

CHARTER REVIEW COMMISSION

CHARTER REVIEW COMMISSION

PUBLIC HEARING

MARCH 27, 2018

MEMBERS PRESENT:

Thomas McDonald

Carlos J. Reyes

Grant Smith

CHARTER REVIEW COMMISSION

MEMBERS ABSENT:

Cynthia Busch

Larry S. Davis

David DiPietro

Thomas Fabricio

H. Collins Forman, Jr.

Roslyn Greenberg

Cynthia Guerra

Suzanne Gunzburger

James Gray Kane

Marilyn Leto

Suzette Maylor

Lori Moseley

Monica Navarro

Burnadette Norris-Weeks

Eugene Pettis

Joseph Wells

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Also Present:

Jacob Horowitz, Esquire, Goren Cherof Doody & Ezrol, PA,
Counsel

Carlos Verney, Executive Director

Niki Donner, Assistant Executive Director

Sofia Gan, Administrative Staff, Charter Review
Commission

Commissioner Michael Udine, Broward County Board of
County Commissioners

Mark Journey, Broward County Attorney's Office

Jodie Breece, Broward County Office of the Inspector
General

Patricia Kodish

Claudette Bruck, Broward Partnership for the Homeless

Sarah Leonardi

Norman Grad

Beth Lerner

Nancy Cavender, The Laws Group

Chris Salmon, The Laws Group, Videographer

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A public meeting of the Broward County Charter Review Commission was held at the City of Coral Springs City Hall, 9500 W. Sample Road, Coral Springs, Florida, on March 27, 2018 at 6:30 p.m.

(The following is a near-verbatim transcript of the meeting.)

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CALL TO ORDER/ROLL CALL

MR. MCDONALD: (Strikes gavel.) I call to order the meeting of the Public Hearing of the Charter Review Commission.

Call the roll, please.

MINUTES SECRETARY: Cynthia Busch.

Larry S. Davis

David DiPietro.

Thomas P. Fabricio.

H. Collins Forman, Jr.

Roslyn Greenberg.

Cynthia Guerra.

James Gray Kane.

Marilyn Leto.

Suzette A. Maylor.

Lori Moseley.

Monica Navarro.

Burnadette Norris-Weeks.

Eugene K. Pettis.

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Carlos Reyes.

MR. REYES: Here.

MINUTES SECRETARY: Grant Smith.

MR. SMITH: Here.

MINUTES SECRETARY: Joseph Wells.

Suzanne Gunzburger.

Thomas McDonald, Chair.

MR. MCDONALD: Here.

AGENDA ITEM II - PLEDGE OF ALLEGIANCE

MR. MCDONALD: Stand for the Pledge of Allegiance,
please.

(PLEDGE OF ALLEGIANCE.)

**AGENDA ITEM III - INTRODUCTION AND OVERVIEW OF PUBLIC
HEARING FORMAT - CHARTER REVIEW COMMISSION CHAIR -
THOMAS MCDONALD**

MR. MCDONALD: Good evening. As Chair of the
Broward County Charter Review Commission, I would like
to welcome you to one of the five Public Hearings being
conducted by the CRC.

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This hearing is an opportunity for the CRC members to receive input from the public on the proposed amendments to the Broward County Charter that will appear on the general election ballot in November of 2018.

In a moment, our general counsel will read the title of each of the resolutions into the record, which will be followed by a brief explanation of the proposed Charter amendments by our Executive Director.

In accordance with the CRC rules, each of these resolutions has been approved by an affirmative vote of at least 13 of the 19 CRC members.

Once -- once each of the resolutions has been read into the record, I will open the meeting to public comment.

Members of the public are welcome to speak on any of the resolutions that have been adopted by the CRC or any other matter which they would like the CRC to consider.

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Please limit your comments to three minutes.

Note that tonight's hearing is not a special meeting, and no -- no formal action will be taken this evening.

The CRC will conduct a final meeting in early April -- actually, it will be next Monday at 3:00 o'clock --

MR. VERNEY: That's correct.

MR. MCDONALD: -- at the conclusion of all the Public Hearings to address any final business before formally our proposals to the County Commission.

