

**TOWN OF LANTANA**  
**AGREEMENT**  
**FOR**  
**LOBBYING SERVICES**

THIS AGREEMENT ("Agreement") is made and entered into this 13 day of June, 2022 (the "effective date") by and between the **Town of Lantana**, a Florida municipal corporation (the "Town"), located at 500 Greynolds Circle, Lantana, Florida 33462, and **Ballard Partners, Inc.**, a Florida corporation (the "Consultant"), with a principal address of 201 E. Park Avenue, 5<sup>th</sup> Floor, Tallahassee, Florida 32301.

WHEREAS, for several years, the Town has had an existing relationship with Ballard Partners, Inc. for Lobbying Services, and the relationship involves certain inherent sensitive information and political strategies; and

WHEREAS, pursuant to Section 7.5-30 of the Town Code of Ordinances, the procurement of lobbying services is exempt from the competitive process as such services require special skills, ability, and expertise; and

WHEREAS, the Town deems it in its best interests to continue its strategic relationship with Ballard Partners, Inc. for an additional year.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereafter set forth, the Consultant and the Town agree as follows:

ARTICLE 1. SCOPE OF SERVICES.

The Consultant shall perform certain legislative consulting services on behalf of the Town before the Florida Legislature, the executive branch of the Florida Government, and various regional and local governments.

Specifically, the Consultant shall perform the following Services:

- A. No less than once per year meet with the Town Manager to assist the Town in developing a strategic legislative program.
- B. Monitor and report on all state agency programs of interest to the Town, including any programs that could assist with the funding, planning and operations of the Town.

- C. Represent the Town's interests before the Florida Legislature and any executive branch body, including other agencies of the state, and any other entity where such representation could be of benefit to the Town.
- D. Monitor and track all legislation of interest to the Town.
- E. Provide timely reports during the Legislative Session and quarterly reports during the non-session months to the Town Manager on all legislation being tracked. These reports shall be electronically transmitted to the Town Manager.
- F. Host Town officials during the Legislative Session in Tallahassee, and arrange all appropriate meetings.
- G. Attend staff meetings, workshops, or Town Council meetings in Lantana at the request of the Town Manager.

## ARTICLE 2. PAYMENT.

For the professional services to be rendered under this Agreement, the Town shall pay the Consultant an annual fee of Sixty Thousand Dollars (\$60,000), payable in twelve (12) equal monthly installments of Five Thousand Dollars (\$5,000), per the Consultant's Proposal, attached hereto and incorporated herein as Exhibit "A."

All payments shall be made in accordance with the Florida Prompt Payment Act, Section 218.74, *Florida Statutes*, on the presentation of a proper invoice by the Consultant.

## ARTICLE 3. TERM OF AGREEMENT.

The term of this Agreement shall be from October 1, 2022, through September 30, 2023, unless terminated beforehand as provided for in this Agreement. The Town's obligation pursuant to this Agreement is specifically contingent upon the lawful appropriation of funds. Failure to lawfully appropriate funds for this Agreement awarded shall result in automatic termination of the Agreement.

A non-appropriation event shall not constitute a default or breach of said Agreement by the Town.

## ARTICLE 4. TERMINATION.

This Agreement may be canceled or terminated by the Town, with or without cause, upon providing written prior notice to the Consultant. This Agreement may be canceled or terminated by the Consultant upon thirty (30) days' prior written notice to the Town. Upon any such termination, the Consultant waives any claims for damages from such termination, including, but not limited to, loss of anticipated profits. Unless the Consultant is in breach of this Agreement, the Town shall pay the Consultant for all aspects of the

Services that have been completed or partially completed, provided such completion or partial completion occurred before the date of termination.

#### ARTICLE 5. INDEMNIFICATION.

The Consultant recognizes that it is an independent consultant and not an agent or servant of the Town. The Consultant shall indemnify, defend, and hold harmless the Town and its officers, employees, agents, and instrumentalities from any and all liabilities, losses, or damages, including attorney's fees and cost of defense, that the Town or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions, or proceedings of any kind or nature arising out of, relating to, or resulting from the performance of this Agreement by the Consultant or its employees, agents, servants, partners, principals, or subcontractors.

Indemnification shall be limited to claims resulting from the Consultant's negligent acts, omissions, or willful misconduct and shall not include the acts, actions, omissions, or negligence of the Town or of a party not indemnified hereunder.

The Consultant expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the Consultant shall in no way limit the responsibility to indemnify, defend, and hold harmless the Town or its officers, employees, agents, and instrumentalities as herein provided. This Article shall survive the termination of this Agreement.

#### ARTICLE 6. INSURANCE.

The Consultant shall not commence any performance pursuant to the terms of this Agreement until certification or proof of insurance has been received and approved by the Town's Risk Management Coordinator or designee.

The required insurance coverage must be issued by an insurance company authorized, licensed, and registered to do business in the State of Florida, with the minimum rating of B+ or better, in accordance with the latest edition of A.M. Best's Insurance Guide. This insurance shall be documented in Certificates of Insurance that provide that the Town of Lantana shall be notified at least thirty (30) days in advance of cancellation, non-renewal, or adverse change. The receipt of certificates or other documentation of insurance or policies or copies of policies by the Town or by any of its representatives that indicate less coverage than is required does not constitute a waiver of the Consultant's obligation to fulfill the insurance requirements herein. Deductibles must be acceptable to the Town of Lantana.

The Consultant must submit a current Certificate of Insurance naming the Town of Lantana as an additional insured and listed as such on the insurance certificate. New Certificates of Insurance are to be provided to the Town upon expiration.

The Consultant shall provide insurance coverage as follows:

- A. **Workers' Compensation.**  
Workers' Compensation Insurance to apply for all employees in compliance with the "Workers' Compensation Law" of the State of Florida and all applicable federal laws. The Town reserves the right not to accept exemptions to the Workers' Compensation requirements of this Agreement.
- B. **Comprehensive General Liability.**  
Comprehensive General Liability Insurance with minimum limits of One Million Dollars (\$1,000,000.00), and include Products/Completion Liability of One Million Dollars (\$1,000,000.00). Personal Injury and Advertising Liability coverage. Such certificate shall list the Town as an additional insured.
- NOTE: If Comprehensive General Liability limits are less than One Million Dollars (\$1,000,000.00), the sum of Comprehensive General Liability limits and Excess Liability limits must equal no less than One Million Dollars (\$1,000,000.00).
- C. **Professional Liability (Errors and Omissions) Insurance – One Million Dollars (\$1,000,000.00).**
- D. **Automobile Liability.**  
Automobile Liability Insurance to include owned, non-owned, and hired, with minimum limits of One Million Dollars (\$1,000,000.00) each occurrence.

The Consultant must submit, no later than fifteen (15) days after execution of this Agreement and prior to commencement of any work, a Certificate of Insurance naming the Town of Lantana as an additional insured.

#### ARTICLE 7. MISCELLANEOUS PROVISIONS.

- A. **Notice Format.**  
All notices or other written communications required, contemplated, or permitted under this Agreement shall be in writing and shall be hand delivered, telecommunicated, or sent by overnight delivery service to the following addresses:

As to the Town:

**Town of Lantana**  
500 Greynolds Circle  
Lantana, Florida 33462  
Attn: Town Manager  
Email: [braducci@lantana.org](mailto:braducci@lantana.org)



With a copy to:

**Town of Lantana**  
500 S. Australian Ave., Ste. 531  
West Palm Beach, Florida 33401  
Attn: Town Attorney  
Email: [max@lohmanlawgroup.com](mailto:max@lohmanlawgroup.com)

As to the Consultant:

**Ballard Partners, Inc.**  
201 E. Park Avenue, 5<sup>th</sup> Floor  
Tallahassee, Florida 32301  
Attn: Mat Forrest  
Email: [mat@ballardpartners.com](mailto:mat@ballardpartners.com)

B. Entire Agreement.

This Agreement constitutes the entire understanding and agreement between the parties with respect to the subject matter hereof. Accordingly, this Agreement may only be modified by mutual written consent of the parties through an amendment, purchase order, or change order, as appropriate.

C. Binding Effect.

All of the terms and provisions of this Agreement, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors and permitted assigns.

D. Assignability.

This Agreement may not be assigned without the prior written consent of all parties to this Agreement.

E. Severability.

If any part of this Agreement is contrary to, prohibited by, or deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited, or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible.

