



TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile, Hillsboro Beach, Florida 33062
July 28, 2020 | 2:00 PM

SPECIAL COMMISSION MEETING

MAYOR DEBORAH L. TARRANT
VICE MAYOR IRENE KIRDAHY
COMMISSIONER VICKY FEAMAN
COMMISSIONER BARBARA BALDASARRE
COMMISSIONER ANDREW R. BROWN

TOWN MANAGER WILLIAM 'MAC' SERDA, ICMA-CM
TOWN ATTORNEY DONALD J. DOODY, ESQ
TOWN CLERK SHERRY D. HENDERSON, CMC

VIRTUAL SPECIAL COMMISSION MEETING

A. WebEx Meeting Number: 132 821 4416 Password: ifGbRxp467

CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE

I. RECESS INTO CLOSED SHADE SESSION

A. Attorney-client session, pursuant to Section 286.011 of the Florida Statutes. The Closed Session will be held between Town Commission, The Town Attorney, and Special Counsel to discuss the lawsuit presently pending in the Supreme Court of Florida. The Closed Session will be a video and telephone conference via Webex.

II. RECONVENE INTO SPECIAL COMMISSION MEETING

III. DISCUSSION & POSSIBLE ACTION

A. Discussion and Possible Action concerning Attorney Tim Perry, Esq leaving the law firm of Oertel, Fernandez, Bryant & Atkinson, P.A.

IV. RESOLUTION & CONTRACTS

A. **Resolution No. 2020-47** Consideration to Approve & Authorize Selection of Special Counsel for Bond Validation Appeal with Florida Supreme Court.

B. **Resolution No. 2020-48** Consideration of Approval & Authorize Proper Town Officials to Execute Fourth Amendment between Town of Hillsboro Beach and Winter Sun Investments, LLC.

V. PUBLIC COMMENTS

VI. ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Commission, Special Master or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing may be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact Sherry D. Henderson, Town Clerk at (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. Shenderson@townofhillsborobeach.com



**NOTICE OF A SPECIAL TOWN COMMISSION MEETING
(ATTORNEY-CLIENT SESSION)
Tuesday, July 28, 2020 at 2p.m.**

This is a public notice of an attorney-client session to be held pursuant to Section 286.011 of the Florida Statutes. The session shall be held between the Town Commission, the Town Attorney, and Special Counsel to discuss the lawsuit presently pending in the Supreme Court of Florida captioned as:

TOWN OF HILLSBORO BEACH,

Court Case Number: SC2020-1076

Plaintiff,

vs.

STATE OF FLORIDA, AND THE TAXPAYERS, PROPERTY OWNERS AND CITIZENS OF TOWN OF HILLSBORO BEACH, FLORIDA INCLUDING NON-RESIDENTS OWNING PROPERTY OR SUBJECT TO TAXATION THEREIN, AND ALL OTHERS HAVING OR CLAIMING ANY RIGHT, TITLE OR INTEREST IN PROPERTY TO BE AFFECTED BY THE ISSUANCE BY PLAINTIFF OF ITS SPECIAL ASSESSMENT REVENUE BONDS (BEACH RENOURISHMENT PROJECT), OR TO BE AFFECTED IN ANY WAY THEREBY,
Defendants.

Attending the session via Webex will be each member of the Town Commission, Mayor Deborah L. Tarrant, Vice-Mayor Irene Kirdahy, Commissioner Vicky Feaman, Commissioner Andrew Brown, Commissioner Barbara Baldasarre, the Town Attorney D.J. Doody, the Town Manager William "Mac" Serda and a Certified Court Reporter.

As provided for in F.S. Section 286.011, the Attorney Client Session will open as a public meeting via Webex, then move to a video and telephone conference via Webex, in a closed session. The video and telephone conference is allowed by Executive Order 20-69 of the Governor to be held via video or telephone conference, and will be transcribed by the Certified Court Reporter. The Session shall be adjourned thereafter in accordance with Section 286.011(8) of the Florida Statutes.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Town Commission of the Town of Hillsboro Beach is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board in Town Hall and on the wall outside the Town Hall entrance, a place convenient and readily accessible to the general public, and said notice was posted on 7/24/2020

By: Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN

The Town of Hillsboro Beach Mayor & Town Commissioners will Meet for a (Virtual) Special Town Commission Meeting **Tuesday, July 28, 2020 at 2:00 P.M.** The Virtual Meeting will be Held via WebEx Video Conference. The Meeting Agenda, Access to join the Meeting and Instructions to offer Public Comment will be Posted on the Town Website at www.TownofHillsboroBeach.com

The Purpose of this Meeting is to Allow Discussion and Consideration of Approval of Legal Matters.

Notice is Further Given, at this Special Commission Meeting, the Commission will Recess to enter into an Attorney/Client Session (closed) Meeting, Pursuant to Section 286.011 of the Florida Statutes.

WHAT: Town of Hillsboro Beach, Fla
Virtual Special Commission Meeting

WHEN: Tuesday, July 28, 2020 at 2:00 P.M.

WHERE: WebEx - Video Conference
log-in instructions posted on town website



Commission Meeting Agendas can be found online at www.TownofHillsboroBeach.com

QUESTIONS CAN BE DIRECTED TO THE TOWN CLERK, SHERRY D. HENDERSON, CMC
shenderson@townofhillsborobeach.com


7-24-2020 1:50pm



**OERTEL,
FERNANDEZ,
BRYANT &
ATKINSON, P.A.**

MAILING ADDRESS: POST OFFICE BOX 1110 | TALLAHASSEE, FLORIDA 32302-1110

OFFICES: 2060 DELTA WAY | TALLAHASSEE, FLORIDA 32303
PHONE: 850-521-0700 | FAX: 850-521-0720 | WWW.OHFC.COM

ATTORNEYS:

TIMOTHY P. ATKINSON
SIDNEY C. BIGHAM, III
M. CHRISTOPHER BRYANT
ANGELA FARFORD
SEGUNDO J. FERNANDEZ
KENNETH G. OERTEL
TIMOTHY J. PERRY

OF COUNSEL: C. ANTHONY CLEVELAND

July 22, 2020

VIA EMAIL

Mr. Donald J. Doody, Esq.
Town Attorney
Town of Hillsboro Beach
DDoody@GorenCherof.com

Mr. Mac Serda
Town Manager
Town of Hillsboro Beach
mserda@townofhillsborobeach.com

Re: Town of Hillsboro Beach

Dear Messrs. Doody and Serda,

On July 31, 2020, Tim Perry will be leaving our firm, Oertel, Fernandez, Bryant & Atkinson, P.A., to join the law firm of Gardner Bist.

