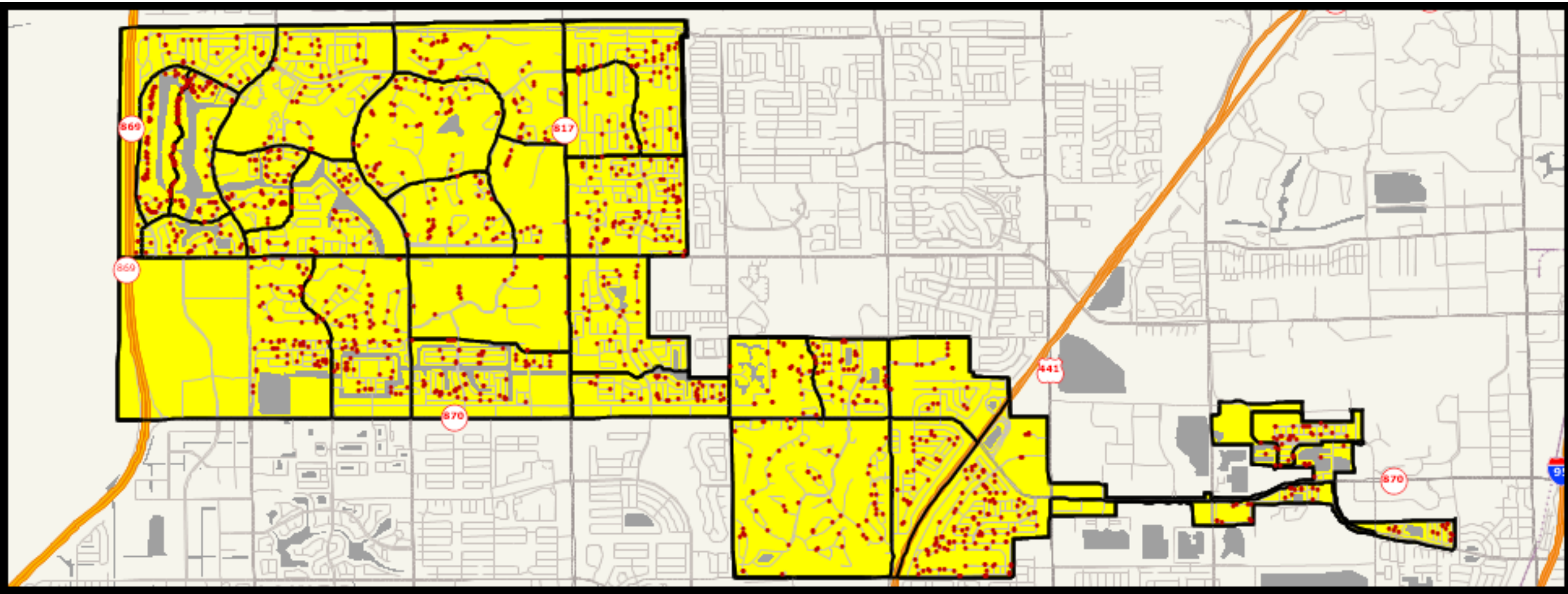
- Seven-page survey
- Each survey took approximately 15-20 minutes to complete
- Included many of the same questions asked in previous surveys

Method of administration

- By mail, phone, and online to a random sample of 1,282 households in Tamarac

Precision

- Overall results have a margin of error of at least +/-2.7% at the 95% level of confidence
- Data is statistically valid for each of the City's commission districts



Location of Survey Respondents

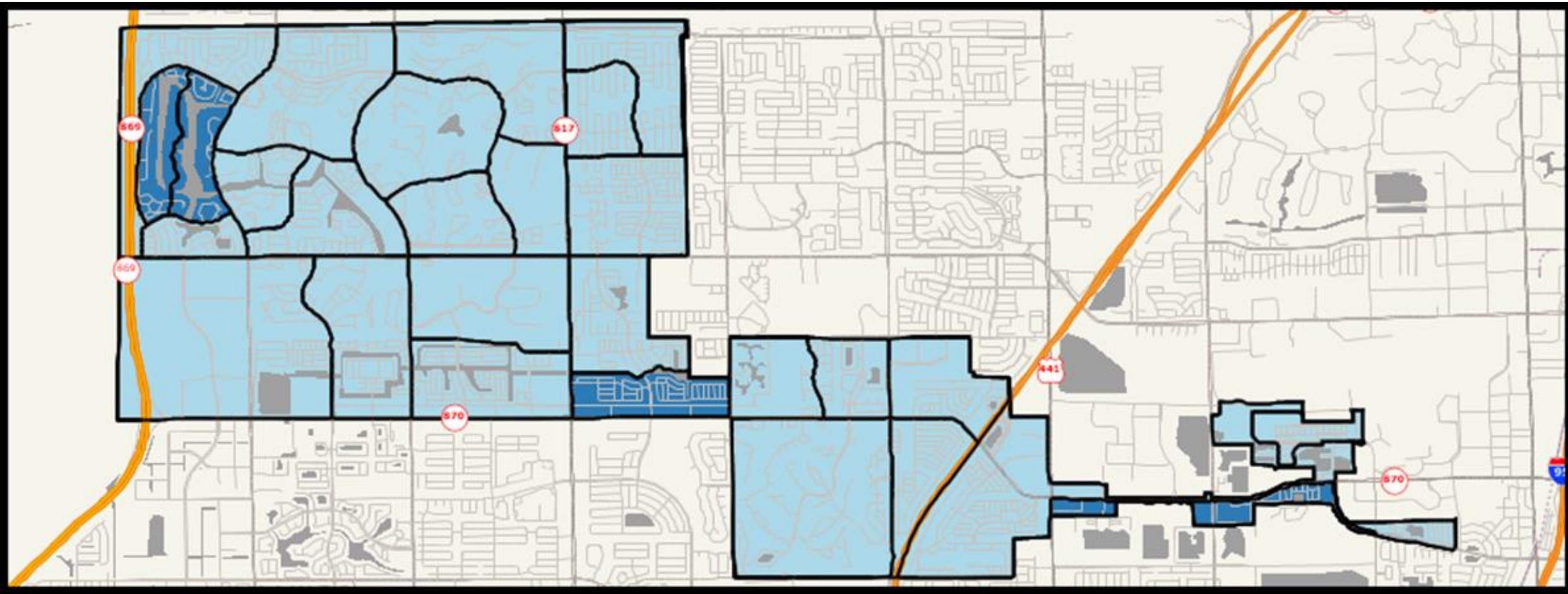
Good representation from all areas of the City

At least 300 surveys were completed in each of the City's four commission districts

Bottom Line Up Front

Residents say....

- They feel safer than they did in 2018
- Fire and EMS service quality and response times are excellent
- They think the City is cleaner and looks better
- They appreciate the quality of life in the City, especially the Parks and Recreation services
- The City is communicating well with them
- They feel they receive excellent customer service from City employees
- They believe the City is taking care of them during the COVID-19 pandemic



Overall Quality of Services Provided by the City

The City is equitably providing services to all residents in the City

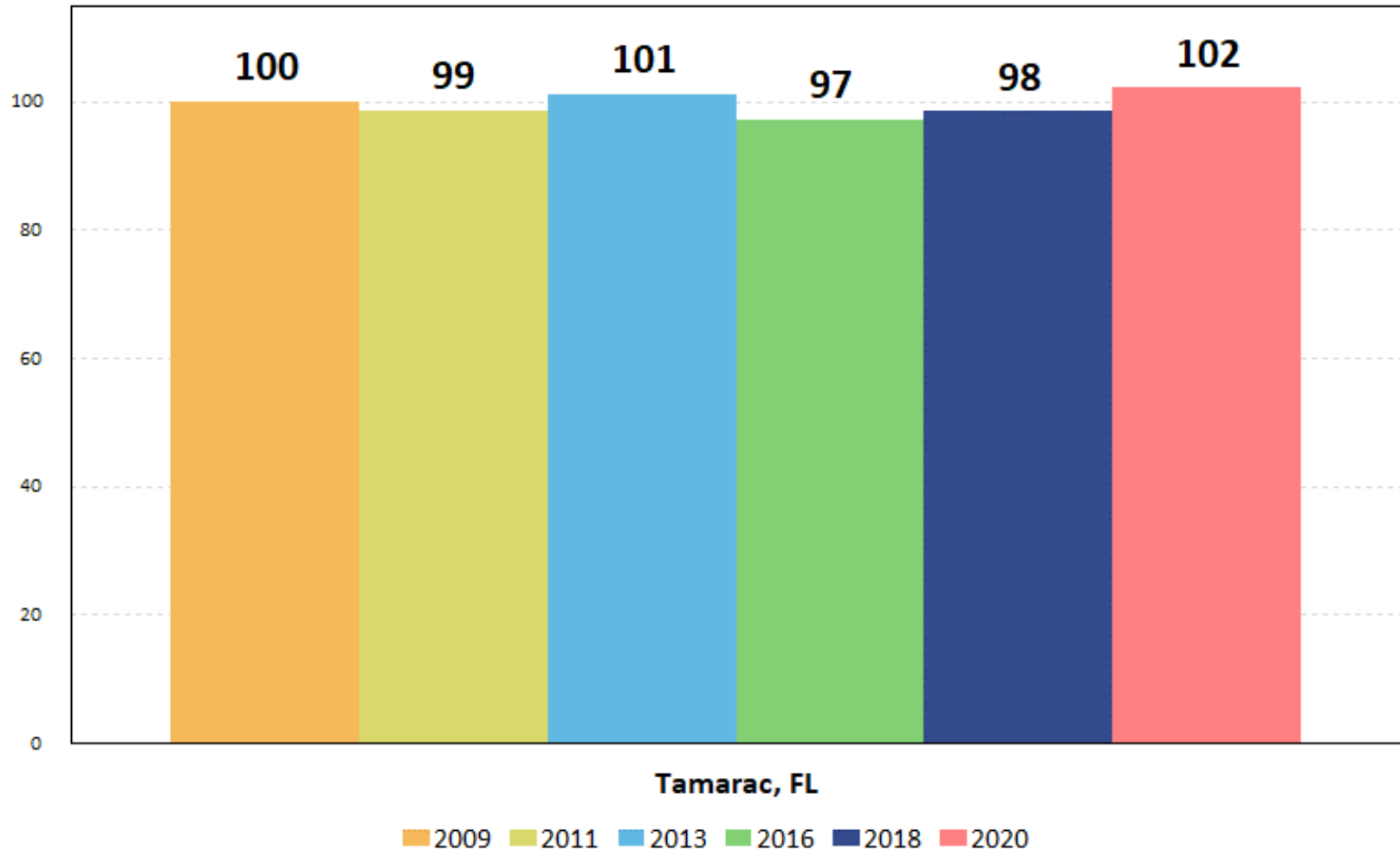
Composite Satisfaction Index

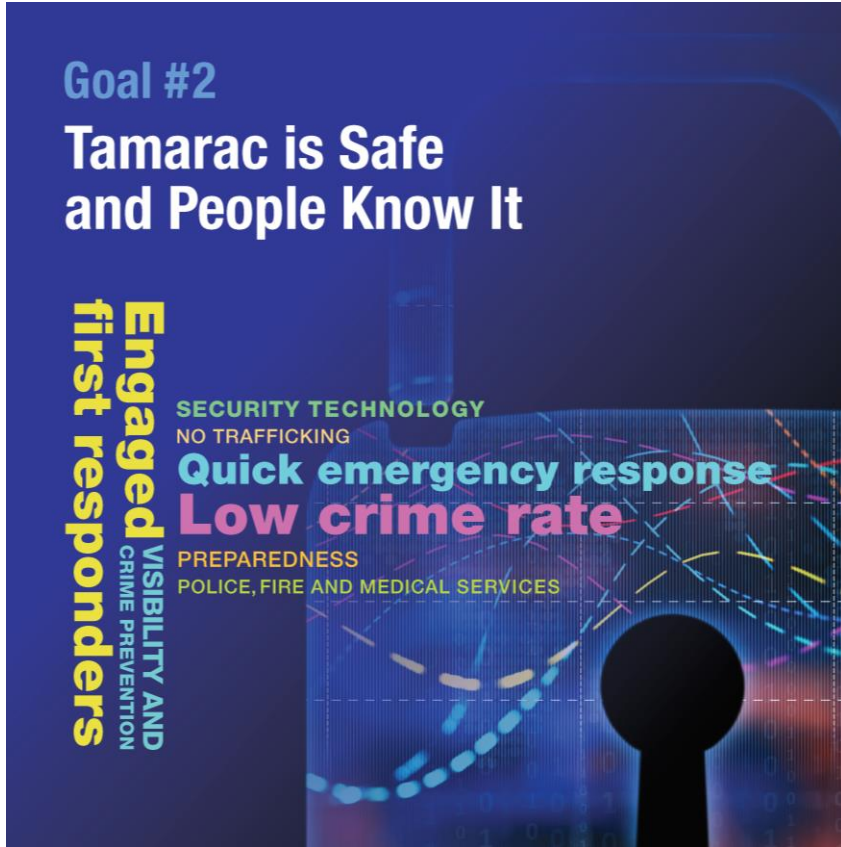
The composite satisfaction index for the City increased 4 points since 2018

The City's Composite satisfaction index is at an all time high since the index was created in 2009.

Composite Satisfaction Index: City of Tamarac 2009 through 2021

derived from the mean overall satisfaction ratings provided by residents
Year 2009 = 100





Public Safety – Residents Feel Safer in 2021

Overall Ratings

- 74% gave very satisfied/satisfied ratings for overall quality of police services
- 69% of residents feel police respond quickly to emergencies

Feeling of Safety

- 89.1% feel safe in their neighborhood during the day (+4.4%)
- 69.2% feel safe in their neighborhood at night (+5.5%)
- 63% feel safe in commercial/retail areas (+7%)
- 62.6% feel safe in City parks (+7.4%)
- 61% feel safe in City parks (new question)

Lowest Rated Public Safety Areas

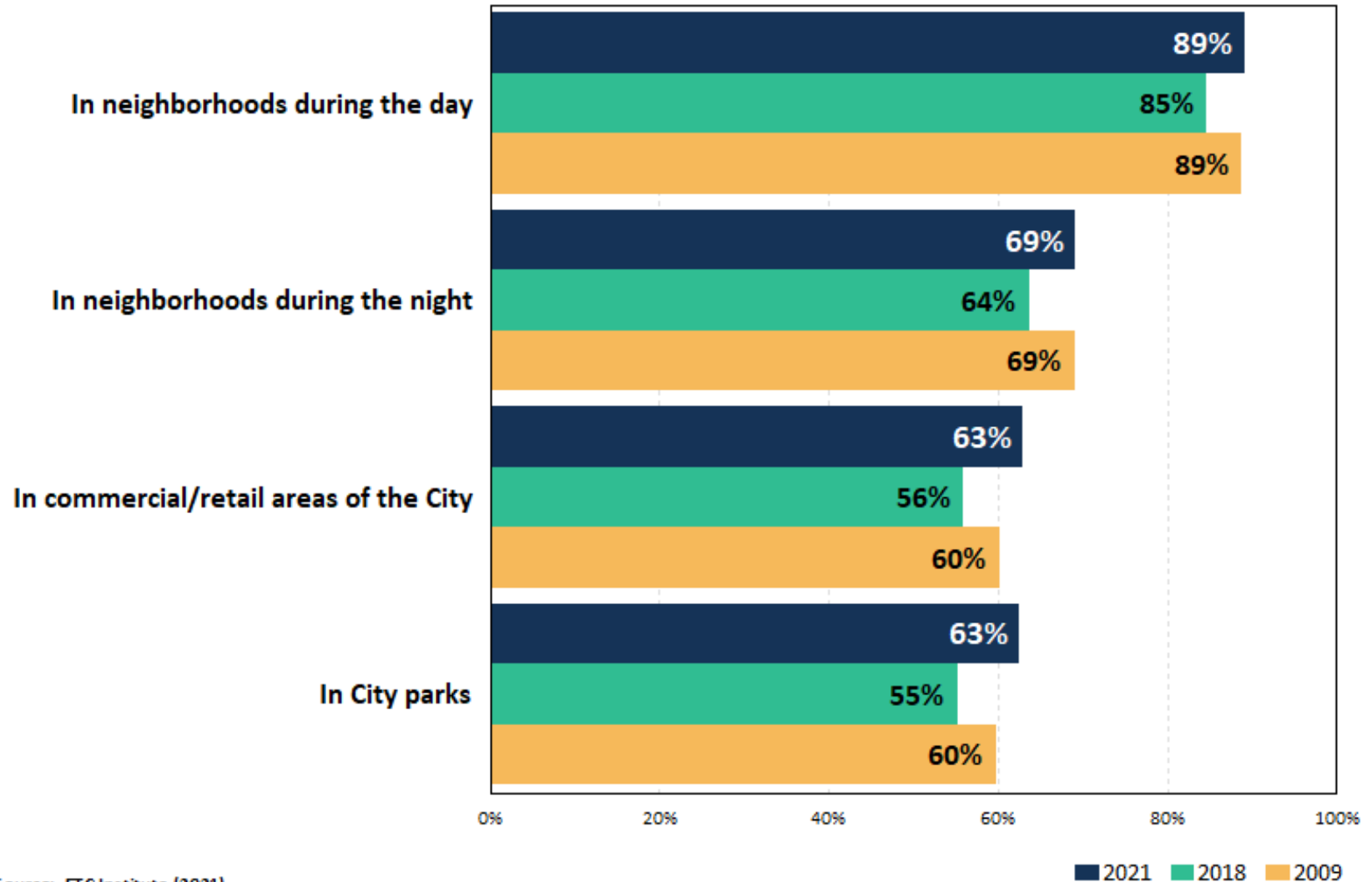
- Visibility of police in neighborhoods (49%)
- Visibility of police in retail areas (48%)

Residents Feel Safer in 2021

All ratings of safety saw improvements between 2018 and 2021

Trends: Level of Feeling Safe in Various Situations 2021 vs. 2018 vs. 2009

by percentage of respondents, who responded with a 4 or 5, using a 5-point scale (excluding *don't knows*)



Source: ETC Institute (2021)

Public Safety – Fire Rescue

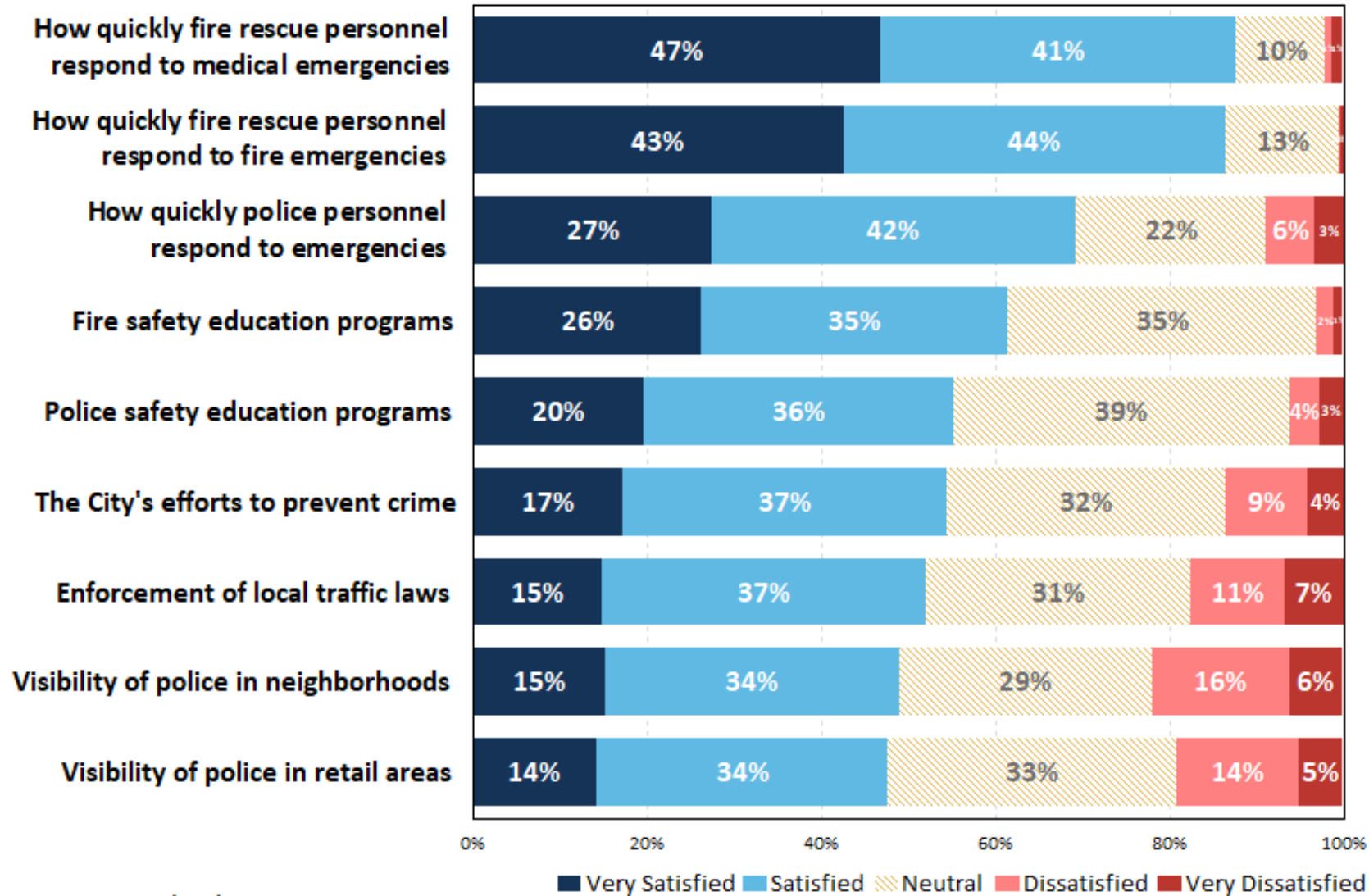
88% of residents are very satisfied/satisfied with the quality of Fire Rescue services – 87% with EMS

88% of residents are very satisfied/satisfied with how quickly fire personnel respond to medical emergencies

86% of residents are satisfied/satisfied with how quickly fire rescue personnel respond to emergencies – **5% points above the national average**

Q6. Residents' Satisfaction Ratings for Public Safety Items

by percentage of respondents, using a 5-point scale, where 5 means *very satisfied* and 1 means *very dissatisfied* (without don't knows)



Source: ETC Institute (2021)

Importance-Satisfaction Rating (2021)

Public Safety

City of Tamarac, FL

Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Visibility of police in neighborhoods	39%	1	49%	8	0.1984	1
The City's efforts to prevent crime	35%	2	55%	6	0.1606	2
Visibility of police in retail areas	21%	3	48%	9	0.1093	3
Enforcement of local traffic laws	17%	4	52%	7	0.0806	4
How quickly police personnel respond to emergencies	13%	5	69%	3	0.0385	5
Police safety education programs	5%	7	55%	5	0.0233	6
Fire rescue safety education programs	4%	9	62%	4	0.0169	7
How quickly fire rescue personnel respond to medical emergencies	7%	6	88%	1	0.0083	8
How quickly fire rescue personnel respond to fire emergencies	5%	8	86%	2	0.0064	9

I-S Ratings .1000 or Greater Are Considered a High Priority Over the Next Two Years



Perceptions – The City is Cleaner and Looks Better

- 88% of residents are very satisfied/satisfied with the appearance of City parks (+10.8%)
- 84.3% of residents are very satisfied/satisfied with maintenance of City buildings (+2.4%)
- 78% of residents are very satisfied/satisfied with landscaping of medians and public areas along City streets (+6.3%)
- 76% of residents are very satisfied/satisfied with the overall cleanliness of City streets and public areas (+1%)
- 72% of residents are very satisfied/satisfied with the overall appearance of City streets, medians, buildings, and facilities

Solid Waste Management Scores are Up from 2018

88% of residents are satisfied with residential trash collection service

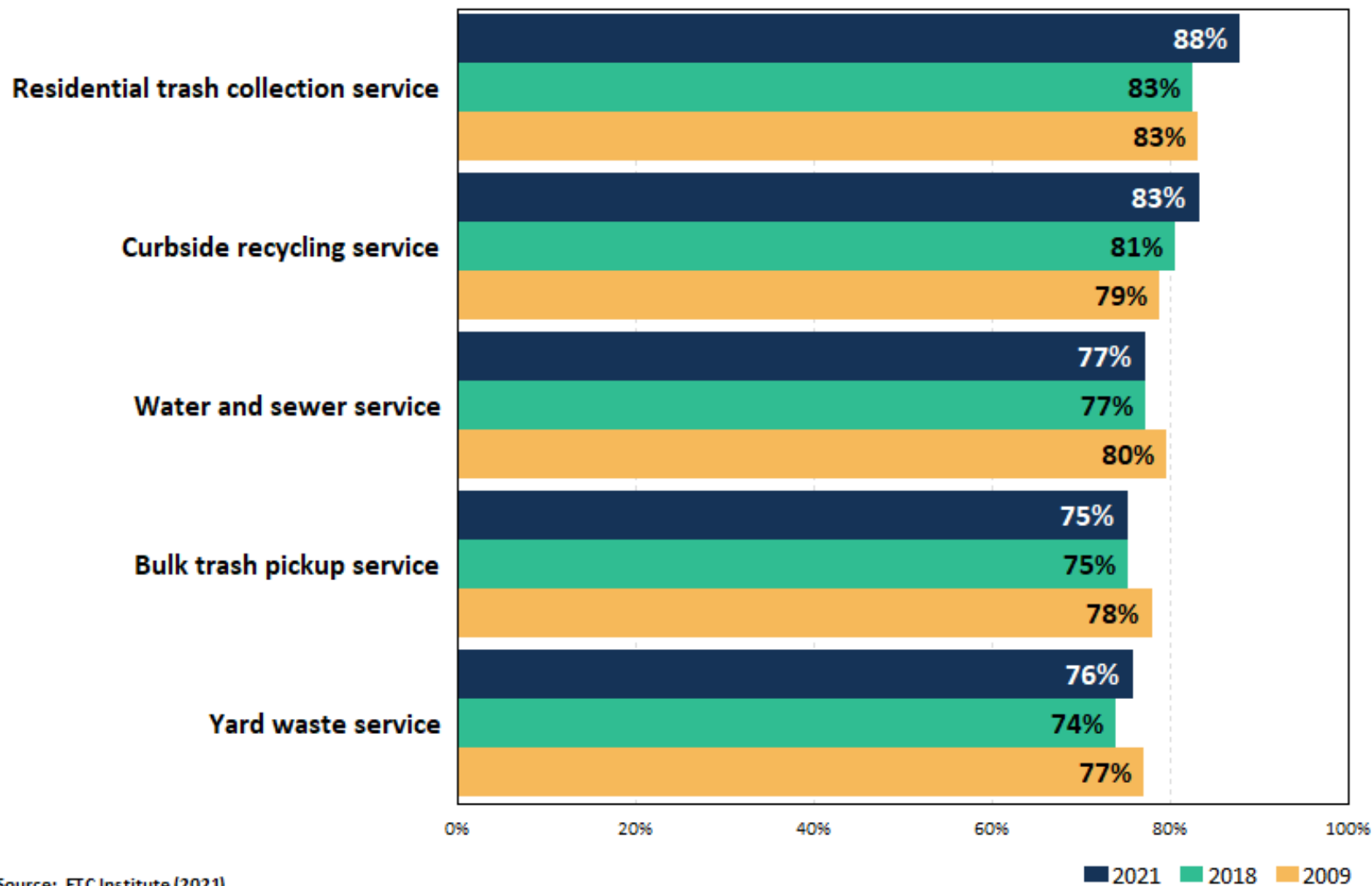
83% of residents are satisfied with curbside recycling

76% of residents are satisfied with yard waste service

75% of residents are satisfied with bulk trash pickup

Trends: Satisfaction Ratings for Solid Waste Management Items 2021 vs. 2018 vs. 2009

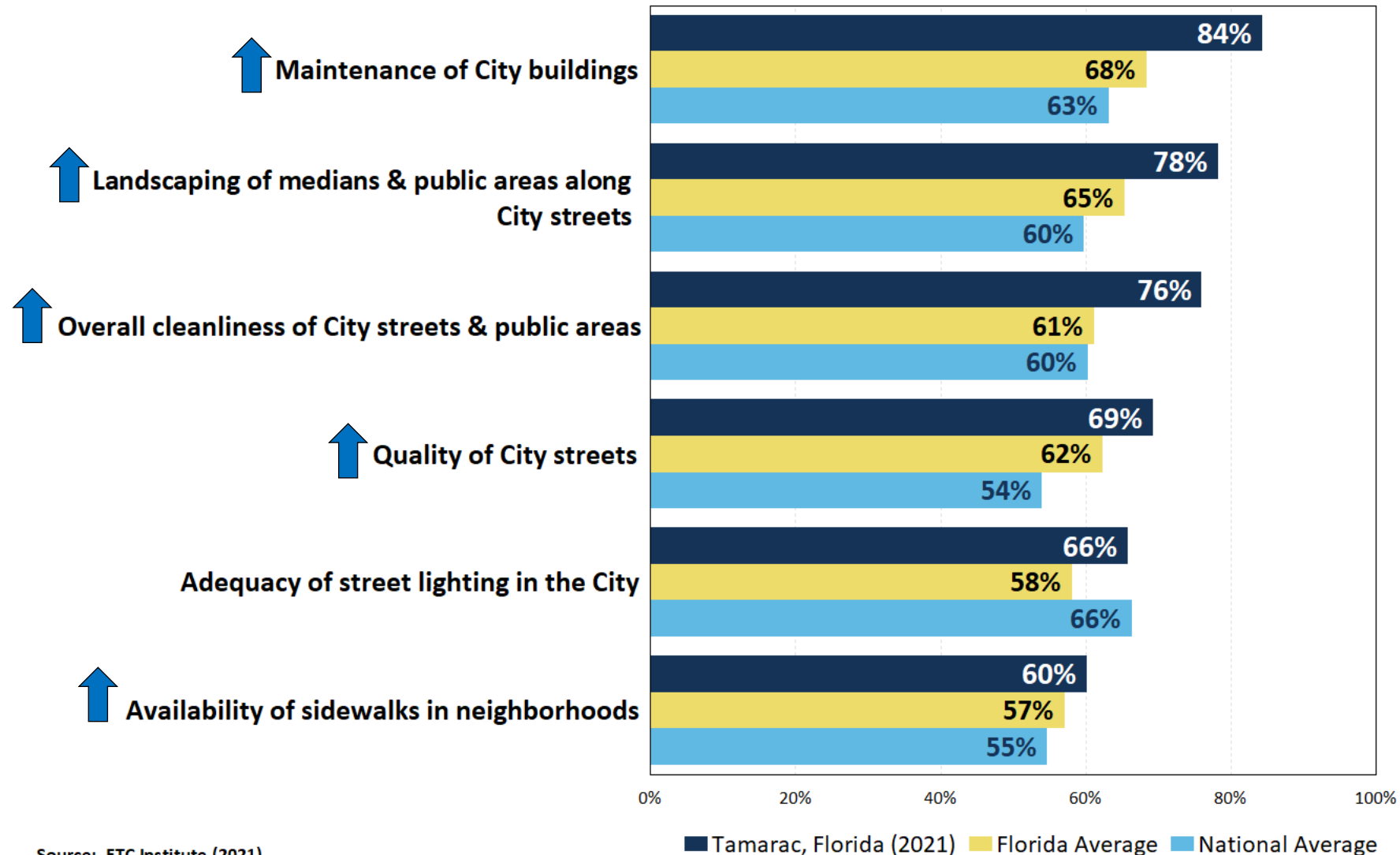
by percentage of respondents, who responded with a 4 or 5, using a 5-point scale (excluding don't knows)



Benchmark Results: Residents' Satisfaction with City Maintenance

City of Tamarac vs. Florida's Average vs. the National Average

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale (excluding don't *knows*)