F. Governing Law and Venue.

This Agreement and all transactions contemplated by this Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Florida without regard to any contrary conflict of laws principle. Venue for all proceedings in connection herewith shall lie exclusively in Palm Beach County, Florida, and each party hereby waives whatever its respective rights may have been in the selection of venue. This Agreement shall not be construed against the party who drafted the same as all parties to this Agreement have had legal and business experts review the adequacy of the same.

G. Headings.

The headings contained in this Agreement are for convenience of reference only and shall not limit or otherwise affect in any way the meaning or interpretation of this Agreement.

H. Construction.

The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement, and accordingly, no Court or Administrative Hearing Officer construing this Agreement shall construe it more strictly against one party than the other, and every covenant, term, and provision of this Agreement shall be construed simply according to its fair meaning.

I. Attorney's Fees and Costs.

It is hereby understood and agreed that in the event any lawsuit in the judicial system, federal or state, is brought to enforce the terms, conditions, and/or obligations set forth in this Agreement or interpret same, or if any administrative proceeding is brought for the same purposes, each party to this Agreement shall be responsible for its own attorney's fees and costs, including fees and costs on appeal.

J. Equal Opportunity.

The Town and the Consultant agree that no person shall be discriminated against in the performance of this Agreement on the grounds of race, color, gender, national origin, ancestry, marital status, disability, religion, creed, or age.

ARTICLE 8. ACCESS AND AUDIT OF RECORDS.

The Town reserves the right to require the Consultant to submit to an audit by an auditor of the Town's choosing at the Consultant's expense. The Consultant shall provide, at its place of business during regular business hours, access to all of its records that relate directly or indirectly to this Agreement. The Consultant shall retain all records pertaining to this Agreement and upon request make them available to the Town for ten (10) years following expiration of this Agreement. The Consultant agrees to provide such assistance as may be necessary to facilitate the review or audit by the Town to ensure compliance with applicable accounting and financial standards.

ARTICLE 9. OFFICE OF THE INSPECTOR GENERAL.

Palm Beach County has established the Office of the Inspector General that is authorized and empowered to review past, present, and proposed Town programs, contracts, transactions, accounts, and records. The Inspector General (IG) has the power to subpoena witnesses, administer oaths, require the production of records, and monitor existing projects and programs. The IG may, on a random basis, perform audits on all Town agreements.

## ARTICLE 10. PUBLIC RECORDS.

Pursuant to Chapter 119, *Florida Statutes*, the Consultant shall comply with the public records law by keeping and maintaining public records required by the Town of Lantana in order to perform the service. Upon request from the Town of Lantana' custodian of public records, the Consultant shall provide the Town of Lantana with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, *Florida Statutes*, or as otherwise provided by law. The Consultant shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of this Agreement. Upon completion of this Agreement, the Consultant shall transfer at no cost to the Town of Lantana all public records in possession of the Consultant or keep and maintain public records required by the Town of Lantana in order to perform the service. If the Consultant transfers all public records to the Town of Lantana upon completion of this Agreement, the Consultant shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Consultant keeps and maintains public records upon completion of this Agreement, the Consultant shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Town of Lantana, upon request from the Town of Lantana' custodian of public records, in a format that is compatible with the information technology systems of the Town of Lantana.

**IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, *FLORIDA STATUTES*, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE OFFICE OF THE TOWN CLERK LOCATED AT 500 GREYNOLDS CIRCLE, LANTANA, FLORIDA 33462, PHONE NUMBER (561) 540-5016, EMAIL ADDRESS: [KDOMINGUEZ@LANTANA.ORG](mailto:KDOMINGUEZ@LANTANA.ORG).**

## ARTICLE 11. SUPERIORITY OF OTHER FORMS OR DOCUMENTS.

If the Town is required by the Consultant to complete and execute any other forms or documents in relation to this Agreement, the terms, conditions, and requirements in this Agreement shall take precedence to any and all conflicting or modifying terms, conditions, or requirements of the Consultant's forms or documents. Additionally, in the event of a conflict between the terms and conditions set forth in this Agreement and any attachments or exhibits hereto, the terms and conditions set forth herein shall prevail.

## ARTICLE 12. FORCE MAJEURE.

The Town and the Consultant are excused from the performance of their respective obligations under this Agreement when and to the extent that their performance is delayed or prevented by any circumstances beyond their control, including fire, flood, explosion, strike or other labor dispute, natural disaster, pandemic, public emergency, war, riot, civil commotion, malicious damage, act or omission of any governmental authority, delay or failure or shortage of any type of transportation, equipment, or service from a public utility needed for their performance, provided that:

The non-performing party gives the other party prompt written notice describing the particulars of the force majeure, including, but not limited to, the nature of the occurrence and its expected duration, and continues to furnish timely reports with respect thereto during the period of the force majeure.

The excuse of performance is of no greater scope and of no longer duration than is required by the force majeure.

No obligations of either party that arose before the force majeure causing the excuse of performance are excused as a result of the force majeure.

The non-performing party uses its best efforts to remedy its inability to perform.

Notwithstanding the above, performance shall not be excused for a period in excess of two (2) months, provided that in extenuating circumstances the Town may excuse performance for a longer term. Economic hardship of the Consultant shall not constitute a force majeure. The term of the Agreement shall be extended by a period equal to that during which either party's performance is suspended under this section.

## ARTICLE 13. COMPLIANCE AND CONDUCT

The Consultant shall at all times comply with all rules, regulations, and ordinances of the Town and other governmental agencies having jurisdiction. The Consultant shall further take all precautions and extreme care to conduct its activities in a safe, professional, and prudent manner with respect to its agents, employees, members, visitors, and participants.


By entering into this Agreement, the Consultant is obligated to comply with the provisions of Section 448.095, *Florida Statutes*, "Employment Eligibility." This includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with an alien unauthorized to work in the United States of America. Failure to comply will lead to termination of this Agreement, or if a subcontractor knowingly violates the statute, the subcontractor must be terminated immediately.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date hereinabove first written.

**TOWN OF LANTANA, FLORIDA**

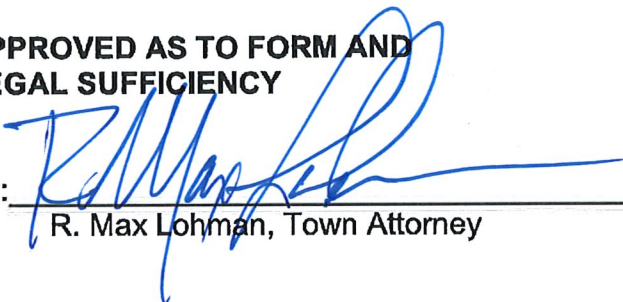
By:   
Brian K. Raducci, Town Manager

**ATTEST:**


By:   
Kathleen Dominguez, CMC, Town Clerk



**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By:   
R. Max Lohman, Town Attorney

**BALLARD PARTNERS, INC.**

By:   
Brian D. Ballard, President

## **EXHIBIT "A"**

PROPOSAL  
FOR  
LEGISLATIVE REPRESENTATION



Prepared by:

BALLARD | PARTNERS

**Headquarters:**

201 East Park Avenue, 5<sup>th</sup> Floor  
Tallahassee, Florida 32301  
850.577.0444 Telephone  
850.577.0022 Fax

**West Palm Beach Office:**

1400 Centre Park Blvd.  
Suite 1010  
West Palm Beach, Florida 33401  
561.253.3232 Telephone

[www.ballardpartners.com](http://www.ballardpartners.com)



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**EXECUTIVE SUMMARY**

On behalf of Ballard Partners, Inc. (Firm), I am pleased to submit this proposal to provide Legislative Representation on behalf of the Town of Lantana. The Firm’s headquarters is located at 201 East Park Avenue, 5<sup>th</sup> Floor, Tallahassee, Florida 32301.

This proposal represents a full-service agreement for representation of any and all issues before the legislative and executive branches of Florida government in the categories of General Legislation, Budget Appropriations and Infrastructure Initiatives. This includes, but is not limited to, the filing of specific legislation, monitoring, identifying, prioritizing, tracking and reporting of general legislation, as well as all issues pertaining to State agencies, departments and the Executive Office of the Governor.

The Firm has extensive experience in advocacy before the Florida Legislature and the Executive Branch, the cornerstone of our practice. We are well versed in bill and amendment drafting, appropriations, and all other components of effective legislative and executive branch representation. More importantly, our team understands how to accomplish the tasks given to us by our clients, working to identify their priority issues and implementing the best course of action to address those issues.