Inasmuch as Mr. Perry was your designated lawyer on the above matter, we are required by the Rules Regulating The Florida Bar to inform you that you have the right to have Mr. Perry continue in his new capacity to represent you in this matter, or you may have our firm continue to represent you, in which case the file will be handled by Segundo J. Fernandez or Timothy P. Atkinson, or you can choose to retain an entirely new lawyer.

If you wish to have Tim Perry, or a new lawyer represent you, arrangements to secure your outstanding account with Oertel, Fernandez, Bryant and Atkinson, P.A. will have to be made before the file can be released to Mr. Perry or a new lawyer. You may be liable for fees and costs for services already provided by Oertel, Fernandez, Bryant and Atkinson, P.A. If you have any retained or unspent fees or costs currently held by Oertel, Fernandez, Bryant and Atkinson, P.A., they will be promptly returned or transferred to Tim Perry or a new lawyer as you designate.

Please advise Mr. Perry and I, as quickly as possible, of your decision so that continuity in your representation is assured. You may do so by indicating your choice below and returning

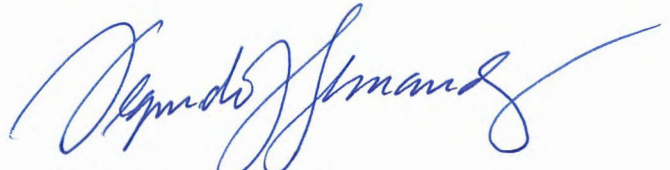
the form below via email on or before July 29, 2020 at sfernandez@ohfc.com and tperry@ohfc.com. Please retain the additional copy of this designation letter for your records.

Sincerely,



Timothy J. Perry

Sincerely



Segundo J. Fernandez

_____ I wish to continue being represented by Tim Perry at the Gardner Bist Law Firm. I hereby authorize you to transfer to him, at the Gardner Bist Law Firm, all records, files and property in the possession of Oertel, Fernandez, Bryant and Atkinson, P.A. as quickly as possible. I also wish any trust account balance to be transferred to Tim Perry at the Gardner Bist Law Firm.

_____ I wish to stay with Oertel, Fernandez, Bryant and Atkinson, P.A.

_____ I will retain new counsel and have them contact Oertel, Fernandez, Bryant and Atkinson, P.A.

Printed Name

Signature

____/____/____

Date

RESOLUTION NO. 2020-47

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
HILLSBORO BEACH, FLORIDA, APPOINTING _____ TO SERVE
AS SPECIAL COUNSEL TO THE TOWN FOR THE APPEAL OF THE
TOWN'S BOND VALIDATION PROCEEDING PRESENTLY PENDING
BEFORE THE SUPREME COURT OF FLORIDA CASE NUMBER: SC2020-
1076; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission deems it to be in the best interests of the Town
to appoint _____ to serve as Special Counsel to the Town for the Appeal of the Town's
Bond Validation proceeding presently pending before the Supreme Court of Florida Case
Number: SC2020-1076.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF
HILLSBORO BEACH, FLORIDA THAT:**

SECTION 1. The foregoing "WHEREAS" clause is true and correct and hereby
ratified and confirmed by the Town Commission. All exhibits attached hereto are hereby
incorporated herein.

SECTION 2. The Town Commission of the Town of Hillsboro Beach, Florida,
hereby appoints _____ to serve as Special Counsel to the Town for the Appeal of
the Town's Bond Validation presently pending before the Supreme Court of Florida.

SECTION 3. The Town Commission of the Town of Hillsboro Beach, Florida
hereby accepts the submitted proposal attached hereto as Exhibit "A".

SECTION 4. The appropriate Town officials are authorized and directed to execute
the necessary documents to comply with this Resolution.

SECTION 5. All Resolutions or parts of Resolutions in conflict herewith, be and
the same are repealed to the extent of such conflict.

SECTION 6. If any clause, section or other part of this Resolution shall be held
by any court of competent jurisdiction to be unconstitutional or invalid, such
unconstitutional or invalid part shall be considered eliminated and will in no way affect the
validity of the other provisions of this Resolution.

SECTION 7. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Commission of the Town of Hillsboro Beach, Florida this ____ day of _____ 2020.

TOWN OF HILLSBORO BEACH, FLORIDA

Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson, CMC
Town Clerk

RESOLUTION NO. 2020-47

RECORD OF TOWN COMMISSION VOTE:

	<u>YES</u>	<u>NO</u>
MAYOR D. TARRANT	☐	☐
VICE MAYOR I. KIRDAHY	☐	☐
COMMISSIONER V. FEAMAN	☐	☐
COMMISSIONER B. BALDASARRE	☐	☐
COMMISSIONER A. BROWN	☐	☐



Kristen M. Fiore

Akerman LLP
201 E. Park Avenue
Suite 300
Tallahassee, FL 32301

T: 850 224 9634
F: 850 222 0103

July 13, 2020

Donald J. Doody
Goren Cherof Doody & Ezrol, P.A.
3099 E. Commercial Blvd., Ste 200
Ft. Lauderdale, FL 33308

Re: Appeal of Denial of Special Assessment

Dear DJ:

We appreciate the opportunity for Akerman LLP to represent the Town of Hillsboro Beach in its upcoming appeal of the denial of the special assessment. We believe Akerman would provide outstanding service at a competitive price.

We believe our experience in handling appellate proceedings is increasingly recognized by clients and that our sophisticated practice is demonstrated by the combination of the depth of experience our team brings to each appeal - and that is what sets us apart from other firms. We continue to effectively litigate appeals as our clients continue to tell us we provide sophisticated, effective, and responsive representation in handling appeals in a way that meets our clients' litigation, risk management, and organizational goals.

As you requested, please find our proposal detailing Akerman's select capabilities for your review. Our team, as highlighted in this proposal, includes:

- Partner Gerald Cope: Former Chief Judge of Florida's Third District Court of Appeal and a member of that court for 22 years.
- Partner Kristen Fiore: Former Senior Staff Attorney at the Florida Supreme Court; Former Staff Attorney at Florida's Fourth District Court of Appeal; Board Certified by The Florida Bar in Appellate Practice.
- Associate Christine Gardner: Former Staff Attorney at Florida's Fourth District Court of Appeal.