I want to thank you.

I want to recognize that there's only three members of the nineteen members of the Charter Review here at this fourth Public Hearing we've had, because they've been spread all through the County, so a lot of the people have been at the other ones, but they will get all your comments at the next meeting on Monday.

At this time, I have I think five -- four or five -
- four people that have signed up.

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If anybody else would like to sign up, please give our intern, Niki -- not Niki --

MR. VERNEY: Sofia.

MR. MCDONALD: -- Sofia the sheet so you can speak.

At the current time, we'll bring up -- or do you want -- you want to read the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MCDONALD: -- title for the record?

MR. VERNEY: Our Counsel will start.

AGENDA ITEM IV - CHARTER REVIEW COMMISSION RESOLUTIONS

- READ TITLE OF RESOLUTIONS INTO THE RECORD

**(CHARTER REVIEW COMMISSION GENERAL COUNSEL - DAVID
TOLCES)**

- BRIEF EXPLANATION OF RESOLUTIONS

**(CHARTER REVIEW COMMISSION EXECUTIVE DIRECTOR - CARLOS
A. VERNEY)**

MR. HOROWITZ: Mr. Chair, board members, good evening.

Just for the record, I'm going to read the titles

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that are going to be considered this evening, into the record, followed by a very brief overview from our Executive Director about each of the proposals under consideration.

The first item is CRC Resolution 2018-002, a resolution of the Broward County Charter Review Commission adopting a proposed Charter amendment to Section 10.01 of the Charter of Broward County, Florida, entitled Broward County Office of Inspector General; providing for the Inspector General's discretion as to whether to commence an investigation if good cause exists that an entity or person over whom the Inspector General has authority has engaged in misconduct or gross mismanagement; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-

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number and re-letter the articles and sections in order to conform the amendments -- conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution would replace the word shall with may, to provide the Inspector General with greater flexibility and discretion as to whether to commence an investigation if good cause exists that an entity or person over whom the Inspector General has authority has engaged in misconduct or gross mismanagement.

MR. HOROWITZ: The second item this evening is Resolution 2018-03. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to Section 8.05 of the Charter of Broward County, Florida entitled Broward County Planning Council Powers and Functions; providing for revisions to administration of the Planning Council's duties by providing for the Zoning Glossary to be contained in the

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County Land Use Plan, and at least one Planning Council Public Hearing for Land Use Plan amendments; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution would include the Zoning Glossary within Broward County's Comprehensive Land Use Plan and require at least one Planning Council Public Hearing to consider Land Use Plan amendments.

The Planning Council can have multiple Public Hearings, but they are required under this proposal to have at least one.

MR. HOROWITZ: Mr. Chair, the third item is CRC

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Resolution 2018-04, a resolution of the Broward County -
- Broward County Charter Review Commission adopting a
proposed amendment to Section 9.01 of the Charter of
Broward County, Florida entitled Central Examining
Boards; providing for the appointment of alternate
members to the Central Examining Boards; providing for
presentation to the electorate by the County Commission
at a special referendum election to be held in
conjunction with the November 2018 general election;
providing the ballot title and summary of the chief
purpose of the proposed amendment; providing for the
County Attorney to re-number and re-letter articles and
sections in order to conform the amendments to the
Charter; providing for severability; and providing for
an effective date.

MR. VERNEY: This resolution would allow for the
appointment of alternate members to the Central
Examining Boards.

You might be asking yourself what exactly are the

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Central Examining Boards? Well, they are responsible for ensuring the registration and licensing of individuals involved with the construction trades. The CEBS provide Certificates of Competency. The CEBS ensure that individuals in the construction trades are properly insured.

Finally, the CEBS provide the opportunity for the public to register complaints, mediate disputes, and hear construction-related issues.

MR. HOROWITZ: Mr. Chair, the next item is CRC Resolution 2018-005, a resolution of the Broward County Charter Review Commission adopting a proposed amendment to Section 9.02 of the Charter of Broward County, Florida entitled Building Code and Board of Rules and Appeals; providing for a quorum of the Board of Rules and Appeals to be a majority of the total membership of the Board of Rules and Appeals; providing for presentation to the electorate by the County Commission at a special referendum election to be held in

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conjunction with the November 2018 general election; providing for ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution would provide for a quorum of the Board of Rules and Appeals, also commonly known as BORA, to be a majority of the total membership of the Board of Rules and Appeals.