City rated above national average in 5 of the 6 areas assessed

Importance-Satisfaction Rating (2021)

Maintenance

City of Tamarac, FL

Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Adequacy of street lighting in the City	36%	1	66%	4	0.1231	1
Availability of sidewalks in neighborhoods	23%	3	60%	5	0.0930	2
Overall cleanliness of City streets & public areas	36%	2	76%	3	0.0854	3
Availability of bikeways in the City	15%	5	57%	6	0.0641	4
Landscaping of medians & public areas along City streets	20%	4	78%	2	0.0438	5
Maintenance of City buildings	7%	6	84%	1	0.0111	6

I-S Ratings .1000 or Greater Are Considered a High Priority Over the Next Two Years



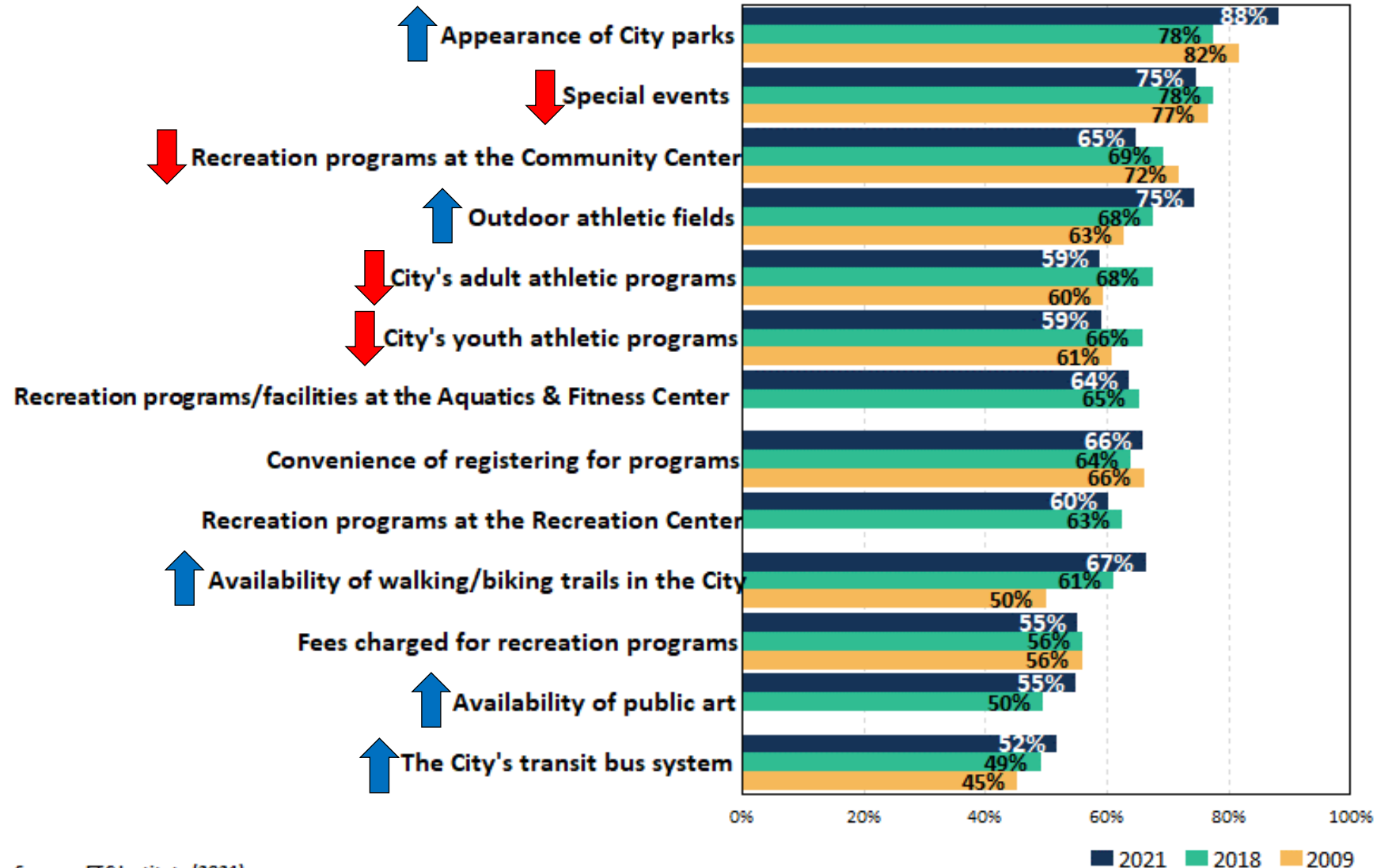
Quality of Life - Residents Appreciate the Quality of Parks and Recreation Offerings

- 88% are satisfied with appearance of City Parks
- 87% are satisfied with how easy is to access City parks from home
- 75% are satisfied with special events
- 75% are satisfied with outdoor athletic fields

Trends: Satisfaction Ratings for Park and Recreation Items

2021 vs. 2018 vs. 2009

by percentage of respondents, who responded with a 4 or 5, using a 5-point scale (excluding *don't knows*)



Source: ETC Institute (2021)

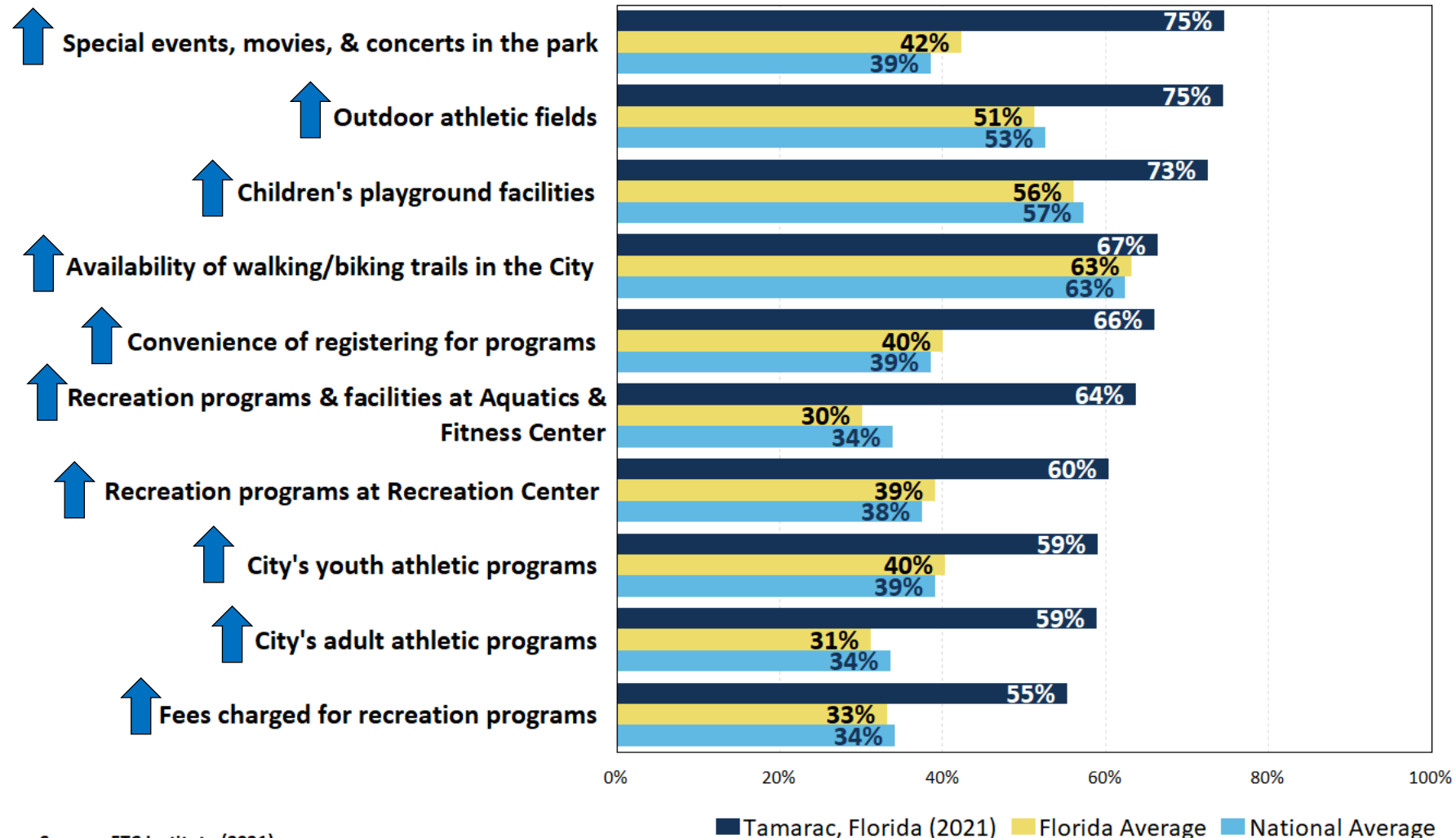
Significantly Higher : ↑

Significantly Lower : ↓

Benchmark Results: Residents' Satisfaction with City Parks and Recreation Services

City of Tamarac vs. Florida's Average vs. the National Average

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale (excluding don't *knows*)



Source: ETC Institute (2021)

Significantly Higher : ↑

Significantly Lower : ↓

Importance-Satisfaction Rating (2021)

Parks and Recreation

City of Tamarac, FL

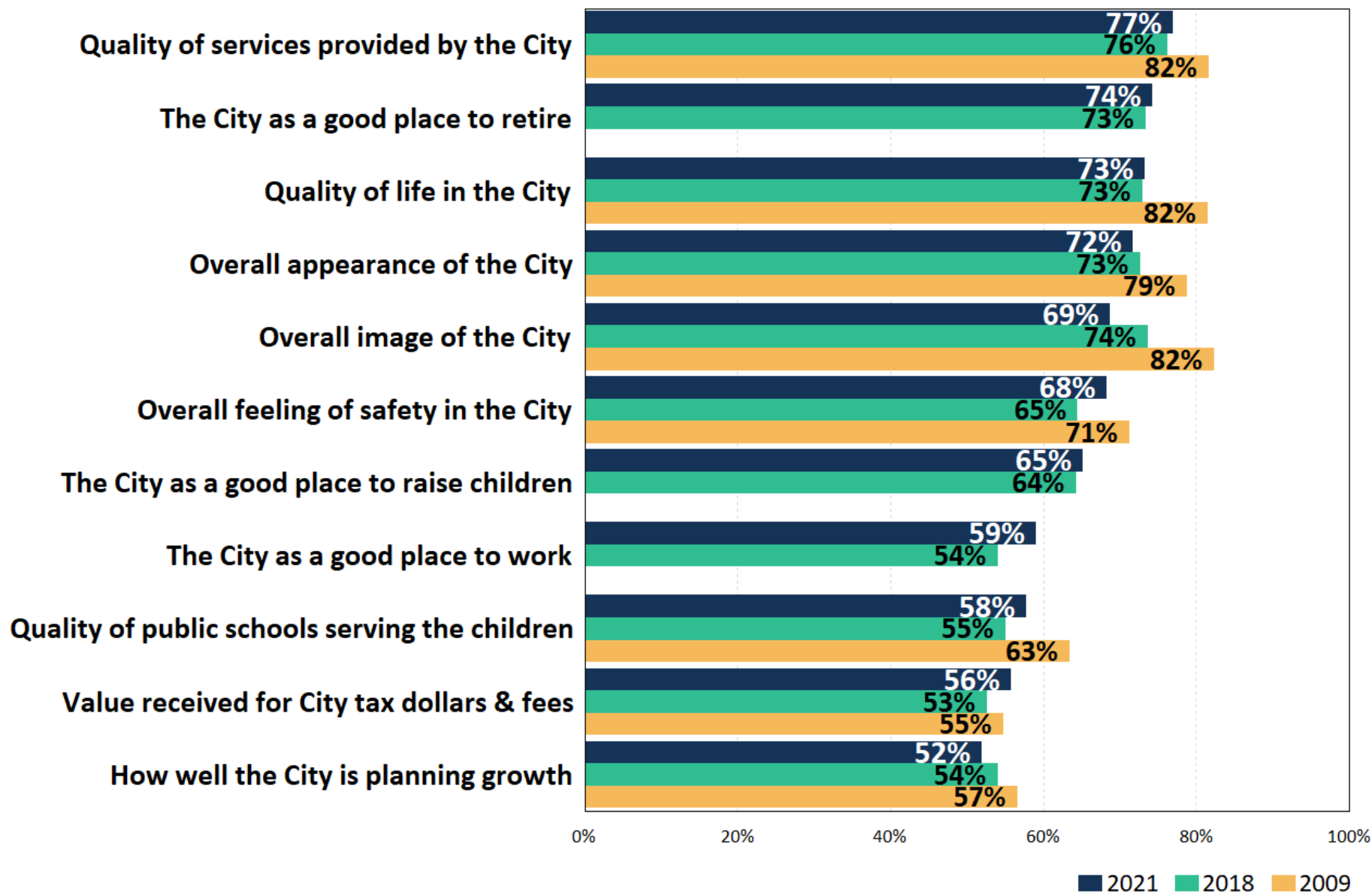
Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Availability of walking/biking trails in the City	19%	2	67%	7	0.0637	1
Weekly farmers' market	15%	4	71%	6	0.0422	2
Special events, movies, & concerts in the park	16%	3	75%	3	0.0417	3
Outdoor fitness facilities	11%	5	63%	11	0.0392	4
The City's transit bus system	8%	9	52%	17	0.0385	5
Fees charged for recreation programs	8%	8	55%	15	0.0371	6
Recreation programs at Community Center (Commercial Blvd)	10%	7	65%	9	0.0347	7
Children's playground facilities	10%	6	73%	5	0.0279	8
Adult athletic programs	7%	10	59%	14	0.0275	9
Youth athletic programs	6%	12	59%	13	0.0249	10
Appearance of City parks	19%	1	88%	1	0.0225	11
Availability of public art	5%	13	55%	16	0.0225	12
Convenience of registering for programs	5%	15	66%	8	0.0159	13
Recreation programs & facilities at Aquatics & Fitness Center (NW 58th St)	4%	16	64%	10	0.0145	14
Outdoor athletic fields	5%	14	75%	4	0.0122	15
Recreation programs at Recreation Center (University Drive)	2%	17	60%	12	0.0095	16
How easy it is to access City parks from home	7%	11	87%	2	0.0086	17

No high priority items (I-S Ratings .1000 or Greater Are Considered a High Priority Over the Next Two Years)

Quality of Life Perceptions

Trends: Satisfaction Ratings for Perceptions of the City 2021 vs. 2018 vs. 2009

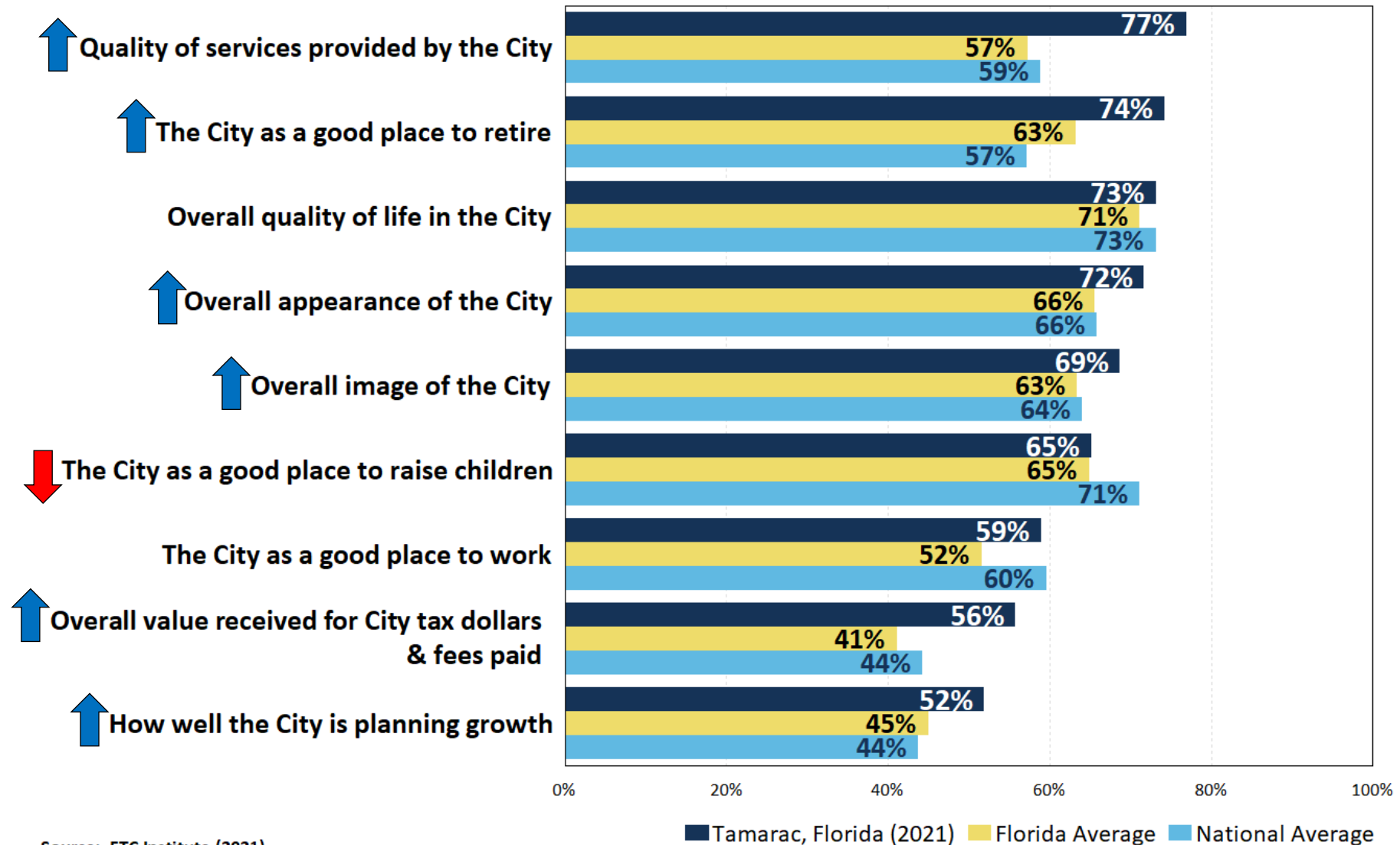
by percentage of respondents, who responded with a 4 or 5, using a 5-point scale (excluding *don't knows*)



Benchmark Results: Residents' Satisfaction with Perceptions of the City

City of Tamarac vs. Florida's Average vs. the National Average

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale (excluding don't *knows*)



Significantly Higher : ↑

Significantly Lower : ↓

Quality of life priorities

Importance-Satisfaction Rating (2021) Major City Services City of Tamarac, FL						
Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
High Priority (I-S = 0.10-0.20)						1
Flow of traffic in the City	25%	2	58%	13	0.1039	

Goal #5

Tamarac is Smart
and Connected

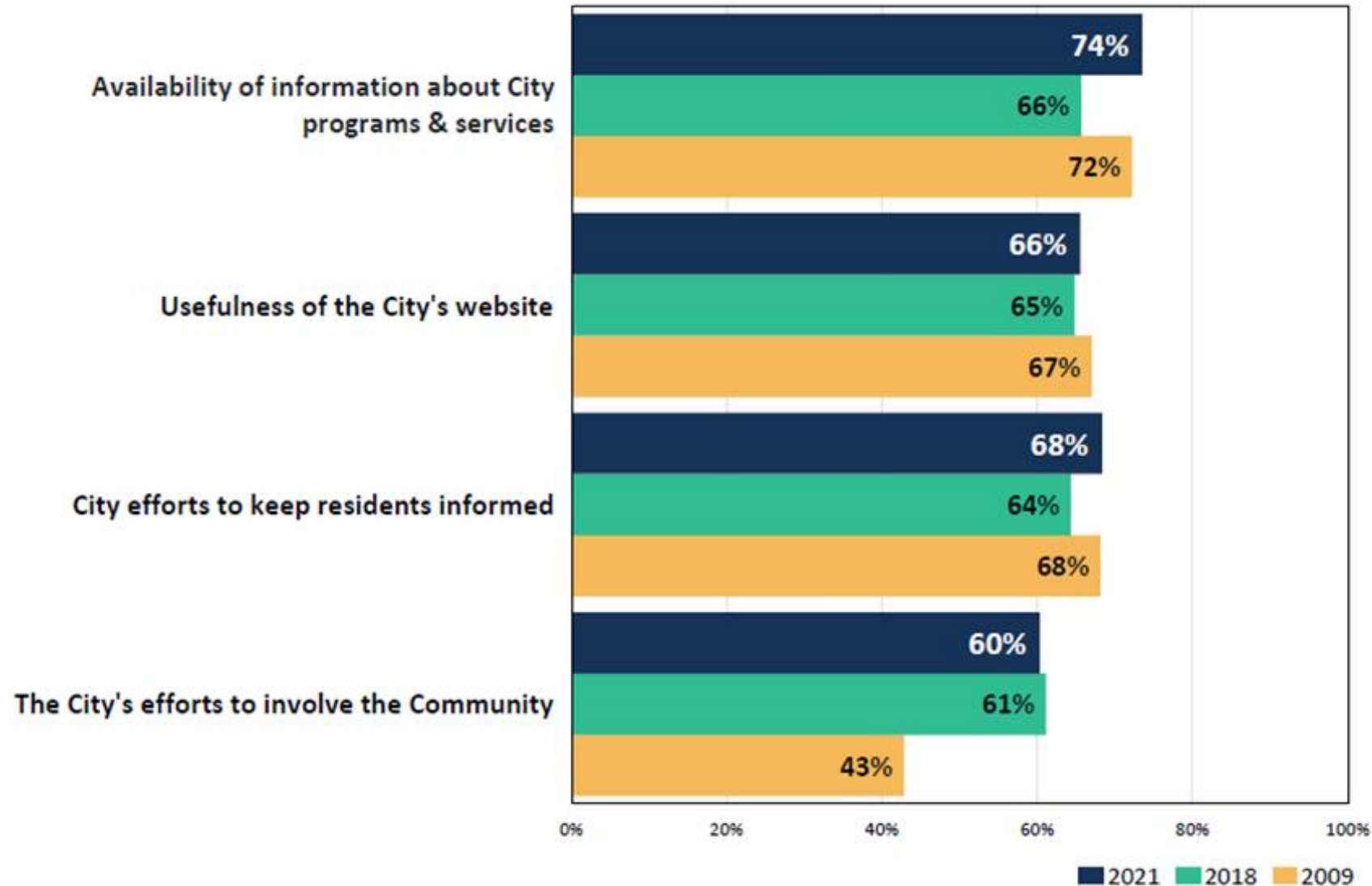
Tech Savvy
ENGAGED
CELEBRATING COMMUNITY
SMART CITY
Neighborly
EFFECTIVE COMMUNICATION

Communication –
Residents say the
City is
communicating well

79% OF RESIDENTS THINK THE CITY
SHARES IMPORTANT INFORMATION
IN A TIMELY MANNER

Trends: Satisfaction Ratings for City Communication 2021 vs. 2018 vs. 2009

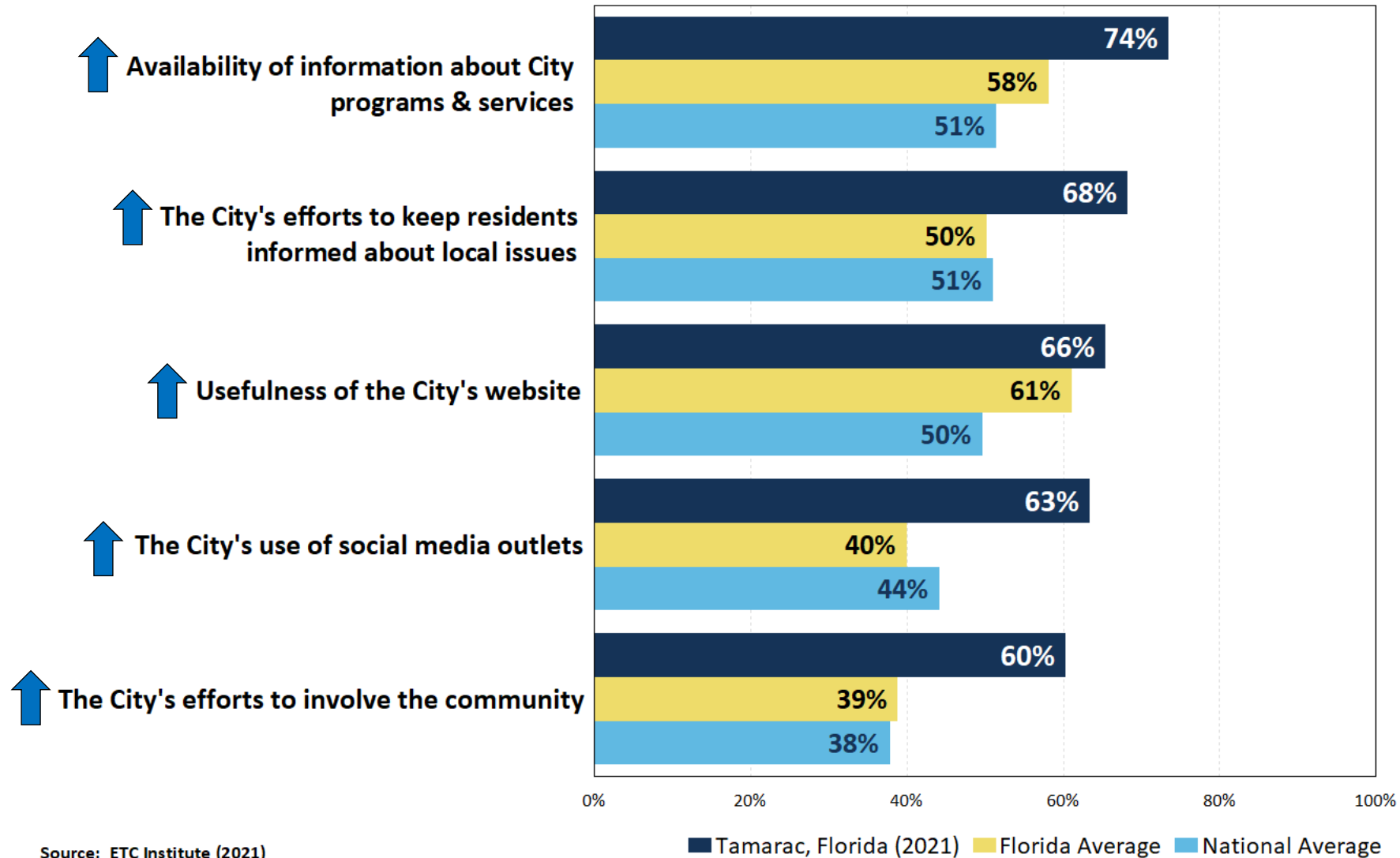
by percentage of respondents, who responded with a 4 or 5, using a 5-point scale



Benchmark Results: Residents' Satisfaction with City Communication

City of Tamarac vs. Florida's Average vs. the National Average

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale (excluding don't *knows*)

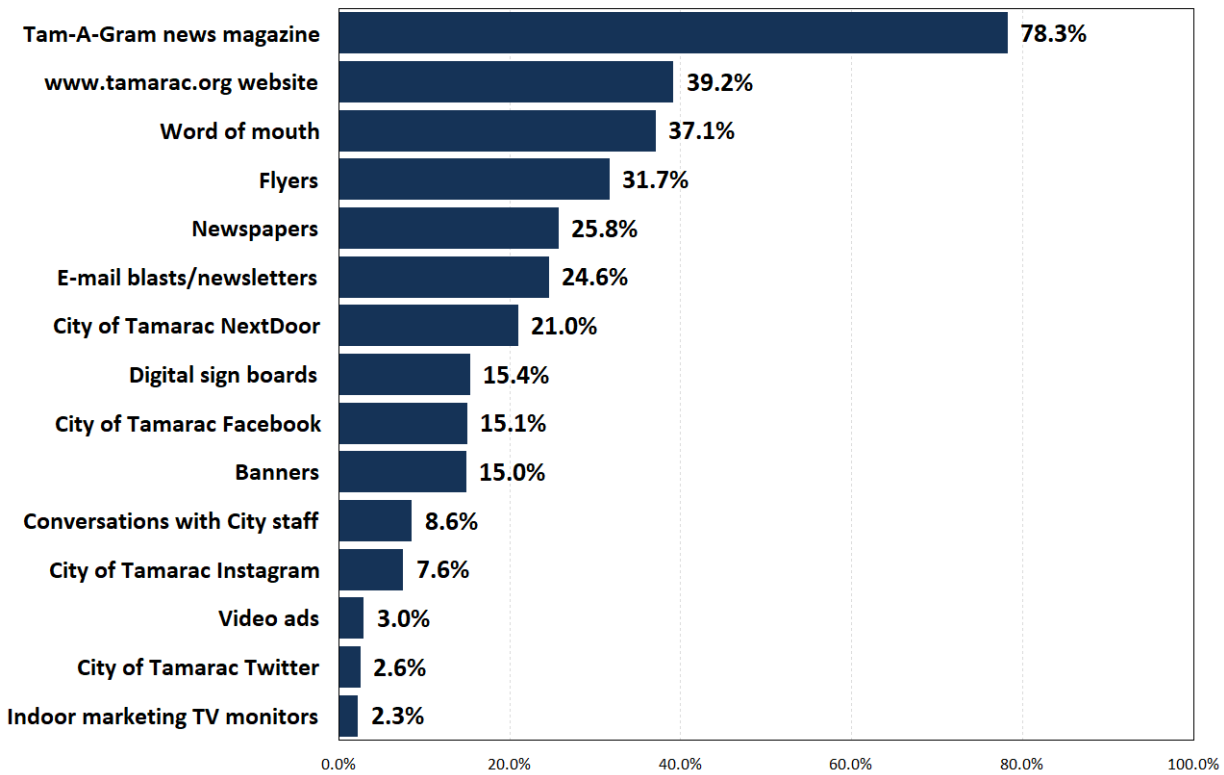


Significantly Higher : ↑

Significantly Lower : ↓

Q14. Communication Methods That Residents' Use to Learn About City Programs, Activities, and Events

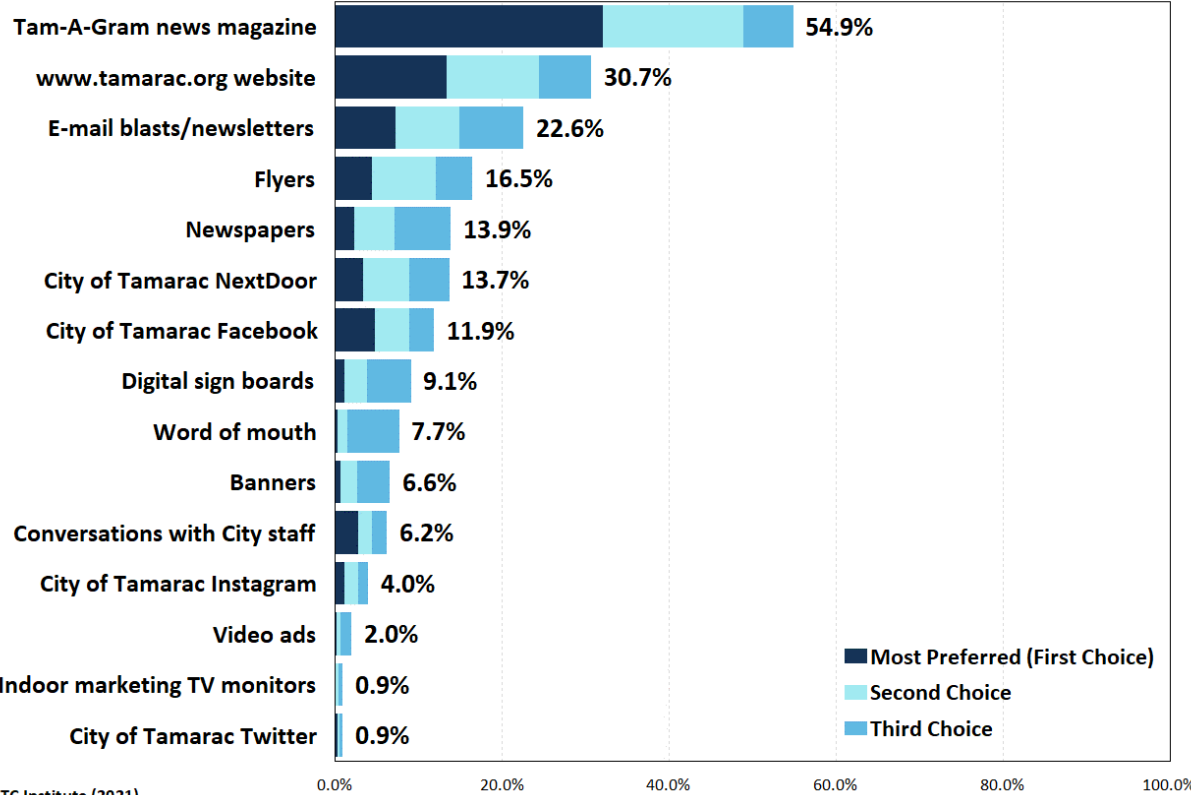
by percentage of respondents (multiple choices could be selected)