Donald J. Doody

July 13, 2020

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Ms. Laquidara will be available as needed due to her expertise in this area. You will also find our proposed, discounted rates for the Town of Hillsboro Beach, as follows:

Partner Gerald Cope: \$500

Partner Kristen Fiore: \$410

Associate Christine Gardner: \$275

Ms. Laquidara will maintain her discounted rate of \$500 also. We would be pleased to meet with you, and/or other members of your team to discuss the Town of Hillsboro Beach's specific needs, especially if that would help inform your decision. If you have any further questions or would like any additional information about Akerman LLP do not hesitate to reach out.

We thank you again for this opportunity, and look forward to hearing from you!

Very truly yours,

/s/ Kristen M. Fiore

Kristen M. Fiore
Attorney



700+ Lawyers
25 Offices

Akerman Capabilities Overview

Prepared for Hillsboro Beach

July 10, 2020

Prepared by

Cindy A. Laquidara
Partner, Litigation
+1 904 798 3700
cindy.laquidara@akerman.com

What's Inside



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16	Kristen M. Fiore
19	Christine Gardner

Appellate

Cases that go to appeal face a new, distinct set of legal challenges, requiring a thorough understanding of the law and appellate procedure as well as the mindset of a judicial audience. Whether seeking to preserve a trial victory or overturn an adverse decision, lawyers must navigate complex appellate rules, select the right issues and arguments to advance, write briefs that focus on what matters most to appellate judges, and craft oral arguments that compel a successful outcome.

With a bench that includes one of the largest groups of former appellate judges in the U.S., Akerman's appellate practice is a national powerhouse with demonstrated success in handling appeals related to complex commercial litigation. Our judicial background gives us deep, first-hand knowledge of appellate court proceedings and the experience necessary to structure appellate arguments simply, clearly, and effectively.

Recognized by *Chambers USA* for our "wealth of experience in appellate proceedings," we have handled thousands of matters in federal and state appellate courts, particularly in the areas of financial services, insurance, healthcare, and real estate. Backed by Akerman's national litigation practice, our appellate team has depth of experience in numerous jurisdictions and we can effectively handle class actions throughout the U.S.

Our team members frequently assist trial lawyers during all phases of litigation, preserving errors for appeal, drafting motions and responses, and providing strategic advice on the best approach for seeking relief on appeal. We also represent clients in highly specialized administrative appeals involving high-profile issues, and we promote their interests through amicus curiae briefs when they are not a party to an appeal but have a substantial interest in the outcome.

What We Do

- Handle appeals in federal and state appellate courts
- Assess trial records and evaluate issues for appeal
- Consult with trial lawyers throughout litigation to preserve issues for appeal, including attending key hearings and trial where warranted
- Provide guidance and feedback for optimal brief and oral argument preparation through [Akerman Bench](#)

Appellate

Noteworthy

- Judge Cope was a judge on the Third District Court of Appeal for 22 years and the former Chief Judge of that Court
- Both Kristen Fiore and Christine Gardner are former Fourth District Court of Appeal staff attorneys

More Information

Your Akerman Team – Cindy A. Laquidara



Partner, Litigation

Jacksonville

T: +1 904 798 3700

cindy.laquidara@akerman.com

With an established record of creative and effective advocacy, Cindy Laquidara navigates complex litigation matters, from administrative hearings, to federal and state trials and appeals. Her practice serves municipal authorities, private corporations with long-term lease arrangements, companies submitting competitive procurement bids and proposals, general commercial litigation, and energy related matters in dispute resolution pertaining to bid disputes, land use, transportation, contracts, First Amendment, government and utility contracting, environmental issues, and government affairs.

Cindy represents clients in class action litigation where she has obtained summary judgments on pension matters under the ADA and ADAA, as well as under Title VII. She serves as appellate counsel on similar matters with numerous published opinions, from bid disputes to constitutional issues.

A former general counsel for the Consolidated City of Jacksonville and its entities, Cindy is Board Certified by the Florida Bar in City, County & Local Government Law, and advises high-profile government entities on a multitude of diverse matters.

Cindy also places great emphasis on social responsibility. As a pro bono matter, she maintained security clearance working with the Defense Department and the Defense Intelligence Agency to locate and repatriate the remains of a downed U.S. Navy pilot in Iraq through three presidential administrations. She frequently appears in federal court on pro bono court appointments in civil matters.

Notable Work

Class Action: Represented the City of Jacksonville in obtaining summary judgment, upheld on appeal, denying liability to the certified class members who had not been admitted to a pension system because of perceived injuries or conditions; held not to be ADA or ADAA violations. *Monaco v. City of Jacksonville*, (11th Cir. 2015); (D.Ct. – MD Fla. 2014)

Sovereign Immunity: Represented a client in arguing that a wholly-owned subsidiary holding private employees was entitled to sovereign immunity and to such a determination before

More Information

Your Akerman Team – Cindy A. Laquidara

trial; the Supreme Court of Florida changed the applicable rule to comport with the ruling we obtained. *Keck v. Eminisor*, 104 So.3d 1081 (Fla. S.Ct. 2013)

First Amendment: Represented the City of Jacksonville in successfully upholding local zoning changes, made multiple times, to relocate bars based upon theoretical availability of alternative sites across town. *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, (11th Cir. 2012)

Zoning: Represented the City of Jacksonville in the defense of a local zoning challenge that prevented the extension of an FAA funded runway at a public airport in an action brought by a fixed base operator. The legal issues involved primacy, airport operations and needs, and the interplay of FAA regulations with safety studies on the runway extension. *Craig Air Center, Inc. v. City of Jacksonville* (M.D. Fla. 2012)

First Impression: Represented Jacksonville Electric Authority (JEA) in resolving a multi-year suit under the Clean Water Act in the face of an argument for strict, continuing liability for sanitary sewer overflows (SSOs). The public settlement avoided establishing new precedent on addressing SSOs, and was resolved on continuing disclosure requirements, with over 1,000 sites. This settlement continues to remain intact. *St. Johns River Keeper v. JEA*, (M.D. 2010)

Business Dispute and Lease Agreements: Represented Jacksonville Aviation Authority in three different courts to resolve a bid dispute and challenges under the Florida Constitution to the alleged lending of credit by the airport to its developer. Obtained the seminal Florida Supreme Court decision on a certified question from the United States Court of Appeals for the 11th Circuit confirming the proper structure of operations and lease agreements. *Jackson-Shaw Co. v. Jacksonville Aviation Authority*, (11th Cir. 2009); Fla. S.Ct. 2008

Areas of Experience

- Litigation
- Appellate
- Economic Development and Incentives
- Energy
- Environment and Natural Resources
- Florida Land Use and Entitlements
- Government Agency Litigation
- Public-Private Partnerships
- Real Estate Litigation
- Water Task Force
- Real Estate and Construction