Whether it is a complex problem involving multiple branches of government, strictly a legislative matter, or advocacy beyond the halls of the Capitol, we believe our combined team experience will give your cause a competitive edge.

The following persons are authorized to make representations for the Firm.

Brian Ballard, President  
201 East Park Avenue, 5th Floor  
Tallahassee, FL 32301  
850.577.0444 Telephone  
[ballard@ballardpartners.com](mailto:ballard@ballardpartners.com)

Mathew Forrest, Partner  
1400 Centre Park Boulevard, Suite 1010  
West Palm Beach, FL 33401  
561.253.3232 Telephone  
[mat@ballardpartners.com](mailto:mat@ballardpartners.com)

Please feel free to contact me if you have any questions.

Signed:   
\_\_\_\_\_  
Brian Ballard, President  
Ballard Partners, Inc.

Date: 4/14/2022

## **OUR TEAM**

The key personnel assigned to the Town of Lantana will be Brian Ballard, President and Mathew Forrest, Partner. Beyond the primary contacts, all the Firm's principals will be utilized when necessary. We believe it is our combined expertise and relationships at all levels of government that will be uniquely beneficial. Our organizational structure and team approach allow us to offer our full availability to handle the needs and concerns of the Town. All representatives of the Firm may be contacted through our Tallahassee office.

### **BRIAN D. BALLARD, PRESIDENT**

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Brian has earned a reputation as a tireless, persistent, and effective advocate for his clients' interests. He has been recognized in *The Hill: Top Lobbyists / Hired Guns 2021, 2020*, *Florida Trend's 2021, 2020 Most Influential Business Leaders*, named a member of *Vanity Fair's "New Establishment for 2019"*, and listed among the 18 to watch in 2018 by *Politico Playbook Power List*. His accomplishments have spanned over 25 years and includes legislative successes on hundreds of policy and funding initiatives in Florida and Washington, DC.

Brian has taken his passion for politics and policy to the national scene, opening up Ballard Partners' Washington, DC office in February 2017. He is spearheading the firm's successful efforts with a first-class bi-partisan government relations team that represents clients across the federal landscape and impacting a myriad of domestic and foreign affairs issues.

As one of the top political insiders in Florida and Washington, Brian's political portfolio includes meaningful roles in several presidential and gubernatorial campaigns. He chaired the Florida Finance Committee of Republican presidential nominees John McCain in 2008, Mitt Romney in 2012 and Donald J. Trump in 2016. Additionally, Brian has served as vice chairman of the Presidential Inaugural Committee and was appointed as a member of the Presidential Transition Finance Committee. Recognizing his formidable fundraising and political skills, the Republican National Committee tapped Brian to serve as the Finance Vice Chairman to help build resources for key national races.

Brian and his wife Kathryn were honored to be selected by three Florida Governors to plan and execute their inaugural ceremony and events, serving as Co-Chairs of the inauguration for Governor Ron DeSantis, Governor Rick Scott and Governor Charlie Crist.



Among his important public service experience, Brian currently serves on the Board of Trustees for the John F. Kennedy Center for the Performing Arts. He previously served on the U.S. and Foreign Commercial Service Advisory Council, after appointment by the U.S. Secretary of Commerce. He also directed the transition and assisted in the U.S. Senate confirmation of Governor Bob Martinez as the Director of the Office of National Drug Control Policy (Drug Czar) in the Executive Office of the President.

As chief of staff in the Executive Office of the Governor, Brian developed a special interest in environmental issues. Among his accomplishments, he served as chief architect of Preservation 2000, the largest public acquisition program for environmentally sensitive lands in the nation. He also served as Florida's chief negotiator with the U.S. Department of the Interior to end offshore drilling along the state's southeast coastline and the Florida Keys. The American Lawyer magazine rated Brian as one of America's top-rated lawyers in the field of Energy, Environmental and Natural Resources law.

Committed to community service, Brian has been a member of the Council of 100, the Collins Center for Public Policy, Florida Governor's Mansion Foundation, and the City of Tallahassee Architectural Review Board. He has received Florida's highest award for historic preservation recognizing his efforts involving preservation of historic buildings. In 2016, Brian and Kathryn were inducted into Florida State University's Francis Eppes Society for their philanthropic support to the University.

Before establishing Ballard Partners, Brian served as managing shareholder for Bryant Miller Olive P.A. He currently serves as counsel to Panza, Maurer & Maynard, P.A. He received both his Bachelor of Science degree in Business Administration and his Juris Doctorate from the University of Florida, where he was later inducted into the University's Hall of Fame.

## **MATHEW J. FORREST, PARTNER**

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Mat began his career in governmental affairs in the West Palm Beach Mayor's Office serving in three different administrations. He joined Ballard Partners in 2007 and works with clients in a variety of fields including local governments, gaming, arts & culture, tourism and transportation.

Mat is a passionate advocate for local governments and has represented a select handful for over a decade. Through these many Sessions he has been a positive force for protecting home rule and advocating for unique solutions that help his specific local governments.

Mat works extensively in the legislative appropriations process. For years he has helped guide clients through the complicated process of creating projects and defining them for successful inclusion in the annual General Appropriations Act that is passed by the Legislature. Mat's clients have secured funding for such things as stormwater infrastructure, transportation improvements, cultural facilities, crime prevention, park improvements, beach re-nourishment and many more.

He resides in West Palm Beach with his wife, Jillian, and three young children. Personally, Mat is an avid traveler, outdoor enthusiast, and endurance athlete. He is very involved in a variety of local and national philanthropies including Pi Kappa Alpha and the Boy Scouts of America.

## **QUALIFICATIONS**

### **HISTORY AND BACKGROUND**

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Brian Ballard founded the Firm in March of 1998 with one office located in Tallahassee, Florida. The Tallahassee office was first located in the Lively House, which was originally built in 1912 and is listed on the National Historic Register. The headquarters in Tallahassee is now the Firm's office building a few blocks from the State Capitol and key administrative agencies. The Firm has expanded since its inception, and currently has offices in Miami, Jacksonville, West Palm Beach, Tampa, Orlando, Ft. Lauderdale, Tel Aviv, Boston, Istanbul, and Washington D.C. We continue to provide our clients with direct and ongoing access to the Firm's team and its services.

The Firm is comprised of 42 professional, full time governmental consultants with substantial backgrounds in legislative and administrative issues. Combined with our experienced administrative support staff, we offer a close-knit, effective team to address our clients' respective needs.

Our Partners join the Firm after serving in senior positions at the highest levels of federal, local, and state government, business, politics, and media. They are experts in public policy and campaigns who have cultivated lifelong relationships with key leaders and decision makers. Every member of our team is a passionate and persuasive advocate. Our distinct advantage comes from our highly-skilled, bipartisan team – all of whom are available to the Town of Lantana as needed. Every member of our team is a passionate and persuasive advocate.

### **PERFORMANCE AND EXPERIENCE**

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The Firm has an extensive client list and we have been privileged to represent several diverse clients for over two decades, working in partnership to achieve many successes. The focus of the Firm's services includes the advocacy for passage and defeat of legislation, policy, and appropriations relevant to the client. These accomplishments required our lobbying team to work closely with House and Senate leaders, budget chairs, key legislative members and their staff, and the Governor's Office.

The success of the Firm and that of our clients relies upon our ability to maintain important relationships within various levels of government, as well as our ability to grasp policies and



priorities unique and important to our clients. All our consultants spend time building working relationships with important legislative members and their staff. Broad relationships from both the legislative and executive branch of government have been cultivated by our staff prior to their joining the Firm, and these relationships allow us consistent interaction with government leaders and key staffers.

As a Firm, we have experienced over two decades of continuous growth and success at the state and local levels of government relations, routinely topping the list of governmental firms in Florida, and are working tirelessly to achieve the same scale of success in the federal arena. With unparalleled experience and knowledge of national and Florida politics, our Firm's proficiency, and expertise in navigating the ins-and-outs of Washington and the halls of the Florida Capitol, is a distinct advantage to our clients.

### **SPECIFIC ACCOMPLISHMENTS**

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The Firm is proud of the reputation we have earned as the top government relations firm in Florida and the long list of satisfied and successful clients who have chosen to partner with us. We represent a select list of local governments and are proud to list most of them as clients for over a decade.

In that time we have worked on numerous bills ranging from local bills that impact Town Charters, to growth management, and of course a continued defense against State preemptions that erode at Home Rule. We have also successfully assisted them in securing State funds through the annual appropriations process.