You might also be asking yourself at this moment what exactly is the Board of Rules and Appeals? Well, they're -- they are tasked with amending and enforcing provisions of the Florida Building Code.

MR. HOROWITZ: The next item, Mr. Chair, is CRC Resolution 2018-006. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to the Charter of Broward County, Florida by

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enacting a new Section 1.07 entitled Required Posting Of Notices, Agendas, and Backup Materials; providing that for all meetings subject to the requirements of Section 286.011 Florida Statutes -- that's the Sunshine Law -- that all notices, agendas, and backup materials shall be posted on the County or municipality's website no later than 48 hours prior to scheduled meeting; providing for notice in the event of an emergency meeting; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution provides for the required posting of notices, agendas, and backup

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materials for all meetings, subject the sunshine law, no later than 48 hours prior to the scheduled meeting.

This is to allow the public an opportunity to review the posting of notices, the agendas, the backup materials, for all sunshine meetings.

MR. HOROWITZ: The next item, Mr. Chair, is CRC Resolution 2018-007. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to the Charter of Broward County, Florida by enacting a new Section 11.11 entitled Broward County Affordable Housing Trust Fund; providing for the establishment of the Broward County Affordable Housing Trust Fund; providing for a definition of affordable housing; providing for the purpose of the trust fund, revenue sources for the trust fund, and the continuing nature of the trust fund, for administration and oversight of the trust fund; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the

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November 2018 general election; providing for the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution would provide for four items, including the definition for affordable housing.

It provides the purpose of the trust fund.

It provides the revenue sources for the trust fund.

And it provides the continuing nature and administration and oversight of the Affordable Housing Trust Fund.

MR. HOROWITZ: The next item, Mr. Chair, is 2018-008. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to Section 4.01 of the Charter of Broward County, Florida entitled County Auditor; providing for changes to the composition of the body that appoints the County

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Auditor; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: The changes to the composition of the body under this resolution would include replacing the State of Florida Auditor General with the president of the Florida Institute of Certified Public Accountants.

It also would replace a president of Broward Community College, which is currently now Broward College, with a president of a local college or university as determined by the County Commission.

If any of the five individuals comprising the body that appoints the County Auditor declines to appoint, a

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countywide business organization shall be appointed by the Broward County Commission.

MR. HOROWITZ: The next item, Mr. Chair, is CRC Resolution 2018-010. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to Section 2.01 of the Charter of Broward County, Florida entitled Composition, Terms, Qualifications, and Compensation of Members; providing that County Commission districts may not be drawn to favor or disfavor an incumbent or political party, and that districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-

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PUBLIC HEARING
CITY OF CORAL SPRINGS
MARCH 27, 2018
6:30 P.M.
dh/NC

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number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution would codify the state Fair Districts Amendments into the Charter.

Specifically, it would provide that the County Commission districts may not be drawn to favor or disfavor an incumbent or political party, and that districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.

MR. HOROWITZ: The next item, Mr. Chair, is CRC Resolution 2018-11. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to Section 2.01 of the Charter of Broward County, Florida entitled Composition, Terms, Qualifications, and Compensation of Members; providing for the redistricting of the County Commission districts

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following the decennial Census in 2020 and every ten years thereafter, or sooner if the County Commission determines that the districts have become unbalanced due to population shifts; providing for the engagement of a four-year college or university located within the State of Florida for the purpose of identifying and designating nine single member districts within Broward County; providing for presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: And while the last resolution provided a standard for redistricting, this resolution would provide the redistricting process for County Commission

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districts.

It specifically provides that following the decennial Census in 2020 and every ten years thereafter, or sooner if the County Commission determines that districts have become unbalanced due to population shifts, a four-year college or university located within the State of Florida would be engaged for the purpose of identifying and designating nine single member districts which encompass Broward County.