More Information

Your Akerman Team – Cindy A. Laquidara

Education

- J.D., magna cum laude, Boston College Law School, 1982 *Law Review*, Managing Editor and Articles Editor; Order of the Coif
- B.A., cum laude, University of Massachusetts, 1979 Phi Beta Kappa

Admissions

Bars

- Florida
- Massachusetts
- New York

Courts

- U.S. District Court, Middle District of Florida
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, District of Massachusetts

Published Work and Lectures

- JWLA Luncheon, Speaker, "Rainmaking for Women Lawyers," January 12, 2017
- Florida Municipal Attorneys Association, Speaker, "Local Residency Restrictions for Sex Offenders," July 30, 2016
- Florida Coastal School of Law, Speaker, "Balancing Life and Law," November 6, 2014

Honors and Distinctions

- *The Best Lawyers in America*, 2020, "Lawyer of the Year" in Jacksonville for Government Relations Practice
- *The Best Lawyers in America* 2016-2020, Listed in Florida for Government Contracts, Government Relations Practice, Litigation – Environmental, Litigation – Regulatory Enforcement (SEC, Telecom, Energy)
- *Jacksonville Business Journal*, Jacksonville's "Ultimate Attorneys" List Honoree, 2016, 2020
- *Super Lawyers Magazine* 2015-2020, Listed in Florida for State, Local, & Municipalities
- *Martindale-Hubbell*, AV Preeminent, Judicial Award, 2016, 2018, 2019
- *Florida Trend's* Legal Elite, 2007-2016
- *Jacksonville Business Journal*, Women of Influence, 2015
- *Jacksonville Magazine*, Top Legal Professional (peer designation), 2013
- *The Jacksonville Financial News & Daily Record*, Lawyer of the Year, 2010
- Jacksonville Women Lawyer's Association, Woman Lawyer of the Year, 2005

More Information

Your Akerman Team – Gerald B. Cope, Jr.



Chair, Appellate Practice

Miami

T: +1 305 374 5600

gerald.cope@akerman.com

A former Chief Judge of Florida's Third District Court of Appeal and member of the court for 22 years, Gerald Cope is the chair of Akerman's Appellate Practice. He represents clients in appellate litigation at the state and federal levels. Ranked by *Chambers USA*, peers say “He’s superb and doing great work.” He is a founding member of [Akerman Bench](#), an innovative practice including former appellate and trial court judges providing the perspective of both sides of the bench. He conducts practice oral arguments for attorneys appearing in state and federal appellate courts, serves as a consultant on appeals, and provides support to trial counsel.

Mr. Cope serves as an arbitrator in cases administered by AAA and its international division, ICDR, where he has been appointed in commercial and maritime matters. He was recognized by the Business Law Section of The Florida Bar for his contributions toward the 2013 enactment of the Revised Uniform Arbitration Act in Florida. As a member of the Court of Appeal, he participated in approximately 60 appeals involving arbitrability of disputes, interpretation of arbitration clauses, proceedings to enforce or vacate awards, and comparable proceedings involving appraisal clauses in insurance contracts.

He has served as an adjunct professor teaching federal and Florida arbitration at the University of Miami School of Law. He is a member of the Executive Council of the Florida Bar's International Law Section and Real Property, Probate and Trust Law Section. Mr. Cope also serves as a special master and as a mediator.

Notable Work

Punitive Damages: Represented client in successfully contesting order allowing punitive damages claim. *Cat Cay Yacht Club, Inc. v. Diaz*, 264 So.3d 1071 (Fla. 3d DCA 2019).

Priority of Representative Actions: Represented clients in obtaining stay of later-served derivative actions in favor of earlier-filed federal and out-of-state derivative cases. *Opko Health, Inc. v. Lipsius*, 840 So.3d 1071 (Fla. 3d DCA 2019).

More Information

Your Akerman Team – Gerald B. Cope, Jr.

Post-Judgment Proceedings: Represented client in successful defense of motion for relief from judgment in substantial injury case. *Progressive Waste Solutions of Fl., Inc. v. Britt*, 271 So.3d 27 (Fla. 3d DCA 2018).

Evidentiary Issues: Represented leasing company client in defending trial court evidentiary rulings in substantial claim arising from industrial accident. *White v. Ring Power Corp.*, 262 So.3d 689 (Fla. 3d DCA 2018).

Corporate Governance: Represented corporate client in complex matter involving challenge to governance change and appraisal procedure. *Omes v. Ultra Enterprises, Inc.*, 225 So.3d 956 (Fla. 3d DCA 2017).

Eminent Domain: Represented client in obtaining approval of condemnation award based on development approach to valuation. *City of Sunny Isles Beach v. Cavalry Corp.*, 208 So. 3d 1247 (Fla. 3d DCA 2017).

Pension Litigation: Represented firefighters and police officers, who prevailed in a suit against a local law pension plan, in a case where the court found they are entitled to attorney's fees. *Parker v. Board of Trustees*, 149 So.3d 1129 (Fla. 2014).

Special Assessments: Represented client in persuading court to uphold judgment invalidating special assessments against Club's property. *Indian Creek Country Club v. Indian Creek Village*, 211 So. 3d 230 (Fla. 3d DCA 2017).

Attorney-Client Privilege: Represented client in quashing discovery order based on crime-fraud exception to attorney client privilege for lack of evidence and failure to conduct evidentiary hearing. *Trans Health Management Inc. v. Nunziata*, 159 So.3d 850 (Fla. 2d DCA 2014).

Due Process: Represented client in obtaining reversal of \$1.1 billion judgment entered against multiple parties without notice and opportunity to be heard. *General Electric Capital Corp., et al. v. Shattuck*, 132 So.3d 908 (Fla. 2d DCA 2014).

Juror Misconduct: Represented client in obtaining remand for hearing on claim of juror misconduct. *Hillsboro Management, LLC v. Pagano*, 112 So.3d 620 (Fla. 4th DCA 2013).

Zoning: Represented client where the court ruled enforcement of zoning code is within City's discretion. *Detournay v. City of Coral Gables*, 127 So.3d 869 (Fla. 3d DCA 2013).

Arbitration: Served as sole arbitrator in AAA case involving claim of substantial breach of franchise agreement.

Arbitration: Served as sole arbitrator in ICDR case under international collective bargaining agreement involving claim of personal injury by seaman against maritime employer.

More Information

Your Akerman Team – Gerald B. Cope, Jr.