Source: ETC Institute (2021)

Q15. Communication Methods Residents Most Prefer to Use to Learn About City Programs, Activities, and Events

by percentage of respondents who selected the items as one of their top three choices



Source: ETC Institute (2021)

Goal #6

Tamarac is a Dynamic Workplace

OPTIMAL ORGANIZATION

**Attract and retain
skilled workforce**

SUPPORTIVE
ENVIRONMENT

5-STAR
CUSTOMER
SERVICE

**Promote a culture
of excellence**

PROFESSIONAL DEVELOPMENT

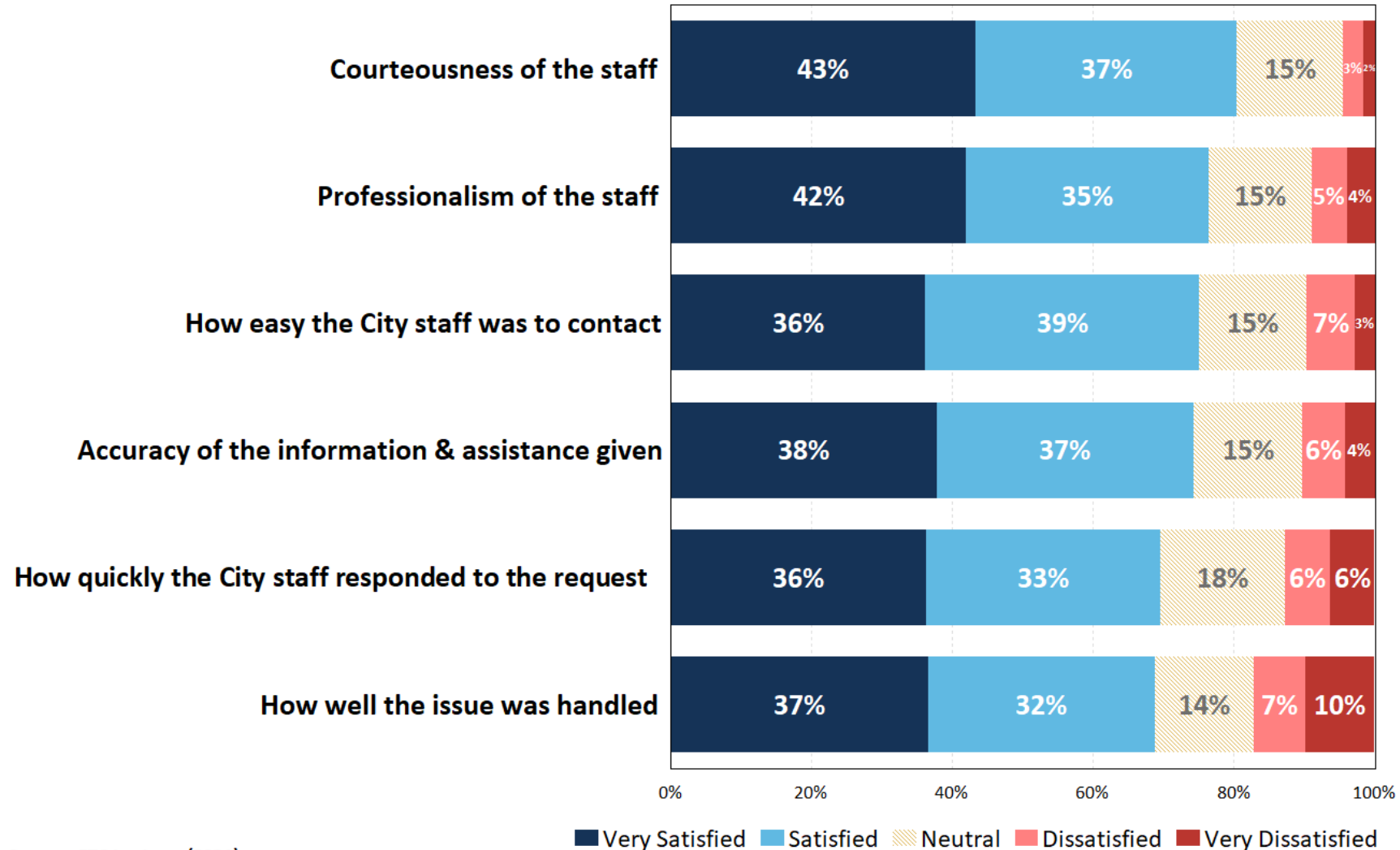
Residents say they receive excellent customer service from City employees

76.9% of respondents indicated they are satisfied with the overall quality of services provided by the City

This is 18.0% higher than the national average and 19.6% above the average of communities in Florida.

Q19d. Residents' Satisfaction Ratings for the Customer Service Provided by the City Staff Contacted

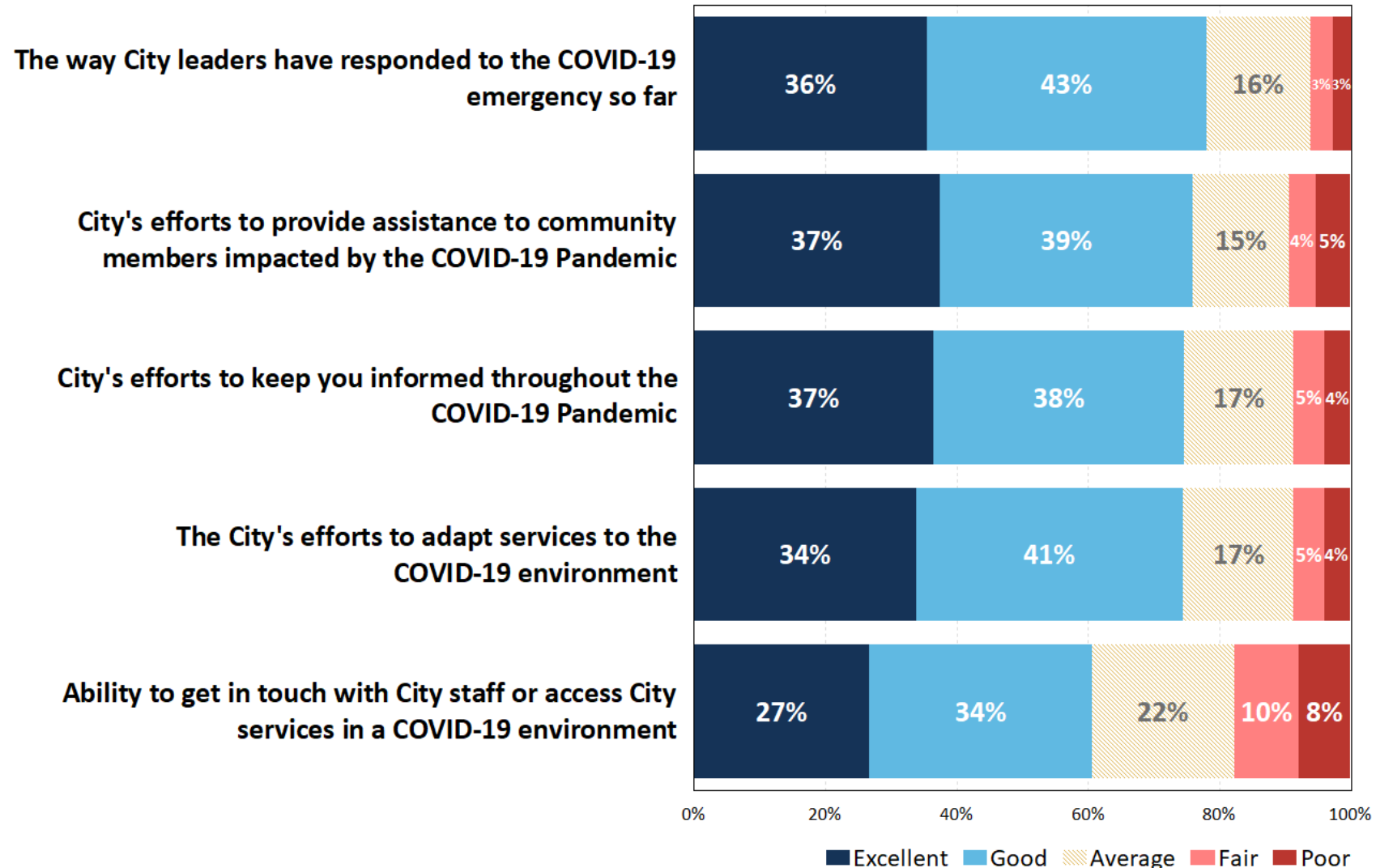
by percentage of respondents who interacted with the City during the past year, using a 5-point scale, where 5 means *very satisfied* and 1 means *very unsatisfied* (excluding don't knows)



Source: ETC Institute (2021)

Q1. Residents' Ratings for the City's Efforts During the COVID-19 Pandemic

by percentage of respondents, using a 5-point scale, where 5 means *excellent* and 1 means *poor* (excluding don't *knows*)



Source: ETC Institute (2021)

Notable Improvements Since 2018

City does a good job providing translation services for non-English speaking members of the community

Appearance of City parks

Overall quality of stormwater management in the City

Availability of information about City programs and services

Feeling of safety in City parks

Feeling of safety in commercial, and retail areas of the City

Outdoor athletic fields

Landscaping of medians and public areas along City streets

Feeling of safety in neighborhoods at night

Residential trash collection service

Availability of public art

Availability of walking/biking trails

Rating the City as a good place to work

Feeling of safety in neighborhoods during the day

City efforts to keep residents informed

City does a good job serving needs of diverse population in the community

There were statistically significant increase in 25 areas (only the top 16 are shown)

Decreases in Ratings Since 2018



City's adult athletic programs

City's youth athletic programs

Overall Image of the City

Recreation programs at Community Center
(Commercial Blvd)

Agreement with the statement – City leaders
have a vision and long-term plan for the
community

Special events

Only 6 items decreased significantly since 2018

Vision, Mission & Values

Our Vision:

The City of Tamarac, Our Community of Choice

Leading the nation in quality of life through safe neighborhoods, a vibrant economy, exceptional customer service and recognized excellence.

Our Mission:

Committed to Excellence . . . Always

It is our job to foster and create an environment that:

- Responds to the Customer
- Creates and Innovates
- Works as a Team
- Achieves Results
- Makes a Difference

Our Values:

As Stewards of the Public Trust, We Value

- Vision
- Integrity
- Efficiency
- Quality Service

Resident Survey Summary

Tamarac continues to set the standard for service delivery

Tamarac is equitably delivering services to residents throughout the City

Opportunities for improvement:

- Flow of traffic
- Police services related to the visibility of police in neighborhoods/retail areas and efforts to prevent crime
- Adequacy of street lighting

City of Tamarac Business Satisfaction Survey

PRESENTED BY ETC INSTITUTE

OCTOBER 2021



Purpose and Methodology

Purpose

- Objectively assess satisfaction among the City's business community with the quality of City services
- Identify services that are most important to businesses
- Measure trends over time

Methodology

- Random sample of 310 businesses in the City
- Administered by mail, phone, and on-line
- Overall results have a precision of +/-5.9% at the 95% level of confidence

Goal #3

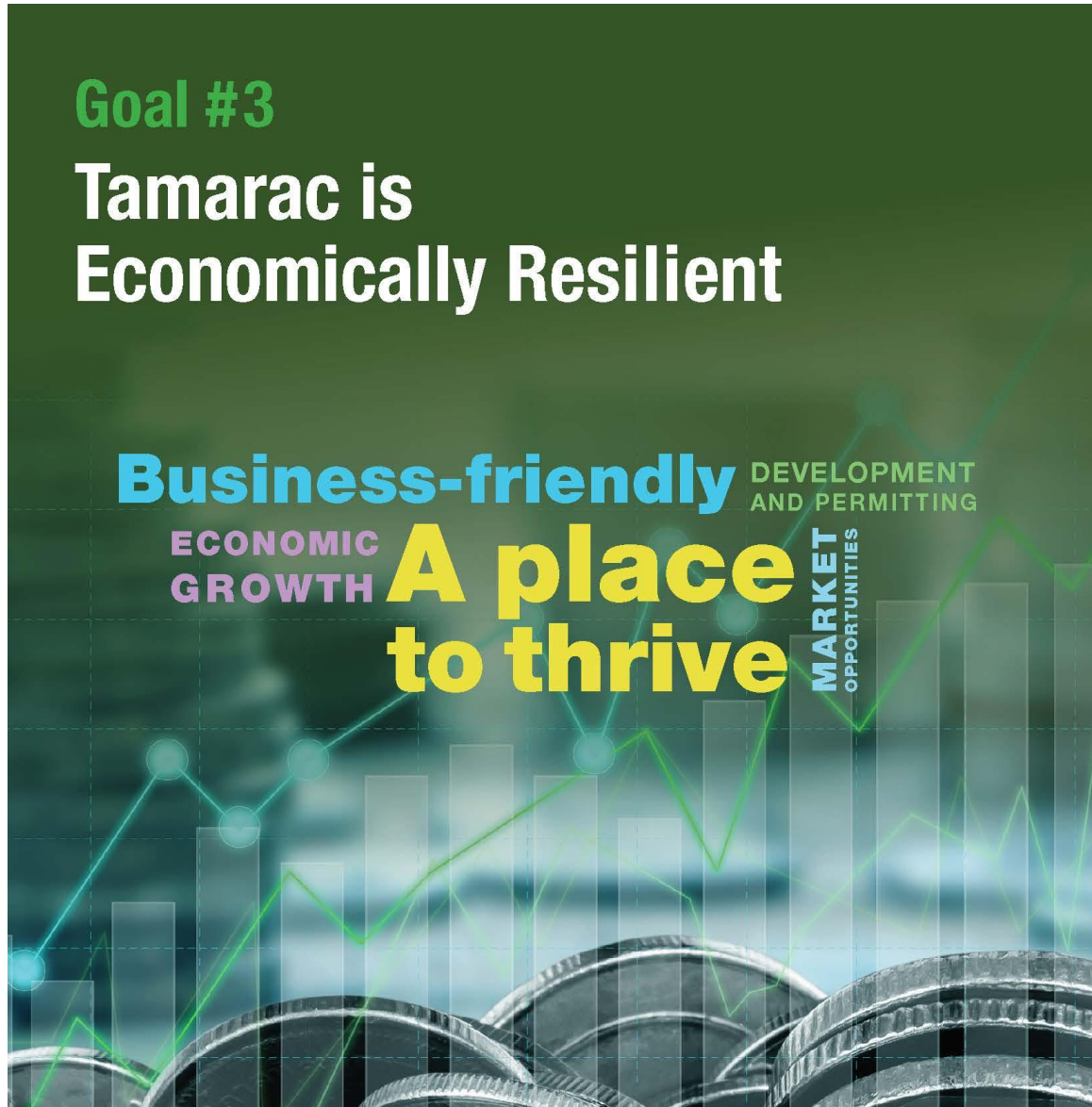
Tamarac is Economically Resilient

Business-friendly DEVELOPMENT
AND PERMITTING

ECONOMIC
GROWTH

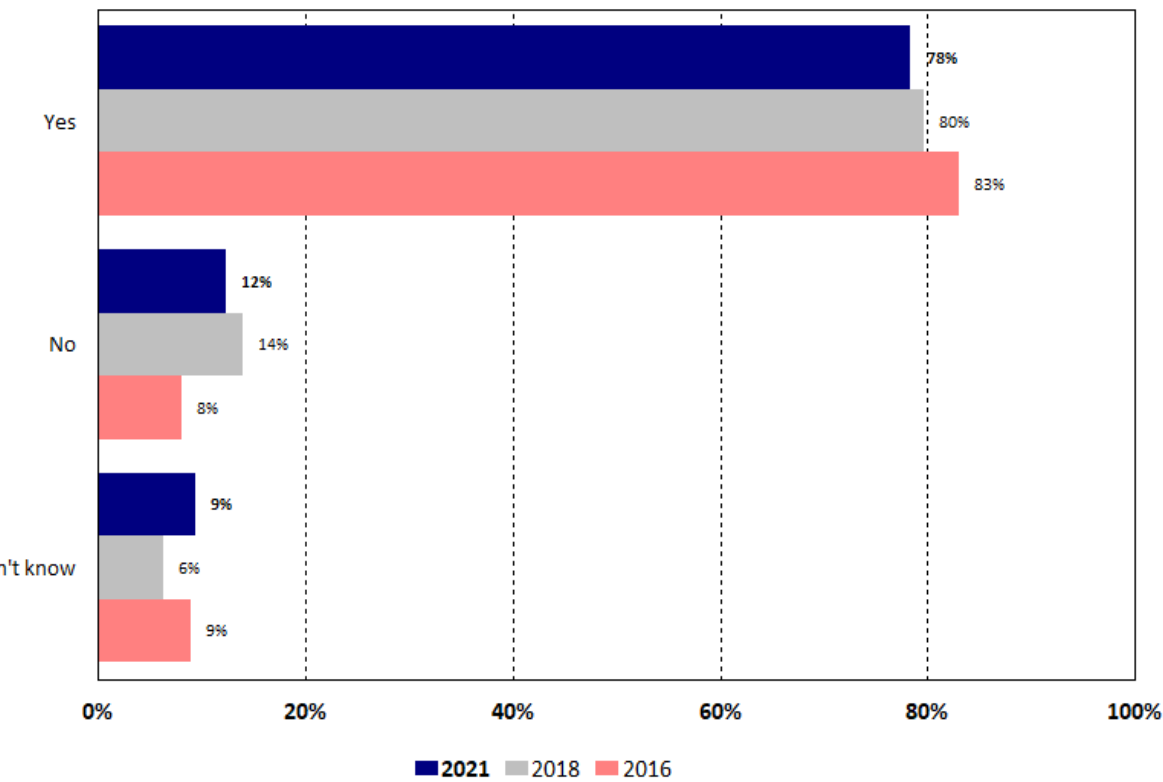
**A place
to thrive**

MARKET
OPPORTUNITIES



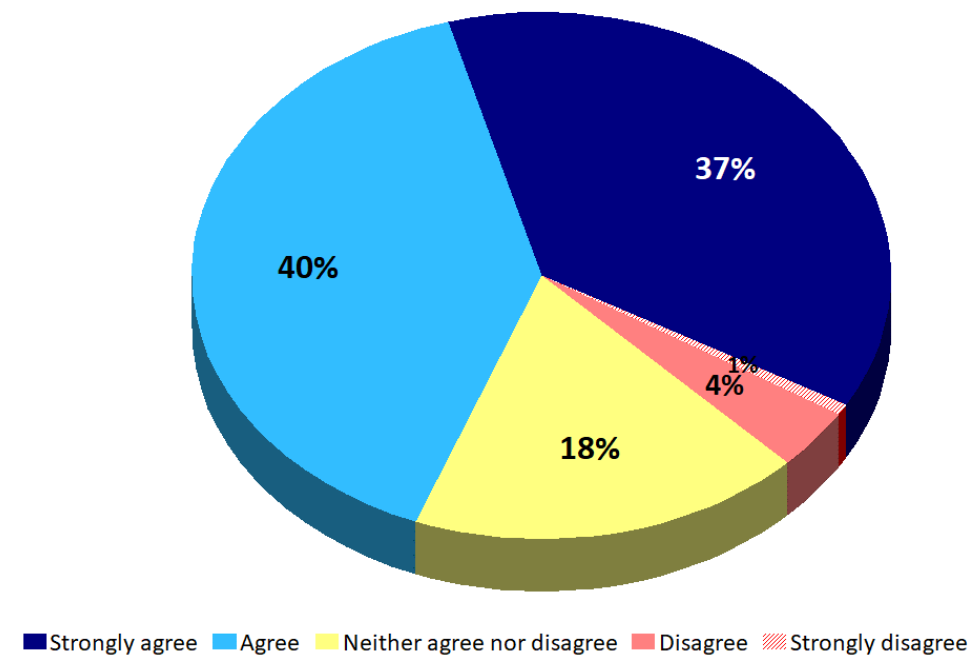
Do You Think the City of Tamarac is a "Business Friendly" Community? 2016-2021

by percentage of respondents



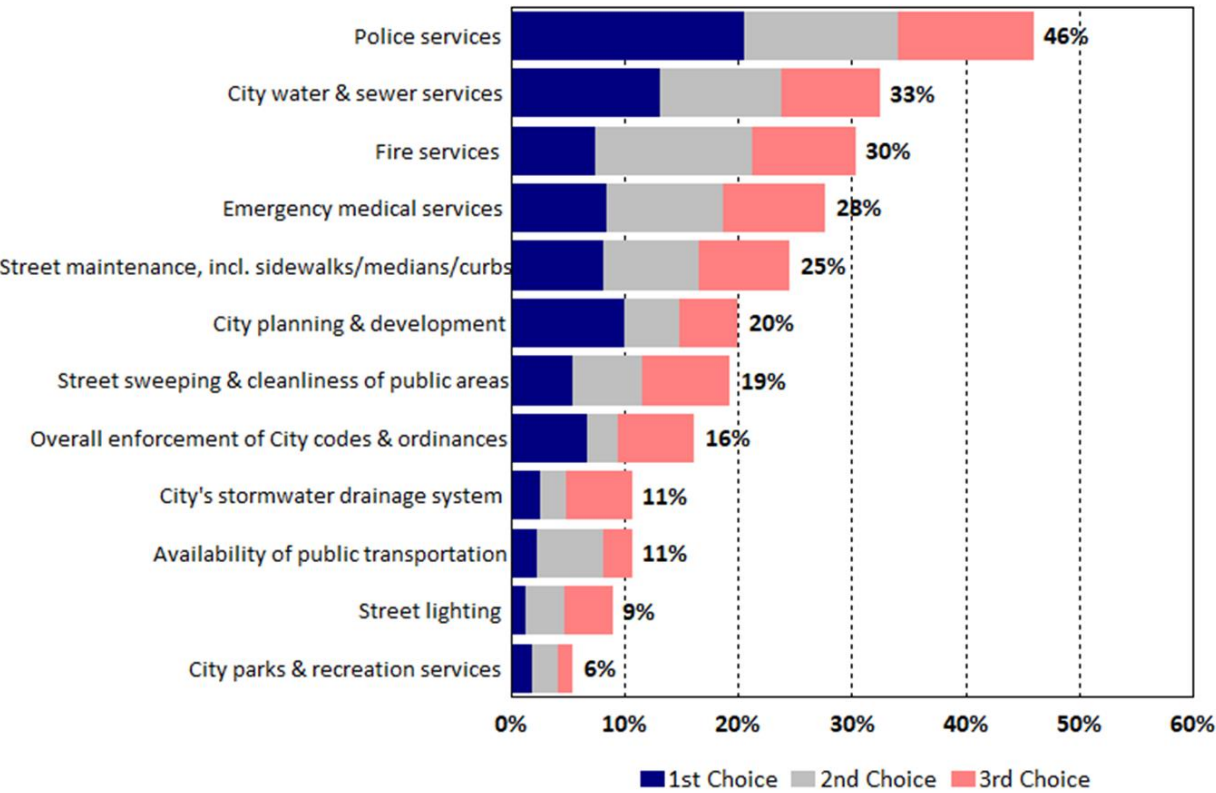
Level of Agreement With the Statement: "I Would Recommend the City of Tamarac to Others as a Good Place to Locate Their Business"

by percentage of business respondents (excluding don't know)



City Services Most Important to Businesses in Tamarac

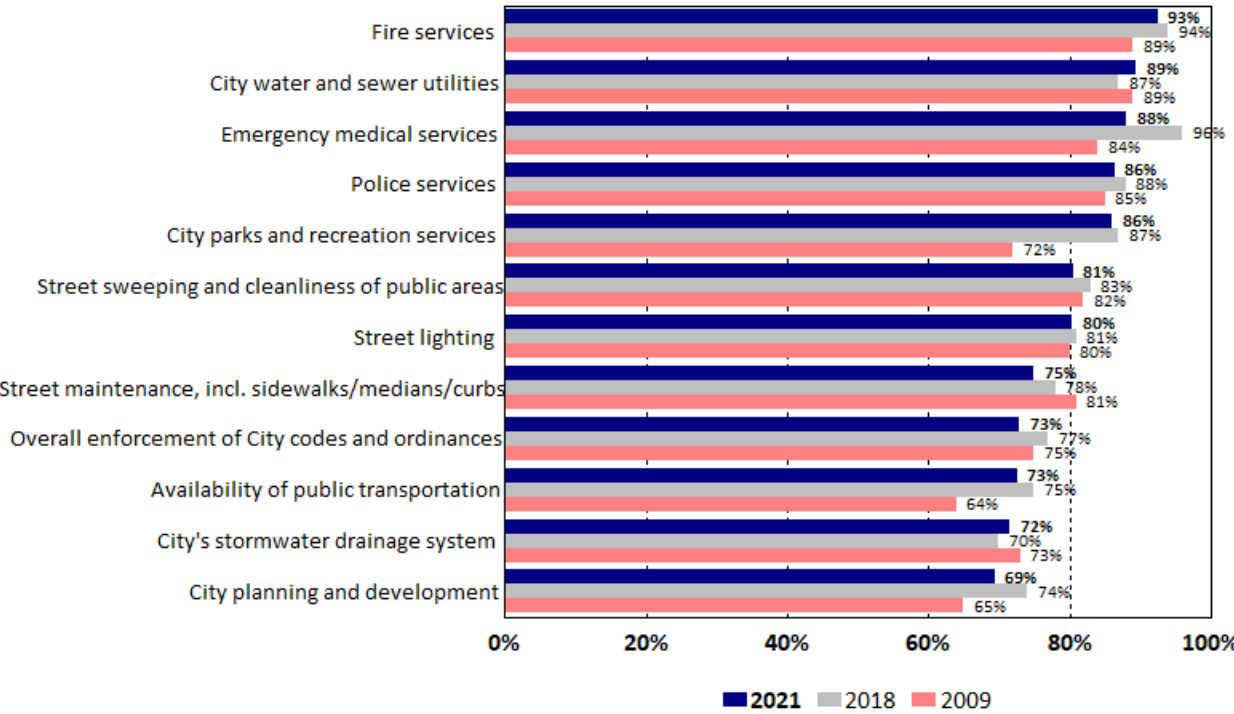
by percentage of business respondents who selected the item as one of their top three choices



Overall Satisfaction With City Services by Major Category

2009-2021

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale, where 5 means "very satisfied" (excluding don't knows)

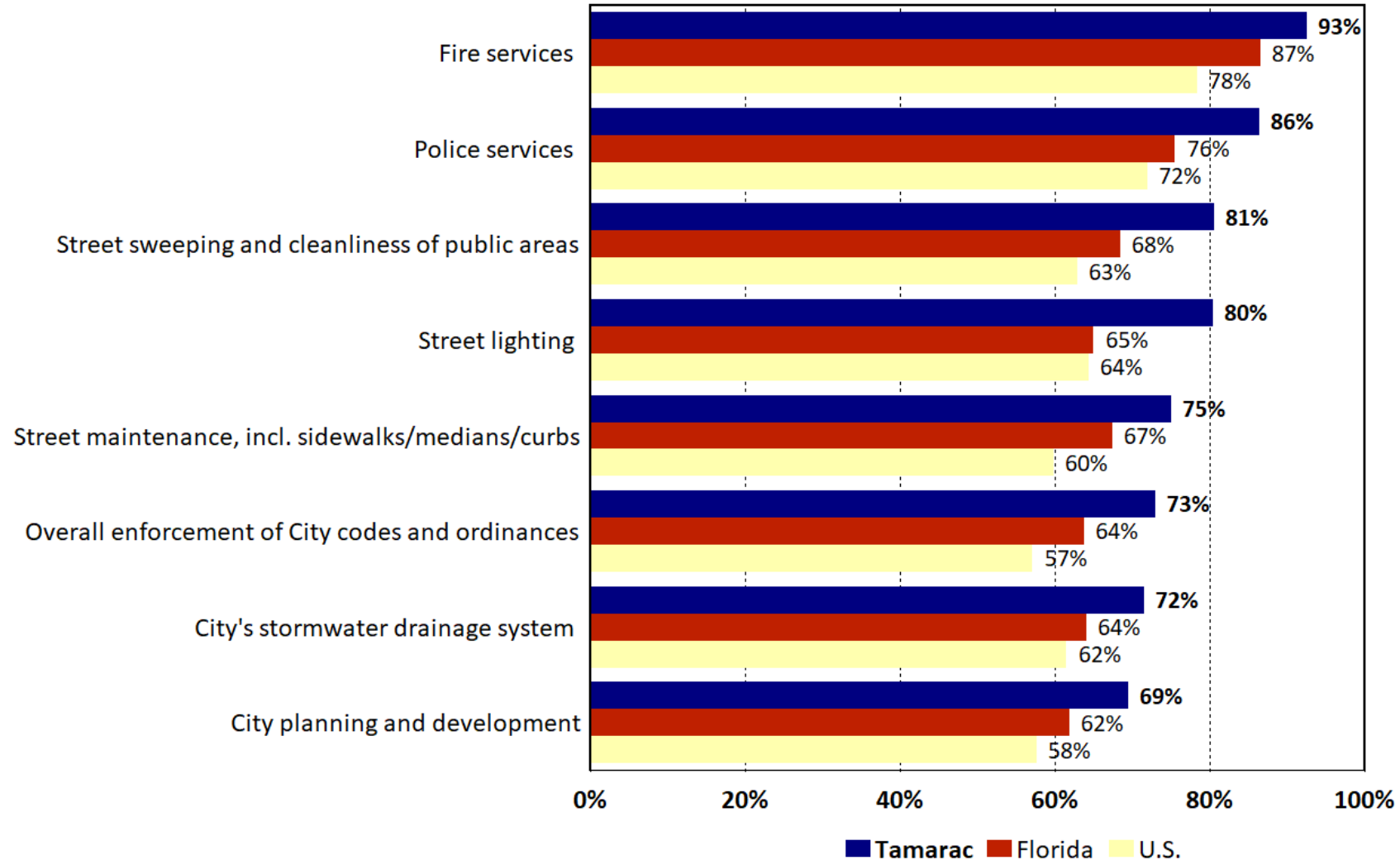


Top 4 most important services receive the 4 highest scores from businesses

Satisfaction With Major Categories of Service

Tamarac vs. Florida vs. the U.S.