MR. HOROWITZ: Mr. Chair, the next item is CRC Resolution 2018-12. It is a resolution of the Broward County Charter Review Commission adopting a proposed amendment to Section 10.01 of the Charter of Broward County, Florida entitled Broward County Office of Inspector General, revising the composition of the Inspector General Selection/Oversight Committee by replacing the United States Attorney for the Southern District of Florida or his or her appointee with an individual appointed by the Broward County Bar

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Association; providing for the presentation to the electorate by the County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and providing for an effective date.

MR. VERNEY: This resolution would provide for replacing the United States Attorney for the Southern District of Florida, or his or her appointee, with an individual appointed by the Broward County Bar Association on the Inspector General Selection and Oversight Committee.

MR. HOROWITZ: Mr. Chair, the final item to read into the record this evening is CRC Resolution 2018-013. It is a resolution of the Broward County Charter Review Commission clarifying the Charter by eliminating

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ineffective language and deleting language that is no longer needed as the entities referenced in the Charter are no longer in existence and serve no legally required purpose; providing for presentation to the electorate by the Broward County Commission at a special referendum election to be held in conjunction with the November 2018 general election; providing the ballot title and summary of the chief purpose of the proposed amendment; providing for the County Attorney to re-number and re-letter articles and sections in order to conform the amendments to the Charter; providing for severability; and, finally, providing for an effective date.

MR. VERNEY: This resolution would provide for clarifying the Charter by eliminating ineffective language and deleting language that is no longer needed as the entities referenced in the Charter are no longer in existence and serve no legal -- no legally required purpose.

You might be asking yourself which entities would

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be removed from the Charter. This would include the Department of Transportation. They would still continue in existence, but we are just removing them from the Charter.

The two other boards, the Broward County Environmental Quality Control Board, is no longer in existence. Therefore, the language would be deleted.

The Broward County Ethics Commission is no longer in existence. Therefore, they would be eliminated from the Charter.

This is the last and final resolution, Mr. Chair.

MR. MCDONALD: All right. These 11 resolutions were passed by at least a majority of 13 out of the 19 Charter Review members.

We have been meeting since June of '15, and our work was pretty much wrapped up by February.

And, unfortunately, on February 14th, we had a shooting in Marjory Stoneman Douglas, and we had an emergency meeting to try to address what we could do for

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gun control.

We were limited by the state law on what we can put on the ballot with threat of a lawsuit and fines. Nobody other than the State Legislature, at the current, time can address gun control.

But we did pass two resolutions that we are going to pass on to the County Commission. They passed by a majority.

And, Carlos, would you read what those two resolutions are?

MR. VERNEY: Yes, I can -- I can read the --

MR. MCDONALD: Or you could tell them -- give them the description of what they are.

MR. VERNEY: -- I can -- I can -- right, provide a brief description.

On March 16th, the Broward County Charter Review Commission had two separate motions.

The first one, which passed ten to one, was a motion to pass along a resolution to the Broward County

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Commission to consider placing a straw ballot vote on the November 2018 general election, and this straw ballot vote would determine whether Broward County residents are in support of a ban on assault rifles.

This would be a non-binding vote. It would have no effect.

Yet, if the Broward County Commission were to take this measure up, it would provide an opportunity for the public to express themselves on this issue and whether they support or do not support a ban on assault rifles in Broward County.

MR. MCDONALD: If I -- if I can comment on that one. There's a history of that in Broward County. In 1990, there was a separate form of government in Broward. Port Everglades had their own Commission. And there was a straw ballot placed on the ballot in 1990 to do away with that Commission, separate Commission, and incorporate it under the County Commissioners. And it passed with a huge margin, and the next year, the

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Legislature who -- who were the only ones who could change it, changed the law and put it underneath the County Commission.

MR. VERNEY: The next motion that was made at the March 16, 2018 Broward County Charter Review Commission meeting was a motion to send a resolution to the Broward County Commission to ask them -- request for them to take all necessary action to declare Section 790.33 of Florida Statute unconstitutional.

You might be asking yourself what Section 790.33 is. I'm sure there are people in the audience who are well aware of what this Statute is.