Areas of Experience

- Appellate
- Litigation
- Akerman Bench
- Commercial Disputes
- International Litigation and Arbitration
- Cuba

Education

- LL.M., University of Virginia School of Law, 1992
- J.D., with highest honors, Florida State University College of Law, 1977 *Florida State University Law Review*, Editor-in-Chief; Order of the Coif
- B.A., cum laude, Yale University, 1968

Admissions

Bars

- Florida

Courts

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. Supreme Court
- U.S. Tax Court

Published Work and Lectures

- Pincus Professional Education, Speaker, "Preserving Your Record for Appeal," January 31, 2017
- *Law360*, Author, "[Practice Arguments for Real Appeals](#)," December 7, 2016
- *Florida Bar Journal*, Author, "[Moot Courts for Real Appeals](#)," November 2016
- Third District Court of Appeal Fall Seminar and Reception, Moderator, "De-Mystifying Appeals to the 11th Judicial Circuit Appellate Division and the Limited Review by the Third District Court of Appeal," September 23, 2016
- Akerman Seminar, Speaker, "Appellate Practice A to Z," August 23, 2016
- Akerman's Guide to Doing Business in Florida: A Legal Guide for Out-of-State and Foreign Businesses, Author, "Dispute Resolution in Florida," 2013 and 2016

More Information

Your Akerman Team – Gerald B. Cope, Jr.

- *Daily Business Review*, Author, "Rules Proposed for Electronic Appellate Records," June 4, 2015
- Practicing Before the Third District Court of Appeal, Speaker, "Tips for Effective Oral Argument," February 6, 2015
- Pincus Professional Education, Moderator, "Appellate Skills and Strategies Boot Camp: Navigating State and Federal Appeals," June 2014
- Litigation Counsel of America, 2012 Fall Conference & Induction of Fellows, Keynote Speaker, October 2012
- Courses in Arbitration at the University of Miami School of Law, Past Adjunct Professor
- *Florida Law Review*, Author, "Discretionary Review of the Decisions of Intermediate Appellate Courts: A Comparison of Florida's System with Those of the Other States and the Federal System," 1993

Affiliations

- American Bar Association, Section of Litigation, Appellate Committee
- American Bar Association, Section of International Law, International Arbitration Committee
- Miami International Arbitration Society
- American Law Institute, Member

Florida Bar:

- Appellate Court Rules Committee, Past Chair
- Appellate Practice and Advocacy Section, past member of Executive Council
- Business Law Section
- International Law Section, Executive Council
- Real Property, Probate and Trust Law Section, Executive Council
- Alternative Dispute Resolution Section

Honors and Distinctions

- Fellow, American Academy of Appellate Lawyers, 2019
- Arbitrator, American Arbitration Association and International Centre for Dispute Resolution
- *Daily Business Review* 2018, Recognized as a "Most Effective Lawyer" for Complex/Business Litigation
- *The Best Lawyers in America* 2018, Lawyer of the Year for Appellate Practice in Miami
- *The Best Lawyers in America* 2013-2020, Listed in Florida for Appellate Practice and Bet-the-Company Litigation
- *Chambers USA* 2013-2020, Ranked in top tier in Florida for Litigation: Appellate

More Information

Your Akerman Team – Gerald B. Cope, Jr.

- *Super Lawyers* Magazine 2015-2020, Listed in Florida for Appellate
- Litigation Counsel of America, Honorary Fellow
- Florida Certified Mediator, Appellate and Circuit Civil

More Information

Your Akerman Team – Kristen M. Fiore



Partner, Litigation
Appellate

Tallahassee
T: +1 850 224 9634

kristen.fiore@akerman.com

Board certified in Appellate Practice by The Florida Bar, Kristen Fiore's practice focuses on complex appellate matters. Prior to joining Akerman, Kristen served as a senior staff attorney for Florida Supreme Court Justice Barbara Pariente and a staff attorney for Fourth District Court of Appeal Judge Fred Hazouri. During her clerkships at both the highest and intermediate levels of appellate courts in Florida, she reviewed hundreds of briefs and participated in countless appeals, exposing her to a broad range of appellate issues and providing clients invaluable insight in framing compelling arguments and preservation of error issues during the trial stage of litigation.

Kristen's extensive experience encompasses civil and administrative cases touching on a wide range of law, including constitutional issues, discovery, class actions, damages, bankruptcy, malpractice, probate, Indian law, taxation, and family, among others. Significant areas of focus in her appellate work include financial, insurance, and labor and employment disputes.

Prior to entering the practice of law, Kristen held several roles in human resources and general management in the financial services and consulting industries. Kristen's diverse background provides her unique perspective into the intricate issues facing her clients.

Notable Work

Administrative Appeals: Represent clients in appeals concerning license revocation and suspension, including emergency suspension orders; substantially affected interests; educational institution discipline; validity of tax assessments; agency authority; standing; and attorney's fee awards.

Financial Appeals: Represent major financial institutions in dozens of appeals, including complex foreclosure and post-foreclosure issues, protections of secured property interests, and employment issues.

Insurance Appeals: Represent clients in appeals and litigation support involving wide range of insurance issues, including: the tripartite relationship, extra-contractual exposure/bad faith,

More Information

Your Akerman Team – Kristen M. Fiore

licensing, PIP, UM/UIM, coverage disputes, Coblentz agreements, agent/broker disputes, and suits against insureds where defense is provided under a policy of insurance

Labor and Employment Appeals: Represent clients in appeals and litigation support involving whistleblower claims, civil rights issues, termination, benefits, and compensation

Areas of Experience

- Appellate
- Litigation
- Financial Services
- Cannabis
- Akerman Bench

Education

- J.D., cum laude, University of Miami School of Law, 2006 *Inter-American Law Review*, Associate Editor; *Inter-American Citator*, Editor
- B.A., magna cum laude, Phi Beta Kappa, Barnard College, Columbia University, 2000

Admissions

Bars

- Florida

Courts

- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Supreme Court

Related Professional Experience

- Senior Staff Attorney to Justice Barbara J. Pariente, Supreme Court of Florida, 2008-2010
- Judicial Law Clerk to Judge Fred A. Hazouri, Fourth District Court of Appeal, 2006-2008
- Judicial Intern to Magistrate Judge Stephen T. Brown, United States District Court, Southern District of Florida, 2004

Published Work and Lectures

- *FloridaPolitics*, Quoted, "Joe Redner Appeals 'Home Grow' Decision to State Supreme Court," June 26, 2019