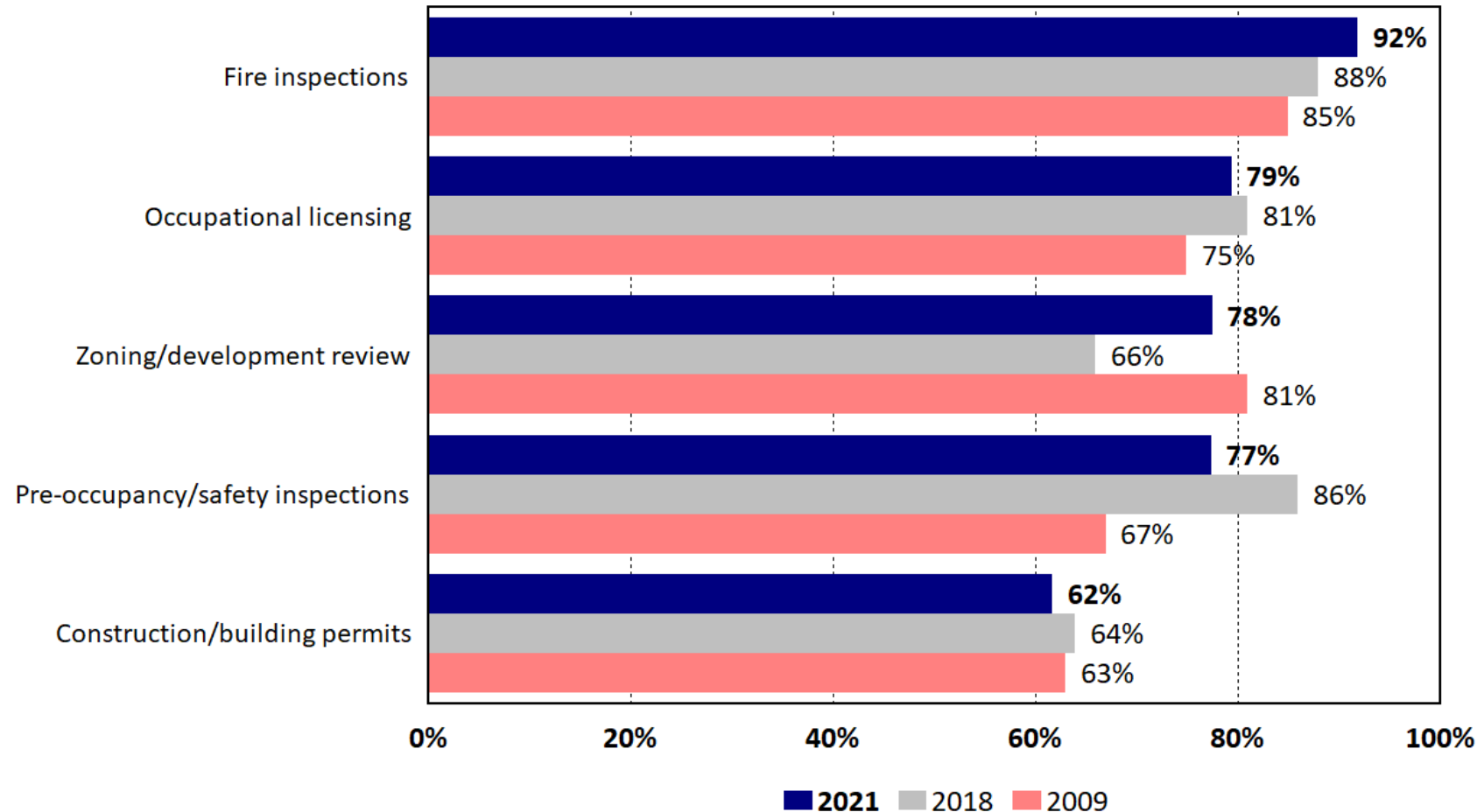
by percentage of businesses that rated the item as a 4 or 5 on a 5-point scale (excluding "don't know")



How Businesses Rate the Performance of Various Units of Tamarac City Government that They Contacted

2009-2021

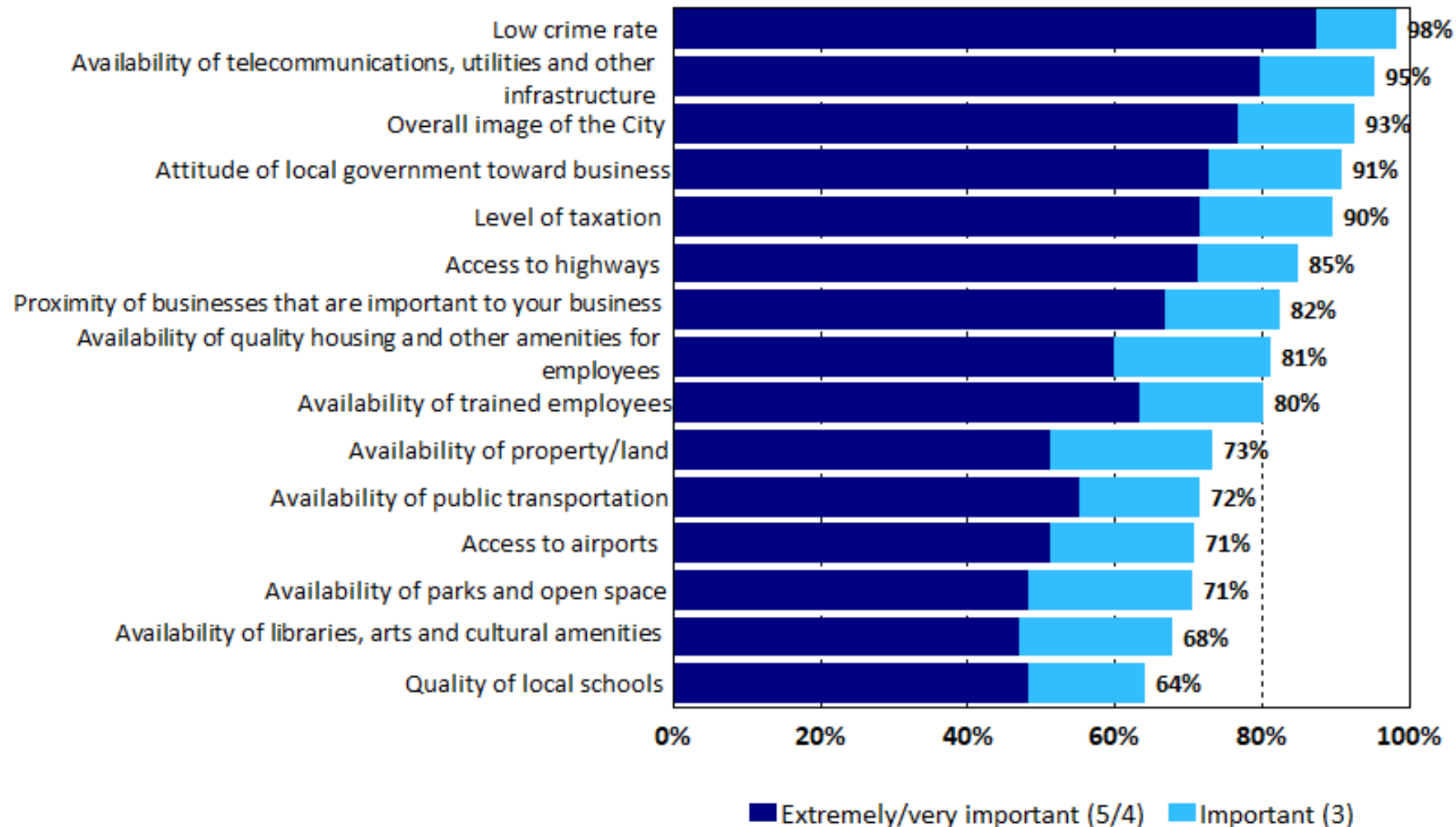
by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale,
where 5 means "excellent" (excluding don't knows)



Most respondents contacted fire inspections (90%) or occupational licensing (66%)

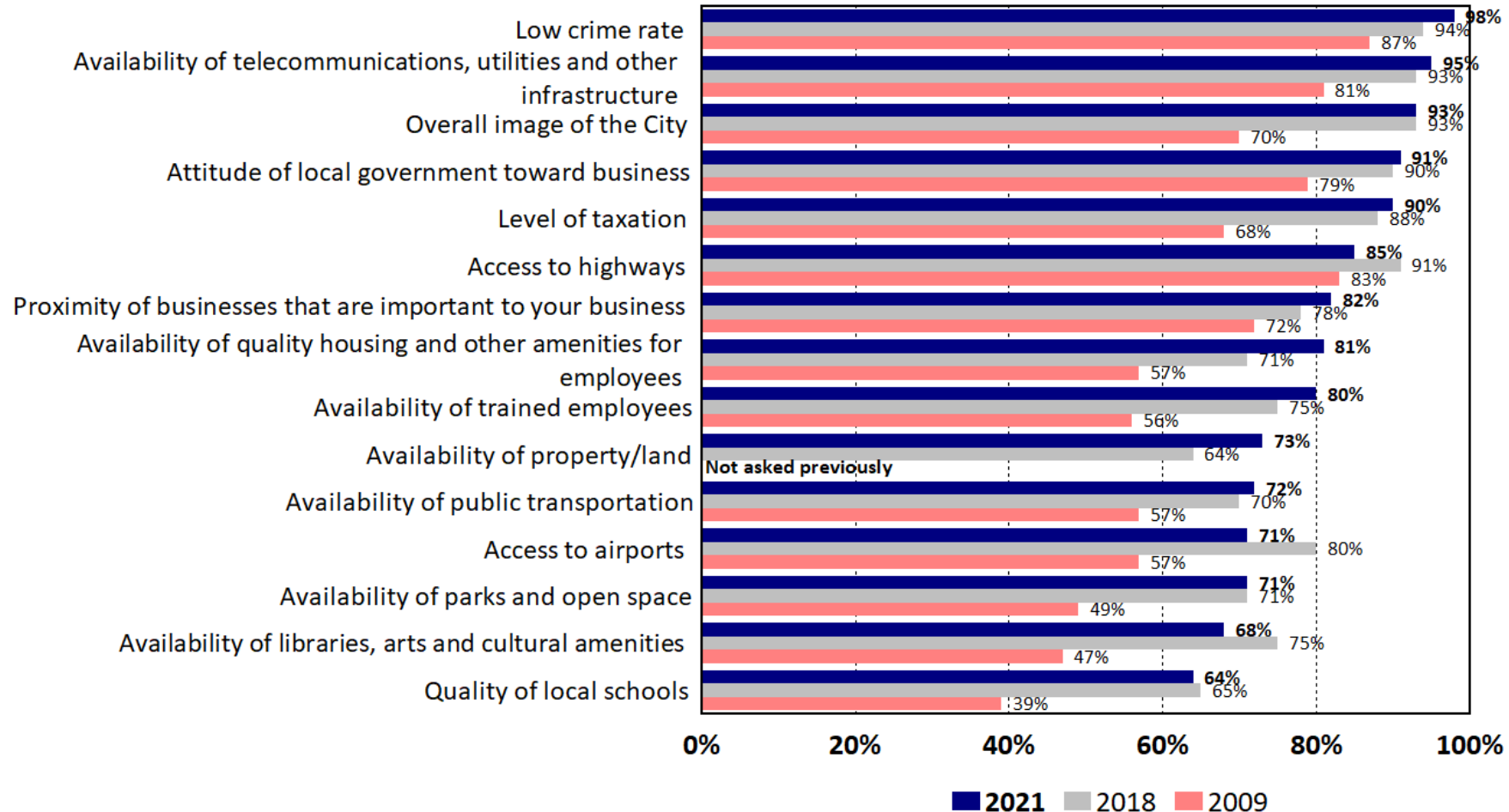
How Important Each of the Following Reasons Were in Your Decision to Locate Your Business in Tamarac

by percentage of business respondents who rated the item as a 3, 4 or 5 on a 5-point scale,
where 5 means "extremely important" (excluding don't knows)



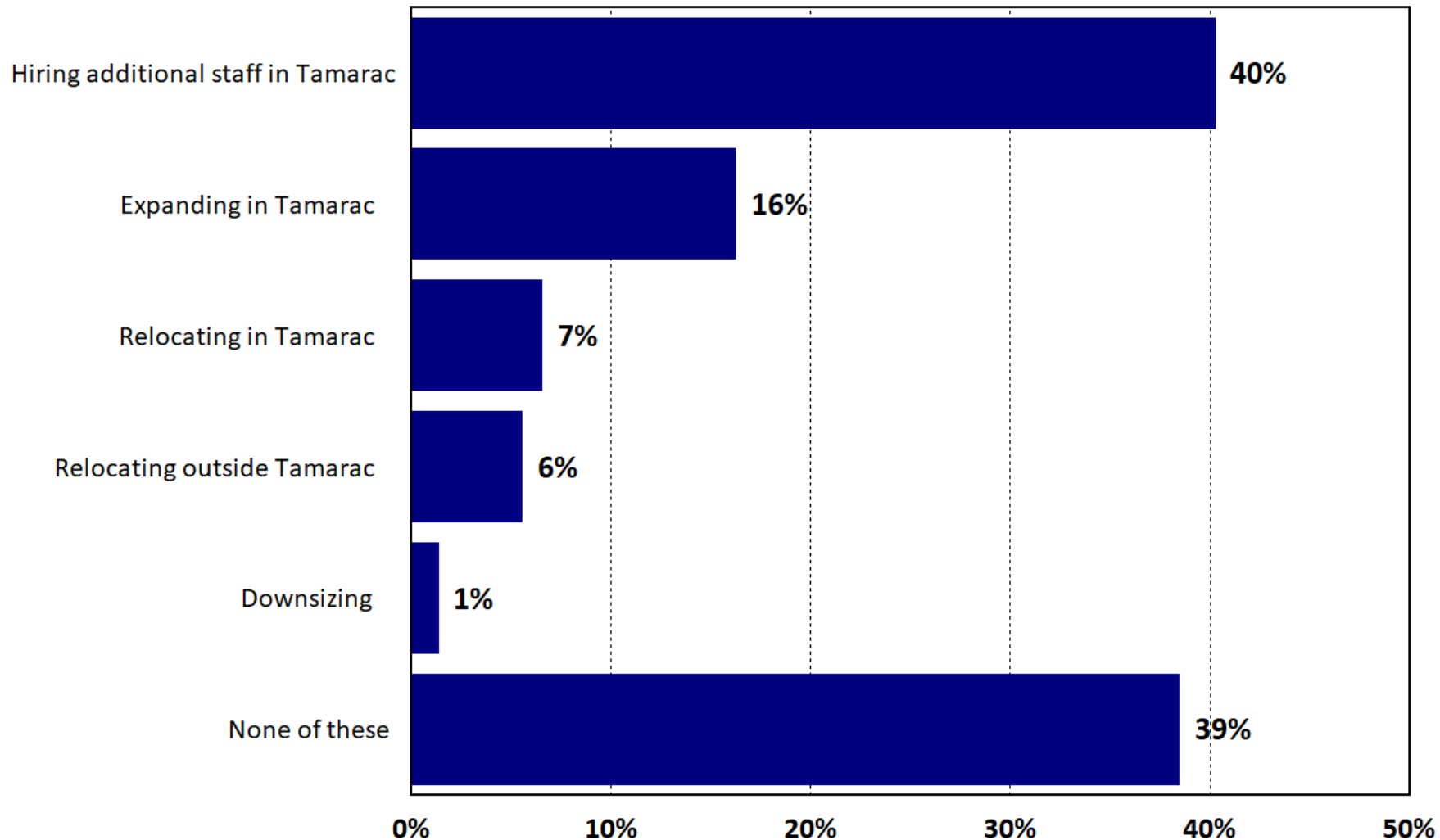
How Important Each of the Following Reasons Were in Decision to Locate Business in Tamarac 2009-2021

by percentage of business respondents who rated the item as a 3, 4 or 5 on a 5-point scale,
where 5 means "extremely important" (excluding don't knows)



In the Next 12 Months, Is Your Business Considering Any of the Following?

by percentage of business respondents who selected the item (excluding don't knows)



40% of respondents plan to hire additional staff over the next 12 months in Tamarac

Questions?

THANK YOU



Title - Presentation - Proposed HB1 Legislation

Requested by Commissioner Gelin. Presentation by Bacardi Jackson, of the Southern Poverty Law Center & SPLC Action Fund

ATTACHMENTS:

Description	Upload Date	Type
HB1 Cover Memo	10/19/2021	Cover Memo
Draft - Complaint Gainesville vs DeSantis	10/19/2021	Backup Material

TO: Tamarac City Commission
FROM: Public Rights Project, Community Justice Project, and the Southern Poverty Law Center
RE: The Case for Challenging HB 1

I. Executive Summary

The Combating Violence, Disorder, and Looting and Law Enforcement Protection Act, also known as HB 1, obstructs municipalities' ability to control their budgets—a core local power. HB 1 gives the governor and his cabinet the power to line-edit municipal budgets with binding legal effect whenever a reduction to the law enforcement budget is challenged by the state attorney, member of the City Commission, or possibly even a county sheriff.¹ This review process chills local government action.

Municipalities need full control of their budgets so that they can function properly. Municipal revenue can be variable, which is why cities need full authority to structure their budgets to weather changes. When revenues are down in periods of economic hardship, municipalities need flexibility to tighten spending wherever such measures would be most efficient, whether those tightening measures affect law enforcement or parks and recreation. When municipalities receive opportunities to apply for one-time grants to supplement a city budget or need to make a large expenditure to update the infrastructure or technology in a department, they need the flexibility to make this increase without being locked into maintaining a higher spending level. Furthermore, municipalities need flexibility to reorganize their departments if certain programs would fit better under the purview of another department.

Municipalities also require full control of their budgets in order to be responsive to the needs of their residents. Budgets reflect community priorities and values. If residents need greater investment in municipal human services as they struggle in the wake of a pandemic and economic downturn, then it is the municipality's duty and prerogative to formulate a budget that is responsive to residents' needs and values.

In the summer of 2020, the murders of George Floyd and Breonna Taylor, among others, catalyzed many Floridians to call on their local governments to rebalance budgeting priorities to invest in public safety strategies that prioritize social and human services separate from law enforcement. These residents pointed out that law enforcement has been relied on as a first responder for non-violent incidents that could be addressed with a public health or social service approach, but that these community approaches need funding. Many municipalities responded by exploring how non-law enforcement functions such as service programs could be transferred from the law enforcement budget to other municipal departments.

From the faraway state capital, Governor Ron DeSantis preempted the discussions between local governments and residents with HB 1. Though his intent was to stymie discussions

¹ Matt Dixon, *Florida Panel Paves Way for Law Enforcement to Appeal Local Police Budget Cuts*, Politico (June 15, 2021), <https://www.politico.com/states/florida/story/2021/06/15/florida-panel-paves-way-for-law-enforcement-to-appeal-local-police-budget-cuts-1386464>.

started by the movement for racial justice, the effect will be much broader, interfering with municipalities' ability to weather economic downturns, administer their departments efficiently, and respond to the needs of residents by directing funds where they are most needed. Local leaders are chilled right now from continuing to pursue budget proposals that could trigger HB 1.

Litigation is the only remaining avenue to challenge HB 1. HB 1 is injuring municipalities right now by the chilling budgeting discussions and creating budget uncertainty. HB 1 violates several provisions of the constitutions on its face, and three legal entities (national legal non-profit Public Rights Project, Florida-based community lawyers Community Justice Project, and national firm Jenner & Block) have reviewed these facial claims to ensure their viability. Challenging HB 1 on its face, rather than waiting for an application to challenge, will create an opportunity for a much broader remedy: the invalidation of the law rather than the invalidation of only one application. For these reasons, we recommend proceeding with the attached complaint.

II. HB 1's Injury to Municipalities

HB 1 threatens municipalities' ability to make policy and governance decisions that best reflect the needs of its constituents. HB 1 works by allowing either a state attorney or a member of a municipal governing body (or a county sheriff pending new rules) to contest any funding reduction to law enforcement departments in that municipality's budget. Any municipal budget that is challenged is then reviewed by the Administration Commission, a commission made up of the Governor and his cabinet members. The Administration Commission will then review, amend, or modify the law enforcement items of a municipality's budget. Because of Governor DeSantis' publicly stated position that law enforcement budgets should not be reduced in any way, it is very likely that any reduction to a municipal law enforcement budget will be rejected. Any amendment or modification to a municipality's budget is final.

HB 1 gives the Governor and his cabinet nearly unbridled discretion to preempt the municipal budget. Even the smallest of budgetary adjustments could trigger budgetary revisions from state governing officials who have little to no stake in local communities.

The imposition of this process can impact municipal budgetary discussions and decisions in several ways. If a municipality faces natural decreases in revenue from economic downturn, then reductions to the law enforcement budget as a result of across-the-board cuts can trigger HB 1. The expiration of a capital expenditure or federal or state grant to law enforcement can trigger HB 1. Simply shifting non-law enforcement programs or positions out of the law enforcement budget can also trigger HB 1.

HB 1 looms over budgeting decisions right now, creating uncertainty about what decisions could risk state takeover of the budget. Now is the time to challenge this law facially rather than wait for further injury.

III. Facial Legal Claims

Not only do municipalities have standing to challenge HB 1, but they also have five claims to assert in arguing that HB 1 violates the Florida Constitution. These claims have been researched and analyzed by national and Florida non-profit organizations including Public Rights Project and Community Justice Project, and by a private firm, Jenner & Block.

Claim One: Separation of Powers

Under the Florida Constitution, no branch of government can exercise the powers of another branch and no branch can assign its constitutionally given powers to another branch. Fla. Const. art. II, § 3; *Smith v. State*, 537 So. 2d 982, 987 (Fla. 1989). HB 1 assigns two fundamentally legislative powers to the executive branch. First, HB 1 gives the Governor and his cabinet the ability through the municipal budget revision process to reduce appropriations of public funds, which is a power that belongs exclusively to the legislative branch. *See, e.g., Florida House of Representatives v. Martinez*, 555 So. 2d 839, 845 (Fla. 1990). Second, HB 1 gives the Governor and his cabinet the ability to revise municipal decisions with binding effect, even though the ability to limit municipal power is also an exclusively legislative authority. *See, e.g., Askew v. Cross Key Waterways*, 372 So. 2d 913, 915-19 (Fla. 1978). Because HB 1 delegates two legislative functions to the executive branch, it violates the Florida Constitution on its face.

Claim Two: Nondelegation Doctrine

To the extent the legislative branch had some authority to delegate to the executive branch here, HB 1 nonetheless violates the nondelegation doctrine enshrined in the Florida Constitution. This doctrine holds that any delegation of legislative functions must be accompanied by "some minimal standards and guidelines ascertainable by reference to the enactment establishing the program." *Askew v. Cross Key Waterways*, 372 So. 2d 913, 925 (Fla. 1978). The nondelegation doctrine aims to prevent the executive "from acting through whim, showing favoritism, or exercising unbridled discretion." *S. All. for Clean Energy v. Graham*, 113 So. 3d 742, 748 (Fla. 2013). But HB 1 does not provide any such guidelines that instruct the executive how to review municipal reductions to the law enforcement budget, so the executive can act with unchecked discretion. The lack of standards allows the Administration Commission to make arbitrary decisions about municipal budgets with no meaningful oversight or guiding principles, in direct violation of the nondelegation doctrine.

Claim Three: Single Subject Rule

The Florida Constitution prohibits a law from addressing multiple unconnected issues and requires a bill's title to express the subject of the legislation. Fla. Const. art. III, § 6. HB 1 violates this rule because it combines two distinct and unrelated legal objectives into one law: Section 1 institutes a process for executive review of local budgeting decisions and the other provisions of the law impose criminal penalties on individuals for protest-related activities. Additionally, it is unclear how the HB 1's title "[a]n act relating to combatting public disorder" relates to the municipal budgeting provisions.

Claim Four: Unfunded Mandate

The Florida Constitution generally prohibits the passage of any state legislation that requires municipalities to spend funds or to take actions that require the expenditure of funds unless the state provides or authorizes a revenue stream. Fla. Const. art. VII, § 18. HB 1 requires a municipality to expend funds in order to maintain the previous year's law enforcement budget or else risk the state seizing budgetary control from the municipality and line-editing the budget without the municipality's consent or collaboration. Yet, the state has provided no revenue to maintain such funding, nor has it authorized a new municipal funding stream. For these reasons, HB 1 creates an unconstitutional unfunded mandate.

Claim Five: Home Rule

Like many other states across the country, Florida allows municipalities to adopt a home rule charter which grants them broad powers to meet municipal needs. Fla. Const. art. VIII, § 2(b); *Thomas v. State*, 614 So. 2d 468, 472 (Fla. 1993). Among these powers include the ability to propose and pass budgets. *See City of Boca Raton v. Gidman*, 440 So. 2d 1277, 1281-82 (Fla. 1983); *City of Gainesville v. Bd. of Control*, 81 So. 2d 514, 518 (Fla. 1955). HB 1 impedes this function by creating a process through which the state can usurp control of the municipal budget and unilaterally revise the budget with binding effect on the municipality. This is a clear violation of the City's home rule authority.

IV. Conclusion and Recommendation

HB 1's injury to municipal autonomy is egregious and strategic, and it obstructs the ability of municipalities to structure a budget that best responds to the needs and values of its residents. Municipal autonomy and responsive local democracy are worth defending, and pursuing this litigation would allow municipalities to defend their authority from increasing encroachment by the state. We recommend that this Commission vote to pursue this lawsuit.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

CITY OF GAINESVILLE, FLORIDA,

_____, _____,

Plaintiffs,

vs.

RON DESANTIS, in his official capacity as
Governor of the State of Florida; and

ASHLEY MOODY, in her official capacity as
Attorney General of the State of Florida,

Defendants.

CASE NO.

COMPLAINT

Plaintiffs, the City of Gainesville, _____, and _____ bring this action for declaratory and injunctive relief against Defendants Ron DeSantis, in his official capacity as Governor of the State of Florida, and Ashley Moody, in her official capacity as Attorney General of the State of Florida, and state as follows:

INTRODUCTION

1. Municipalities are the government closest to the people. Municipal governments provide the day-to-day services that most Floridians rely on, from public transportation to parks and libraries to safety and emergency services. Municipalities have a responsibility to allocate these services in the way that best responds to the needs of the local community, and to do that, they need authority to be able to craft budgets that reflect community values. This budget-making authority lies at the heart of a municipality's legislative powers.

2. Throughout Florida, municipalities have been engaging in meaningful dialogue with residents about investing in public safety strategies that emphasize social services outside of law enforcement, after thousands of Floridians called on municipalities to prioritize racial justice. This dialogue has spurred municipal budget reform proposals that reimagine public safety as responsive and reflective of community needs and values.

3. Governor Ron DeSantis has commandeered this local legislative process through unconstitutional legislation: the Combating Violence, Disorder, and Looting, and Law Enforcement Protection Act, also known as HB 1. HB 1 allows the Governor and his cabinet to wield state-wide executive power to take control of a local budget that reduces law-enforcement spending, thereby reversing the local legislative process and directing local tax dollars with no

guiding standards, no limitations from the state legislature, and no accountability to the impacted local communities.

4. In just the few months since its enactment, HB 1 has impacted municipal budgeting throughout Florida. Municipalities have little ability to predict which decisions could be overruled under HB 1's state takeover provisions, making it unworkable to commit funds to certain services when the state could retroactively reverse that decision. Municipalities are deterred from considering the budgeting reforms that their residents are calling for because doing so could cost them control over their budget and, in turn, hamper their ability to function. Fiscally conservative municipalities are discouraged from pursuing cost-saving measures across all municipal departments. In essence, municipalities have been chilled from structuring their budgets to serve the best interests and needs of their communities.

5. HB 1 violates the Florida Constitution on several grounds:

a. Separation of Powers: The state legislature does not have the authority to convey local budget oversight to the state executive branch under the Florida Constitution's separation of powers provisions, Fla. Const. art. II, § 3;

b. Nondelegation: The legislature does not have the authority to delegate unlimited and unguided discretion to the executive pursuant to the nondelegation doctrine;

c. Single-Subject Rule: HB 1 does not abide by the Florida Constitution's single subject rule because only its first section relates to municipal budgeting while its subsequent sections pertain to individual speech activities, Fla. Const. art. III, § 6;

d. Unfunded Mandate: However it is applied, HB 1 creates an unfunded mandate, forcing municipalities to make expenditures at the command of the state without

any financial support and in violation of the Florida Constitution, Fla. Const. art. VII, § 18; and

e. Home Rule: HB 1 disregards the protection of internal municipal governance under home rule that voters have time and time again guaranteed to municipalities in Florida, Fla. Const. art. VIII, § 2.

6. These infirmities require a permanent injunction of HB 1's municipal budgeting provisions. Municipalities need control and certainty over their budget in order to serve the needs of their residents with a budget that reflects their communities' priorities and values.

JURISDICTION AND VENUE

7. This is an action seeking declaratory relief, which this Court has jurisdiction to grant pursuant to Chapter 86 of the Florida Statutes, and injunctive relief, which this Court has jurisdiction to grant pursuant to Section 26.012 of the Florida Statutes. *See* Fla. Stat. §§ 26.012, 86.011, 86.021.

8. The City of Gainesville is a proper plaintiff to challenge the constitutionality of HB 1 because this law will require the City to expend public funds on law enforcement that otherwise would have been allocated to other municipal services and because this law has injected substantial uncertainty into the City's overall budgeting process.

9. Venue is proper in Leon County because the Defendants are all located, or have their principal headquarters, in Leon County Florida. *See* Fla. Stat. § 47.011.

THE PARTIES

10. The City of Gainesville is a municipality established in 1927 and vested with "all governmental, corporate, and proprietary powers" that enable it to perform its municipal functions, which include, among others, "expend[ing] the money of the City for all lawful purposes,"

“maintain[ing] a department or division of police,” and “do[ing] all things whatsoever necessary or expedient for promoting or maintaining the general welfare . . . peace, [and] government . . . of the city or its inhabitants.” Fla. Ch. 90-394, art. 1 § 101 (1990); Fla. Ch. 12760, § 7(e), (x)-(y) (1927).

11. Defendant Ron DeSantis currently serves as the Governor of the State of Florida. He is sued in his official capacity. He is the Florida constitutional officer charged with “tak[ing] care that the laws [are] faithfully executed.” Fla. Const. art. IV, § 1(a). Governor DeSantis is responsible for the enforcement of HB 1 and an appropriate defendant in this action.

12. Defendant Ashley Moody currently serves as the Attorney General of the State of Florida. She is sued in her official capacity. She serves as Florida’s chief legal officer. Fla. Const. art. IV, § 4(b). Attorney General Moody is responsible for the enforcement of HB 1 and an appropriate defendant in this action.

FACTS

I. The Florida Constitution Establishes a Distinct and Robust Tripartite System of State Government and Floridians’ Right to Local Self-Governance.

13. From the very first words of the U.S. Constitution, “We the People,” America stands as a system rooted in self-government. A key tenet of the American constitutional tradition is the recognition that the powers imbued in government derive solely from the people.¹

¹ See U.S. Const. preamble (“We the people of the United States...do ordain and establish this Constitution for the United States of America.”); *see also* The Declaration of Independence (U.S. 1776) (“Governments are instituted among Men, deriving their just powers from the consent of the governed[.]”); Mont. Const. art. II, pt. II, § 1 (“All political power is vested in and derived from the people.”); Penn. Const. art. I, § 2 (“All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness.”); Tex. Const. art. I, § 2 (“All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.”); Virg. Const. art. I, § 2 (“[A]ll power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.”)

14. This American constitutional tradition of self-government is protected by a system of checks and balances.² Constitutional checks and balances not only guard the liberties of the governed against abuse by their government, but also reserve ample power to the people so that the people may govern themselves and their own affairs.³

15. One of the most vital checks and balances is the separation of powers among different branches and different levels of government.⁴ The U.S. and vast majority of state constitutions incorporate both *horizontal* separation of powers principles by establishing tripartite systems of government⁵—consisting of a legislative, executive, and judicial branch—and *vertical* separation of powers principles by reserving power to the people and their local governments through home rule.⁶

16. Vertical separation of powers provides a critical protection of democracy because municipal leadership is based in the local community, rather than a faraway state capital. At the

² See Baron de Montesquieu, *The Spirit of the Laws*, 151-52 (Hafner, Thomas Nugent trans, 1949) (“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”); John Locke, *Two Treatise of Government* 193 (Thomas I. Cook ed., Hafner Publishing Co. 1947) (“And when the people have said, we will submit to rules and be governed by laws made by such men, and in such forms, nobody else can say other men shall make laws for them; nor can the people be bound by any laws but such as are enacted by those whom they have chosen and authorized to make laws for them.”).