It's a preemption law that prevents local municipalities from regulating firearms.

The state picks up the whole field of firearm regulations and preempts local municipalities from having the ability and the capacity to look after the public safety of their residents.

This would be asking them to -- the Broward County

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Commission, to seek legal action to declare Section 790.33 of Florida Statutes unconstitutional.

That is the motion, and it passed ten to one.

AGENDA ITEM V - PUBLIC COMMENT

MR. MCDONALD: At this time, we're going to open up the Public Hearing. Three minutes for each person.

The first person I have is Patty Kodish or Kodish, Where should she go? Over here or --

MS. KODISH: Where should I stand?

MR. MCDONALD: At that podium there.

MS. KODISH: Here?

MR. MCDONALD: Yes.

MR. VERNEY: And there's a timer for you so you can keep track of your time.

MR. MCDONALD: And if you could say your name and where you live.

MS. KODISH: Thank you so much. Thank you so much for allowing me to speak this evening.

I'm actually here instead of my friend Elise

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Clabrey (Phonetic), who has laryngitis, so I have been assigned to read a statement for her.

MR. HOROWITZ: If you could -- I'm sorry, ma'am, just read your -- your name and address for the record, please.

MS. KODISH: Okay. My name's Patricia Kodish. My address is 2057 Maplewood Drive, Coral Springs, Florida 33071.

My daughter is a survivor of the MSD school massacre. She was in the first classroom the shooter approached in the 1200 building. She is still too fearful to attend school regularly.

One of the issues during the shooting is the inability to reach 911 and locate the shooter.

This feature would provide current information on where the shooter is.

I would like to know if Broward County is expanding to the statewide Text to 911 initiative so when someone cannot make a voice call due to impairment, or unable to

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speaking for safety reasons like the shooter is close by, they have the option to text 911.

If so, I would like to know the implementation estimates and how they are going to make the public aware.

I would like the MMS implementation timelines.

And, lastly, is there funding allocated for this initiative?

MR. MCDONALD: Thank you.

We're not usually engaging in -- you know, we're here to listen tonight, but that is not part of the Charter.

We do have Commissioner Michael Udine from the County here tonight, and I don't know if he would like to address it.

Commissioner Udine?

COMMISSIONER UDINE: Sure.

MR. MCDONALD: Yes, thank you.

COMMISSIONER UDINE: Yes, yes, and yes. It's en

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route. We received a letter from Alphonso Jefferson. I think they said December of 2018 is when it should be implemented, and it's funded.

But I'll -- I'll give you my card and you can email me.

MS. KODISH: Thank you.

COMMISSIONER UDINE: All right.

MR. MCDONALD: Thank you.

The next person to speak is Claudette Bruck.

MS. BRUCK: Good evening. Claudette Bruck, 1248 Northwest 27th Street, Coral Springs, Florida.

I apologize for my voice. I'll use what I've got.

Thank you very much for your support of a Broward County Affordable Housing Trust Fund and accurately reflecting the language proposed and supported by so many entities.

As a founding board member, I am here to present a resolution on behalf of the Broward Partnership for the Homeless unanimously supporting Charter Amendment Number

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2018-007 by enacting a new Section 11.11, entitled
Broward County Affordable Housing Trust Fund.

And, again, yes!

I could read the resolution in it's entirety with
the amendments, but I think that might add 20 minutes to
your evening, so with all due respect, I'll pass it up.

MR. MCDONALD: Thank you.

MS. BRUCK: And I thank you for the opportunity to
be here.

MR. MCDONALD: Thank you. It's good seeing you.

Sarah Leonardi. This is our fourth meeting. I
think I've seen Sarah at three of them.

MS. LEONARDI: Good evening. My name is Sarah
Leonardi. I live at 717 Southwest 2nd Drive, Pompano
Beach, Florida.

Thank you again for the opportunity to speak
tonight.

The last two times I spoke before you were in
Lauderhill and at Pembroke Pines, and I asked you to

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consider taking action on gun control.

While I couldn't be here at your hearing on March 16th because I had a class full of students to teach, I did follow the discussion later.