More Information

Your Akerman Team – Kristen M. Fiore

- Florida Bar CLE, Appellate Practice Section, Speaker, "Administrative Appeals: Process, Practice, Preservation, and Points to Consider After Amendment 6 - The Role of Certiorari in Administrative Appeals," May 1, 2019
- The Florida Bar Appellate Practice Section, Presenter, "Stays Pending Appeal," October 2018
- Tallahassee Bar Association's Legal Community Conference, Presenter, "Appeals 101: Ten Tips for Better Appellate Practice," April 27, 2018
- The Florida Bar's Practicing with Professionalism Seminar, Panelist, "Young Lawyer Professionalism Panel," May 29, 2015
- *The Record*, Author, "Judicial Profile of John A. Tomasino, Clerk of the Court, Florida Supreme Court, Spring 2015
- The Florida Bar Appellate Practice Section and Government Lawyer Section's Seminar on Practicing Before the Florida Supreme Court, Speaker, "Motion Practice and Amicus Briefs," June 2014
- The Florida Bar Appellate Practice Section, Speaker, "2014 Legislative Session and the Practice of Appellate Law," June 2014
- The Florida Bar Appellate Practice Section, Speaker, "From Practitioner to Judge, an In Depth Look at Responsive Appellate Pleadings and Briefs," February 2014

Affiliations

- The Florida Bar, Appellate Practice Section, Member
- Tallahassee Bar Association, Member
- First District Court of Appeal Appellate Inn of Court, Member
- Eleventh Circuit Court of Appeal Historical Society, Member
- Justice Teaching, Volunteer

Honors and Distinctions

- *Super Lawyers* Magazine 2020, Listed in Florida for Appellate
- *Benchmark Litigation* 2018-2020, Listed in Florida as a "Future Star"
- *Super Lawyers* Magazine 2013-2018, Listed in Florida as a "Rising Star" for Appellate
- *Benchmark Litigation* 2016, 2019, Listed in Florida on the "40 & Under Hot List"
- *Florida Trend's* Legal Elite 2017, Listed as an "Up and Comer" for Appellate Practice

More Information

Your Akerman Team – Christine B. Gardner



Associate, Litigation

West Palm Beach
T: +1 561 273 5581

christine.gardner@akerman.com

Christine Gardner concentrates her practice on legal ethics and professional liability, and business litigation. Clients and colleagues value her skills in case presentation, writing, and case management.

Before joining the firm, she served as a Law Clerk for the Hon. Martha C. Warner at the Fourth District Court of Appeal of Florida. She also worked as a Trial Court Law Clerk at the Fifteenth Judicial Circuit of Florida.

Areas of Experience

- Litigation
- Professional Liability
- Commercial Disputes
- Financial Institutions Commercial Litigation

Education

- J.D., Rutgers University School of Law, 2013
- B.A., Colby College, 2009

Admissions

Bars

- Florida

Published Work and Lectures

- *Palm Beach County Bar Bulletin*, Co-Author, "Orders Providing Opportunities for Junior Attorneys in the Courtroom," November 2018
- *Palm Beach County Bar Bulletin*, Co-Author, "A New Model for Professionalism Peer Review and Discipline in Federal Court," February 2018

More Information

Your Akerman Team – Christine B. Gardner

- *Rutgers Journal of Law and Public Policy*, “When Business Licensing Law and Immigration Collide: Sub-Federal Employer Sanctions Legislation in the Wake of *Chamber of Commerce v. Whiting*,” 10 Rutgers J.L. & Pub. Pol’y 375 (2013)

Affiliations

- Palm Beach County Bar Association:
 - Professionalism Committee
 - Appellate Practice Committee
- The Florida Bar, Business Law Section, Business Litigation Committee
- The Florida Bar, Appellate Practice Section

PROPOSAL FOR THE TOWN OF HILLSBORO BEACH

On behalf of the Shutts & Bowen law firm and myself, personally allow this letter to convey the Firm's sincere interest in responding to the Town of Hillsboro Beach's ("Town") need for a Bond Validation proceeding. I am especially pleased to engage in this opportunity for providing high quality professional legal services to the Town.

Since 1910, Shutts has built a tradition of providing quality legal services for its public and private institutional client base on matters pertaining to state and local governments. Shutts has a diverse history as an exclusive statewide law firm. That is to say, for the past 110 years and including the present, the firm's legacy has been built on its exclusive focus as the premier Florida-based full-service law firm. Shutts has more than a century of applied legal expertise in the public sector - local and regional public agencies, including a litany of Florida counties and city governments, regional water management districts, school districts boards, constitutional office holders, as well as the myriad of Florida's state agencies. At the same time, Shutts' private industry client base includes valued and deep relationships with entities ranging from startup and mid-market businesses to Fortune 100 and international companies.

Both our public and private industry clients benefit heavily from Shutts' understanding of local government, regional, and state government. The firm's expertise and knowledge are not by happenstance, but is sustained by more than a century old legacy of individual firm attorneys who spend thousands of hours each year working in either volunteer, appointed or elected public service.

Today, with nearly 300 partners and associate attorneys and well established in the Am Law 200, Shutts continues to provide sophisticated legal services by leveraging the highest level of professional talent to achieve and resolve specific client objectives. The firm has full-service capacity to represent its clients anywhere in the State of Florida with established offices in Fort Lauderdale, Miami, West Palm Beach, Orlando, Tampa, Sarasota, Jacksonville, and Tallahassee. Shutts' legal service capacity is supported by 300 support professionals ranging from paralegals, legal assistants, account management, and a technology services group which provides 24/7 management and defense of cyber-security related matters.

Team Members for Effort

While we have numerous attorneys who specialize in governmental finance and appellate law, we will primarily be using four attorneys on this matter, but will avoid duplication. We will greatly discount our hourly rates to an amount not to exceed \$500 per hour. My role will be primarily coordination based on my government law experience and knowledge of the underlying issues of the matter, especially due to my involvement in Deerfield Beach litigation.

Our appellate team will be led by **Jason Gonzalez**. Jason is currently handling more Florida Supreme Court appeals (non-criminal) than any other attorney in the State of Florida. Jason is the Managing Partner of the Tallahassee office of Shutts & Bowen LLP and Chairman of the Firm's Appellate Practice Group. Since joining Shutts, following his roles as General Counsel to the Governor and as Gubernatorial Appointee to the Florida Supreme Court Judicial Nominating Commission, Jason ensures that Shutts' appellate attorneys have the highest quality and the knowledge of the Justices and Judges to ensure the best arguments to prevail on appeal are presented. Such knowledge has been honed while Jason previously served as the chief advisor to the Governor on the appointment of 64 Florida judges and four Florida Supreme Court Justices.