Our team members understand this evolving process and have developed relationships with the elected officials that oversee Florida's budget. The process of obtaining funding can be a vastly different process from year to year, and our involvement is a continual exercise.

Listed below are the various appropriations items the Firm successfully obtained from the 2022 Legislative Session and awaiting approval by the Governor. These accomplishments required our lobbying team to work closely with House and Senate leaders, budget chairs, key legislative members and their staff, and the Governor's Office.



2022-23 Appropriations

Recipient	Issue/Line Item	Amount
ACOG The Promise Fund	Promise for Women's Health Equity	\$ 450,000
AXON	Corrections Security & Institutional Operations – Critical Security equipment	\$ 3,000,000
AXON	Procurement of 1,800 extended warranty tasers, 300 holsters and training	\$ 1,540,000
Barry University	Expansion of Nursing and Health Sciences Simulation Program	\$ 276,483
Boca Raton Habilitation Center	AWD Workforce Programs	\$ 300,000
Boca Raton Habilitation Center	PEAR Project	\$ 250,000
Broward County	Nancy J. Cotterman Center Advocacy Program	\$ 306,000
Broward County Public Schools	Mentoring Tomorrow's Leaders	\$ 250,000
Broward County Sheriffs Office	Digital Forensic Unit Expansion	\$ 505,481
Broward Health	200 Program of All-Inclusive Care (PACE) Slots for the Broward Health PACE Program (with proviso)	\$ 4,151,727
Broward Health	Broward Medical Alert Team	\$ 1,000,000
Camillus House	Phoenix Human Trafficking Recovery Program	\$ 250,000
Citrus Health Network	Graduate Medical Education (GME) - Psychiatry	\$ 1,344,447
Citrus Health Network	Citrus Health Network Capital Project	\$ 2,500,000
City of Boynton Beach	Regional Crime Prevention Strategy	\$ 525,000
City of Delray Beach	Catherine Strong Park Improvements	\$ 100,000
City of Delray Beach	Pompey Park Improvements	\$ 935,000
City of Delray Beach	Thomas Street Stormwater Pump Station Improvement	\$ 1,837,500
City of Delray Beach	City-Wide Tidal Backflow Prevention-WaStop Inline Check Valve Installation	\$ 445,000
City of Hallandale Beach	Mental Health Wraparound Services	\$ 469,024
City of Hallandale Beach	Austin Hepburn Senior Center	\$ 103,181

**EXPERIENCE. DEDICATION. RESULTS.**

**BALLARD | PARTNERS**

City of Jacksonville	Fire and Rescue Department Health and Wellness Center	\$	2,500,000
City of Miami	Miami Pump Stations Upgrade District 3	\$	2,500,000
City of Miami	Miami East Flagami Flood Mitigation, Stormwater and Drainage Improvements	\$	3,000,000
City of Miami	Miami Kinloch Flooding Mitigation and Road Reconstruction	\$	2,269,619
City of Miami	East Auburndale Drainage & Flooding Mitigation	\$	1,500,000
City of Miami	Fairlawn Community Storm Water & Drainage	\$	800,000
City of Miami	Localized Flooding Improvements	\$	1,052,000
City of Miami	Tidal Valves and Flood Improvements	\$	100,000
City of Palm Beach Gardens	Stormwater System Improvements	\$	500,000
City of Pembroke Pines	Sen. Howard C. Forman Human Services Campus Utilities Improvements/Connections	\$	1,236,792
City of Pembroke Pines	Senator Howard C. Forman Human Services Campus: Compass Place Independent Living Expansion	\$	294,145
City of Winter Haven	Funding for the Florida Recreation Development Assistance Program - Large Project List - Projects #1 & #2	\$	10,721,968
City of Winter Haven	Funding for the Heartland Headwaters Act - Lake Howard Watershed Treatment Enhancement (\$450,000)	\$	450,000
City of Winter Haven	Lake Conine Recreation Elements	\$	200,000
Council on Public University Reform	Hamilton Center for Classical and Civic Education	\$	3,000,000
COVE Behavioral Health	Men's Residential Program Renovations	\$	105,000
COVE Behavioral Health	Mobile Health Services Vehicle	\$	181,871
DMF Employment Opportunities	Bridging the Gap in Employment of Young Adults with Unique Abilities	\$	395,665
Early Childhood Initiative	Help Me Grow Florida Program	\$	1,808,957
Embarc Collective	Supercharge Startup Growth Florida	\$	3,000,000
FAMU	FAMU/FSU College of Engineering (increase)	\$	6,620,000



FAMU	Increase to recurring base funding	\$ 5,000,000
FAMU	College of Pharmacy - Crestview Campus	\$ 1,500,000
FAMU	Campus-Wide Utility Infrastructure	\$ 27,700,000
FAU	Operational Support	\$ 5,000,000
Feeding Florida	Feeding Florida Healthy Food Initiative and Infrastructure Improvements	\$ 3,000,000
Five Point Solutions	Safe Schools Assessment Tool for all public schools - Governor's Recommendations	\$ 640,000
Florida Epilepsy	Florida Epilepsy Services Program	\$ 976,364
Florida Keys/City of Marathon	Florida Keys Area of Critical State Concern - Keys Stewardship (wastewater treatment and water quality improvement)	\$ 20,000,000
Ft. Lauderdale DDA	Ft. Lauderdale Huizenga Park Capital Project	\$ 950,000
Hillsborough County BOCC	Veterans Resource Center Phase II	\$ 1,650,000
Hillsborough County BOCC	Harvest Hope Park Sidewalks	\$ 1,170,000
Hillsborough County BOCC	Safe Routes to School - Limona Elementary	\$ 1,380,000
K9s for Warriors	Lifetime Care & Mental Health Support for Veterans	\$ 750,000
K9s for Warriors	The Nation's Largest Service Dog Training Center for American Veterans	\$ 2,500,000
Kitson	Bridge Construction SR 31	\$ 30,000,000
L3Harris	SLERS Contract Funding Line 2923	\$ 19,000,000
Lion's Eye	Pediatric Vision Center - USF Eye Institute & Lions Eye Institute for Transplant & Research	\$ 700,000
Martin County	Cypress Creek Floodplain Restoration Project	\$ 750,000
Martin County	Seven J's Sewer Project	\$ 2,000,000
Martin County	Martin County REACH Program	\$ 1,000,000
Max Planck	FAU - Max Planck Scientific Fellows Program	\$ 750,000
Miami Dade College	Workforce Training for Mechatronics Careers (MECCA) Hub	\$ 1,000,000
Miami Dade College	Registered Nurses Growth Plan	\$ 600,050
Miami Learning Experience	Miami Learning Experience School Adult Program	\$ 1,300,000

Miami Lighthouse	Florida Heiken Children's Vision Program	\$ 1,000,000
Miami-Dade College	Freedom Tower Restoration	\$ 25,000,000
MT. Sinai Medical Center	50 Program of All-Inclusive Care (PACE) Slots for the Mt. Sinai PACE Program (with proviso)	\$ 3,921,644
Nova Southeastern	Enhanced Funding to Support Individuals with Autism and Developmental Disabilities	\$ 300,000
Nova Southeastern University	Clinic-Based Service Outreach (Veterans Access Clinic)	\$ 1,000,000
Pensacola State College	Nursing Expansion to Increase graduates of LPN, RN-AS and BSN Programs	\$ 765,645
Pensacola State College	Asphalt improvement/Replacement	\$ 5,578,528
Re Entry Alliance Pensacola	Re-Entry Portal Pensacola	\$ 300,000
Re Entry Alliance Pensacola	Re-Entry Portal Santa Rosa	\$ 100,000
Selah Freedom	Programs and Services for Victims of Sex Trafficking and Exploitation	\$ 750,000
Seminole State College	Construction Trades Training Equipment	\$ 756,722
Seminole State College	Building D - Renovation of Construction Trades Building	\$ 5,841,111
South Florida Science Center	Southern Florida Science Center and Aquarium Expansion (Cox Science Center)	\$ 10,000,000
St. Leo University	"The Farm" Organic farm initiative	\$ 311,700
St. Leo University	Robotics Engineering Degree & Microcredentials Program	\$ 247,500
St. Leo University	Robotics Engineering Degree & Microcredentials Program	\$ 1,000,000
St. Leo University	Saint Leo Multipurpose Arena Complex	\$ 15,000,000
Tampa General Hospital	Global Emerging Diseases Institute (GEDI)	\$ 10,000,000
Teach Florida	STEM Teacher Pilot Program	\$ 1,000,000
Teach Florida	School Hardening in Jewish Day Schools	\$ 3,500,000
Teach Florida	Security Funding in Jewish Day Schools	\$ 500,000
The Fire Watch	Veterans Suicide Prevention Programming	\$ 540,000
Town of Palm Beach	Palm Beach Historic North Fire Station Renovation	\$ 450,000
UF Health-Shands	UF Health Indigent Care Expansion	\$ 6,000,000
UF Leesburg	Leesburg Hospital - Indigent Care	\$ 1,000,000