³ See *Gregory v. Ashcroft*, 501 U.S. 452 (1991) (“Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.”); see also Abner S. Greene, *Checks and Balances in an Era of Presidential Lawmaking*, 61 U. Chi. L. Rev. 123, 131-32 (1994) (“[I]t is important to realize that the core value of multiple repositories of power that the citizens are sovereign and their delegated power must be fractured among various governmental actors—is central as well to both judicial review and federalism....the structure of federalism was intended to ensure that the citizens had multiple governmental repositories, at varying levels of locality, into which to delegate powers.”).

⁴ See, e.g., *New York v. United States*, 505 U.S. 144 (1992); *Texas Boll Weevil Eradication Foundation, Inc. v. Lewellen*, 952 S.W. 2d 454 (Tex. 1997).

⁵ *INS v. Chadha*, 462 U.S. 919 (1983) (“[T]he Framers saw fit to divide and balance the powers of Government so that each branch would be checked by the others. Virtually every part of our constitutional system bears the mark of this judgement.”); see also Jim Rossi, *Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the State*, 52 Van. L. Rev. 1167, 1187-1202 (1999) (cataloguing various separation of powers provisions in state constitutions).

⁶ See U.S. Const. amend. X; Lynn A. Baker & Daniel Rodriguez, *Constitutional Home Rule and Judicial Scrutiny*, 86 Denv. L. Rev. 1337, Appendix (2009) (listing various state constitutional home rule provisions).

local level, residents have easier access to their representatives—who often represent fewer constituents than at the state level—which in turn allows municipalities to craft policy that directly responds to community needs and more closely reflects community values.⁷

17. The Florida Constitution of 1968 and its subsequent amendments observe the American constitutional tradition⁸ with especially robust horizontal separation of powers principles, among the strictest and strongest of all state constitutions.⁹

18. The people of Florida additionally amended the Florida Constitution in 1968 to guarantee the vertical separation of powers principle of local self-government by granting municipalities the right to home rule.¹⁰

19. The amended Article VIII, § 2(b) of the Florida Constitution establishes that “municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise power for municipal purposes except as otherwise provided by law.” This amendment ensured that home rule, a long-standing tradition in Florida since the earliest days of its history as a Spanish colony, would remain enshrined in the fabric of Florida’s democracy.¹¹

20. The Florida Legislature and state courts have reaffirmed the principle of home rule since the people’s mandate. When the home rule amendment was initially interpreted narrowly,

⁷ See generally Paul A. Diller, *Why Do Cities Innovate in Public Health? Implications of Scale and Structure*, 91 Wash. U. L. Rev. 1219 (2014).

⁸ See, e.g., Fla. Const. art. I, § 1 (“All political power is inherent in the people.”); Fla. Const. art. II, § 3 (“The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.”).

⁹ See Jim Rossi, *Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the State*, 52 Van. L. Rev. 1167, 1195 (1999).

¹⁰ See Fla. Const. art. VIII.

¹¹ Florida House of Representatives, *The History and Status of Local Government Powers in Florida* 1-2 (July 31, 1972).

the Florida Legislature enacted the Municipal Home Rules Power Act (MHRPA) (Ch. 166 of the Florida Statutes) to underline the importance of local control under the new constitutional amendment.¹² The Florida Supreme Court has since emphasized: “The clear purpose of the [amendment] was to give the municipalities inherent power to meet municipal needs. . . . The legislature’s retained power is now one of limitation rather than one of grace.” *Lake Worth Utilities Auth. v. City of Lake Worth*, 468 So. 2d 215, 217 (Fla. 1985).

21. Insofar as the state has retained power to influence municipal policy, it may only do so through valid exertion of legislative power. *See Askew v. Cross Key Waterways*, 372 So. 2d 913, 915-19 (Fla. 1978). In order to keep the legislature accountable to the communities they represent, this core legislative power cannot be delegated to another branch of state government.

22. Florida voters have also expanded the protections of local self-governance. When the state legislature began encroaching on local governments’ autonomy by requiring them to make expenditures without providing a revenue stream, Floridians overwhelmingly voted to adopt a new constitutional amendment in 1990 preventing the state legislature from imposing unfunded mandates on local governments.¹³

23. Article VII, § 18 of the Florida Constitution provides that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds” subject to certain limitations.

24. Florida’s horizontal and vertical separation of powers principles—its three-branch system of state government and its home rule guarantee—work together to reinforce checks and

¹² J. James R. Wolf and Harah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. No.6 (2009).

¹³ Fl. Dep’t of State, Fl. General Election Results (Nov. 6, 1990), <https://results.elections.myflorida.com/?ElectionDate=11/6/1990&DATAMODE=>.

balances, empower the people of Florida to govern themselves, and protect this liberty from diminution by any means other than a valid exercise of legislative power.

Charter of the City of Gainesville

25. The City of Gainesville is a home rule city as defined under Article VIII, Section 2, of the Florida Constitution. The Legislature granted the City home rule status, as defined under the Florida home rule constitutional amendment, in 1990 via statute¹⁴:

“The City of Gainesville, created by chapter 12760, Laws of Florida, 1927, as amended, shall continue and is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.”¹⁵

The statute continued by explicitly providing that “the powers of the city shall be construed liberally in favor of the city, limited only by the State Constitution, general law, and specific limitations contained in this act.”¹⁶

26. Among the powers guaranteed to Gainesville are the powers to “raise taxes”¹⁷; “to expend the money of the City for all lawful purposes”¹⁸; “to exercise full police powers, and establish and maintain a department or division of police”¹⁹; and “to do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants”.²⁰

¹⁴ 1990 Fla. Laws, ch. 90- 394, at 47 .

¹⁵ 1990 Fla. Laws, ch. 12760, art. 1.01.

¹⁶ 1990 Fla.Laws, ch. 12760, art. 1.03. .

¹⁷ 1990 Fla. Laws, ch. 12760 at 1388.

¹⁸ 1990 Fla. Laws, ch. 12760 at 1389.

¹⁹ 1990 Fla. Laws, ch. 12760 at 1394.

²⁰ 1990 Fla. Laws, ch. 12760 at 1394.

27. The Charter of the City of Gainesville adopts home rule wholesale.²¹ It also provides that among the enumerated powers of the City are the formulation and approval of an annual budget²² and control over the Gainesville Police Department.²³

II. Florida Municipalities Are Best Positioned to Adopt Budgets that Reflect Their Residents' Needs, Values, and Priorities.

28. Municipal budgets reflect the priorities of the community. Municipalities are expected to provide a wide array of services to residents and must make difficult decisions about how to allocate finite resources to best serve the needs of the community. In some communities, constituents may advocate for a more fiscally conservative budget, while in others, constituents may push for an increase in certain services that necessitate a reallocation of funding. Municipal budgeting enables and celebrates these differences allowing residents to have a voice in their communities.

29. Floridians rely on their municipal governments to provide and maintain a wide array of public services, such as parks, recreation centers, libraries, animal control, water, transportation, and public safety.

30. In Florida, however, municipal revenue streams are limited. The Florida Constitution caps municipal property taxes at \$10 per \$1,000 valuation, Fla. Const. Art. VII, § 9(b), so this funding stream generally accounts for less than half of the revenue that Florida municipalities generate.²⁴ Additionally, municipalities rely on a combination of proprietary and regulatory fees along with grants from the state and federal governments or other external entities.

²¹ Gainesville, Fla., Ordinances, art. 1, § 1.01 (2021).

²² Gainesville, Fla., Ordinances, ch. 3, art. 3, § 3.02 (2021).

²³ Gainesville, Fla., Ordinances, ch. 21, art. 1 (2021).

²⁴ Florida League of Cities, *2019 State of Cities* (2019), http://www.floridaleagueofcities.com/docs/default-source/default-document-library/2019-state-of-the-cities.pdf?sfvrsn=c405dad5_6.

31. These streams of revenue are naturally variable. Municipal tax and fee revenue fluctuate every year based on several factors, including economic conditions and individual activity. When there are natural decreases in local revenues, municipalities have to make budget cuts across the board in order to achieve a balanced budget. During the 2010 recession, for example, several municipalities in Florida had to make budget reductions that impacted law enforcement:

a. In 2010, tax revenues plummeted in Panama City. In order to balance the books, the city unfunded all vacant positions. Of 31 positions, 11 cuts came from the police department, including sworn officers and civilian positions.²⁵

b. The 2011-12 budget approved by the Gainesville City Commission cut Gainesville Police Department's budget by \$946,000, saving 3.2% of the \$29.6 general fund. These funding reductions resulted in the elimination of several command staff positions in the department.²⁶

c. In Jacksonville, between the fiscal years of 2010 and 2013, 147 police officer positions were eliminated due to budget cuts, including the entire mounted police force.²⁷

32. Some decreases in local revenue may arise when an intergovernmental or external grant is time-limited and non-renewable. As the grant period ends, a municipality must decide how to maintain that funding stream or allow the reduction. For example, in 2012, the City of Gainesville was one of only two municipalities to receive a grant from the Center for Children's

²⁵ Katie Landeck, *Chief: Panama City Police Department 'strained'*, Panama City News Herald (Jan. 7, 2017), <https://www.newsherald.com/news/20170107/chief-panama-city-police-department-strained>.

²⁶ Cindy Swirko, *Budget Cuts Hit GPD Command Staff Hard*, The Gainesville Sun (Sept. 17, 2010), <https://www.gainesville.com/article/LK/20100917/news/604164102/GS/>.

²⁷ David Bauerlein, *71 of 147 police cuts not linked to Mayor Brown, analyses find*, The Florida Times-Union (May 14, 2015), <https://www.jacksonville.com/article/20150514/NEWS/801245291>.

Law and Policy to reduce the arrest rates of youth of color. The grant and associated revenue stream expired after two years, so Gainesville allocated its own municipal funds toward the Disproportionate Minority Contact Initiative. Had Gainesville not allocated that continued revenue stream, the police department budget would have been reduced due to the expiration of the grant.

33. Other times, municipalities may reorganize departments and shift funding structures to promote economic efficiency. For example, in 1990, the Live Oak City Council voted to turn the city's law enforcement role over to the Suwannee County Sheriff's Office due to budget constraints. Likewise, Mexico Beach's former police department was dissolved in October 2019 in favor of having the Bay County Sheriff's Office take over. City officials reported the switch saved Mexico Beach money that helped other service areas.²⁸

34. In some cases, municipalities have used their budget authority to dismantle parts of police departments that were found to be engaging in malfeasance and misappropriation. In 1987, the City of West Palm Beach disbanded its ten-member tactical team after members of the city's Haitian community sued the city accusing officers of violating their constitutional rights, conducting unreasonable strip searches, using slurs, and physically abusing them. The city settled the lawsuit for \$75,000.²⁹ And in 1992, the City of Largo disbanded their special investigations unit after evidence surfaced of detectives misusing funds and police vehicles. Money allocated for the special unit moved back into the city's general fund.³⁰

35. Municipalities face difficult budgetary decisions every year, and the current fiscal year is no different. As a result of the economic downturn caused by the COVID-19 pandemic,

²⁸ Blake Brannon, *Officials look back at transition from Mexico Beach Police Department to Bay County Sheriff's Office*, WJHG News Channel 7 (Nov. 2, 2020), <https://www.wjhg.com/2020/11/03/officials-look-back-at-transition-from-mexico-beach-police-department-to-bay-county-sheriffs-office/>.

²⁹ Larry Aydlette, *West Palm May Pay \$75,000 to End Lawsuit*, The Palm Beach Post (Dec. 30, 1987), <https://www.newspapers.com/image/129627445/>.

³⁰ *Police Unit Disbanded*, St. Petersburg Times (Apr. 26, 1992), <https://www.newspapers.com/image/323640260/>.

many cities have been forced to reduce their budgets. The City of Miami was forced to cut 66 sworn police officer positions, along with over a dozen firefighters, due to a projected \$30 million shortfall.³¹

36. In crafting a budget that balances finite resources among a broad array of commitments, municipalities often seek input and collaboration from the community. Municipal budgeting discussions are generally open to the public where comment is invited. In Gainesville, for example, the City Manager proposes a first version of the budget at a public City Commission meeting. Over a period of several months, there are multiple opportunities for public comment and discussion as City Commissioners consider the budget in depth. What is eventually produced reflects public comments and community needs over the next fiscal year within the limits of the city's revenue.

37. Because developing a municipal budget requires a nuanced understanding of the municipality's capacity as well as residents' needs and values, doing so is considered a core application of legislative power—one properly exercised by the municipality itself through its constitutional home rule guarantee. Under no circumstances would a municipal budget crafted and promulgated by the state executive branch be valid under the Florida Constitution's separation of powers provisions.

III. Floridians Have Called on Their Local Governments to Reimagine Public Safety Through Meaningful Changes to Municipal Budgeting.

38. As municipal spending on law enforcement has far outpaced spending on public health and social services, residents have been engaging with their municipal governments to rebalance spending to support social services separate from law enforcement.

³¹ Joey Flechas, *Miami's COVID Budget Passes with Police Layoffs, Transformed NET and Canceled Events*, Miami Herald (Sept. 25, 2020), <https://www.miamiherald.com/news/local/community/miami-dade/article245995330.html>.

39. Law enforcement has grown to account for the lion's share of municipal spending. From 1977 to 2017, state and local spending on law enforcement nearly tripled from \$42 billion to \$115 billion,³² with municipalities contributing 86% of the funding.³³ Policing is now the single largest municipal expenditure in 35 of the country's 50 largest cities.³⁴

40. Municipal spending in Florida is no different. In the three largest cities in Florida, Jacksonville, Miami, and Tampa, police spending accounts for 33% to 40% of the municipal budget.³⁵ In Gainesville, police spending amounts to over one quarter of the city's general fund.³⁶

41. As spending on law enforcement has grown, so has the scope of law enforcement activity. Only around 1% of 911 calls³⁷ and less than 5% of police arrests³⁸ relate to serious violent crime. Instead, police officers spend the biggest share of their time responding to non-emergency calls,³⁹ including by treating overdoses, responding to mental health crises, and addressing homelessness.⁴⁰

³² *Criminal Justice Expenditures: Police, Corrections, and Courts*, Urban Inst., <https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/criminal-justice-police-corrections-courts-expenditures> (last visited June 12, 2021).

³³ Fola Akinnibi, *Cities' Pleas for Federal Aid Run into Calls to Defund Police*, Bloomberg (June 12, 2020), <https://www.bloomberg.com/news/articles/2020-06-12/cities-s-pleas-for-federal-aid-runs-into-calls-to-defund-police>.

³⁴ Carl Sullivan & Carla Baranauckas, *Here's How Much Money Goes to Police Departments in Largest Cities Across the U.S.*, USA Today (June 26, 2020), <https://www.usatoday.com/story/money/2020/06/26/how-much-money-goes-to-police-departments-in-americas-largest-cities/112004904/>.

³⁵ *What Policing Costs: A Look at Spending in America's Biggest Cities*, Vera, <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities> (last visited June 12, 2021).

³⁶ *City Manager's Adopted Budget in Brief*, City of Gainesville (Oct. 1, 2020), <https://www.cityofgainesville.org/Portals/0/bf/FY21-FOP-adopted.pdf>.

³⁷ Jeff Asher & Ben Horwitz, *How Do the Police Actually Spend Their Time?*, N.Y. Times (June 19, 2020), <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>.

³⁸ Betsy Pearl, *Beyond Policing: Investing in Offices of Neighborhood Safety*, Ctr. for Am. Progress (Oct. 15, 2020), <https://www.americanprogress.org/issues/criminal-justice/reports/2020/10/15/491545/beyond-policing-investing-offices-neighborhood-safety/>.

³⁹ Asher & Horwitz, *supra* note 37.

⁴⁰ Pearl, *supra* note 38.

42. Municipal departments that specialize in providing public health and social services, on the other hand, receive a fraction of the dollars spent on policing. The ten largest cities in the U.S. spend anywhere from two to ten times more on policing than public health expenditures, even though health professionals have greater training than police for responding to behavioral or mental health emergencies.⁴¹

43. While policing can account for a quarter to nearly half of a municipal budget,⁴² the average city spends only 5% of funds on public housing, leaving the police to respond to conflicts relating to homelessness rather than social services professionals who could offer targeted resources.⁴³ In Gainesville, with a particularly high ratio of police officers to private citizens, the police department receives seventeen times more funding than is allocated to human services.⁴⁴

44. Although the vast majority of police officers' time is spent handling non-violent activity, they are primarily trained for responding to violent threats rather than deescalating other situations. The average municipal police department spends 168 hours training new officers on use of force, self-defense, and firearm tactics while only devoting 9 hours to conflict management and mediation.⁴⁵ As a result, police officers are more conditioned to use tactics of force, rather than de-escalation, even in response to non-emergency situations.⁴⁶

⁴¹ Ellen Fassler, *10 Largest US Cities Will Spend More on Police Than Public Health This Year*, TruthOut (Feb. 24, 2021), <https://truthout.org/articles/10-largest-us-cities-will-spend-more-on-police-than-public-health-this-year/>.

⁴² Vera, *supra* note 35.

⁴³ Emily Badger & Quoc Trung Bui, *Cities Grew Safer. Police Budgets Kept Growing*, N.Y. Times (June 12, 2020), <https://www.nytimes.com/interactive/2020/06/12/upshot/cities-grew-safer-police-budgets-kept-growing.html>.

⁴⁴ Gainesville Budget, *supra* note 36.

⁴⁵ Sarah Hansen & Halah Touryalai, *Call 911: How Police Built Military Arsenals and A Firm Grip on Local Budgets, And Why Defunding May Be Inevitable*, Forbes (June 26, 2020), <https://www.forbes.com/sites/sarahhansen/2020/06/26/call-911-how-police-built-military-arsenals-and-a-firm-grip-on-local-budgets-and-why-defunding-may-be-inevitable/?sh=204c8ce019c3>.

⁴⁶ Roge Karma, *We Train Police to Be Warriors - And Then Send Them Out to Be Social Workers*, Vox (July 31, 2020), <https://www.vox.com/2020/7/31/21334190/what-police-do-defund-abolish-police-reform-training>.

45. Studies have shown that police use of force has been disproportionately directed at communities of color, particularly the Black community.⁴⁷ A national study of nearly 5,000 fatal police shootings between 2015 and 2020 demonstrated that police killed Black Americans at over 2.5 times the rate of white Americans and killed unarmed Black Americans at triple the rate of unarmed white Americans.⁴⁸ Florida’s rate of fatal police shootings between 2015 and 2018 was comparable to national statistics,⁴⁹ and analysis of the racial disparities in police shootings found that Black Floridians are “more likely to be shot in questionable circumstances.”⁵⁰

46. The summer of 2020 brought greater national attention to the disproportionate use of police violence toward communities of color.

47. On May 25, 2020, George Floyd, a 46-year-old Black man, was murdered by Minneapolis police officer Derek Chauvin, who knelt on Floyd’s neck for eight minutes and forty-six seconds as Mr. Floyd lay face-down on the street, handcuffed, gasping “I can’t breathe.”⁵¹

48. Just two months earlier, three plainclothes Louisville police officers forced entry into the apartment of Breonna Taylor, a 26-year-old Black woman, and fatally shot her six times as she slept.⁵²

⁴⁷ Elle Lett, et al., *Racial Inequity in Fatal U.S. Police Shootings, 2015-2020*, 75 J. Epidemiology & Cmty. Health 394 (2021), <https://jech.bmj.com/content/75/4/394>; Emmanuella Asabor, et al., *Fatal Police Shootings Among Black Americans Remain High, Unchanged Since 2015*, Penn. Medicine News (Oct. 28, 2020), <https://www.pennmedicine.org/news/news-releases/2020/october/fatal-police-shootings-among-black-americans-remain-high-unchanged-since-2015>.

⁴⁸ *Id.*

⁴⁹ Steve Steward, *By the Numbers: Florida Police Related Shooting Fatalities*, Tallahassee Reports (June 24, 2020), <https://tallahasseeereports.com/2020/06/24/by-the-numbers-florida-police-related-shooting-fatalities/>.

⁵⁰ Ben Montgomery, *Why Cops Shoot*, Tampa Bay Times (2017), <https://projects.tampabay.com/projects/2017/investigations/florida-police-shootings/>.

⁵¹ Evan Hill, et al., *How George Floyd Was Killed in Police Custody*, N.Y. Times (May 31, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

⁵² Rukmini Callimachi, *Breonna Taylor’s Life Was Changing. Then the Police Came to Her Door.*, N.Y. Times (Aug. 30, 2020), <https://www.nytimes.com/2020/08/30/us/breonna-taylor-police-killing.html>.

49. These stories and conversations about police brutality were shared in solidarity with the Black Lives Matter movement and viewed by 1.4 billion people.⁵³

50. These killings sparked what was deemed the largest mass movement for justice in United States history.⁵⁴ The two months following George Floyd's murder saw between 15 and 26 million Americans participate in thousands of racial justice demonstrations, many organized under the banner of or in solidarity with the Black Lives Matter movement.⁵⁵ These racial justice demonstrations spanned over 40% of counties in the United States.⁵⁶

51. Thousands of Floridians joined this call for racial justice, participating in dozens of peaceful demonstrations across the state. In Gainesville, over 1,000 people came together to demand police accountability in the days after Mr. Floyd's murder,⁵⁷ and, in June, over 1,000 united against racial injustice in a demonstration organized by the Dream Defenders, a Black-led organization seeking transformative justice in Florida.⁵⁸

52. Both across the nation and in Florida, these calls for racial justice and for an end to police violence against Black communities were overwhelmingly peaceful: over 95% of protests were non-violent and involved no property damage.⁵⁹

⁵³ Sam Blake, *Why the George Floyd Protests Feel Different—Lots and Lots of Mobile Video*, dot.la (June 12, 2020), https://dot.la/george-floyd-video-2646171522.html?utm_campaign=post-teaser&utm_content=i87yytb3.

⁵⁴ Larry Buchanan, et al., *Black Lives Matter May be the Largest Movement in U.S. History*, N.Y. Times (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Cindy Swirko, *Marchers Call for Justice, Police Accountability*, Gainesville Sun (May 30, 2020), <https://www.gainesville.com/news/20200530/marchers-call-for-justice-police-accountability>.

⁵⁸ Ruelle Fludd & James J. Rowe, *Over a Thousand People Join Protest for Black Lives in Gainesville*, WCJB (June 13, 2020), <https://www.wcjb.com/content/news/Thousands-join-protest-for-black-lives-in-Gainesville-571246111.html>.

⁵⁹ Erica Chenoweth & Jeremy Pressman, *This Summer's Black Lives Matter Protesters Were Overwhelmingly Peaceful, Our Research Finds*, Wash. Post. (Oct. 16, 2020), <https://www.washingtonpost.com/politics/2020/10/16/this-summer-black-lives-matter-protesters-were-overwhelming-peaceful-our-research-finds/>.

53. This nationwide movement against racial injustice and police brutality elevated the conversation about reimagining the model for public safety through municipal budgeting changes. Residents have asked their local governments to reevaluate municipal spending priorities to, in some places, reorient public safety programs to be more community-driven, and in others, reduce the tax burden to local taxpayers, especially to the extent certain expenditures are likely to contribute to systemic racial injustice.

IV. Municipalities throughout Florida Are Responding to Constituents by Considering New Approaches to Funding Public Safety.

54. Municipalities across the nation have heard their residents, and city halls have become central spaces for discussing community-based models for public safety and the reasonableness of certain law enforcement practices and spending decisions. As a result, in 2020, nearly half of the largest U.S. cities redirected money from the police budget to social services.⁶⁰ For example, Minneapolis, Minnesota directed nearly \$8 million from its police budget toward mental health response and violence prevention programs to help vulnerable populations.⁶¹ Austin, Texas shifted \$153 million from the police budget to create new social service programs, including a “Reimagine Safety” fund, and to move non-law enforcement functions out of the police department.⁶²

55. In Florida, several cities listened to constituents’ calls to reimagine public safety by shifting their budgets as well.

City of Gainesville

⁶⁰ See Sam Levin, *These U.S. Cities Defunded Police: “We’re Transferring Money to the Community,”* The Guardian (Mar. 7, 2021), <https://www.theguardian.com/us-news/2021/mar/07/us-cities-defund-police-transferring-money-community>.

⁶¹ Brenna Goth & Ayanna Alexander, *“Defund the Police” in Cities Faces Ire of State GOP Lawmakers*, Bloomberg Law (Mar. 16, 2021), <https://news.bloomberglaw.com/social-justice/defund-the-police-in-cities-faces-ire-of-state-gop-lawmakers>.

⁶² Levin, *supra* note 60.

56. After thousands of Gainesville residents peacefully demonstrated against racial injustice and called for meaningful reform, the Gainesville City Commission reexamined the Gainesville Police Department (“GPD”) budget and structure.

57. This evaluation brought to light several non-law enforcement functions under the purview of GPD. For example, the GPD Youth and Community Services Bureau included several purely social service programs, such as the Reichert House, an afterschool enrichment program for youth, and the B.O.L.D. Program, which provides case management and skills training for young men between the ages of 16 and 24 with a background of prior infractions.

58. On July 13, 2020, the Gainesville City Commission directed the City Manager to develop a proposal for reallocating non-law enforcement functions from the Gainesville Police Department to other municipal departments and to repurpose open sworn officer positions.

59. The City Manager returned with a proposal to transfer a Fleet Manager to the Department of Mobility and five IT positions to the Information Technology Department. The City Commission approved this \$524,902 transfer on August 10, 2020.⁶³

60. The City Manager also proposed that two open sworn officer positions be frozen to allow the Reichert House to hire two non-law-enforcement intervention specialists, which the City Commission also approved on August 10, 2020.⁶⁴

61. As these decreases in local law enforcement spending were made, the Gainesville City Commission also voted to approve a \$3.2 million five-year expenditure to equip officers with functioning body cameras with the goal of increasing transparency and accountability in policing.⁶⁵

⁶³ Presentation by the Gainesville City Manager to the Gainesville City Commission (Aug. 10, 2020).

⁶⁴ *Id.*

⁶⁵ See Ruelle Fludd, *Gainesville approves purchase of new police body cameras*, WCJB (Aug. 6, 2020), <https://www.wcjb.com/2020/08/06/gainesville-approves-purchase-of-new-police-body-cameras/>.

62. Although these revisions did not lead to a net decrease in the GPD's budget for the 2021 fiscal year, they started an ongoing discussion about the shifting of certain programs and functions from the GPD to existing or new municipal departments.

63. In particular, the City of Gainesville has been shifting its budgetary resources away from policing youth. In 2020, the Commission voted to phase out its \$900,000 contribution to the \$2.1 million armed school resource officer program, so that the Alachua County School Board would be fiscally responsible for the program and the City could spend those funds on community activities.⁶⁶

64. Gainesville is one of many cities in Florida and throughout the nation to reimagine public safety through changes to municipal budgeting.⁶⁷ The aim of these changes is to increase the emphasis on non-law-enforcement strategies that promote the safety of all communities.

V. Governor DeSantis Proposed HB 1 to Strike Back at Florida Residents and Municipalities Working to Reimagine a More Just Vision for Public Safety.

65. While local governments came together with their constituents to work toward meaningful justice reform, Governor DeSantis responded by expanding the authority of Florida's Executive Branch to commandeer these local legislative efforts and stymie reform.

66. Despite acknowledging that the demonstrations for racial justice were "largely peaceful,"⁶⁸ Governor DeSantis demonized the Floridians that stood against racial injustice and

⁶⁶ See Ruelle Fludd, *Gainesville city commissioners tackle school resource officer budget*, WCJB (Jul. 24, 2020), <https://www.wcjb.com/2020/07/24/gainesville-city-commissioners-reverse-course-on-school-resource-officer-budget-for-fy-2021/>.

⁶⁷ See Sam Levin, *These U.S. Cities Defunded Police: "We're Transferring Money to the Community,"* The Guardian (Mar. 7, 2021), <https://www.theguardian.com/us-news/2021/mar/07/us-cities-defund-police-transferring-money-community>.

⁶⁸ News Release, *Governor Ron DeSantis Reports that Florida Demonstrations Have Remained Largely Peaceful Over Last 24 Hours* (June 2, 2020), <https://www.flgov.com/2020/06/02/governor-ron-desantis-reports-that-florida-demonstrations-have-remained-largely-peaceful-over-past-24-hours/>.

police brutality as “crazed lunatics”⁶⁹ and “angry mobs.”⁷⁰ Within the first two weeks of peaceful gathering, the Governor mobilized 700 Florida National Guard soldiers against his own constituents.⁷¹

67. Governor DeSantis disparaged any local budget reforms aimed at adjusting municipal law enforcement spending as “insane theor[ies].”⁷² The Governor vowed that these local democratic initiatives were “not going to be allowed to ever carry the day in the state of Florida.”⁷³

68. True to his word, on September 21, 2020, Governor DeSantis held a press conference where he announced the “Combating Violence, Disorder, and Looting, and Law Enforcement Protection Act,” also known as HB 1, a “very robust package” of different criminal penalties for individuals associated with “disorderly assemblies” as well as separate budgeting restrictions for municipalities engaging in public safety reform.⁷⁴

69. Governor DeSantis did not deny that HB 1 would chill political speech. Rather, he made clear that a major goal of HB 1 was to ensure that “a ton of bricks rain down” on demonstrators, so that “people . . . think twice about engaging in this type of conduct” after the summer of 2020’s public movement for racial justice.⁷⁵

⁶⁹ Rev, *Florida Gov. Ron DeSantis Press Conference Transcript: Harsher Penalties for Violent Protesters* (Sept. 21, 2020), <https://www.rev.com/blog/transcripts/florida-gov-ron-desantis-press-conference-transcript-harsher-penalties-for-violent-protesters>.

⁷⁰ News Releases, Office of Gov. Ron DeSantis, *WHAT THEY ARE SAYING: Gov. Ron DeSantis Signs Hallmark Anti-Rioting Legislation Taking Unapologetic Stand for Public Safety* (Apr. 19, 2021), <https://www.flgov.com/2021/04/19/what-they-are-saying-governor-ron-desantis-signs-hallmark-anti-rioting-legislation-taking-unapologetic-stand-for-public-safety/>.

⁷¹ *Id.*

⁷² DeSantis Signs ‘Anti-Riot’ Bill into Law, YouTube (Apr. 19, 2021), <https://www.youtube.com/watch?v=Tz7qITKczNI>.

⁷³ *Id.*

⁷⁴ Rev, *supra* note 69.

⁷⁵ *Id.*

70. Governor DeSantis also stated that a separate and additional goal of HB 1 was to preempt local efforts to deliver meaningful budgetary reforms. HB 1 would not permit municipal governments to exercise control over their budget priorities to shift any funds from law enforcement to other public services.⁷⁶

71. Immediately, the Florida public raised alarm about the political motivations underlying HB 1's heightened sanctions of protest activities. Indeed, the Miami Herald Editorial Board warned that HB 1 "will have deadly consequences and, as history has shown, Black and brown people will likely pay the price."⁷⁷

72. Many municipal leaders also opposed HB 1's budgeting provisions aimed at hindering public safety reform. The Florida League of Cities publicly opposed HB 1.⁷⁸ Twenty-eight local elected officials from throughout Florida wrote to the state legislature and Governor opposing HB 1 because it would allow "partisan statewide officer[s] to line-item-veto local, nonpartisan budgets."⁷⁹

73. Nonetheless, following the Governor's direction to make HB 1 a "focal point"⁸⁰ of the 2021 legislative session, the Florida Legislature took steps to fast-track the bill to passage.

⁷⁶ *Id.*

⁷⁷ The Miami Herald Editorial Board, *Could anything be worse than Florida's Stand Your Ground? Yes, a new, racist legislative proposal*, Miami Herald (Feb. 11, 2021), <https://www.miamiherald.com/opinion/editorials/article249138640.html>.