Assisting Jason, will be **Dan Nordby**. Dan left Shutts temporarily to serve as General Counsel for Governor Rick Scott. Since returning to Shutts, Dan has assisted Jason in making the Shutts appellate team the best in Florida. Like Jason, he frequently appears before the Florida Supreme Court, and . He has personally presented oral argument on multiple occasions before the Florida Supreme Court and other appellate courts, on high-profile governmental and constitutional matters. Dan knows how these Justices and Judges think. Not only is he currently the Chair of the Florida Supreme Court Judicial Nominating Committee, but his wife was recently appointed to the First District Court of Appeal. Both Jason and Dan are very familiar with the bond validation process and the importance of the issue of home rule. Jason and Dan are long-time Tallahassee residents where they are raising their families.

Finally, rounding out the appellate team is one of our Junior Partners Amy Wessel, based in Fort Lauderdale. Amy is Board Certified in Appellate Law, demonstrating her expertise in drafting and oral argument.

Attached to our proposal are some pages describing our Firm History, our Appellate Practice generally, and detailed biographies of myself, Jason, Dan, and Amy.

It would be our honor and pleasure to represent the Town of Hillsboro Beach in this important matter before the Florida Supreme Court.

Sincerely,

Shutts & Bowen



Joseph M. Goldstein

FIRM OVERVIEW

Shutts & Bowen LLP is a full-service law firm with a deep connection to Florida's history, a commitment to excellent service for our clients and community, and a focus on diversity in the workplace. For more than 100 years, Shutts has been opening doors to our business clients across the state with sophisticated, cutting-edge legal skills from Florida's top legal talent.

Our firm employs approximately 300 attorneys who focus on more than [30 distinct practice areas](#), including litigation, construction, financial services, corporate, mergers and acquisitions, securities, hospitality, insurance, real estate, taxation and trusts and estates. At Shutts, we are committed to offering sophisticated legal services efficiently and responsively. We work tirelessly with businesses and individual clients, as well as with referring national and international law firms and companies. We always strive to provide the highest degree of professionalism and passion for our work.

Shutts & Bowen's attorneys work in an environment where people are recognized for their value as individuals, giving them the autonomy and freedom to best serve their clients.

Because of our stake in the past, we are poised to become the law firm of the future.

APPELLATE

Our attorneys understand that a well-researched, clear legal argument is a key to winning the best outcome for our clients at trial and on appeal. We take pride in knowing what to ask, which arguments to pursue, and which facts are crucial. With this knowledge and decades of experience, we earn the respect of judges, juries, and often opposing counsel, and present powerful arguments on behalf of our clients.

Several of our appellate attorneys hold the highest ratings from *Martindale-Hubbell*, and have been recognized by *Best Lawyers in America*® and *Florida Super Lawyers* in appellate law. Suzanne Labret holds the Florida Bar's board certification as an appellate specialist, a certification held by fewer than 200 lawyers in Florida. Several of our appellate team members have served as law clerks to state and federal appellate judges; others have served as staff attorneys on various appellate courts, providing our team with a comprehensive understanding of the appeals process and a 'behind the curtain perspective.'

Experience

Our experienced attorneys are skilled in all aspects of appellate advocacy and procedure. They provide appellate support during trial and pretrial activities, assisting in the development of legal theories and proper record establishment, as well as preserving and identifying error.

Some of our attorneys have significant experience in administrative appeals, which are highly specialized in nature and involve high profile issues before Florida state agencies as well as appeals from administrative agency rulings at the local, state, and federal levels. Many of our attorneys have also served as counsel of record in cases presented to and argued before the U.S. Supreme Court.

In state and federal courts, we represent appellants, appellees and other interested parties in:

- Appeals of final orders;
- Interlocutory appeals;
- Original proceedings, including preparing petitions for certiorari, mandamus, prohibition and similar extraordinary writs;
- Motions for post-decision review (rehearing and rehearing *en banc*);
- Proceedings to invoke or oppose discretionary jurisdiction; and,
- Preparation and presentation of *amicus curiae* (friend of the court) briefs.

GOVERNMENT LAW

Whether you're appearing before a public agency requesting approvals, lobbying for changes to the law or seeking a government contract, our experienced and well-regarded attorneys can help you. We've been active participants in Florida's legal and political arenas for the past century. Many of our attorneys can offer an insider's perspective because they spent years as public servants with federal, regional, state, county, and municipal governments. We understand the ins-and-outs of how government functions and are proud of our experience appearing before governing bodies, federal agencies and the state legislature.

One of the highest compliments our lawyers can receive is when a government agency turns to us for outside counsel. In the past year, our team has been retained to handle high priority matters for the following government officials and agencies:

- Governor and Cabinet;
- Florida House of Representatives;
- Florida Agency for Healthcare Administration;
- Florida Department of Environmental Protection;
- Florida Department of Economic Opportunity;
- Florida Department of Management Services; and,
- Local governments, including cities/counties, school boards, hospital boards, special districts, expressway/airport authorities, etc.

Experience

We offer the following government law services:

- Lobbying
- Legislative and Executive Branch Matters
- Land Use and Zoning
- Government Procurement Issues
- Construction Contracts
- Ad Valorem Tax Issues
- Civil Rights
- Affordable Housing
- School Boards

GOVERNMENT LAW

- Eminent Domain
- Telecommunications
- Public-Private Ventures
- Environmental
- Special Benefit Districts
- Health Law
- Relocation Incentives
- Transportation/Airports/Ports
- Public Finance



JOSEPH M. GOLDSTEIN

PARTNER

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215 South Monroe Street, Suite 804, Tallahassee, FL 32301

Joseph M. Goldstein is the Managing Partner of the Fort Lauderdale office of Shutts & Bowen LLP, where he is a member of the Business Litigation Practice Group. Joseph also practices out of the Tallahassee office.

A Martindale-Hubbell AV® rated attorney, Joseph is among the less than one percent of attorneys who are Florida Bar Board Certified in Business Litigation. He has been recognized as a “Lawyer of the Year” by *Best Lawyers in America*®, listed as a “Power Leader” by *South Florida Business Journal* as well as the “Top Lawyers in South Florida” by *South Florida Legal Guide*.

Businesses involved in disputes or government bid protests rely on his expertise, trial experience and government background. Joseph regularly represents defense companies, technology firms, construction firms and government service providers in their business disputes and government bid protests. His practice focuses on business litigation; government contracts, including bid protests; litigation involving non-competition agreements; and real estate related disputes.