Village of North Palm Beach	Stormwater Master Plan	\$ 150,000
Village of North Palm Beach	Emergency Operations Center Emergency Generator	\$ 200,000
WeatherSTEM	Severe Weather Mesonet	\$ 971,400
WIN Learning	Florida Ready-to-Work Program	\$ 2,000,000
Workforce Development Partners Corp	Future Career Academy	\$ 400,000
UF Health-Shands	UF Health Indigent Care Expansion	\$ 6,000,000
UF Leesburg	Leesburg Hospital - Indigent Care	\$ 1,000,000
Village of North Palm Beach	Stormwater Master Plan	\$ 150,000
Village of North Palm Beach	Emergency Operations Center Emergency Generator	\$ 200,000
WeatherSTEM	Severe Weather Mesonet	\$ 971,400
WIN Learning	Florida Ready-to-Work Program	\$ 2,000,000
Workforce Development Partners Corp	Future Career Academy	\$ 400,000
Youth Opportunity/Florida Network	Governor's Recommended Budget - pay increases for DJJ private providers/direct care staff	\$ 5,349,661
<b>TOTAL \$</b>		<b>296,025,185</b>

**LOCAL GOVERNMENT KNOWLEDGE**

Ballard Partners has a strong understanding of the issues that are unique to local governments, pre and post pandemics and natural disasters.

As with other local government clients, a main legislative priority would be to protect the Town of Lantana from the legislature’s infringement of Home Rule - allowing you to make decisions that best fits your community. Home Rule is one of the most important issues for municipalities, as preemption from the state causes enormous burdens on local governments and their ability to operate with autonomy and best serve their constituents.

Our Firm has a track record of working in conjunction with other local government advocates to stop potentially damaging preemption bills from passage. For example, legislation regarding vacation rentals has been a major point of contention over the last several legislative sessions. While the bill has taken several different forms over the years, our firm along with other municipal lobbying teams have successfully prevented preemption bills that would eliminate local authority to regulate vacation rentals from becoming law.

Our Firm is incredibly proud of our ability to secure funding for our clients in the state's budget, while also understanding that there are equally important policy issues affecting local governments.

Working with and amplifying our client's voice is critical in this process. We have a proven track record of working closely with our clients and other allies to ensure that their voices are heard especially on issues of great importance such as when opposing broad preemption bills regarding local business taxes, development mandates, and even signage ordinances. We have also advocated for changes that our local government clients identified that would help them as well as others.

For example, our client the City of Palm Beach Gardens was looking at ways to address several enclaves contained in the city. An enclave is any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality. Through the city's leadership, enclaves that are 110 acres or less may now be incorporated to the appropriate municipality by an interlocal agreement with the county having jurisdiction of the enclave.

We also assisted the City of Jacksonville when it needed to address major pension reform. In 2016, we assisted in the passage of legislation that allowed them to re-purpose an existing 1/2 penny surtax to fund their pension liability.

Lastly, we have a proven track record of securing funds for the Town of Lantana during our past representation of the Town. In 2014, when the State sold the A.G. Holley State Hospital property, we successfully advocated that the Town deserved \$1 million from the sale as well as a long-term lease with the State for recreation fields, and a community center, on the adjacent State property. Because of our involvement, the Town benefited not only from the economic development of the old hospital site and new recreation fields, but the State also appreciated the improved and managed State lands. We followed up in 2016 and secured an additional \$500,000 for renovations of the Community Center.



## **APPROACH TO PROVIDING LOBBYING SERVICES**

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The Firm specializes in all aspects of governmental and public affairs, including legislative advocacy and administrative issues affecting agency decisions. Our philosophy is simple: We combine extensive government experience with unwavering advocacy to maximize clients' results. We bring a broad range of governmental and political expertise to meet the needs of our clients. Our lobbying success is grounded in our collective years of experience, a keen understanding of local, state, and federal politics, and effective representation in a myriad of policy areas, impacting a wide spectrum of government.

Once retained, our team will work with the Town of Lantana staff to identify and review all areas of concern and interest and establish the goals and priorities of the Town. We will then develop an overall strategy, timelines, and deliverables to address those issues and compile and produce the necessary supporting information. The team will assist the Town with the development and preparation of its legislative program and supporting materials, position statements, brochures, etc. Beyond a list of identified action items, the team will track, monitor and report on all filed bills that may have an impact on the Town.

Once priorities and goals are established, we will devise and communicate an approach for accomplishing those legislative and policy needs. We are well versed in bill and amendment drafting, appropriations, and all other components of effective legislative and executive branch representation. The team will immediately begin to implement the strategy by identifying and working with key legislators and legislative committee staff. We will also maintain an active and ongoing engagement with committee chairs, key policymakers, and staff of the legislative and executive branches throughout the year.

## **2023 LEGISLATIVE PLANNING**

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The 2022 Regular Legislative Session is over and barring a special session on a narrow scope of policy issues, the campaigns for the 2022 election now begin in earnest. As this year's election takes place following redistricting, every seat in both the Florida House and Florida Senate will be voted on in the August primaries and the November General Election. The Florida House and Senate districts have undergone significant revisions during the redistricting process. It is highly likely that the Town will be in the district of a new State Representative next Session. I would encourage the Town to engage in the election and make sure all candidates know the Town's priorities.



As it happens every cycle, following the General Election, the Florida House and Florida Senate will have new leadership with different policy priorities than in previous years. Representative Paul Renner (R-Palm Coast) is expected to be the new Speaker of the Florida House, and Senator Kathleen Passidomo (R-Naples) is expected to be the next Senate President. They will oversee their respective chambers for the next two legislative sessions (2023 and 2024) and will appoint new members to be on their leadership teams and to be committee chairs. Those picked for either their leadership team or as committee chairs will be very influential on which policy and budget priorities are successful in the coming years.

To be successful in 2023, we would begin to meet with your respective department and policy staff to plan for the 2023 Session. The new leadership teams for the Florida House and Senate will be complete in November 2022, and Committee Weeks will begin in December 2022 and run through March 2023 when the Session begins. It is never too early to identify local initiatives and lock in support from your delegation, even while they are campaigning. We look forward to working with you to be ready to hit the ground running in the fall of 2022 for the quick lead up to the 2023 Session.

## **FEE PROPOSAL**

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Ballard Partners proposes an annual fee of \$60,000 for this agreement, plus the reasonable and approved costs associated with the representation, including but not limited to, lobbyist registration fees and Town related travel expenses, excluding costs typically associated with the operation of an office, such as overhead, staff, and equipment. The fee can be paid in 12 equal installments of \$5,000 a month. The Firm will bill costs monthly and payment terms are net thirty (30) days.

BALLARD | PARTNERS

**City of Delray Beach  
2022 Session Summary  
March 23, 2022**



The 2022 Legislative Session concluded on March 14th. In total 3,685 Bills and PCBs were filed for consideration during the 6 pre-Session committee weeks and the 63 days of actual Session. From that, 285 or roughly 7.7% passed both chambers and await approval from the Governor.

As I'm sure you are aware several preemption bills were filed this year, and some did pass. They covered a variety of issues ranging from tree removal to local ordinances that may affect businesses. Many of these issues were heavily amended throughout the process so it's important to have your legal team dive into the actual bills that passed to determine how they impact you. A summary of the most relevant legislation is below but if there is a bill or issue you don't see please let me know.

### **What's Next?**

The 2022 Regular Legislative Session is over and barring a special session on a narrow scope of policy issues, the campaigns for the 2022 election now begin in earnest. As this year's election takes place following redistricting, every seat in both the Florida House and Florida Senate will be voted on in the August primaries and the November General Election. The Florida House and Senate districts have undergone significant revisions during the redistricting process, and we would suggest that your staff review how these changes will affect who represents your jurisdiction following November's elections.