⁷⁸ Fla. League of Cities, *Combating Public Disorder (Oppose - Impact on Municipal Operations)* (Jan. 28, 2021), [https://www.flcities.com/blog/legislative-bulletin/2021/01/28/combating-public-disorder-\(oppose-impact-on-municipal-operations\)01-28-2021-10-02-49](https://www.flcities.com/blog/legislative-bulletin/2021/01/28/combating-public-disorder-(oppose-impact-on-municipal-operations)01-28-2021-10-02-49).

⁷⁹ Letter from 28 local elected officials to the Florida State Legislature and Governor Ron DeSantis (Mar. 23, 2021), <https://localprogress.org/wp-content/uploads/2021/03/LPFL-Opposes-HB1-SB484.pdf>.

⁸⁰ Wilson, Kirby, *Ron DeSantis: Any Municipality that 'Defunds' Police Will Lose State Funding*, Tampa Bay Times (Sept. 21, 2020), <https://www.tampabay.com/news/florida-politics/2020/09/21/ron-desantis-any-municipality-that-defunds-police-will-lose-state-funding/>.

74. After HB 1 passed the Florida House of Representatives, State Senator Danny Burgess introduced the bill in the Senate even while acknowledging HB 1 could be misapplied, could be enforced in a racially discriminatory manner, and might be wielded against peaceful protesters.⁸¹ Despite these significant concerns, State Senate President Wilton Simpson limited public comment to a single session.⁸²

75. Local officials and the public at large found it difficult to engage meaningfully with their representatives due to restrictions on meeting with legislators that were ostensibly imposed and maintained throughout the duration of the 2021 legislative session due to the COVID-19 pandemic.⁸³

76. Yet, with enormous support from the Governor's office and without a single committee hearing fully open to the public, HB 1 was signed into law by Governor DeSantis on April 19, 2021.⁸⁴

77. The passage of HB 1 amended several criminal statutes to heighten penalties related to protesting and created new protest-related offenses:

a. Section 2 prohibits the willful obstruction of traffic with language broad enough to criminalize standing on the street and temporarily hindering traffic.

⁸¹ News Service of Florida, *Protest bill backed in Florida Senate after emotional debate*, Orlando Sentinel (Apr. 9, 2021), <https://www.orlandosentinel.com/politics/os-ne-riot-bill-florida-senate-20210409-3nogdspusrbajbde33vo3uaa5m-story.html>.

⁸²Florida Senate Committee, *Committee on Appropriations* (Apr. 9, 2021), https://www.flsenate.gov/media/VideoPlayer?EventID=1_3wpkrnbb-202104090830&Redirect=true.

⁸³ Skyler Swisher, *Florida may be an 'oasis of freedom' in COVID reopenings—but the Capitol is still locked down*, South Florida Sun Sentinel (Apr. 21, 2021); James Call, *Controversial bills, a closed Capitol: How COVID defined Florida's 2021 legislative session*, Tallahassee Democrat (Apr. 29, 2021); *see also* Patricia Brigham & Pamela C. Marsh, *Florida lawmakers used COVID as excuse to ignore public opinion*, Florida First Amendment Foundation (May 4, 2021).

⁸⁴ The Florida Senate, HB-1 Bill History, <https://www.flsenate.gov/Session/Bill/2021/1/?Tab=BillHistory> (accessed May 26, 2021).

b. Section 8 creates a new first-degree misdemeanor offense for “mob intimidation,” which prohibits one person “assembled with two or more other persons and acting with a common intent, to use force or threaten to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will,” a charge that could be levied against those who successfully convince others to change their viewpoint in the course of a demonstration.

c. Section 14 prohibits cyber-intimidation by publishing an individual’s identity, including a public official, with intent for a third party to threaten, harass or commit violence against that person. This could allow individuals to be prosecuted for publicly criticizing a political official on an online forum, for example.

d. Section 15 makes a person “who participates in a public disturbance involving an assembly of three or more people acting with a common intent to mutually assist each other in disorderly and violent conduct resulting in injury or damage to another person or property or creating a clear and present danger of injury to another person or property” liable for a third-degree felony charge, punishable by up to five years in prison. Section 15 does not define “participation,” so this third-degree felony charge could be levied against peaceful protestors who find themselves in close proximity to an act of violence or property destruction or who are defending themselves against attack from law enforcement or counter-protesters.

e. Section 16 withholds bail from individuals arrested for breaching the peace, in effect guaranteeing that protestors will spend at least one night in jail.

f. Section 18 creates an affirmative defense to civil liability against wrongful death, personal injury, and property damage for individuals who used force against someone convicted of an aggravated riot. Accordingly, those protesting racial injustice could be convicted of an aggravated riot while counter-protesters who use violence against them would have an affirmative defense.

VI. HB 1 Strips Municipalities of Budget-Setting Authority and Concentrates Power to Appropriate Law Enforcement Funds in the Executive Branch.

78. In addition to these individual criminal penalties, HB 1 creates a new mechanism by which the Executive Branch can commandeer the municipal budgeting process and unilaterally require cities to maintain the prior levels of funding for law enforcement.

79. Section 1 provides that “[i]f the tentative budget of any municipality contains a funding reduction to the operating budget of the law enforcement agency,” that reduction may be contested by either the state attorney—an executive official—or a single dissenting member of the municipality’s governing body within 30 days of the publication of the tentative budget on the municipality’s official website.

80. Section 1 provides no definition of what constitutes a funding reduction. Section 1 could be construed broadly to cover pension or other capital expenditures. Further, there is no clarification as to whether Section 1 would be triggered by any isolated line-item reduction to the operating budget or whether the reduction must lead to a net reduction of the operating budget. Ultimately, without any definition of a “funding reduction,” any number of changes to the law enforcement budget could provide the basis for the state executive’s commandeering mechanism.

81. Any challenge to such a “funding reduction” shall be filed with the Executive Office of the Governor and set forth the municipality’s tentative budget, the municipality’s

operating budget for law enforcement from the previous year, and state the reasons for the challenge. A copy of the challenge will also be served on the municipality's governing body.

82. The municipality is provided only five working days to file a written reply to the Executive Office of the Governor, and HB 1 provides no further role for the municipality as its budget is reviewed by the state executive branch.

83. Upon receipt of the municipality's reply, the Executive Office of the Governor will take up the request, independently convene a budget hearing, and issue a report of its own findings and recommendations to the Administration Commission, chaired by the Governor and composed of the members of his cabinet,⁸⁵ which then has 30 days to make final budgeting decisions for the municipality.

84. HB 1 empowers the Governor and his cabinet to "amend or modify the [municipal] budget as to each separate item of the municipal law enforcement agency" without any further input from the municipality itself or its residents. HB 1 does not provide any standards to guide or limit how the Governor and his cabinet evaluate, amend, or modify budgets. Instead, it confers unfettered discretion.

85. Any amendments or modifications made by the Governor and his cabinet to the municipal budget "shall be final." The scope of potential judicial review is so narrow—limited to whether the Administration Commission "depart[ed] . . . from the essential requirements of law"—that it provides little recourse to a municipality that objects to the budget expenditures mandated by the Governor and his cabinet.

86. The modified budget decreed by the Governor and his cabinet is given binding legal effect. Accordingly, upon receipt of this state-revised budget, the municipality is forced to expend

⁸⁵ Fla. Stat. § 14.202.

funds it otherwise would not have spent at all or would have spent elsewhere to fulfill the state's mandate.

87. The budget takeover process established by HB 1 does not provide any special consideration for the many reasons why a municipality would need to make a reduction for its law enforcement funding, such as growth in demand for municipal services outpacing local tax revenues, the expiration of one-time expenditures or grants, across-the-board fiscal conservatism, or rebalancing investment in needed social services.

88. Essentially, if there is a reduction to the municipal law enforcement budget—no matter the reason or need for the change—HB 1 allows for the municipality's budget to be wrested from its control by a state official (or a single dissenting local official), put to the judgment of the Executive Office of the Governor, which does not have familiarity with the day-to-day operations of the municipality, and then revised line-by-line by the Governor and his cabinet with no further recourse.

89. HB 1 is not comparable to any other Administration Commission appeal process because it imposes a state commandeering process on a purely local budgeting process. The Florida Legislature has authorized the Administration Commission to hear appeals of budgeting items that relate to intergovernmental programs—such as the comprehensive plan, which involves collaboration of the state land planning agency, regional water district, Florida Department of Environmental Protection, Florida Department of State, and Florida Department of Transportation as well as a local government⁸⁶—or state constitutional officers, such as the sheriff.⁸⁷ The municipal budgeting process, however, is a purely local process committed to municipalities through home rule.

⁸⁶ Fla. Stat. 163.1384.

⁸⁷ Fla. Stat. 30.49.

90. No part of HB 1’s state commandeering process involves consultation with the municipality or provides for engagement with the municipality’s residents. Rather, HB 1 allows the Governor and his cabinet to mandate that a municipality fund law enforcement according to the Governor’s vision, rather than applying the considered judgment of local elected officials and advancing the best interests of the municipality and its residents.

VII. Because of HB 1, Florida Municipalities Cannot Structure Their Budgets to Meet the Municipalities’ Needs or Respond to Constituents’ Calls for Reform.

91. Municipalities in Florida are currently finalizing their FY 2022 budgets in consultation with a variety of municipal officials—from city managers to municipal department heads—and community members. This process involves weighing the municipalities’ projected revenues and evaluating community needs and priorities.

92. Because HB 1 provides no guidance or clarification about what qualifies as a reduction subject to its provisions, it injects uncertainty into nonpartisan municipal budgeting discussions.

93. As of this filing, the Governor continues to change the rules governing the application of HB 1’s municipal budgeting provisions. On June 15, 2021, in a session with his cabinet, Governor DeSantis signed off on initial rules that would also allow a county sheriff to challenge a reduction of the law enforcement budget under HB 1. Attorney General Moody has been directed to publish a notice of final rule.⁸⁸

⁸⁸ Matt Dixon, *Florida Panel Paves Way for Law Enforcement to Appeal Local Police Budget Cuts*, Politico (June 15, 2021), <https://www.politico.com/states/florida/story/2021/06/15/florida-panel-paves-way-for-law-enforcement-to-appeal-local-police-budget-cuts-1386464>.

94. In light of these ambiguous and evolving circumstances, it is infeasible for municipalities to know what the scope of their authority is to adjust the law enforcement budget to fit with municipal revenue and priorities.

95. Municipal leaders have described the chilling effect of HB 1 on their nonpartisan budgeting discussions: Mayor Lauren Poe of Gainesville stated in a Commission meeting that he “feel[s] intimidated and threatened by [HB 1]” and believes that he is “being told [he] cannot make government decisions.”⁸⁹

96. HB 1 has impacted municipalities’ evaluation of previously discussed budgetary options that could affect the law enforcement budget. Absent HB 1, municipalities would be free to consider all budgetary options before them and choose the option that best fits the municipality’s circumstances and their residents’ needs and values.

City of Gainesville

97. After directing the City Manager to examine possibilities for transferring non-law-enforcement expenditures from the GPD budget to other municipal departments on July 13, 2020, Gainesville city leaders have engaged in multiple discussions surrounding the possible transfer of youth mentorship programs from the GPD budget.

98. Several youth services programs that are currently under the purview of GPD have little to do with law enforcement. For example, the Reichert House, an after-school program for male youth between 2nd and 12th grade, provides educational support and enrichment as well as mentorship from intervention specialists and involves no provision of law enforcement, even though it is a program within GPD.

⁸⁹ Alexander Lugo, *Gainesville City Commissioners Take First Step In Potential Lawsuit over House Bill 1*, Independent Florida Alligator (May 24, 2021), <https://www.alligator.org/article/2021/05/hb1lawsuit>.

99. Similarly, the B.O.L.D. program describes itself as a “community-based organization” that does not involve law enforcement activity, but rather provides mental health, counseling, and job training services to formerly incarcerated youth between the ages of 16 and 24.

100. The Gainesville City Commission had been evaluating whether to transfer these youth services programs to another municipal department or create a separate Youth Services Department. Recently, the Gainesville City Commission directed the City Manager to provide a variety of options to the Commission to accomplish these ends, including options that would lead to reductions of the GPD budget.

101. HB 1 burdens the Gainesville City Commission’s consideration of these options. Prior to HB 1, the City Commission could focus on which budgetary options were in the best interests of the City of Gainesville and its residents. Now considerations must adjust to avoid triggering HB 1’s commandeering process. Because HB 1 fails to provide legislative standards that could give municipalities notice of what reductions could trigger commandeering and how the State Executive could wield this authority, there is no way to reliably predict what path that will avoid commandeering.

102. This lack of clarity and the powerful deterrence caused by commandeering inject uncertainty into the local budgeting process and impact the Gainesville City Commission’s ongoing deliberation and structuring of its FY 22 budget.

103. By making the Gainesville budget subject to unilateral revision by the Governor and his cabinet, HB 1 utterly disregards Florida’s strict separation-of-powers principles and directly threatens the core home rule authority guaranteed to Gainesville by the Florida Constitution, statute, and the City’s charter.

CAUSES OF ACTION

COUNT I — Separation of Powers **(Art. II, Sec. 3 of the Fla. Constitution)**

104. Plaintiffs repeat and incorporate by reference the allegations contained in paragraphs 1 through 103 inclusive, as if fully set forth herein.

105. This count is an action for injunctive relief, pursuant to Section 26.012 of the Florida Statutes, and a declaratory judgment, pursuant to Fla. Stat. § 86.011, *et. seq.*, seeking a declaration from the Court that HB 1 violates the separation of powers under Article II, Section 3 of the Florida Constitution.

106. The Florida Constitution divides the powers of the state government into three branches—legislative, executive, and judicial—and prohibits any branch from “exercis[ing] any power appertaining to either of the other branches unless expressly provided [by the constitution].” Fla. Const. art. II, § 3. Additionally, no branch may delegate its constitutionally assigned power to another branch. *See Smith v. State*, 537 So. 2d 982, 987 (Fla. 1989).

107. To the limited extent that the state government has authority to restrict local government power, the Florida Constitution confers this authority exclusively upon valid exertions of legislative power. *See, e.g., Askew v. Cross Key Waterways*, 372 So. 2d 913, 915-19 (Fla. 1978).

108. Furthermore, the power to appropriate public funds is a “fundamentally legislative task” and appropriations must be passed through “duly enacted statutes” rather than through executive administrative decisions. *Chiles v. Child. A, B, C, D, E, & F*, 589 So. 2d 260, 265 (Fla. 1991). Likewise, the power to “reduce appropriations” is a legislative function. *Florida House of Representatives v. Martinez*, 555 So.2d 839, 845 (Fla. 1990).

109. HB 1 impermissibly delegates both of these legislative powers to the executive. HB 1’s budgeting review process limits local authority by allowing the state to unilaterally revise the

municipal budget. If the Florida Constitution allows the State to engage in such at all, then this review is a legislative function that the Florida Constitution does not authorize for delegation to another branch.

110. HB 1's budgeting review process also allows the Administration Commission to make appropriations decisions that are fundamentally legislative in character. The Florida Constitution does not authorize the legislature to delegate to the executive branch "its authority to make decisions regarding the purposes for which public funds may or may not be applied." *Chiles*, 589 So. 2d at 265.

111. This impermissible delegation of legislative power interferes with Plaintiffs' ability to balance their operational budgets and also interferes with Plaintiffs' ability to make fiscal decisions consistent with the political will of their constituents.

112. Because Section 1 of HB 1 impermissibly commits legislative functions to the executive branch, it violates Article II, Section 3 of the Florida Constitution. Section 1 of HB 1 should be enjoined in its entirety.

113. The Court should also declare that HB 1 violates the separation of powers principles articulated in Article II, Section 3 of the Florida Constitution.

COUNT II — Nondelegation Doctrine

114. Plaintiffs repeat and incorporate by reference the allegations contained in paragraphs 1 through 102 inclusive, as if fully set forth herein.

115. This count is an action for injunctive relief, pursuant to Section 26.012 of the Florida Statutes, and a declaratory judgment, pursuant to Fla. Stat. § 86.011, *et. seq.*, seeking a declaration from the Court that HB 1 violates the nondelegation doctrine.

116. Even assuming the legislative branch can delegate its power to appropriate public funds and control municipal budgets to the executive branch (which it cannot), this specific delegation is impermissible due to lack of standards relating to the review by the Administration Commission. This dearth of standards is particularly problematic in light of HB 1’s unprecedented re-assignment of legislative powers.

117. Under Florida law, the nondelegation doctrine requires that “fundamental and primary policy decisions” be made by “members of the legislature.” *Askew*, 372 So. 2d at 925.

118. Legislation delegating the administration of legislative programs “must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.” *Askew*, 372 So. 2d at 925. When legislation is “so lacking in guidelines that neither the agency nor the court can determine whether the agency is carrying out the intent of the legislature in its conduct” then the agency is exercising the core legislative power of policymaking, rather than its constitutionally assigned power of administering the law. *Id.*

119. The guidelines accompanying legislative delegation to an administrative agency “must clearly announce adequate standards to guide . . . in the execution of the powers delegated.” *S. All. for Clean Energy v. Graham*, 113 So. 3d 742, 748 (Fla. 2013). The statute delegating the power must “so clearly define the power delegated that the administrative agency is precluded from acting through whim, showing favoritism, or exercising unbridled discretion.” *Id.*

120. Delegation of legislative functions may pass facial constitutional muster if accompanied by “[c]arefully crafted legislation establishing, among other things, the extent to which appropriations may be reduced, coupled with a recitation of reduction priorities and provisions for legislative oversight.” *Chiles*, 589 So. 2d at 268.

121. HB 1 contains no discernible standards or guidelines for the Administration Commission to follow in carrying out the legislature’s intent. It does not identify when municipal law enforcement budgets should be overridden, by how much, or under what conditions.

122. Section 1 merely provides that the Administration Commission “shall approve the action of the governing body of the municipality or amend or modify the budget as to each separate item within the operating budget of the municipal law enforcement agency.” When the budget control provisions are triggered by complaint, HB 1 allows the Administration Commission full discretion to edit and revise the law enforcement portions of a municipal budget as they see fit.

123. Because HB 1 fails to provide guidelines, the amount Plaintiffs’ budget lines could be revised by is variable and unpredictable. Additionally, HB 1’s lack of standards allows the Administration Commission to override the considered legislative judgment of municipal bodies for any reason or no reason at all.

124. Plaintiffs’ budgeting discussions are currently impacted by the presence of this state commandeering process. Should Plaintiffs reduce their law enforcement budget, they can expect based on the Governor’s stated position, to have their budget lines overridden. Thus, Plaintiffs can only avoid this interference by, at a minimum, maintaining the past year’s level of law enforcement funding.

125. Because Section 1 of HB 1 impermissibly commits unfettered legislative discretion to the executive branch, it violates the nondelegation doctrine. Section 1 of HB 1 should be enjoined in its entirety.

126. The Court should also declare that HB 1 violates the nondelegation doctrine.

COUNT III — Single Subject Rule
(Art. III, Sec. 6 of Fla. Constitution)

127. Plaintiffs repeat and incorporate by reference the allegations contained in paragraphs 1 through 103 inclusive, as if fully set forth herein.

128. This count is an action for injunctive relief, pursuant to Section 26.012 of the Florida Statutes, and a declaratory judgment, pursuant to Fla. Stat. § 86.011, *et. seq.*, seeking a declaration from the Court that HB 1 violates the single subject rule contained in Article III, section 6 of the Florida Constitution.

129. Article III, section 6 of the Florida Constitution provides that “every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.”

130. The subject of an act may be wide ranging, but there must be “a natural or logical connection” between the various sections within a law. *Chenoweth v. Kemp*, 396 So. 2d 1122, 1124 (Fla. 1981) (quoting *Bd. of Pub. Instruction v. Doran*, 224 So. 2d 693 (Fla. 1969)).

131. The legislature must include a preamble in complex legislation that connects disparate subject matter of the legislation. *See, e.g., Smith v. Department of Insurance*, 507 So. 2d 1080, 1087-89 (Fla. 1987); *Burch v. State*, 558 So. 2d 1, 2-3 (Fla. 1990).

132. The title of an act must express the “real purpose” of the legislation and cannot be misleading or deceptively vague. *Butler v. Perry*, 67 Fla. 405, 410-11 (1914); *see also Fine v. Moran*, 74 Fla. 417 (1917); *Stokes v. Galloway*, 61 Fla. 437 (1911).

133. HB 1 combines two distinct and unrelated legal objects in one law. Section 1 restricts municipal authority by creating a mechanism for state review of the law enforcement budget. Sections 2, 3, 8, 14, 15, 16, and 18 impose heightened criminal penalties upon individuals related to protest activities.

134. There is no “natural or logical connection” between Section 1 and Sections 2, 3, 8, 14, 15, 16 and 18. Section 1 impacts municipal authority while Sections 2, 3, 8, 14, 15, 16, and 18 affect individual liberty. Section 1 has nothing to do with protest activities while Sections 2, 3, 8, 14, 15, 16, and 18 have nothing to do with municipal budgeting for law enforcement.

135. The Legislature has given no explanation of the logical nexus between those sections, nor does the text of HB 1 include a preamble explaining how the budget provisions connect to the anti-protest provisions.

136. Further, the title of HB 1 is misleading and deceptively vague. The title of HB 1 does not briefly express the subjects of the legislation as the municipal law enforcement budget provisions are not expressed in “[a]n act relating to combating public disorder.”

137. Because HB 1 includes multiple subjects that are neither properly connected nor expressed in its title, it violates the single subject rule and accordingly should be enjoined.

138. The Court should also declare that HB 1 violates Article III, Section 6 of the Florida Constitution.

COUNT IV — Unfunded Mandate
(Article VII, Sec. 18 of the Fla. Constitution)

139. Plaintiff repeat and incorporate by reference the allegations contained in paragraphs 1 through 102 inclusive, as if fully set forth herein.

140. This count is an action for injunctive relief, pursuant to Fla. Stat. § 26.012, and a declaratory judgment, pursuant to Fla. Stat. § 86.011 *et. seq.*, seeking a declaration from the Court that HB 1 violates the unfunded mandate rule guaranteed under Article VII, Section 18 of the Florida Constitution.

141. The Florida Constitution broadly prohibits the state from passing an unfunded mandate—in other words “any general law requiring such county or municipality to spend funds

or to take an action requiring the expenditure of funds”—subject to limited exceptions. Fla. Const. art. VII, § 18.

142. The legislature may only require a municipality to take an action involving an expenditure of funds where such a requirement both “fulfills an important state interest” *and* where the legislature has either (1) ensured that funds have been appropriated to cover such an expenditure, (2) authorized the municipality to create a funding source not previously available to it that can cover the cost, or (3) approved the expenditure by a two-third majority in each house of the legislature. An unfunded mandate will also be deemed acceptable if (4) the expenditure stems from compliance with a law that applies to all persons similarly situated or (5) the expenditure is required by a federal law or federal grant conditions that contemplate municipal action. Fla. Const. art. VII, § 18.

143. HB 1 requires a municipality to expend funds in order to maintain the previous year’s funding of the law enforcement budget or else risk the State seizing budgetary control from the municipality and line-editing the budget without the municipality’s consent or collaboration. Already this commandeering mechanism is impacting Plaintiffs’ budgetary considerations for FY 22 and serves as a powerful deterrent against reducing or reallocating law enforcement funding.

144. The outcome of HB 1’s review process also necessarily requires a municipality to spend funds because final decisions by the Administration Commission direct municipalities to pass a particular budget item or otherwise give a budget item legal effect. Accordingly, if the Administration Commission denies a proposed reduction of the law enforcement budget, then it requires the municipality to expend funds to offset the denied reduction. Likewise, if the Administration Commission amends or modifies any line item of the law enforcement budget, it requires the municipality to expend funds as it otherwise would not have. And even if the

Administration Commission approves a proposed reduction, this gives the reduction final legal effect and amounts to a state command that the municipality expend funds. Thus, any outcome of the Administration Commission review process translates to a mandate to expend funds.

145. HB 1 does not qualify for any of the narrow exceptions to the Florida Constitution's prohibition of unfunded mandates. As an overarching matter, nowhere on the face of HB 1, does the legislature state that its unfunded mandate "fulfills an important state interest."

146. Nor has the Legislature undertaken any of the steps that could justify an unfunded mandate:

a. The Legislature has not appropriated any state funds to support municipalities maintaining the previous year's funding of law enforcement

b. The Legislature has not authorized any municipality to create a new funding stream to cover the cost of maintaining the previous year's level of law enforcement spending.

c. HB 1 was not passed by a two-thirds majority in each house of the legislature: The Florida House passed HB 1 with a 57.5% majority while the Florida Senate passed HB 1 with a 66.1% majority (just under two thirds).⁹⁰

147. Maintaining the previous year's level of law enforcement funding is not necessary to comply with any generally applicable law that applies equally to all persons. HB 1's expenditure requirements are targeted at municipalities that make certain budgetary decisions.

148. Maintaining the previous year's level of law enforcement funding additionally is not required by federal law or to maintain eligibility for any federal grant.

⁹⁰ The Florida Senate, *supra* note 84.

149. Because HB 1’s municipal budgeting provision constitutes an unfunded mandate and satisfies none of the narrow exceptions to the general prohibition of unfunded mandates, it violates Article VII, Section 18 of the Florida Constitution. Section 1 of HB 1 should be enjoined in its entirety.

150. Section 1 of HB 1 should also be declared unconstitutional under Article VII, Section 18 of the Florida Constitution.

COUNT V — Home Rule
(Art. VIII, Sec. 2 of the Fla. Constitution)

151. Plaintiffs repeat and incorporate by reference the allegations contained in paragraphs 1 through 102 inclusive, as if fully set forth herein.

152. This count is an action for injunctive relief, pursuant to Section 26.012 of the Florida Statutes, and a declaratory judgment, pursuant to Fla. Stat. § 86.011, *et. seq.*, seeking a declaration from the Court that HB 1 violates the home rule amendment under Article VIII, Section 2 of the Florida Constitution.

153. Article VIII, Section 2(b) of the Florida Constitution guarantees that “[m]unicipalities shall have government, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services.” The purpose of this constitutional protection of home rule is to “give municipalities inherent power to meet municipal needs.” *Thomas v. State*, 614 So. 2d 468, 472 (Fla. 1993).

154. The Florida Supreme Court has ratified a “broad construction of municipal powers” under Article VIII, Section 2(b). *Fla. Dep’t of Revenue v. City of Gainesville*, 918 So. 2d 250, 263 (Fla. 2005). Core to a municipality’s authority is the ability to expend municipal funds for the general welfare of its residents. *See City of Boca Raton v. Gidman*, 440 So. 2d 1277, 1281-82 (Fla. 1983); *City of Gainesville v. Bd. of Control*, 81 So. 2d 514, 518 (Fla. 1955).

155. Plaintiffs' ability to carry out core budgeting functions and determine municipal expenditures is impacted by HB 1. Not only do HB 1's vague provisions inject uncertainty into the municipal budgeting process, but also HB 1 deters Plaintiffs from reducing law enforcement spending by imposing a state commandeering process.

156. Because Section 1 of HB 1 effectively prevents municipalities from structuring their budget in response to the needs of their constituents, it violates Article VIII, Section 2 of the Florida Constitution. Section 1 of HB 1 should be enjoined in its entirety.

157. Accordingly, the Court should declare that Section 1 of HB 1 violates the home rule amendment under Article VIII, Section 2 of the Florida Constitution.

PRAYER FOR RELIEF

WHEREFORE, in light of the foregoing facts and arguments, Plaintiffs request that the Court:

a) Declare that Section 1 of HB 1 violates the Florida Constitution as all of the elements necessary to support declaratory relief are present:

- 1) As HB 1 impacts Plaintiffs' ability to pass a budget to serve the needs of their constituents, there is a bona fide, actual, present need for a declaration that HB 1 is invalid and unconstitutional;
- 2) Given the ongoing and imminent harms to Plaintiffs as they are currently structuring their FY 22 budget, the declaration sought deals with a present controversy as to an ascertainable set of facts;
- 3) Plaintiffs' constitutional rights, powers, and privileges are dependent upon the law applicable to the facts because HB 1 implicates Plaintiffs' budgeting power and right to be free from unfunded mandates;

- 4) The Plaintiffs and the Defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint;
 - 5) The antagonistic and adverse interests are all before this Court; and
 - 6) Because of the facts described in the foregoing paragraphs, an actual, present and justiciable controversy has arisen between Plaintiff cities and Defendants concerning Plaintiffs' ability to propose and pass municipal budgets;
- b) Permanently enjoin Defendants from enforcing, utilizing, or otherwise invoking Section 1 of HB 1; and
 - c) Grant any relief as the Court may deem just and proper.

Dated: _____



Title - Presentation - FY2021 Budget Amendment

Presentation by Financial Services Director Christine Cajuste, and Budget Manager Jeff Streder

ATTACHMENTS:

Description	Upload Date	Type
PowerPoint Presentation BA #2484	10/20/2021	Presentation

FY 2021 Budget Amendment #2

Temporary Ordinance #2484

Commission Workshop October 25, 2021

First Reading October 27, 2021

Public Hearing November 10, 2021



Purpose of Ordinance

- Governed by Florida Statute 166.241(3) – may be amended any time within the fiscal year or within up to 60 days following the end of the fiscal year.
 - the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the charter of the respective municipality.
- To increase or decrease a budgeted fund, to transfer allocated resources between funds, or between departments in the General fund.

Summary and Overview

FUND TYPE	Amended Budget Ord. 2021-023		Change	Amendment #2 TO #2484	
General Fund	\$	72,071,351	\$	-	\$ 72,071,351
Special Revenue Funds		37,210,021		6,694,682	43,904,703
Debt Service Funds		4,764,279		-	4,764,279
Capital Project Funds		5,676,996		388,072	6,065,068
Enterprise Funds		54,083,117		1,830,546	55,913,663
Internal Service Funds		14,160,627		-	14,160,627
Total	\$	187,966,391	\$	8,913,300	\$ 196,879,691

Note: Details of the amendment are included in Attachment A and supported by written details by reference in Attachment B to TO #2484

Summary and Overview

- Increase of \$8,913,300 amending the budget from \$187,966,391 to \$196,879,691 or a 4.74% increase
 - Previously approved items during FY 2021 - \$2,464,025 or 27.64% of the amendment
 - Miscellaneous items \$6,449,275 or 72.36% of the amendment

Previously Approved Items

- R-2021-036 approving an agreement with C&I Construction and Design, Inc. for the construction of the Tract 27 Booster Station Upgrade Project and authorizing an additional appropriation (Project #UT20U).
- *\$162,561 and transfer for same*
- R-2021-059 awarding IFB No. 21-11B to Unitec, Inc. for the Fiber Network Expansion (Phase 2); authorizing the expansion of the City's fiber network for a total project budget of \$1,260,677: authorizing an additional appropriation (Project #GP22A).
- *\$233,479 with no net increase for transfer*

Previously Approved Items

- R-2021-067 accepting a Land and Water Conservation Fund (LWCF) grant award from the U.S. Department of the Interior (DOI) through the Florida Department of Environmental Protection (FDEP) for the Sunset Point Park Public Art project (Project #PA15C).
 - *\$400,000*
- R-2021-075 authorizing Task Authorization no. 21-05D with with Walters Zackria Associates, PLLC, to provide professional services to prepare the design of the City Hall Roof Replacement Project for a total project budget of \$135,553 (Project #PW20C).
 - *No budgetary impact (Unexpended funds will be re-allocated from past completed CIP Projects)*

Previously Approved Items

- R-2021-077 awarding a contract to Murphy Pipeline Contractors, Inc., for the replacement of 3,600 linear feet of water pipe together along with 10 existing fire hydrants along NW 70th street between the intersection of Pine Island Road on NW 70th street to NW 80th avenue for a total project budget of \$752,712 using CIAC Fees (Project #UT21Z).
 - *\$752,712 and transfer for same*

Miscellaneous Items

- City Attorney - increase funding for legal services - general counsel charged and expended in FY 2021 that exceeded City Attorney adopted budget.
 - *\$196,630 (No net increase to budget; decrease to Contingency)*
- Appropriate and transfer the first tranch of funding received by the City to the General Fund to be used for paying a portion of the BSO expenditures incurred in FY 2021 for Police Services.
 - *\$5,448,504 with no net increase for transfer*

Miscellaneous Items

- Appropriate and transfer funding needed for the cost increase to the Hiatus / Mc Nab Roundabout resulting from Broward County Traffic Engineer's recommendation to enlarge it (Project #PW20G)
 - *\$154,593 with no net increase for transfer*
- Fire Rescue Fund - increase funding for personal services costs expended in FY 2021 that exceeded the Fire Rescue Department adopted budget for these expenses.
 - *\$846,178*

Personnel Adjustments

- Public Services Department Stormwater Division – A Service Worker I focused on preventing litter from getting into the canals was proposed for the FY 2022 budget. At the July 7, 2021 Commission Budget Workshop, due to the pressing need to address this issue that the City was faced with, a consensus was reached to move the addition of this full time position up to FY 2021.
 - *No budgetary impact*

Summary Recap

FUND TYPE	Amended Budget Ord. 2021-023	Change	Amendment #2 TO #2484
General Fund	\$ 72,071,351	\$ -	\$ 72,071,351
Special Revenue Funds	37,210,021	6,694,682	43,904,703
Debt Service Funds	4,764,279	-	4,764,279
Capital Project Funds	5,676,996	388,072	6,065,068
Enterprise Funds	54,083,117	1,830,546	55,913,663
Internal Service Funds	14,160,627	-	14,160,627
Total	\$ 187,966,391	\$ 8,913,300	\$ 196,879,691

Note: Details of the amendment are included in Attachment A and supported by written details by reference in Attachment B to TO #2448

Questions?