I want to express my gratitude for your request to add a straw vote to the ballot. This is will allow Broward County residents to voice their desire for change.

However, I am disappointed that you didn't take a greater risk (inaudible) change. One board member's words continue to ring in my ears. Quote, this body is not the body to deal with this issue, (inaudible) opposition to any sort of consideration of gun control action the CRC would take.

Imagine if I, as a teacher, used that logic every day in my job. If I did, every time a child comes to my class hungry, I would refuse her food, because I'm not the person to deal with that issue. I'm a teacher, not a cafeteria worker.

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Instead, I purchase food to keep in my classroom for when that (inaudible) happens.

If I used that logic, when an exasperated parent asks me to motivate his child to do homework, I would shrug my shoulders, because I'm not the person to deal with that issue. I'm a teacher, not a parent. Instead, I inform that father how distracting his son's smart phone can be.

If I used that logic, when a child comes into my classroom in tears, I would tell that child to suck it up, we've got FSA to prepare for, because I'm not the person to deal with that issue. I'm a teacher, not a therapist. Instead, I take the time to calm that child and listen to her concerns.

As public servants, we often have to go beyond the written definition of our jobs. That is a consequence in calling it service.

I hope you all can remember that the next time you are in a position to make difficult choices and when you

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are asked to take action that is morally sound but is maybe not listed in your job description.

Thank you so much.

(Applause.)

MR. MCDONALD: Norm Grad.

MR. GRAD: Norman Grad, 7460 Northwest 18th Street in Margate.

Grant Smith, now I recognize you because I knew your father, and I'm looking at you, so now I know the face.

Lot of history in this place. I was here when Coral Springs had (inaudible). So thank you for meeting here and getting an appreciation for what Coral Springs is really like.

I just want to quickly say I looked at all the resolutions at Lauderhill. That was a lovely meeting. In fact, it's so comfortable to come here as opposed to talking in front of a Constitutional Revision Commission. I didn't feel this comfortable standing in

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front of them as I feel as comfortable standing in front of you all, as you can well imagine, in Broward County.

Transparency is the key. I'm just talking in general. A lot of this stuff is kind of related to transparency. That's the key.

An independent Auditor regardless of whatever the department is. We have a huge budget in Broward County. I think BSO is 50 percent of the budget. I've always been concerned about having independent auditing of these agencies so where there's waste and inefficiency, it can be removed.

Independent auditing, in my opinion, is the key across government.

I spoke to a good friend of ours, a good friend of yours, I won't mention his name. You're not going to address it this year, probably, but it's being debated, okay? Strong mayor. If, in fact, we ever get to that point in Broward County, the key to a strong mayor in Broward County is that that strong mayor should have

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power over the budget. Key number one.

Thank you for the gun stuff. We won't get into that. We appreciate what you can do. And I personally was touched by it, as Tom knows, so thank you for all that.

And affordable housing in Broward, that's the key. We know what the state has done with the -- that Sadowski thing. They've raided that money from day one. And anything we can do for that and the need for that is fantastic.

Thank you for all you're doing. God bless you all.

MR. MCDONALD: Thank you, Norm.

Is there any other speakers who would like to speak today?

MS. LERNER: I said I wasn't going to.

MR. MCDONALD: Please state your name for the record.

MS. LERNER: Beth Lerner, 12300 Southwest 1st Street in Coral Springs.

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I actually (inaudible) a point of clarification. I have been working for the Legislature since 2004. I'm sadly very familiar with the preemption clause that has been discussed.

I guess I want clarification because I don't think people in the audience quite understand why the CRC couldn't do anything, and why actually the County itself can't do anything other than join the litany of other municipalities and counties that are going to be filing suits and challenging that preemption clause (inaudible).

So I'm just looking for (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MCDONALD: I'll let -- I'll let our attorney explain why.

MS. LERNER: Thank you.

MR. HOROWITZ: Thank you. Thank you, Mr. Chair.

And very briefly, and I know that this has been a hot button issue, and certainly -- certainly it's an

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issue that's been discussed at local governments throughout Broward County and the State of Florida.