As it happens every cycle, following the General Election, the Florida House and Florida Senate will have new leadership with different policy priorities than in previous years. Representative Paul Renner (R-Palm Coast) is expected to be the new Speaker of the Florida House, and Senator Kathleen Passidomo (R-Naples) is expected to be the next Senate President. They will be in charge of their respective chambers for the next two legislative sessions (2023 and 2024), and will appoint new members to be on their leadership teams and to be committee chairs. Those picked for either their leadership team or as committee chairs will be very influential on which policy and budget priorities are successful in the coming years.

We will keep you up to date on the latest developments, and we suggest that you begin to meet with your respective department and policy staff to begin to plan for the 2023 Session. The new leadership teams for the Florida House and Senate will not be complete until mid-to-late November 2022, and Committee Weeks are not expected to begin until January 2023. But it is never too early to prepare, and we look forward to working with you to be ready to hit the ground running in the lead up to the 2023 Session.

## Appropriations

As you have no doubt heard, Florida's economy is doing well. Strong sales tax collection, increased tourism, and various Federal aid programs have resulted in revenue collections exceeding estimates. Legislators have known for months that they would have a budget surplus, rather than a deficit, which resulted in even more member appropriation requests than previous years. For the 2022 Session, more than 1,700 appropriation requests were filed in the House and 1,800 in the Senate, totaling multiple billions of dollars.

In total, the Legislature passed a \$112.1 billion budget for fiscal year 2022-2023. The largest portion of the budget was Health and Human Services with an allocation total of \$48.9 billion. The second largest piece of the budget was the Prek-12 and Higher Education silo with a \$25.7 billion allocation. Transportation followed the education budget with \$16.5 billion allocated, and Agriculture received \$9.3 billion for fiscal year 2022-2023. In total, the overall size of the state's budget increased 10% from last year.

The Legislature allocated \$362.7 million towards Affordable Housing programs. Under the Department of Economic Opportunity, the Legislature has allocated \$153.3 million to programs like the State Apartment Incentive Loan program (SAIL) and \$100 million for the Florida Hometown Heroes program. \$209.5 million was also allocated for the State Housing Initiatives Partnership (SHIP). The FY 2022-2023 budget also includes \$782.4 million towards improving water quality, while \$4.2 billion has been given to the Department of Environmental Protection overall. Projects under this amount include a Wastewater grant program as well as a Flood and Sea Level Rise program.

The Tax package is another important part of Budget Conference that has vast impacts around the State. This year's package included a 14-day "back-to-school" tax holiday in July and August, a two-year tax exemption for impact-resistant windows, doors and garage doors, and increases the value of property exempt from ad valorem taxation for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000. The package also provides an additional \$5 million annually for the Community Contribution Tax Credit program, creates a tax credit for investment in short line railroads and creates a one-month motor fuel tax holiday to reduce motor fuel taxes in October 2022. These are just a few of the exemptions and credits agreed upon by this year's legislature.

## City of Delray Beach Appropriation Requests 2022

This year the City of Delray Beach submitted four projects to be funded during the 2022-2023 Fiscal Year. We are very happy to report that with steady advocacy throughout the process all projects were eventually fully funded. With the final passage of the budget, the City received a total of \$3,317,500 for four projects. Each project and their respective funding amounts are listed below.

### 1) Pompey Park Improvements

HB 3341 by Rep. Caruso  
Requesting: \$935,000

Senate Form 1465 by Sen. Berman  
Local Match: \$0

The funding for this project will contribute to MEP Engineering & Permitting, the purchase of new commercial kitchen and pool equipment, pool resurfacing, pavilion purchase and installation, parking lot improvements including mill & resurfacing and striping. The installation of a commercial kitchen will provide a healthier environment for the preparation of food for after-school programs, senior programs, and other community events. Resurfacing the pool will allow for the facility to be available for a wider range of participants in swimming and water aerobics classes and improvements to the pool equipment room will provide a safer environment and pool equipment upgrades for the community. The purchase and installation of a pavilion shade structure will provide a safe outlet for play in a high use, economically challenged community for neighborhood children, seniors, program participants and local organizations.

### 2) Thomas Street Stormwater Pump Station Improvement

HB 3357 by Rep. Caruso  
Requesting: \$1,837,500

Senate Form 1419 by Sen. Berman  
Local Match: \$1,837,500

The general public living in the Thomas Street basin area have been suffering flooding issues that has been damaging to their properties, landscape and has caused inconvenience for the residents coming and going through the area. The objective of this project is to construct a new stormwater pump station which has reliable and adequate pumping capacity as defined by South Florida Water Management District (SFWMD) Level of Service criteria for the residents that are living in Thomas Street drainage basin. The City of Delray Beach will hire a licensed general contractor and full-time project representative (construction, engineering, and inspection (CEI) services) to construct the Thomas Street Pump Station.

### 3) Catherine Strong Park Improvements

HB 3359 by Rep. Caruso  
Requesting: \$100,000

Senate Form 2061 by Sen. Berman  
Local Match: \$0

The funds requested for this improvement will provide the purchase and installation of a new playground shade structure. This will offer a safe outlet for play in a high use, economically depressed community for neighborhood children, program participants, youth organizations and sports teams.

**4) City-Wide Tidal Backflow Prevention - WaStop Inline Check Valve Installation**

HB 3559 by Rep. Caruso  
Requesting: \$445,000

Senate Form 1418 by Sen. Berman  
Local Match: \$445,000

The City of Delray Beach is requesting \$445,000 to install WaStop Inline Check Valves at 13 prioritized locations along intracoastal waterway. The goal is to protect the city stormwater drainage system from seawater intrusion during King Tide, severe storm events like hurricanes and Projected Sea Level Rise (SLR). The purpose is to protect the general public from potential loss or personal injuries because of flooding damage to houses or roadways and protect properties, roadways, businesses from flooding damage as well. The city will purchase WaStop Check Valve and use internal staff or hire a licensed general contractor to install WaStop Check Valves on various locations throughout the city.

**In the final Budget:**

**1665A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES  
- FIXED CAPITAL OUTLAY GRANTS AND AIDS - WATER PROJECTS**

Delray Beach Thomas Street Stormwater Pump Station Improvement  
(HB 3357) (Senate Form 1419)..... 1,837,500

Delray Beach City-Wide Tidal Backflow Prevention - WaStop Inline  
Check Valve Installation (HB 3559) (Senate Form 1418)... 445,000

**1755A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES  
FIXED CAPITAL OUTLAY LOCAL PARKS FROM GENERAL REVENUE FUND . . .**

Delray Beach Catherine Strong Park Improvements (HB 3359)  
(Senate Form 2061)..... 100,000

Delray Beach Pompey Park Improvements (HB 3341) (Senate Form  
1465)..... 935,000

Congratulations! Now that the budget has been passed by the Legislature our attention turns towards the Governor's Office as the budget will be sent to him for his signature. In Florida, the Governor has line-item veto authority, meaning that he can veto any and all parts of the budget - including line items.

We will work with city staff to provide information to the Governor’s Office about your projects, and why they should keep your projects in this year’s budget. The Legislature can send the budget to the Governor at any time between now and the next several weeks, and we will begin immediately to protect your projects from a line-item veto.

We are also happy to report that the Legislature also fully funded the Sea Level Rise Resilience Plan which includes a project for the City.

The Sea Level Rise Resilience Plan had a specific appropriation with \$170,874,990 in General Revenue and \$100,000,000 from the Resilient Florida Trust Fund.

1775A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FLOODING AND SEA LEVEL RISE RESILIENCE PLAN - STATEWIDE		
	FROM GENERAL REVENUE FUND . . . . .	170,874,990	
	FROM RESILIENT FLORIDA TRUST FUND . . . . .		100,000,000

Funds in Specific Appropriation 1775A are provided to the Department of Environmental Protection for the Statewide Flooding and Sea Level Rise Resilience Plan, years one through three, as submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives on December 1, 2021, pursuant to section 380.093(5), Florida Statutes. In the event that projects included in the plan are unable to continue, the department may include a revised list of projects in its Statewide Flooding and Sea Level Rise Resilience Plan submission on December 1, 2022.

In the back of the bill, there is proviso about the Resilient Florida Grant Program (page 499).

