



## Legislation Details (With Text)

**File #:** 201001. **Version:** 3 **Name:**  
**Type:** Discussion Item **Status:** Passed  
**File created:** 3/29/2021 **In control:** City Attorney  
**On agenda:** 8/5/2021 **Final action:** 8/5/2021  
**Title:** Litigation to Challenge CS/House Bill 1 (2021) (B)

Resolution No. 201001

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing Public Rights Project, a project of the Tides Center and Community Justice Project, Inc. to file a lawsuit on behalf of the City of Gainesville, Florida, that facially challenges Section 1 of CS/HB 1 (2021); and providing an immediate effective date.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 201001\_GPC Gainesville Draft Resolution - HB 1\_20210520.pdf, 2. 201001\_Floridas Anti-Protest Law and its Municipal Budget Control Provisions Fact Sheet\_20210520.pdf, 3. 201001\_The Potential Liabilities for Cities\_20210520.pdf, 4. 201001\_draft resolution\_20210805, 5. 201001A\_draft complaint\_20210805, 6. 201001B\_Memo to Commissioners\_20210805, 7. 201001\_Comm Johnson\_HB 1 Litigation\_Letter of Support\_20210805, 8. 201001\_Biography of Speakers Presenters Team Members Proposed HB 1 Litigation MOD C-Johnson\_20210805, 9. 201001\_Resolution Final\_20210805

Date	Ver.	Action By	Action	Result
8/5/2021	3	City Commission	Approved, as shown above	
5/20/2021	2	City Commission	Approved, as shown above	Pass
5/6/2021	2	City Commission	Continued	
4/1/2021	1	City Commission	Approved, as shown above	Pass

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At the May 20th Regular City Commission Meeting (under Legistar File No. 201001), the City Commission directed the City Attorney's Office to retain the Community Justice Project and the Public Rights Project as outside counsel to represent the City on a pro-bono basis in litigation bringing a facial challenge to CS/HB 1 (2021), now Chapter Law 2021-6, Laws of Florida. In addition, the Commission requested the outside counsel prepare a draft complaint so that the Commission could determine whether to authorize the filing of the litigation and directed the City Attorney and the City Manager to work with the outside counsel on this matter.

As directed, the City Attorney's Office issued a retention letter to the Community Justice Project and the Public Rights Project and they have prepared a draft complaint, which is attached as back-up. If the Commission has reviewed and is satisfied with the draft complaint and desires to authorize the filing of the litigation, the outside counsel has prepared a Resolution, also attached as back-up, which states the injury/harm that the City Commission is suffering as a result of CS/HB 1 and authorizes the outside counsel to file the litigation.

As directed, the City Attorney's Office has assisted the outside counsel in submitting this item and back-up for the Commission's consideration. The City Attorney's Office has also reviewed the complaint and had discussions with the outside counsel and each Commissioner regarding this matter. The City Manager has also had discussions with the outside counsel regarding this matter.

The retention letter specifies that the outside counsel is representing the City on a pro-bono basis (inclusive of all fees and costs) and the City will not be required to expend any City funds for this litigation.

The City Attorney's Office recommends the City Commission take no further action in pursuit of a facial challenge to CS/HB 1 at this time; and instead direct the City Attorney's Office to continue to monitor the implementation of Section 1 of CS/HB 1 and its effects, if any, on cities throughout the State and report back to the City Commission as needed.

The Outside Counsel recommends the City Commission adopt the Resolution.