Title - Presentation - Annual Insurance Renewals

Presentation by the Human Resources Department

*** Recess at approximately 1:00 p.m., at the Commission's discretion*

ATTACHMENTS:

Description	Upload Date	Type
PowerPoint Presentation	10/18/2021	Presentation

City of Tamarac

PY 2022 Health Plan

Administrative Services (ASO) and Stop Loss Insurance (SL)

TR 13696 and TR 13697



ASO/SL Renewal History

- Moved to self-funded plan effective January 1, 2013
- Contracted with Cigna to provide:
 - Administrative Services for claims and ancillary benefits (Employee Assistance Program and Flexible Spending Accounts)
 - Stop Loss insurance for individual and aggregate claim limits as a self-funded plan
- Cigna has served as a value adding partner in the City's mission to deliver high quality benefits to employees since 2013
- The City has consistently renewed with Cigna due to the overall value and stability of their product
- ASO & SL marketed in 2021 with assistance from our consultant partners at Lockton



ASO Renewal Key Points

- Projected overall +2% ASO fees (\$4,500)
- Pharmacy negotiations result in more competitive rebates (approx \$53,000 savings)
- Continued wellness funds
- FSA renewal for 24 months
- 6 additional EAP Employer hours (12 total)
- Eligibility extended to employee's domestic partners & dependents
- Ginger mental health care program



Plan Design

- Changes to Open Access HMO plan
 - Increase deductible
 - Increase Annual out-of-pocket maximum
- No change to HDHP

Benefit Highlights	Open Access HMO	High Deductible Health Plan	
Deductible	In Network Only	In Network	Out of Network
Individual/Family	\$500/\$1,000	\$1,500/\$3,000	\$3,000/\$6,000
Coinsurance	\$0	10%	30%
Out-of-Pocket Limit	In Network Only	In Network	Out of Network
Individual/Family	\$3,000/\$6,000	\$3,000/\$6,000	\$6,000/\$12,000
Lifetime Maximum	Unlimited		
Physician Services	In Network Only	In Network	Out of Network
Primary Care Office Visits	\$25	\$0	30% after deductible
Specialist Office Visits	\$40		
Well Child Care Office Visits	\$0		
Routine Adult Physical or Well Woman Exam	\$0		
Inpatient	\$400/admission after deductible	10% after deductible	
Outpatient Surgery	\$150 per visit after deductible	10% after deductible	
Emergency Services	Network Only	In Network	Out of Network
Emergency Room	\$300	10%	10%
Urgent Care Center	\$50	10%	30%
Convenience Care Clinic	\$25	\$0	30%
Telehealth	\$25	\$0	N/A
Prescription Drugs (30-Day Supply)	Network Only	In Network	Out of Network
Generic	\$10		N/A
Preferred Brand	\$35		
Non-Preferred Brand	\$65		
Mail Order - 90-day supply	2.5x copay		

Premium Rates & Cost Share

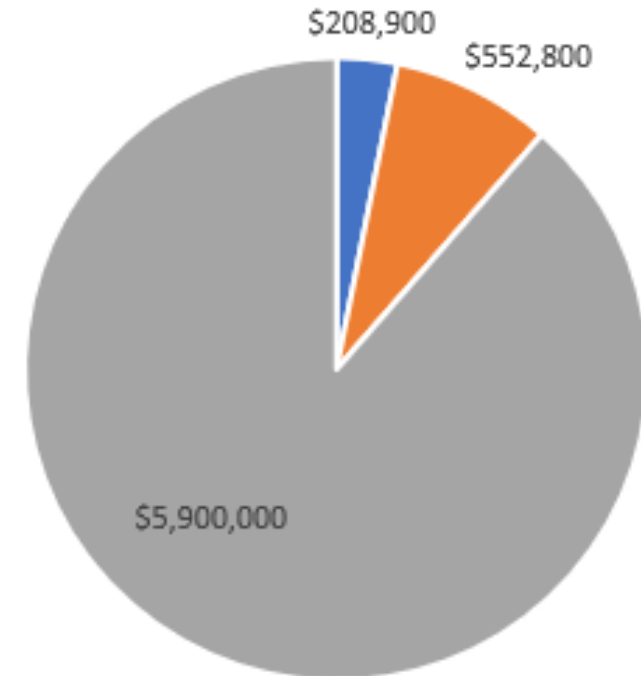
- No change to cost sharing formulas
- 7% increase to Open Access HMO tiers
- No change to HDHP tiers
- Continue \$500/\$1,000 HRA contributions to HDHP tiers
- Domestic partner rates same as rates for spouse/children, w/tax implications

	CURRENT				PY 2022					
	Current	ER Share	EE Share		Proposed	ER Share	EE Share		Total \$ Differ	EE \$ Differ
Open Access HMO:										
EE Only	\$661	\$580	\$81		\$707	\$620	\$87		\$46	\$6
EE + Spouse	\$1,693	\$1,263	\$430		\$1,812	\$1,352	\$460		\$119	\$30
EE + Children	\$1,468	\$1,095	\$373		\$1,571	\$1,172	\$399		\$103	\$26
Family	\$1,844	\$1,376	\$468		\$1,973	\$1,472	\$501		\$129	\$33
HDHP w/HRA:										
EE Only	\$608	\$562	\$46		\$608	\$562	\$46		\$0	\$0
EE + Spouse	\$1,558	\$1,246	\$312		\$1,558	\$1,246	\$312		\$0	\$0
EE + Children	\$1,351	\$1,080	\$270		\$1,351	\$1,080	\$270		\$0	\$0
Family	\$1,697	\$1,357	\$339		\$1,697	\$1,357	\$339		\$0	\$0

Stop Loss Key Points

- Current attachment point for individual stop loss is \$250,000
- Current renewal negotiated 13%
- Maintain current attachment point for future market hardening

Projected Plan Costs PY 2022



Administrative Costs	3%
Stop Loss Premiums	8%
Medical & Rx Claims	89%

Overall Renewal Summary

Cigna Medical/Pharmacy:

- Renew with overall 2%
- 3% escalator 2023

Cigna Stop Loss (ISL \$250,000):

- Negotiated to 13%
- Maintain current attachment point in case of future market hardening

Cigna EAP Services:

- 24-month renewal with 0% rate change
- Increasing Employer hours from 6-12 hours per year

Cigna FSA Admin:

- 24-month renewal with 0% rate change


Cigna Wellness Funds:

- Cigna provides \$75,000 towards approved benefit and wellness initiatives

Cigna Supplemental Vision:

- In 2nd year of 2-year agreement
- Cigna extended current rates an additional year, through 12/31/2023

Cigna Dental:

- In 2nd year of 2-year agreement
 - Cigna extended current rates an additional year, through 12/31/2023
- 



Questions?





Title - Presentation - Annual Building Department Report/Activity 510 ISO

Presentation by Chief Building Official George Folles

ATTACHMENTS:

Description	Upload Date	Type
PowerPoint Presentation	10/18/2021	Presentation
2021 Community Rating System Annual Progress Report Memo	10/20/2021	Cover Memo

Community Rating System

Annual Progress Report

Commission Workshop

October 25, 2021

Presented by: George Folles, Chief Building Official



CRS Annual Progress Report

- Tamarac has been a participant in the NFIP since 1992
- City's priority has been reducing the risk of flood in the Community
- In 2011, the City received a Class 6 in the CRS
 - Residents who live in the SFHA as determined by FEMA receive a 20% discount on their premium on their NFIP Flood Insurance policies
- In August 2014, new FIRM maps approved by FEMA for Broward County



CRS Annual Progress Report

Below is a chart of Flood Insurance policies in 2021

2021	Total	SFHA	X-STD	PRP
Policies in Force	6,255	4,839	88	1,328
Premium	\$1,992,576	\$1,407,917	\$54,035	\$530,624
Average Premium	\$319	\$291	\$614	\$400
Savings	\$357,983	\$351,979	\$6,004	\$0
Average Savings per Household	\$71	\$91	\$68	\$0



CRS Annual Progress Report

- Preventive Activities by Public Services Department
 - Waterway Maintenance and Inspections
 - Pump Stations Maintenance and Inspections
 - Storm Water & Catch Basins Maintenance & Inspections
 - Street Sweeping Program
 - Culvert Maintenance Cleaning Program



CRS Annual Progress Report

- Structural Projects by Public Services
- **Citywide Culvert and Headwall Improvements – Phase VI** - This project consists of the repair and/or the replacement of culverts and headwalls due to normal deterioration resulting from time and weather. This is an ongoing citywide program with a bi-annual budget of \$800,000. Currently, the City is working on the replacement of three (3) headwalls with a proposed budget of \$600,000.00
- **C-14 Canal Erosion Control Project** - This project includes the design and installation of an rip-rap bank stabilization along the C-14 Canal Bank, opposite the City's West and Central Storm Water Master Pump Stations. These improvements are necessary due to South Florida Water Management District's (SFWMD) concern over erosion occurring along the C-14 Canal Bank, opposite the City's West and Central Storm Water Master Pump Stations. The erosion is a result of the significant outfall flow at each pump station (design flow of 105,000 GPM at each station) pushing against the north canal bank of the C-14 Canal. The budget for this project is \$700,000.00.



CRS Annual Progress Report

- Outreach Projects by the Building Department
 - Flood Protection Brochure mailed bi-annually
 - Elevation Certificates information available online
 - Provide FIRM information
 - Communicate with Repetitive Loss Properties
 - Public Information to HOA meetings, City's Newsletters, Informational Brochures
 - Program for Public Information (PPI) Committee



Questions ?



City of Tamarac
Interoffice Memorandum
Building Department

To: Kathleen Gunn, Interim City Manager
From: George Folles, Chief Building Official / Director, CRS Coordinator
Date: October 14, 2021
Re: 2021 Community Rating System Annual Progress Report

Recommendation:

The CRS Planning Committee continues to implement the recommendations provided for in the Broward County Enhanced Local Mitigation Strategy (ELMS) that help reduce incidents in flooding and property damage. The Committee, which includes The Chief Building Official, the City Engineer, the Flood Plain Manager and staff, continues to identify areas of improvement in our flood plain management activities to maximize participation and credit through the Community Rating System.

Issue:

Resolution R-2010-29 of the City Commission adopted the Broward County ELMS (Enhanced Local Mitigation Strategy) which includes a Flood Hazard Mitigation element. The ELMS provides for annual review of participating municipalities by January 1st of each year. This memorandum supports Flood Hazard Mitigation element of that review. For continued credit under the Community Rating System, the City drafts a press release with the information contained in this memo. Copies of this report and the Broward County Enhanced Local Mitigation Strategy are available for review at the City Clerk's Office at 7525 NW 88 Avenue. A notice of its availability is also posted on the City of Tamarac website.

Background:

The ELMS was developed in 1997-1999 and adopted by the Broward County Board of County Commissioners in March 2000. It was last updated in 2018, which is current until 2023. The ELMS includes a detailed hazard identification and vulnerability analysis for a wide range of hazards including freshwater flooding.

The City of Tamarac's mitigation goals and objectives are consistent with the goals and objectives of the county's master plans, their codes and ordinances, as well as other endeavors that reflect the aspirations for the welfare, safety and quality of their citizens.

The City of Tamarac has been a participant in the NFIP (National Flood Insurance Program) since 1992. Since that time, the City has placed priority on reducing the risk of flood throughout the Community. Because of those efforts during the 5-year re-certification done in November of 2010, the City achieved a higher Classification of 6 from the Insurance Service Office (ISO).

In October of 2011, FEMA ratified the increase to a Class 6 in the National Flood Insurance Program, Community Rating System, qualifying the residents of the City of Tamarac to receive a 20% discount in the premium cost of flood insurance for NFIP policies issued or renewed in Special Flood Hazard Areas on or after October 1, 2011. By continuing to enforce the guidelines and regulations of the NFIP, the City has been able to maintain the Class 6 in the NFIP/CRS Program, allowing residents to continue receiving the 20% discount in their flood insurance premium.

On August 18, 2014, the new FIRM (Flood Insurance Rate Maps) became effective in Broward County including the City of Tamarac, removing over 50% of the properties in the City from the SFHA (Special Flood Hazard Areas) and placing some properties that were originally not in the SFHA, to be included in the SFHA after August 18th. A property that is no longer in the SFHA is not required to have Flood Insurance, but it is always recommended to have a low-cost flood insurance policy known as a Preferred Risk Policy. It is always recommended to check with the lender and insurance agent on their requirements.

In 2017, FEMA started a Coastal Flood Risk Study in South Florida that included Palm Beach, Broward, Miami-Dade and Monroe County. The purpose of this study was to update the current surge analysis that dated back to 1988. Today's study is better defined through more advanced modeling methods, updated elevation data, updated coastal hazard methodologies and improvement in Geographic Information System (GIS) technologies for mapping. During the study, 392 storms were analyzed, and field data collected related to new topographic features, coastal structures, vegetation & land use cover, building density and GIS-based Data Capture.

On December 31, 2019, the Broward County FIRM which included a new FIRM index panel, updated FIRM panels for each community, updated Flood Insurance Study report (FIS), a Preliminary Summary of Map Actions (SOMA) and Digital Data were completed and sent to each community for review and comments. Open Houses were held in February 2020 in Pembroke Pines, Pompano Beach and Hollywood; these Open Houses are part of the 90-day appeal process that FEMA allows residents in Broward to inquire and/or propose changes to the proposed FIRM maps.

In October 2020, FEMA notified the city of a new FIRM panel / LOMR (Flood Insurance Rate Map / Letter of Map Revision) that was revised and the city sent notification letters in January 2021 to all 154 property owners of the changes to be effective March 1, 2021. In addition, the city offered an online virtual meeting on February 1, 2021 for residents to discuss these changes.

Staff from the City of Tamarac Building Department were present at the Open Houses in Pembroke Pines and Pompano Beach to assist any residents with inquiries related to the new FIRM maps. Changes in the proposed FIRM maps are mostly related to the coastal communities, the City of Tamarac has no significant changes that will impact our Flood Insurance Program nor our residents.

Once the appeal process is completed, FEMA will resolve all the appeals and finalize the FIRM maps, once the maps are completed, FEMA will issue a Letter of Final Determination. After the Letter of Final Determination is issued, there is a 6-month compliance period at which time the New FIRM maps will take effect.

The chart below shows the total Flood Insurance Policies and Preferred Risk Policies in force, total premium paid in each of the Flood Zones, and the average premium paid for each of the policies in force for 2019. **Please note that no changes took place in policies between 2018 and 2019.**

Flood Insurance Information-Tamarac is Currently a CRS Class 6

	Total	SFHA	X-STD	PRP
Policies in Force	6,255	4,839	88	1,328
Premium	\$1,992,576	\$1,407,917	\$54,035	\$530,624
Average Premium	\$319	\$291	\$614	\$400
Average Savings per Policy	\$71	\$91	\$68	\$0

The City received their re-certification site visit on June 22, 2016 by the ISO/CRS Specialist. During the site visit, the Chief Building Official/Flood Plain Manager and staff, provided documentation on all the programs and outreach that the City has performed since the last re-certification site visit in 2010. In April 2, 2018, the City received the re-certification approval from ISO, ratifying the City to continue as a Class 6 Community in the NFIP and the CRS Program. Presently the City is working on the 2021 re-certification.

As part of the requirements of the new 2017 CRS Coordinator's Manual, the City of Tamarac established in 2015 a Program for Public Information Committee (PPI) that is comprised of both key staff members from pertinent departments as well as community stakeholders representing pertinent professions and constituents in the City of Tamarac. The purpose of this committee is to research data and demographics of the Special Flood Hazard Areas (SFHA), compile a list of current flood related outreach, review data and established target audiences, review current outreach projects and PPI proposed projects, review resources, create an action plan, and review effectiveness and new opportunities annually.

City of Tamarac Community Rating System Annual Progress Report

The Broward County Enhanced Local Mitigation Strategy (ELMS) serves as the Flood Plain Management plan for the City of Tamarac for the Community Rating System (CRS) Activity 510. One of the requirements to maintain credit for this activity is the preparation and distribution of an annual progress report. This document serves as that progress report. It is prepared by the City of Tamarac Chief Building Official/CRS Coordinator and Planning Committee and will continue to be prepared on an annual basis. It is submitted to our governing body, the Tamarac City Commission, and is available on our website for public review. Please see www.tamarac.org A copy of the press release is also distributed to the local major newspaper, the Sun Sentinel, and the Sawgrass Sun.

The following is a review of the progress:

Preventive Activities

City Staff continues to maintain and develop enhancements to the City's storm water management program. The integrity of the City's storm water management system is continually preserved through the execution of an aggressive storm water maintenance program and implementation of the City's Municipal Separate Storm Sewer System – National Pollution Discharge and Elimination System (MS4 – NPDES) Permit. The storm water maintenance program includes, but is not limited to, the following:

- ***Waterway inspections and maintenance*** – The City has approximately 533 acres of open waterways as part of the overall drainage system. The open waterways are periodically inspected for excessive surface water pollution and treated for excessive aquatic growth. Aquatic growth management includes controlled chemical spraying and mechanical harvesting.
- ***Pump Station inspections and maintenance*** – Since the adoption of the LMS, Tamarac has completed the replacement of all three (3) of the City's storm water pump stations at a cost of \$4,800,000. These stations are periodically inspected and maintained as necessary.
- ***Storm water pipe and catch basin inspection and maintenance*** – The City owns and operates approximately 82 miles of drainage pipes and 4,669 catch basins as part of the overall drainage system. Both pipes and catch basins are periodically inspected, cleaned, and/or repaired as necessary.
- ***Street Sweeping Program*** – The City owns and maintains approximately 137 miles of paved roadways throughout the City. The City's Street Sweeping Program includes daily mechanical sweeping of eligible roadways.
- ***Culvert Maintenance Cleaning Program*** – Annual cleaning, inspection, and maintenance of City Culverts will remove impediments affecting the flow of water through our storm water system, prevent the build-up of excess sediment, and will assist in identifying areas that may need additional repairs and maintenance to prevent more costly and complex repairs in the future.

Structural Projects and Storm Water Studies

Current ongoing or recently completed Storm Water System Capital Improvement Projects/Studies include:

- **Citywide Culvert and Headwall Improvements – Phase VI**-This project consists of the repair and/or the replacement of culverts and headwalls due to normal deterioration resulting from time and weather. This is an ongoing citywide program with a bi-annual budget of \$800,000. Currently, the City is working on the replacement of three (3) headwalls with a proposed budget of \$600,000.00
- **C-14 Canal Erosion Control Project** – This project includes the design and installation of a rip-rap bank stabilization along the C-14 Canal Bank, opposite the City's West and Central Storm Water Master Pump Stations. These improvements are necessary due to South Florida Water Management District's (SFWMD) concern over erosion occurring along the C-14 Canal Bank, opposite the City's West and Central Storm Water Master Pump Stations. The erosion is a result of the significant outfall flow at each pump station (design flow of 105,000 GPM at each station) pushing against the north canal bank of the C-14 Canal. The budget for this project is \$700,000.00.

Floodplain Protection Activities

The City continues to work with Broward County through their bond program to acquire conservation land and green space sites. Below is an inventory of the Conservation Land and Green Space that is being preserved by the City of Tamarac.

Conservation Land and Green Space Sites	Area in Acres
City Parks (Open Space)	
Mainlands Park	23
Sabal Palm Park	9
Tamarac Sports Complex	35.70
Tamarac Park	10.4
Tephord Park	16
Caporella Park	9.29
Cummings Property	1.71
Southgate Boulevard Linear Park	48.20
Veterans Park	6.30
Dog Park	9.29

Tamarac Commons Park	1.02
Tamarac Community Center	6.10
Caporella Aquatic Complex and Fitness Center	5.00
University Landings	2.00
Water's Edge Park	5.97
Woodlands Open Space	113.93
Tamarac Multipurpose Center and Recreation Building	10.39
Reclamation Park	1.37
Golf Courses	
Colony West (City)	177
City Canals & Waterways <10 Acres	238
TOTAL - OPEN SPACE	729.67
Natural Function (Wetlands) NFOS	
Plum Bay (private)	3.27
Tamarac Business Park (Private)	3.96
Natural Function (Conservation Area) NFOS	
Sawgrass Conservation Area (City)	32.12
Woodmont Natural Preserve (Broward County)	20.80
Woodmont Environmentally Sensitive Lands	2.10
SUBTOTAL – NFOS	62.25 Acres
Natural Function (wetlands) Deed Restricted NFOS-DR	
City Furniture (Private)	17.5
Public Services (City)	1.48
Sunset Pointe Park (City)	8.50
Westpointe Centre (Private)	14.6

Prospect Wildlife Area	7.81
Natural Function (Conservation Area)Deed Restricted NFOS-DR	
Westpointe Conservative Area (Private)	12.21
SUBTOTAL - NFOS-DR	62.1 Acres
TOTAL OS, NFOS & NFOS-DR	854.02 Acres
TOTAL SFHA	3,297 Acres

Outreach Projects

The City of Tamarac actively pursues various methods to engage our citizens and businesses about flood hazards, flood prevention and flood insurance. The Tamarac Outreach program includes, but is not limited to, the following:

- ***Flood Protection Brochure***

The foremost outreach project is the mailing of our Flood Protection Brochure, it is inserted in the City's Newsmagazine, (Tam-A-Gram) in the spring issue each year. This newsmagazine reaches all residents and businesses within the City of Tamarac. In addition, during fall of each year, the Flood Protection Brochure is mailed directly to the 29 properties that surround the 4 repetitive loss properties in the City.

This brochure covers topics such as; Local Flood Hazards, Flood Safety, Flood Insurance, Property Protection Measures, Natural Functions of the Floodplain, our Flood Warning System, Floodplain Development Permitting Procedures, Description and Substantial Improvement Requirements, Drainage System Maintenance and a Map of Tamarac's Floodplain. This brochure is also displayed and available at the Building Department, City Hall, the City Clerk's office, and the Tamarac branch of the Broward County Library. New residents receive the Brochure and other outreach flyers in their welcoming package.

- ***Elevation Certificates***

The City's Building Department maintains all elevation certificates for new and substantially improved buildings. Copies of those elevation certificates when available are made available to the public upon request and are also available on the City's website in the Flood Protection page by searching with the property address.

- ***Map Information Service***

The City's Building Department provides inquirers with flood zone information in a letter of map determination from the latest Flood Insurance Rate Map (FIRM). We publish this service bi-annually to all City of Tamarac residents and business owners, as well as maintain records of all the requests.

- ***Repetitive Loss properties***

The City of Tamarac to date has 4 repetitive loss properties. We continue to send on an annual basis, informational letters and materials to all properties surrounding the repetitive loss areas related to Flood Protection Methods, Community Assistance and ways of preventing future flood damages to their properties.

- ***Public Information –***

- The City's Building Department staff educates homeowners and business owners on the NFIP and Flood Protection at neighborhood and association meetings by providing a presentation followed by question and answer period.
- During the City of Tamarac's Hurricane Awareness Expo held in April/May of each year, we provide information and the Flood Protection Brochure for the citizens and attendees.
- Tamarac has floodplain information on our website. It includes a pdf file of our flood protection brochure and multiple links to county and federal websites; it also includes a link to Broward County GIS which will automatically provide the special flood hazard designation, base flood elevation, and other flood related data for individual addresses.
- Multiple stories are written every year on flood insurance and hurricane protection in the Tam-A-Gram, the City's quarterly newsletter that is delivered to every household in the City.
- Tamarac takes part in FEMA's coastal Risk Mapping, Assessment and Planning (Risk MAP) project to assist community efforts to identify, assess, and reduce their flood risk.
- In March of 2015, Tamarac developed a Program for Public Information (PPI) committee, tailored to the community's needs for outreach about flood hazards and floodplain resources. The committee is made up of four City Employees, The Chief Building Official, Flood Plain Manager, the Assistant Building Official, the Housing Program Manager and twelve Community Leaders who are representative of the Chamber of Commerce, Crisis Housing Solutions, Habitat for Humanity, Broward Sheriff's Office, Local Realtors, Local Insurance Agents, Bank Administrator, Fair Housing Center, Broward County Housing Authority and a local Developer/Builder. Meetings are scheduled quarterly to open channels of communication for current and potential ideas to create a plan for Public Outreach and Awareness.

The City of Tamarac continually seeks new ways to deploy the information to our floodplain stakeholders. In addition, the City of Tamarac is committed in continuing the promotion of a comprehensive mitigation program to minimize the impact of natural, technological and societal hazards by increasing public awareness, documenting the resources for risk reduction and, identifying activities that will guide the City toward building a safer community.

Fiscal Impact

n/a



Title - Presentation - City Commission Initiatives and PIO Support

Presentation by the City Manager's Office and the Public Information Office

ATTACHMENTS:

Description	Upload Date	Type
Presentation	10/21/2021	Presentation
Digital Marketing Support	10/21/2021	Backup Material
Initiatives and Events Policy	10/21/2021	Backup Material

City Commission Initiatives Policy

October 25, 2021



Objective



- Clear and timely communication to ensure successful initiative implementation



- Simple and comprehensive forms to assist with providing staff proper direction and expectations



- Ensure accurate monitoring of expenditure of funds



Initiatives Defined

- Activities initiated, organized or facilitated by members of the City Commission
 - Include partnerships with third party-organizations
 - Include initiatives that require the usage of City staff time or resources, even if outside of City facilities
 - Other public purpose efforts to facilitate community engagement and communication



Examples

Events and Meetings

Special events * Reception * Special presentations * Panels * Roundtables * Trade-show style events * Sports and fitness and other events * Meetings or gatherings

Other activities that serve a public purpose

E.g. Essential item or food giveaways

Individual commission member communications with the public

Press releases * Flyers * Ads * Signs * Banners * Mailings * Photos and videos

Incidental City Commission expenditures

Lunch or coffee with a constituent * Orders of official shirts with a City logo



Steps to successful initiatives

1

- Initiative funds allocated in the City's adopted annual budget

2

- Advise staff and colleagues of your initiatives for the next quarter at a Commission workshop

3

- Gather vendor and partner information, if any

4

- Submit Initiative/Resource Request Application and the list of vendors/partners to City Manager's Office

5

- Staff coordinates implementation, liaison completes assignments, ongoing communication between staff and you

6

- Event implementation and expense tracking

7

- Submit reimbursement requests
- 

Forms for successful communication



- Provide staff with detailed expectations
 - Cover everything **prior**, **during** and **after** the initiative
 - Set-up, resources (e.g. facilities, equipment, marketing, staff assistance, BSO detail, parking reservations), refreshments, budget, vendor insurance certificates, risk waivers

Exhibit D: RISK MANAGEMENT GUIDELINES FOR COMMISSIONER EVENTS

Please fill out required information as applicable. If partner and vendor information changes, please review this document and resend to risk management.

Risk Management Contact: kathys@tamarac.org and mildredv@tamarac.org

VENDOR LIST				
VENDOR NAME	CONTACT PERSON	CONTACT #	CONTACT EMAIL	SERVICES PROVIDING?

PARTNER LIST					TAX EXEMPT ID #
PARTNER ORGANIZATION	CONTACT PERSON	CONTACT #	CONTACT EMAIL	SERVICES PROVIDING/CONTRIBUTION TO EVENT	<i>If Applicable</i>

Exhibit B



CITY COMMISSION INITIATIVE/RESOURCE REQUEST APPLICATION To be submitted at least 120 days before the event

APPLICANT INFORMATION:			
Today's Date		Sponsoring Commissioner	
Event Contact Details			
Name:		Number:	Email:
GENERAL INFORMATION:			
Name of Initiative, Event, Meeting			

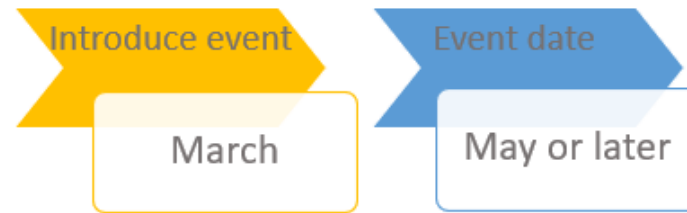
Forms and most steps do not apply to...

- One-time expenditures made by individual Commissioners, e.g. lunch with a resident, press release, mailers
 - Detailed receipts/invoices and completed reimbursement certification form are needed
- *Taxes paid are not reimbursable



Timeframes for successful initiatives

- During the City Commission meeting bring up any initiatives you'd like to see implemented in the upcoming quarter (or beyond)



- Submit City Commission Initiative/Resource Request Application and Vendor/Partner List:

Minimum 120 days in advance

- Most initiatives
Events, forums, panels, roundtables...

Minimum 45 days in advance

- Facility usage request alone

Minimum 30 days in advance

- Simple initiatives
Meetings, virtual panels

- Submit reimbursement requests within 30 days from the date of expenditure

Initiative expenses

- To ensure proper allocation of funds, all initiative associated expenses will be charged to the requesting Commission Member's initiative account, including:
 - Staff overtime*
 - Refreshments
 - Supplies
 - Facility rental fees (for non-City facilities only or Colony West; every effort must be made to utilize City facilities, partnerships with HOAs and non-profits for free usage of event/meeting space)
 - Expert/speaker fees
 - Furniture or equipment rental
 - Permits
 - BSO detail
 - Marketing (graphic design, printing, video, signs, banners and other marketing efforts)
 - Any other expenditures associated with the initiative

** City staff cannot be asked to volunteer their time*



Comments?
Questions?



Mayor & Commission's Initiatives

Public Information Office Support



POINTS OF DISCUSSION

- Objective(s)
- Overview of PIO Duties
- Evolving Range of Commission Initiatives
- Anticipated PIO Support Needs
- Strategic Planning to Meet Anticipated Needs
- Dialogue With the Commission About PIO Support Needs





OBJECTIVE

The objective of today's discussion is to assess the Tamarac City Commission's PIO support needs related to external outreach, marketing and promotion of FY 2022 Commission Initiatives.



