

**A Resolution of the City Commission of the City of Gainesville, Florida in response to HB 1**

**WHEREAS**, the City of Gainesville is committed to protecting the safety, well-being, and dignity of all of its residents, workers, and visitors, regardless of race, ethnicity or national origin;

**WHEREAS**, the City recognizes that its municipal budgetary allocation is a direct reflection of its values and commitment to the public;

**WHEREAS**, the City thus uses its general fund, of approximately \$138 million to support services, infrastructure, and programmatic needs of its diverse population of over 130,000 residents.

**WHEREAS**, the City acknowledges that the murder of George Floyd by officers of the Minneapolis Police Department and of Breonna Taylor by officers of the Louisville Police Department, among many others, has activated a national conversation about the history of disproportionate police brutality and violence against communities of color, particularly Black individuals, that saw thousands of Gainesville residents protest in solidarity with communities of color;

**WHEREAS**, the City has previously solicited input from its residents on the law enforcement practices of the Gainesville Police Department, has introduced reforms to improve police transparency and accountability, and is currently in conversation to explore whether certain programs and associated funds under the purview of the Gainesville Police Department should be reallocated to other City departments;

**WHEREAS**, on April 20, 2021, Florida House Bill 1 (“HB 1”) took effect in the state of Florida;

**WHEREAS**, HB 1 authorizes certain elected officials to file an appeal with the Florida Administration Commission if a municipality makes a reduction to the operating budget of its law enforcement agency;

**WHEREAS**, HB 1 empowers the Administration Commission to amend or modify, line by line, any item within the operating budget of the municipality’s law enforcement agency under those conditions;

**WHEREAS**, the Administration Commission’s amendment of the municipality’s budget is final, and HB 1 does not set forth any mechanism for judicial review of the Administration Commission’s budget amendments;

**WHEREAS**, HB 1 poses a serious threat to the fiscal autonomy of the City of Gainesville because it gives the Administration Commission unfettered power to override items of the City’s municipal budget;

**WHEREAS**, HB 1 also curtails the City's ability to reimagine how it structures and carries out its law enforcement and public safety activities in recognition of current events and the long history of police brutality and misconduct within this country; and

**WHEREAS**, HB 1 also poses serious constitutional and civil liberties issues, including potential violations of the Equal Protection Clause, the Due Process Clause, and the First Amendment of the U.S. Constitution, and is being challenged in federal court on those grounds by racial equity advocates including the Florida State Conference of the NAACP Branches, NAACP Legal Defense and Educational Fund Inc., the ACLU of Florida, The Dream Defenders, and The Black Collective, Inc., among others.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** The City Commission hereby authorizes the City to take legal action challenging HB 1, including by: working with partner organizations to file a lawsuit challenging HB 1 on the behalf of the City as the anchor Plaintiff, seeking declaratory, injunctive, and other appropriate relief; filing and/or joining a lawsuit in conjunction with other state and/or local partners; and/or filing and/or joining any amicus brief opposing HB 1.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.