And as Carlos indicated when the resolution was read into the record, Florida has, effective in 2011, a super preemption as it relates to regulating the field of firearms and ammunition.

I'm just going to read very briefly from the Statute itself.

Except as expressly provided by the State Constitution or general law, the Legislature hereby declares it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof to the exclusion of all existing, future county, city, town, or municipal ordinances, any administrative regulations or rules adopted by local or state government relating thereto, and any rules, laws, ordinance, statutes that are in existence at the time were hereby declared null

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and void.

In addition to the preemption itself, the Statute has what we've all kind of generally referred to as Draconian penalties.

Any local government, county, municipality that has a regulation on the books, if the county or city were to enforce that regulation, there are significant penalties for the elected officials, for the public employees associated with that enforcement, including but not limited to removal from office. The governor has the right to remove elected and appointed officials from office. The ability for those individuals to be sued is subject to liability. There's a hundred-thousand-dollar cap on liability.

There is also a provision that would require those individuals to pay attorneys' fees on behalf of any person or entity that would bring a lawsuit against the municipality or county seeking to challenge any rule or regulation that was enforced.

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Those attorneys' fees are not capped, and there's a multiplier in the Statute.

The penalties are severe. They are significant.

As the speaker alluded to, there are currently a number of potential lawsuits that are floating around out there. They're not filed yet. There are a number of entities and agencies, cities and counties statewide that are considering action through a declaratory relief sought in the court system to essentially challenge certain provisions of this Statute, including the penalties, including the preemption under a Home Rule scenario.

But even if the Charter Review Commission were to put something on the ballot, and even if that item were to pass, it would then be on the County to enforce those provisions.

And, given the severe and significant penalties in the Statute, I think the County would have some reservations. I don't want to speak for the County. I

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don't want to speak for the County Attorney's Office. But, representing municipal government, as we do, they would have the same reservations we would have in cautioning their client to enforce those provisions that were ultimately codified in the County Charter.

Not to say that the cities and the counties are powerless, because there are things that we can do, and a lot of cities and counties are looking at those options. But we're significantly hamstrung in the context of regulation enforcement, given the super preemption language in the statute.

MR. MCDONALD: Carlos, can you explain, you attended the Charter -- the State Charter Review, or State --

MR. VERNEY: Constitution.

MR. MCDONALD: -- Constitutional Review. Can you explain what went on there?

MR. VERNEY: That's correct, Mr. Chair. And there are some people in the audience today who also were on

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that bus ride to St. Petersburg that departed from Parkland, and also people in the audience today that have spoken to the State CRC in previous Public Hearings.

There were three amendments made to Proposal Number 3, which deals with property rights. Those amendments were made by CRC Commissioners -- State Constitution Revision Commissioners, Commissioner Cox, Commissioner Martinez, and Commissioner Smith of Broward County.

When those items came up on the -- during the floor sessions in Tallahassee, those three amendments were ruled out of order, not germane, not relevant to the proposal, we're not considering it.

They were thus not forwarded to the style and drafting committee.

Thus, those amendments and those considerations were -- those amendments were not considered, were not forwarded to the state style and drafting committee and will not be appearing on the ballot.

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But you have three Commissioners who listened to the public and made amendments, but that was the ultimate result of the State CRC. And I just wanted to provide the information to the people in the audience who made that trip to St. Petersburg, and other trips around the state.

MR. MCDONALD: The -- the two resolutions that we did pass, you're represented by two County Commissioners in Coral Springs/Parkland area. One is Commissioner Udine, who is here tonight, and then Vice Mayor Mark Bogen.

Commissioner Udine is -- I think he's looking forward to championing the resolution on the straw ballot. He talked to us about that. He's going to push that forward.

I think Vice Mayor Bogen likes the declaratory action, and he's going to push that at the County Commission to move forward on those resolutions tomorrow at the County Commission.

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Any members of the board or staff have anything to say?

Anybody else from the public have any comments?

AGENDA ITEM VII - ADJOURNMENT

MR. MCDONALD: Seeing none, the meeting is adjourned.

Thank you.

(The meeting concluded at 7:10 p.m.)