PIO Duties: Citywide Support

CodeRED (During Emergencies Only)

- Gather information for the CodeRED message
- Write phone scripts
- Write the text alert verbiage message
- Provide the script and text message for review
- Make any edits
- Record the read
- Map the location to where we want the message to be received
- Launch the message

Copywriting (Daily)

- Writing is one of the primary functions of the Public Information Office across various mediums.
- Requires scheduling times to interview subject matter experts during the information gathering process.
- Several rounds of internal proof reading
- Fact-checking information, statistics and other details through various forms of research and follow-up discussions with subject matter experts.
- Editing
- Tasks include press releases, web copy, newsletters, eblasts, social media posts, Tamagram articles, scripts, talking points.

Tam-A-Gram (Daily Tasks – Printed Bi-Monthly)

- Creating an editorial calendar
- Brainstorming story ideas
- Assigning stories among our department
- Scheduling interviews with subject matter experts
- Writing and fact-checking stories
- Multiple rounds of internal & external story proofing and editing (often 10+ total)
- Subject matter expert story proofing and editing requests
- Make the edits
- Administrative coordination with design, mailing/printing vendors.
- Organize the stories and photos to send to the designer
- Approving the magazine to be printed
- Arrange ADA compliant formatting for web posting.

Social Media (Daily)

- **Posting**
 - Gather the content
 - Write text formatted to fit respective site
 - Insert appropriate image to accompany text
 - Set a date to share the post
 - Proof internally and make necessary edits
 - Post to Facebook, IG, Twitter & Nextdoor
- **Monitoring Social Media Accounts**
 - Review our social media accounts daily to check for comments & answer questions
 - Verify that comments comply with City's social media policy
 - Report reoccurring topics of discussion to department heads
- **Organically Growing Our following**
 - A few times a week, we scroll through our posts and invite Facebook users who reacted to post posts to "like" our page.

Internal Graphic Design (Weekly)

- Conceptualize the requested design layout
- Prepare text being included in the design
- Proof the content/ design internally and with the requesting department
- Create the design using appropriate digital platform
- Make recommended edits
- Publish/ distribute the design on the appropriate platforms
- Coordinating professional printing services when necessary

Electronic Marquees (Several Times Monthly)

- Gather details from requesting party
- Abbreviate content to fit screen specs
- Input the content onto frames
- Test the timing of the frames
- Upload the signs to the marquees
- Walk outside to evaluate sign's look and readability
- Repeat these steps for seven signs

E-Blasts (Several Times Monthly)

- Receive requests from various departments
- Type/describe the content from the flyer to allow the eblast to be ADA compliant (ALT text)
- Crop the flyer into multiple sections for better viewing when sent via Civic Send
- Send the test email
- Proof the test email and confirm it's ADA compliant
- Make any necessary edits
- Deploy eblast

Website (Several Times Monthly)

- We regularly work on the City's website for our department, as well as others. These edits include posting new flashes, creating new pages, edited existing pages and reviewing website analytics.

Filming (Monthly With Ongoing Prep Work Prior to Filming)

- Schedule a time to record
- Research necessary content for writing scripts
- Setup/breakdown of camera and other gear
- Capture footage
- Non-linear editing of raw footage using Adobe Premiere
- Rendering the and sending the video for appropriate review
- Make recommended edits
- Publishing final video on necessary platforms

Tam-A-Gram Extra (Monthly With Several Days of Prep Work)

- Develop Content List
- Writing content
- Gather images or create graphics for each topic
- Proof the copy
- Conduct internal review and editing
- Input the information into Constant Contact
- Create alt text needed for ADA compliance
- Deploy the eblast
- Repeats every month

PIO SUPPORT: Current Scope of Service

Current Digital Marketing Service Contract expires on November 30, 2021.

Current Services Include

- Monthly Event Videos
- Commission Corner Videos (Five Annually)
- Event Recap Videos (2 Annually)
- Annual State of the City/ Highlights Video Production
- Social Media
- Digital Press Release Support
- ADA Compliance Work

Misc. Support

- Graphic Design
- Radio Ad Production
- General Photography
- Special Event Photography
- Additional Video Projects



Annual Video Production

State of the City and Annual Highlights
Available at www.Tamarac.org.



Event Recap Video

20th Anniversary of 9/11 Wreath Laying Ceremony & Honk For A Hero Drive-Thru Celebration



2021 State of the City Address



We Are Tamarac



TAM-A-GRAM

Archived Tam-A-Gram issues available at www.Tamarac.org are formatted for ADA accessibility.

PIO SUPPORT: Anticipated Services

Evolution of Needs

- ADA Written Content Compliance
- Audio Engineering
- Cloud Storage of all raw content
- Content Development (Social Media)
- Content Development (Web)
- Copy Editing
- Copywriting
- Digital Marketing Staff Training
- Graphic Design
- Media Relations/ Press Release Distribution
- Media Buying
- Media Planning
- Photography
- Photo Editing
- Radio Ad Production
- Script Writing
- Search Engine Marketing
- Search Engine Optimization
- Social Media Management
- TV Ad Production
- Video Editing
- Video Production
- Videography Services
- Voiceover Production
- Website Maintenance



PIO Support: Strategic Planning of Initiative Outreach

Strategic Planning Questions

- Can the desired service be completed internally?
- Is external support needed?
- How many staff members and staff hours are needed?
- What pre-planning steps are needed?
- When should pre-planning begin?
- What specific PIO services are needed?

Strategic Planning Benefits

- Scheduling
- Prioritization of duties
- Fluid creative process



PIO Support: Commission Member Digital Marketing Needs

What other Public Information Office needs to you anticipate for your district in FY 2022?

???





Thank You





City of Tamarac, Florida Administrative Policy

Title: City Commission Initiative Policy	Origination Date: TBD, 2021 Revised: N/A Next Scheduled Review: TBD, 2026
Originating Department: Mayor and Commission Office	Supersedes: All previous and existing memos or administrative policies in conflict
Policy Number: 21-01 Effective Date: TBD, 2021	Page <u>1</u> of <u>12</u>

I. Purpose:

To establish a policy and uniform procedures for effective funding and management of the initiatives, organized initiated, or facilitated by members of the City Commission, including initiatives implemented in partnership with third party organizations. This policy provides guidelines and methods to consistently and responsibly pay for and implement initiatives in accordance with the City's adopted annual budget.

This policy does not apply to the private rental of City facilities.

II. Definitions:

1. For the purposes of this policy, term "initiative" refers to any activity, communication, event or meeting, or other expenditure initiated, organized or facilitated by a member of the City Commission to foster community engagement and communications that requires the usage of City resources, serves a public purpose and is carried out in the Commission member official capacity. Initiative examples include, but are not limited to the following:

- Special events, receptions, special presentations, panels, roundtables, trade-show style events, sports and fitness and other events, meetings or gatherings;
- Press releases, flyers, ads, signs, banners, mailings, photos, videos or other individual commission member communications with the public;
- Incidental City Commission expenditures, such as lunch or coffee with a constituent, orders of official shirts with a City logo;
- Other activities that serve a public purpose, such as the essential item and/or food giveaways

2. Initiatives covered by this policy also include any Commission member initiatives organized in partnerships with other governmental entities or non-profit organizations requests from the City Commission for the City room, facility or other resource or asset usage on behalf of the third-party organizations (even if Commission members do not plan to be present at the meeting or event) and meetings or events at the third-party facilities that require staff engagement and City resources outside of the regular City course of business.

3. City resources include but are not limited to the usage of City funds, rooms, facilities, parks, staff assistance, equipment, marketing and promotion materials and efforts or other City assets.

III. Policy:

1. It is the policy of the City Commission of the City of Tamarac that all City initiatives that require the use of City resources, including but not limited to the use of City facilities and/or staff, shall be planned for, budgeted for and approved during the City's Annual Budget process.

2. Commission initiative account expenditures shall not exceed the amounts allocated in the appropriate Fiscal Year budget and shall comply with all applicable State of Florida regulations and the City's Code provisions. Pursuant to Florida Statutes Section 112.313 (6), City funds shall not be used to provide or support any type of political campaign activities or election efforts. Goods and services for initiatives shall be procured by the members of the City Commission pursuant to the appropriate City Code provisions as may be amended from time to time. Expenditures made by the members of the City Commission shall be reimbursed by the City in accordance with the established accounting practices. Goods and/or services must be received prior to September 30 of the year to qualify for reimbursement or be charged to the current Fiscal Year.

3. All requests for resource usage, staff assistance or participation in initiatives shall be routed through the City Manager's Office. Staff shall not volunteer their time for initiatives.

IV. Procedures:

Any member of City Commission who wishes to implement an initiative shall follow the initiative procedure outlined herein and summarized in the attached Exhibit "A":

1. Plan for and propose initiatives, events and meetings for the City Commission approval during the annual budget process to determine estimated budget amounts. Estimated amounts will be established through an allocation in the City Commission Budget for such initiatives.
2. The following steps shall be followed to ensure timely, efficient and effective initiative implementation:
 - 2.1 Every month, staff will add an agenda item on the City Commission workshop agenda for the discussion of the upcoming Commission initiatives. Any member of the City Commission, shall present initiatives expected to be implemented in the upcoming quarter at this time. The goal is to provide a public forum enabling Commission members to

Title: **COMMISSION INITIATIVE POLICY**

Policy Number: **21-01**

communicate about the potentially competing initiatives, pool resources where appropriate, raise initiative awareness and support and promote the initiatives.

- 2.2 Following the Commission discussion, the initiative sponsor shall submit the completed "Commission Event and Resource Usage Request Application" (attached hereto as Exhibit B; referred to as "Application" from hereon) to the City Manager's Office. It is the responsibility of the submitting member to provide the accurate and complete list of initiative expectations, including the set-up plan. If the initiative involves partnership with a third-party organization, it is also the responsibility of the sponsoring Commission member to gather and include the appropriate partner information.
- 2.3 Deadlines for the Application submission shall be established as follows:
 - 2.3.1 Minimum of 120 days before the expected implementation date for most events. This will ensure proper planning, execution and promotion of initiatives.
 - 2.3.2 Minimum of 45 days for facility usage requests.
 - 2.3.3 Minimum of 30 days for simple initiatives, such as meetings or virtual panels.
- 2.4 The City Manager's Office will forward the Application to the Parks and Recreation Department that will engage the appropriate departments in the application review to determine the cost and logistics, coordinate the necessary follow up communications, keeping the City Manager's Office and the sponsoring Commission member updated. The City Manager's Office will forward the Risk Management Guidelines to Risk Management Division to identify and coordinate with the sponsoring Commission member the appropriate insurance and risk waiver requirements.
- 2.5 Collaboration and timely communication between the initiative sponsor and City staff is of the utmost importance. The sponsoring Commission member shall communicate expectations and respond to all staff's requests for clarification and direction in a timely manner. Staff shall request clarification, share updates and recommend alternatives to solve any encountered issues, as needed to ensure successful implementation. The sponsoring Commission member's community engagement liaison or legislative aide shall participate in the initiative planning meetings, as requested by staff, and complete all actions assigned by the agreed upon deadlines, including securing business sponsors where possible.
- 2.6 Staff overtime cost shall be factored into the initiative costs and shall not

Title: **COMMISSION INITIATIVE POLICY**

Policy Number: **21-01**

exceed the amount budgeted for this purpose in the appropriate Fiscal Year budget. Parks and Recreation Department shall estimate the initiative cost and request the initiative account and the overtime account balances to determine whether sufficient resources exist to proceed with the initiative as requested by the sponsor. Strategies to reduce the initiative's scope, cost and required staff time shall be discussed with the sponsoring Commission member, in the event that available resources are insufficient.

- 2.7 All expenses related to the initiative implementation shall be charged to the sponsoring Commission member initiative account to ensure proper allocation of funds, including but not limited to the following:
- Staff overtime
 - Refreshments
 - Supplies
 - Facility rental fees (for non-City facilities only or Colony West; every effort must be made to utilize City public facilities, partnerships with HOAs and non-profits for free usage of event/meeting space)
 - Expert/speaker fees
 - Furniture or equipment rental
 - Permits
 - BSO detail
 - Marketing (graphic design, photos, signs, banners, video, printing and other marketing efforts)
 - Any other expenditures associated with the initiative.

Staff shall utilize the Detailed Commission Initiative Budget Form, attached hereto as Exhibit C, to record all initiative-related expenses, including overtime costs and keep proper backup.

- 2.8 For goods and services procured by the sponsoring elected official, the sponsoring Commission member shall submit reimbursement forms, attesting that the expenditures were made for a public purpose and while carrying out the official responsibilities. Proper documentation, including detailed invoices and proof of payment, shall be submitted with the reimbursement form within 30 days from the date of the expenditure. The amount of tax paid will not be reimbursed.
- 2.9 Sponsoring elected official shall work with the Risk Management division prior to signing any agreement with the vendor and/or partner to ensure that proper insurance provisions are incorporated into the agreement and that the vendor and/or partner provides the required insurance documentation to the City in advance of the event. Risk Management Guidelines for Commissioner Events Form (attached hereto as Exhibit D) shall be utilized to provide necessary information to Risk Management. It shall be submitted to the City Manager's Office along with the Application in accordance with

Title: **COMMISSION INITIATIVE POLICY**

Policy Number: **21-01**

the deadlines established in Section 2.3.

3. Sections IV. 2.1-2.6 do not apply to one-time purchase (e.g. lunch with constituent, press release, mailer, City shirt purchases, donations) reimbursement requests that are not associated with events, meetings or other initiative activities.

Approved: _____

Kathleen Gunn
Interim City Manager

Date

I certify that I have received, read in its entirety including the Exhibits, understand, and will comply with the provisions of this City Commission of the City of Tamarac policy:

City Commission Event and Meeting Policy #21-01

Elected Official Name

Title

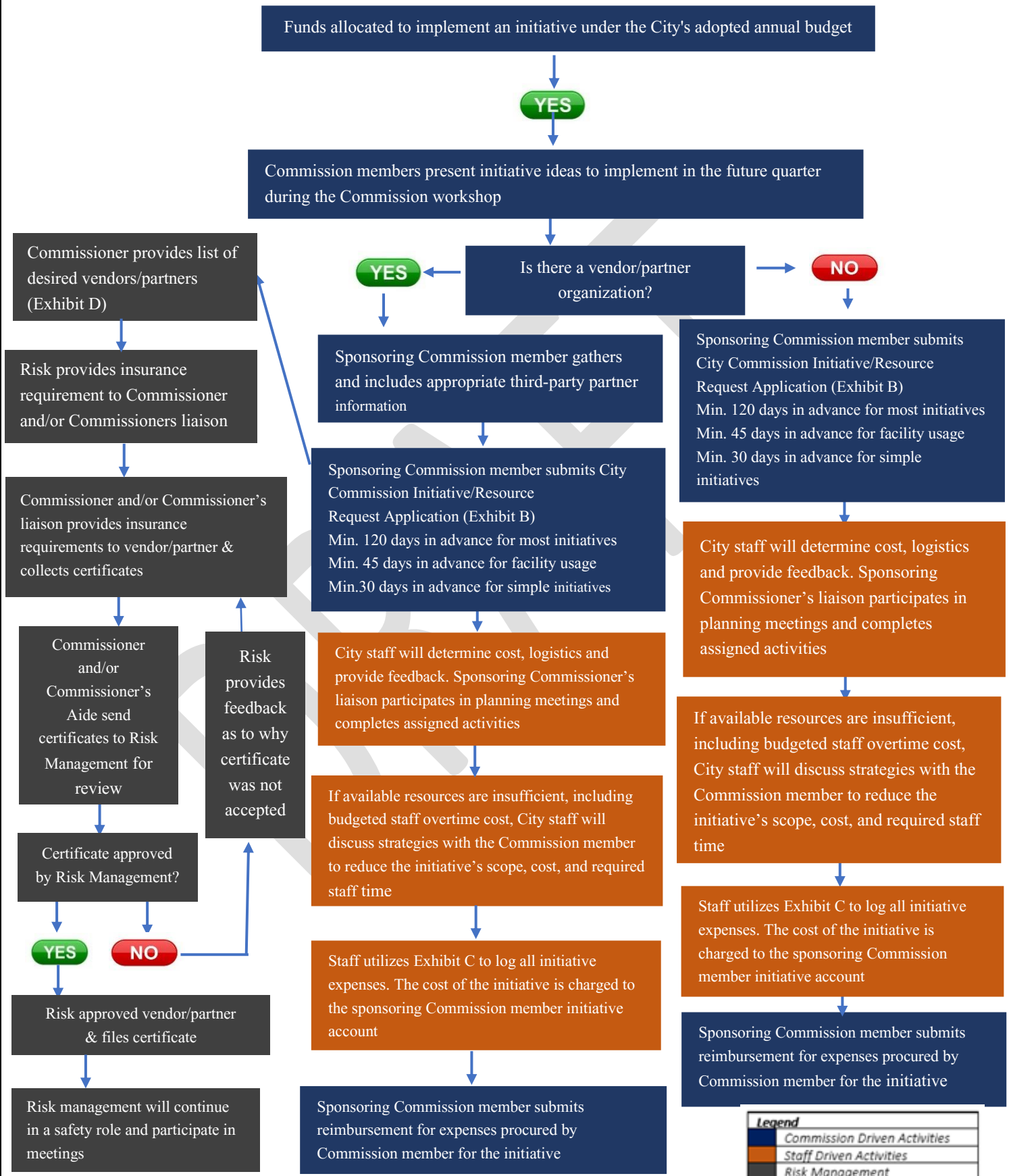
Signature

Mayor and Commission Office
Department

Date

Title: **COMMISSION INITIATIVE POLICY**
Policy Number: **21-01**

Exhibit A: COMMISSION INITIATIVE/RESOURCE REQUEST PROCESS FLOW CHART



Title: **COMMISSION INITIATIVE POLICY**
Policy Number: **21-01**



**CITY COMMISSION
INITIATIVE/RESOURCE REQUEST APPLICATION**
To be submitted at least 120 days before the event

Exhibit B

APPLICANT INFORMATION:

Today's Date		Sponsoring Commissioner	
Event Contact Details			
Name:		Number:	Email:

GENERAL INFORMATION:

Name of Initiative, Event, Meeting			
Vendor(s) <input type="checkbox"/> YES <input type="checkbox"/> NO <small>If yes: Attach Risk Management Guidelines for Commissioner Events Form and collect Risk Management waivers if applicable.</small>	Partner Organization(s) <input type="checkbox"/> YES <input type="checkbox"/> NO <small>If yes: Attach Risk Management Guidelines for Commissioner Events Form and collect Risk Management waivers if applicable.</small>	Food Truck <input type="checkbox"/> YES <input type="checkbox"/> NO <small>Note: Food trucks require an inspection by Fire Rescue</small>	
Preferred Dates for Initiative (List 3)			
Initiative Event/ Description:			
Participation Fee for Vendors/Partners <small>(Only for initiatives requiring vendor/partner fees)</small>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, fee amount \$ _____		
Requested Location, Room/Facility: <small>Crowds larger than 250 need a certified crowd manager</small>	Estimated Attendance/Capacity		
Budget Information			
Estimated Cost: <small>Please attach budget</small>	Account Number(s)		
Requested Staff and Resources - Prior to activity, event, meeting			
Set up <input type="checkbox"/> YES <input type="checkbox"/> NO <small>If yes, attach a detailed set up plan layout drawing</small>	Flyer Design <input type="checkbox"/> YES <input type="checkbox"/> NO <small>(If yes, select who will design the flyer)</small> <input type="checkbox"/> Liaison Design <input type="checkbox"/> Contract Vendor <input type="checkbox"/> Other _____		
Promotion <small>(Check all that apply)</small>			
<input type="checkbox"/> Social media <input type="checkbox"/> Include in monthly event video <input type="checkbox"/> TamAgram <input type="checkbox"/> Email (provide addresses) <input type="checkbox"/> Press Release <input type="checkbox"/> Print flyers (# _____) <input type="checkbox"/> Sign/Banner (#, locations) _____ <input type="checkbox"/> Other _____			
Coordination <small>(Liaison will schedule meetings and keep agenda's and action registers)</small>			
Additional assistance needed from other staff: <input type="checkbox"/> YES <input type="checkbox"/> NO <small>If yes, specify expectations:</small>			
Food/Refreshments	<input type="checkbox"/> YES <input type="checkbox"/> NO <small>(If yes, list type and amounts)</small>		
Other Requested Staff and Resources - Prior to activity, event, meeting (List)			

Title: **COMMISSION INITIATIVE POLICY**

Policy Number: **21-01**

Requested Staff & Resources – During the activity, event, meeting

Staff (Check all that apply)

- ☐ IT personnel support ☐ Road closures ☐ Fire Dept. presence ☐ BSO presence/traffic control
- ☐ Manning registration tables ☐ Other _____
- ☐ Staff presenters (list departments and topics) _____
- _____

Resources (Check all that apply)

- ☐ Sound System ☐ Live Streaming ☐ A/V Equipment (List, including #s) _____
- ☐ Chairs (Total number: _____) (Mark "Reserved" #: _____)
- ☐ Tables (Shape: _____) (Size: _____) (Number: _____)
- ☐ Table Covering type, i.e. plastic, linens _____
- ☐ Tents/ Canopies (Size: _____) (Number: _____)

Tents larger than 10x10 require a permit from the Building department

Other Requested Staff & Resources – During the activity, event, meeting

Requested Staff and Resources - Post activity, event, meeting

Break down and clean-up (Select all that apply)

- ☐ Breakdown (Parks, Public Svcs. IT) ☐ BSO / Public Svcs. Traffic Control

Other Requested Staff and Resources - Post activity, event, meeting

If there are left over supplies and equipment. Please specify how items will be handled (i.e. stored, donated etc.) Also list applicable organization(s) and contact information.

Title: **COMMISSION INITIATIVE POLICY**
Policy Number: **21-01**

Exhibit C: DETAILED INITIATIVE BUDGET FORM

CITY COMMISSION EVENT / RESOURCE REQUEST BUDGET

<i>Budget should be approved prior to event</i>						
Initiative / Event / Meeting Name				Event Date	Total cost	
					\$	
Requested Resources in Priority Order						
Item#	Name	Acc. #	Description	Cost per unit (\$)	Quantity	Extended Cost (\$)
1	Supplies					
2	Supplies					
3	Refreshment					
4	Refreshment					
5	Facility Rental Fee					
6	Speaker Fee					
7	Entertainment Fee					
8	Furniture & Equipment Rental					
9	BSO Detail					
10	Marketing					
11	PIO Cost					
12	Staff Overtime					
13	Permits					
14	Other					
15	Other					
16	Other					
17	Other					
18	Other					
19	Other					
20	Other					

Approved: _____
Sponsoring Commissioner Date

Exhibit D: RISK MANAGEMENT GUIDELINES FOR COMMISSIONER EVENTS

Please fill out required information as applicable. If partner and vendor information changes, please review this document and resend to risk management.

Risk Management Contact: kathys@tamarac.org and mildredv@tamarac.org

VENDOR LIST				
VENDOR NAME	CONTACT PERSON	CONTACT #	CONTACT EMAIL	SERVICES PROVIDING?

PARTNER LIST					
PARTNER ORGANIZATION	CONTACT PERSON	CONTACT #	CONTACT EMAIL	SERVICES PROVIDING/CONTRIBUTION TO EVENT	TAX EXEMPT ID # <i>If Applicable</i>

All vendors/partners are required to provide proof of insurance.

Our standard requirements are:

- General liability (one million dollars combined single limit)
- Auto Liability (one million dollars combined single limit)
- Workers' Compensation

Depending on the nature of their services, some vendors/partners insurance requirements may be more or less than the standards requirements above. Once Risk Management receives the vendor list, they will advise if any of the vendors need additional insurance limits or coverage.

The general liability and auto liability policies must name "City of Tamarac, its officials and employees" as additional insureds.

In the DESCRIPTION OF OPERATIONS, have them list the event by name: i.e. Fall Neighborhood Picnic on September 20, 2021 (see highlighted section).

Title: **COMMISSION INITIATIVE POLICY**
Policy Number: **21-01**

ACORD®		CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY)		
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.						
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).						
PRODUCER		CONTACT NAME: _____ PHONE: _____ FAX: _____ E-MAIL: _____ ADDRESS: _____ INSURER(S) AFFORDING COVERAGE: _____ NAIC #: _____				
INSURED		INSURER A: _____ INSURER B: _____ INSURER C: _____ INSURER D: _____ INSURER E: _____ INSURER F: _____				
COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:		
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSR. WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY					EACH OCCURRENCE \$
	COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Per occurrence) \$
	CLAIMS-MADE <input type="checkbox"/> OCCUR <input type="checkbox"/>					MED EXP (Any one person) \$
						PERSONAL & ADV INJURY \$
						GENERAL AGGREGATE \$
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PROCL- ECT <input type="checkbox"/> LOC <input type="checkbox"/>					PRODUCTS - COMPROP AGG \$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Per accident) \$
	ANY AUTO					BODILY INJURY (Per person) \$
	ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	HIRED AUTOS					
	NON-OWNED AUTOS					
	UMBRELLA LIAB					EACH OCCURRENCE \$
	EXCESS LIAB					AGGREGATE \$
	CLAIMS-MADE <input type="checkbox"/>					
	DED <input type="checkbox"/> RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYER'S LIABILITY					WC STATUS: <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)						
CERTIFICATE HOLDER				CANCELLATION		
				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.		
				AUTHORIZED REPRESENTATIVE		

ACORD 25 (2010/05) The ACORD name and logo are registered marks of ACORD © 1988-2010 ACORD CORPORATION. All rights reserved.

Please forward all insurance certificates to the Risk Management for review for sufficiency.

The Commissioner's office is responsible to request and receive the certificates and forward them Risk Management for approval. *Insurance requirement instruction sheets are available to hand out to your vendors.*

The Risk Management Division will review all certificates for sufficiency. Risk is also available to answer any questions, clarify insurance requests for the vendors. Risk will also retain copies of all certificates.

Title: **COMMISSION INITIATIVE POLICY**

Policy Number: **21-01**

Event: _____

Date of Event: _____

Dear Vendor/Partner:

All vendors are required to have insurance. Insurance certificates MUST BE RECEIVED NO LATER THAN 14 DAYS BEFORE THE EVENT.

Insurance must be in effect for the date(s) of the event.

Please email your certificates to kathys@tamarac.org and Mildredv@tamarac.org.

Minimum Insurance Requirements:

- General liability \$1,000,000 limit
- Commercial Auto Liability \$1,000,000 limit
- Workers' Compensation As per statutory requirements

All general liability and auto liability policies must name "City of Tamarac, its officials and employees" as additional insureds. Workers' Compensation must provide a waiver of subrogation to the City.

Depending on the service you are providing, additional limits or coverage(s) may be required.

SPECIAL NOTICE FOR FOOD TRUCKS

In addition to the above insurance requirements, please remember to have an inspection by the Fire Department. Contact Rebecca Geimer, Assistant Fire Marshal 954-597-3894 or Rebecca.Geimer@tamarac.org.



Title - Discussion and possible direction regarding proposed changes to the Code of Ordinances

Requested by Commissioner Gelin

1. Clarifying that conduct of commercial activity in a residential area is strictly prohibited; establishing a penalty for violation as the largest fine which a city may impose under Florida law against both the promoter of the commercial activity and the owner of the property on which it is occurring and authorizing the Police, Code Enforcement, Fire Department or any other lawful authority to enforce this prohibition. Enforcement shall include immediately ceasing the unlawful commercial activity, clearing the premises, impounding any vehicles unlawfully parked, and impounding any property being used to promote the unlawful commercial activity for use as evidence in a forfeiture proceeding.
2. Amend Section 10-5(J)(5) stating that any matter that is withdrawn prior to the public hearing, or denied by the Commission or Planning Board, cannot be resubmitted to the City for 18 months
3. Amending the City's Code to clarify that only the City Commission can grant an extension for a Land Use Plan Amendment (LUPA) or Rezoning application consistent with F.S. 163.3184 3 C1 & 4E1



Title - Discussion and direction related the CY2021 and CY2022 Commission meeting dates

Requested by City Clerk Jennifer Johnson

ATTACHMENTS:

Description	Upload Date	Type
Proposed Meeting Dates Memo	10/19/2021	Cover Memo
R-2021-031 Meeting Times	10/21/2021	Backup Material

**CITY OF TAMARAC
INTEROFFICE MEMORANDUM
CITY CLERK'S OFFICE**

**TO: Kathleen Gunn,
Interim City Manager**

DATE: Oct. 14, 2021

**FROM: Jennifer Johnson, CMC
City Clerk**

**RE: CY2021 and CY2022
Commission workshop and
meeting dates**

RECOMMENDATION:

The City Clerk is requesting the Commission workshop and meeting for the remainder of calendar year 2021, and calendar year 2022 be placed on the Oct. 25, 2021, Commission Workshop agenda for consideration.

ISSUE:

Due to upcoming holidays, and operational needs, staff is requesting the Commission provide direction for the following proposed workshops and meetings through the end of the calendar year:

- Commission Workshop - Monday, November 8, 2021, at 10 a.m.
- Commission Workshop - Monday, December 6, 2021, at 10 a.m.
- Cancel the Wednesday, November 24, 2021, and Wednesday, December 22, 2021, regular City Commission meetings.
- Schedule the second regular meeting of the month, beginning Jan. 1, 2022, and ratify this decision by Resolution at a future meeting.

Confirming meetings dates will allow ample time to advertise and notify the public of any scheduled changes.

BACKGROUND:

During the Oct. 13, 2021, Commission meeting, rejected a proposed ordinance to have both regular City Commission monthly meetings begin at 6 p.m. In accordance with Section 2-29, of the City's Code of Ordinances entitled "Regular meetings", the second meeting of each month shall begin at a time established by resolution of the City Commission.

During the May 26, 2021, Workshop, the consensus of the Commission was to bring back one monthly Commission workshop, after the summer hiatus, at 10 a.m. on the second or fourth Monday of the month, and to have staff determine which Monday is suitable.

FISCAL IMPACT:

No fiscal impact to the City.

District

ATTACHMENT(S)

CITY OF TAMARAC, FLORIDA

RESOLUTION NO. R-2021 - 031

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, ESTABLISHING 7:00 P.M. AS THE TIME TO BEGIN THE CITY COMMISSION'S SECOND REGULAR MEETING OF THE MONTH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority to establish rules and procedures for conducting City Commission meetings; and

WHEREAS, the City Commission adopted Ordinance No. 2021-008, amending Article II "City Commission", §2-29 "Regular Meetings" of the City's Code of Ordinances February 24, 2021; and

WHEREAS, the second regular meeting of the month currently begins at 9:30 a.m.; and

WHEREAS, Ordinance No. 2021-008 specified the first regular meeting of the month shall begin at 7:00 p.m., and the second regular meeting of the month shall begin at a time established by resolution of the City Commission; and

WHEREAS, it is the desire of the City Commission to establish 7:00 p.m. as the time to begin the second City Commission meeting of the month; and

WHEREAS, this Resolution will be in effect until December 31, 2021, at which time the City Commission can evaluate or adjust the meeting time for the second meeting of the month; and

WHEREAS, the City Commission of the City of Tamarac, deems it to be in the best interests of the citizens and residents of the City of Tamarac to establish 7:00 p.m. as the beginning time for the second meeting of the month.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. All exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

SECTION 2: Commencing Wednesday, March 24, 2021, the second City Commission meeting of the month shall begin at 7:00 p.m.

SECTION 3: On or before Friday, December 31, 2021, the City Commission will evaluate and direct city staff to continue scheduling the second City Commission meeting of the month at 7:00 p.m. or propose a new beginning time.

SECTION 4: All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.


SECTION 6: This Resolution shall become effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED this 10th day of MARCH,
2021.



MICHELLE J. GOMEZ
MAYOR

ATTEST:




JENNIFER JOHNSON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR GOMEZ	<u>YES</u>
DIST 1: COMM. BOLTON	<u>YES</u>
DIST 2: COMM. GELIN	<u>YES</u>
DIST 3: V/M. VILLALOBOS	<u>YES</u>
DIST 4: COMM. PLACKO	<u>YES</u>

I HEREBY CERTIFY that I have
approved this RESOLUTION
as to form.



HANS OTTINOT
INTERIM CITY ATTORNEY