RESILIENT FLORIDA GRANT PROGRAM

The Chief Financial Officer shall transfer \$200,000,000 from the General Revenue Fund to the Resilient Florida Trust Fund in the Department of Environmental Protection. The nonrecurring sum of \$200,000,000 from the Resilient Florida Trust Fund is appropriated in Fixed Capital Outlay and placed in reserve for the Resilient Florida Program pursuant to section 380.093, Florida Statutes. The department is authorized to submit budget amendments to request the release of funds pursuant to chapter 216, Florida Statutes. Up to \$20,000,000 may be used to provide grants for the Resilient Florida Grant Program. The remaining funds are provided for projects included in the Statewide Flooding and Sea Level Rise Resilience Plan to be submitted on December 1, 2022.



## Bills of Interest Filed for the 2022 Session

### Cause of Action for Local Businesses Damages SB 620 (by Hutson) /HB 569 (by McClure) – (Passed)

SB 620 and its identical house companion, HB 569, were two of the most controversial bills of the 2022 Legislative Session. Local governments and statewide advocacy groups such as the Florida League of Cities and the Florida Association of Counties were deeply concerned with the bills' impact on the ability to effectively govern at the local level. SB 620 and HB 569 were amended several times and included some suggested changes from the Florida League of Cities. Included below is a summary of the bill text and its impacts.

The bills create a cause of action for an established business to recover loss of business damages from a county or municipality whose regulatory action has caused a significant negative impact (greater than 15% loss of profit) on the business as long as the business has engaged in lawful practice for 3 years before the ordinance. The business cannot claim damages for more than 7 years of lost profits.

#### (2) CLAIMS FOR BUSINESS DAMAGES.—

(a) Except as provided in paragraph (c), a private, for profit business may claim business damages from a county or municipality if:

1. The county or municipality enacts or amends an ordinance or a charter provision that has or will cause a reduction of at least 15 percent of the business' profit as applied on a per location basis of a business operated within the jurisdiction; and

2. The business has engaged in lawful business in the jurisdiction for the 3 years preceding the enactment of or amendment to the ordinance or charter.

(b) The amount of business damages may be established by any reasonable method, but the amount of business damages that may be recovered by a business may not exceed the present value of the business' future lost profits for the lesser of 7 years or the number of years the business had been in operation in the jurisdiction before the ordinance or charter provision was enacted.

The bill was amended in the Senate Appropriations Committee. It provides for business damages to be calculated on a per location basis within the offending jurisdiction. It also makes the bill prospective in nature. Finally, it exempts the following ordinances:

4. An ordinance or charter provision enacted to implement:

a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation;

b. Section 553.73, relating to the Florida Building Code; or

c. Section 633.202, relating to the Florida Fire Prevention Code;

5. An ordinance or charter provision required to implement a contract or agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county or municipal government;

6. An ordinance or charter provision relating to the issuance or refinancing of debt; or

7. An ordinance or charter provision relating to the adoption of a budget or budget amendment.

Further changes state that action for business damages must be filed within one year after the effective date of the ordinance. The court may also award attorneys fees to the prevailing party.

Finally, the county has the option to grant a waiver to the business if damages greater than 15 percent are found, or may provide notice to amend or repeal the ordinance by charter provision. We recommend that you and your legal team review the bill language due to the impacts it may have on your local government and residents, and the vast changes that have taken place since the bill has been filed in both chambers.

SB 620 has passed the Florida Senate by a vote of 22-14 and has passed the House by a vote of 69-45. It is now on its way to the Governor for final approval.

### **School Concurrency**

**SB 706 (by Perry)/ HB 851 (by McClain) – (Passed)**

SB 706 and its similar House companion, HB 851, requires local governments that adopt school concurrency to apply such concurrency to development on a districtwide basis and removes provisions allowing for local governments to apply concurrency on a less than districtwide basis.

The bill provides that school concurrency is deemed satisfied when the developer tenders a written legally binding commitment, rather than actually executes such commitment, to provide mitigation proportionate to the demand created by the development. A district school board must notify the local government that capacity is available for the development within 30 days after receipt of the developer's commitment. The bill also provides that such mitigation paid by a developer, rather than being immediately directed toward a school capacity improvement, may be set aside and not spent until an appropriate improvement is identified.

Bill text is below for reference:

#### Section 1-

2.

School concurrency is deemed satisfied when ~~if~~ the developer tenders a written, ~~executes a~~ legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. The district school board shall notify the local government that capacity is available for the development within 30 days after receipt of the developer's legally binding commitment. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan and the interlocal agreement pursuant to s. 163.31777.

c. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in the 5-year school board educational facilities plan or must be set aside and not spent until such an improvement has been identified that satisfies the demands created by the development in accordance with a binding developer's agreement.

SB 706 has passed the House by a vote of 113 to 0, and passed the Senate by a vote of 38 to 0. Overall, this legislation received unanimous support along all committee stops and for its final votes.

#### Legal Notices

##### **CS/HB 7049 (By Grall) – (Passed)**

CS/HB 7049 allows a governmental agency the option to publish legal notices on a publicly accessible website owned by the county instead of in a print newspaper under specified conditions. The sponsor of the legislation, Rep. Erin Grall, R-Vero Beach, said the bill was needed to cut costs to governments for publishing notices.

50.011 Publication of legal notices.—Whenever by statute an official or legal advertisement or a publication, or notice in a newspaper or on a governmental agency website. . .

HB 7049 passed the House by a vote of 78-39, and has passed the Senate by a vote of 23-16. It will now head to the Governor for final approval before becoming law. We recommend that your team review the above bill to determine how it affects you.

### **Private Property Rights to Prune, Trim, and Remove Trees SB 518 (By Brodeur) / HB 1555 (By McClain) – (Passed)**

Several years ago, the Legislature preempted local governments' tree ordinances, and unlike in the past, this year's tree-related bill had broad bipartisan support. SB 518 states that a local government may not burden a property owner's right to prune, trim, or remove trees on his or her own property if the tree "poses an unacceptable risk" to persons or property.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses ~~obtains~~ documentation from an arborist certified by the ~~ISA International Society of Arboriculture~~ or a Florida licensed landscape architect that the tree poses an unacceptable risk ~~presents a danger~~ to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

The bill also provides new definitions for "Documentation" and "Residential Property". SB 518 passed the Senate by a vote of 38-0 and passed the House by a vote of 116-1. It is now on its way to the Governor for final approval.

### **Covid Liability SB 7014 (By Judiciary)/(HB 7021 By Health and Human Services) – (Passed)**

SB 7014 extends the application period of liability protections against Covid-19 to claims before June 1, 2023 - making the window of liability protections open from March 29, 2022, to June 1, 2023. This liability protection applies to Health Care Providers and protects them from potential civil suits stemming from the Covid-19 pandemic.

Existing liability protections require a plaintiff to satisfy heightened pleading requirements of alleging facts in sufficient detail to support each element of his or her claim, prove by the greater weight of the evidence that the health care provider was grossly negligent or engaged in intentional misconduct, and overcome any affirmative defense recognized in the statute that is properly raised by the health care provider defendant.

The bill text is below:

(6) APPLICATION PERIOD.—This section applies to claims that have accrued before the effective date of this act and before June 1, 2023 ~~within 1 year after the effective date of this act.~~

The effective date of the previous legislation that established protections (CS/SB 72) was March 29, 2021 and extended them “within 1 year after the effective date of this act”. SB 7014 extends this time frame from March 29, 2022 to June 1, 2023.

This legislation has been signed by the Governor, after passing the Senate by a vote of 22 yeas to 13 nays, and 87 yeas to 31 nays in the House.

### **Business Impact Statements**

#### **SB 280 (by Hutson) /HB 403 (by Giallambardo) – (Failed)**

SB 280 and its similar House companion, HB 403, were another pair of controversial bills that affected local governments, but unlike SB 620 and HB 569, these bills saw dramatic changes that limited their scope, added protections for local governments, and gave judges more discretion. The Florida League of Cities worked closely with the Senate sponsor, Senator Travis Hutson, to make the bill significantly better for local governments, and as a result, the Florida League of Cities and many local jurisdictions were neutral or in support of the bill.

The bills provided that a court may award attorney fees to the complainant successfully challenging a local government ordinance on the grounds that the ordinance is arbitrary or unreasonable.

#### *Section 1-*

(3) If a civil action is filed against a local government to challenge the adoption or enforcement of a local ordinance on the grounds that the ordinance is arbitrary or unreasonable, or is prohibited by law other than via express preemption, the court may assess and award reasonable attorney fees and costs and damages to the complainant if successful.

The bills also required counties and municipalities to adopt a “business impact statement” before the adoption of any proposed ordinances and required the suspension of enforcement of any newly enacted ordinance if a party challenging the ordinance requested suspension by the court.

#### *Section 4 -*

(4) (a) Before the adoption of each proposed ordinance, the governing body of a municipality shall prepare a business impact statement in accordance with this subsection. The business impact statement must be posted on the municipality's website on the same day the notice of



proposed enactment is published pursuant to paragraph (3) (a) and must include:

1. A statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, or welfare of the municipality;
2. A statement of the reasonable connection between the public purpose and the expected effects of the ordinance;
3. The estimated economic effect of the proposed ordinance on businesses both within and outside the municipality, including both adverse and beneficial effects and both direct and indirect effects;
4. A good faith estimate of the number of businesses likely to be affected by the ordinance;
5. An analysis of the extent to which the proposed ordinance is likely to deter or encourage the formation of new businesses within the municipality's jurisdiction;
6. An analysis of the extent to which the proposed ordinance will impede the ability of businesses within the municipality to compete with other businesses in other areas of this state or other domestic markets;
7. If applicable, the scientific basis for the proposed ordinance;
8. Alternatives considered by the municipality which would reduce the impact of the proposed ordinance on businesses; and
9. Any additional information the governing body determines may be useful.

*Section 5 -*

(1) A municipality must suspend enforcement of an ordinance that is the subject of an action, including appeals, challenging the ordinance's validity on the grounds that it is preempted by the State Constitution or by state law, is arbitrary or unreasonable, or is otherwise prohibited by law, if:

- (a) The action was filed with the court no later than 20 days after the effective date of the ordinance;
- (b) The plaintiff or petitioner requests suspension in the initial complaint or petition, citing this section; and
- (c) The municipality has been served with a copy of the complaint or petition.

SB 280 received some support in the Senate, passing by a vote of 28-8 on the Senate floor. However, the House indefinitely postponed the bill where it died. HB 403 made it past all

committee stops, but did not make it to a vote on the House floor. We do expect this legislation to be filed again so please review it in preparation for next session.

### **Sovereign Immunity**

#### **SB 974 (by Gruters) /HB 985 (by Beltran) – (Failed)**

SB 974 and its similar house companion, HB 985, would have increased the limits of the state's waiver of sovereign immunity. There was robust discussion this session surrounding the current limits and the size of the prospective increase. The bill saw multiple iterations, and the cap for per person injured and per incident fluctuated significantly.

In its final form, SB 974 created a three-tier system where a county or municipality that has a population of 50,000 or less is liable for \$200,000 per claimant \$300,000 per occurrence. Universities, public colleges and other entities with sovereign immunity that are not a state agency, county, county constitutional officer, or municipality, would have been liable for \$200,000 per claim and \$300,000 per occurrence. For counties or municipalities with populations of 50,000 to 250,000, would have been liable for \$300,000 per claim and \$400,000 per occurrence. Finally, for the state or state agency or county or municipality having a population of more than 250,000, would have been liable for \$400,000 per claim and \$600,000 per occurrence. In its final form, HB 985 increased the sovereign immunity caps for damages against the state and local government entities to \$400,000 per person and \$600,000 per incident.

SB 974 and HB 985 both failed to reach the floors of their respective chambers this Session, and thus will not become law. SB 974 died in its fourth and final committee, and HB 985 died right as it was scheduled to be read on the House floor. HB 985 passed all of its committees of reference with minimal opposition. This legislation will likely be back next session so please review the bill text to prepare.

### **Vacation Rentals**

#### **SB 512 (by Burgess)/ HB 325 (by Fischer) – (Failed)**

SB 512 and its House companion, HB 325, was the Legislature's attempt to preempt the regulation of vacation rentals – also known as short-term rentals – to the State. The regulation of vacation rentals has been a contentious issue for many years, with each previous attempt also falling short of passage.

Unlike SB 512, HB 325 included additional provisions that limit local governments' ability to enforce short term rental ordinances including prohibiting local governments from charging a vacation rental registration fee and creating a cure period for vacation rental owners who fail to register with the local government. The bill now mandates local governments waive the fine for failure to register if the owner becomes compliant within 30 days of receiving the notice.

SB 512 died in its last committee stop, and HB 325 died in its second to last committee stop and received opposition on partisan lines in its first committee. Please review the information in these bills as the issue of Vacation Rentals is expected to come back in the future.

**Preemption of Local Government Wage Mandates**  
**SB 1124 (by Gruters)/ HB 943 (by Harding) – (Failed)**

SB 1124 and its similar House companion, HB 943, would have preempted political subdivisions from enacting, maintaining, or enforcing wage mandates in an amount greater than the state minimum wage rate. Local governments across the state (including the Florida League of Cities) opposed SB 1124 and HB 943.

The bill was amended to remove the statutory exception allowing local governments to require a different minimum wage for employees, or the employees of a subcontractor, of an employer who contracts to provide goods and services to the local government, while leaving the other exceptions to state preemption currently in the statute intact.

SB 1124 died in its second committee stop, and HB 943 died in its third committee stop. Both bills passed their committee stops along generally partisan lines.

**Mobility Funding Systems**  
**HB 1415 (by Robinson, W.) /SB 1824 (by Brodeur) – (Failed)**

HB 1415 and similar SB 1824, specified procedures and requirements for local governments to adopt or update current mobility plans.

The bill text also defines “Mobility Fee” and “Mobility Plan” for use in the bill.

The bill stated that local governments should adhere to the methods outlined in their comprehensive plan to measure potential impacts of developments. The bill also stated that if a local government repeals transportation concurrency, then it must adopt another mobility funding system outlined by s. 163.38103.

Unfortunately, despite our advocacy these bills were never heard this session. SB 1824 died in its first committee of reference since it was never heard, and HB 1415 also died in its first committee stop after not being heard. However, we have already spoken with legislators and expect a version to be filed in this upcoming session.

**Mandatory Building Inspections**  
**SB 1702 (By Bradley)/ HB 7069 (By Pandemics and Public Emergencies) – (Failed)**

In the aftermath of the tragedy in Surfside, multiple efforts were undertaken by the Legislature to prevent another catastrophic building failure from happening in the future. There was a comprehensive debate to address the failures which led to this tragedy.

SB 1702 and HB 7069 require a mandatory structural inspection program for multi-family residential buildings in the state of Florida, and also requires that multi-family residential buildings greater than 3 stories need to have an inspection done once the building reaches 30 years in age and every 10 years after that. The inspection report must be submitted to the building owner by a licensed engineer or architect, and the report must then be given to all unit owners in the building.

If located within 3 miles of the coastline, the building must receive the inspection once it reaches 25 years old and every 10 years after that.

The inspector must then submit a sealed copy of the report to the building owner and building officials of the local government. For the milestone report, the board of administration must distribute a copy of each report to all unit owners in the building.

The bill authorizes local enforcement agencies to develop timelines and penalties with respect to this legislation. The Florida Building Commission shall develop standards for inspecting all building types and structures in this state by December 31, 2022.

HB 7069 was substituted for SB 1702, meaning both chambers took up one form of the legislation and the Senate passed it with 38 yeas and 0 nays, but then HB 7069 was not passed again in the House due to further amendments being added to it. Until the legislation died, it had received unanimous support.

### **Certificates of Public Convenience and Necessity**

#### **SB 502 (By Rodriguez) – (Failed)**

SB 502 did not have a house companion bill. It required a county that has a population exceeding one million to issue a certificate of public convenience and necessity to any applicant that has been operating in Florida for 10 years and has a certificate of public convenience and necessity from at least three other Florida counties. This requirement would not have applied to a county operating under a home rule charter.

SB 502 was supposed to be heard in its first committee stop, but was then temporarily postponed and never heard again. Subsequently, the legislation died.

### **Advanced Life Support Nontransport Services and Medical Countermeasures**

#### **CS/SB 1144 (By Brodeur) / HB 1321 (By Melo)– (Failed)**

CS/SB 1144 creates an exemption from certificate of public convenience and necessity (COPCN) requirements for licensure as a non-transport advanced life support service for a governmental entity that maintains a fire rescue infrastructure that dispatches first responders. The bill requires such a governmental entity who applies for licensure to implement the medical standards of any countywide common medical protocol, if such a protocol is instituted. The bill provides exclusions from the COPCN exemption and prohibits a county from limiting, prohibiting, or preventing a



governmental entity who is exempted from COPCN requirements from providing non-transport advanced life support services.

CS/SB 1144 passed its first committee unanimously, but died in its second committee stop due to never being heard. HB 1321 died due to never being heard in its first committee stop.

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