Representative Cases

- As the result of a bid protest trial, Joseph successfully helped a technology company receive a government contract after its proposal was initially rejected.
- He reversed a potential debarment from government contracting for a construction services company that was under allegations of improper conduct.
- He successfully defended a business in a dispute involving alleged theft of proprietary materials and noncompete agreements. This was done through prosecution of an evidentiary hearing and settlement negotiations, including overturning an injunction prohibiting competition.

Background

A former Assistant General Counsel for the federal government, Joseph has experience in government contracting law and is well known within local and state procurement divisions. He has also been a part-time hearing officer for Broward County for bid protests and debarment hearings under the Broward County Procurement Code. He is a former member of the City of Plantation Planning & Zoning Board. The American Bar Association's Public Contract Law Section appointed Joseph to Vice-Chair of the State and Local Procurement Division.

After graduating from law school, Joseph served as a law clerk to Judge Patricia Fawcett on the U.S. District Court, Middle District of Florida. Following his clerkship, he fulfilled his military commitment arising from his ROTC scholarship. He was selected to serve in the Air Force General Counsel's Honors Program at the Pentagon, where he served on active duty from 1991 until 1994. There he represented the Air Force in more than 150 bid protests before the General Services Board of Contract Appeals and the General Accountability Office. He conducted legal reviews and negotiations with major defense contractors and assisted the Department of Justice in prosecuting fraud and *qui tam* suits. He left the Air Force as a Captain and was awarded the Meritorious Service Medal.

Joseph is the former Chair and Vice Chair of the Board of Directors for the [Broward Public Library Foundation](#) and current Board Member of the [Broward Workshop](#), and former Chair of the Board of the Leadership Broward Foundation.

Practice Areas

- Administrative Law and Licensing
- Litigation
- Construction
- Government Contracts
- Health Law & Life Sciences
- Licensing

Accolades

- Florida Bar Board Certified in Business Litigation
- [Martindale-Hubbell AV® Preeminent Rated, 5.0 out of 5.0](#)
- *South Florida Business Journal*, Power Leaders 250, 2019
- *South Florida Business Journal*, Power Leaders, 2018
- *South Florida Business Journal*, Power Leaders in Law, 2017

- *South Florida Business Journal*, Power Leaders in Law & Accounting, 2016
- *Best Lawyers in America*®
 - Administrative/Regulatory Law "Lawyer of the Year" 2014
 - Administrative/Regulatory Law, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
- *South Florida Business Journal*: "Power Leader" in South Florida, 2014
- *South Florida Legal Guide*, "Top Lawyers," 2007-2019
- *Florida Super Lawyers*, Business Litigation, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020
- *Florida Trend's Legal Elite*, 2014, 2017, 2019, 2020

Education

- Georgetown University Law Center, LL.M., Tax, with distinction, 1994
- Nova University, J.D., *magna cum laude*, 1989
- Cornell University, B.S., Urban and Regional Studies, 1986

Bar Admissions

- Florida

Court Admissions

- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Northern District of Florida
- U.S. Tax Court
- U.S. Court of Federal Claims

Professional and Civic

- American Bar Association
 - Vice Chair, Past or Present State and Local Procurement Division
 - Vice Chair, State and Local Bid Protest Committee
 - Co-Chair, State Law Database Coordination
- Broward County Bar Association
 - Board Director
 - Bench and Bar Committee Member

Joseph M. Goldstein

- Former Chair, Florida Bar 17th Judicial Circuit Grievance Committee "D"
- Former Chair, Leadership Broward Foundation
- Board Director, Broward Public Library Foundation
 - Former Chair
- Board Director, [Broward Workshop](#)
 - Co-Chair, Business Advocacy Committee
- Board Director, Friends of WLRN
 - Vice Chair

Recent Presentations

- Presenter, "[Education Board Certification Procurement - February 2019](#)," The Florida Bar Education Law Committee 2019 Certification Review Course (February 2019)
- Presenter, "[Florida Bid Protests: Overview and Statistical Analysis](#)," American Bar Association, Section of Public Contract Law, State and Local Division (February 28, 2019)
- Panelist and Moderator, "Negotiating the Contract – What Can be Changed," 11th Annual State and Local Procurement Symposium for the American Bar Association Public Contract Law Section (April 8, 2016)

Publications

- Author, Practitioner Insights, "Government Employee May be qui tam Relator Under Federal but not State False Claims Act"
- Florida State Procurement Handbook
- Author, Chapter on Florida Procurement Law, American Bar Association, Section of Public Contract Law, "[Guide to State Procurement, a 50-State Primer on Purchasing Laws, Processes and Procedures](#)."
- [Government Contracts Update - Changes to Broward County Bid Protest Rules: The Good, The Bad, and The Ugly](#)



JASON GONZALEZ

PARTNER

JasonGonzalez@shutts.com
1-850-241-1720 - [Tallahassee](#)

215 South Monroe Street, Suite 804, Tallahassee, FL 32301

Jason is an experienced appellate and litigation attorney and regularly consults on government affairs. He represents businesses and state agencies in state or federal courts in contracts, government procurements, class actions, tort defense, banking and finance, professional licenses and elections matters.

Prior to joining Shutts, Jason served as General Counsel to the Florida Governor and as Gubernatorial Appointee to the Florida Supreme Court Judicial Nominating Commission. Jason was also the chief advisor to the Governor on the appointment of 64 Florida judges and four Florida Supreme Court Justices.

In 2010, Jason served as lead counsel for Transocean Ltd. in its Florida Panhandle litigation and regulatory matters immediately following the explosion and sinking of the Deepwater Horizon. Over a two-year period, Jason successfully obtained orders dismissing or removing every one of the more than 70 individual and class action lawsuits filed against Transocean in Florida.

Earlier in his career, Jason was a shareholder in the Tallahassee law firm Asley McMullen. He also served two terms as General Counsel and former Executive Board Member of the Republican Party of Florida.

Practice Areas

- Appellate
- Litigation
- COVID-19 Solutions

Accolades

- Selected as Florida Counsel by Transocean, owner of the Deepwater Horizon following the BP Oil Spill
- *Florida Super Lawyers*, 2011, 2012 and 2013
- *Florida Trend Legal Elite*, 2008, 2015; Appellate and Government Practice, 2016- 2018; Appellate Practice 2020
- Florida Supreme Court Judicial Nominating Commission, 2007-2008
- First District Court of Appeals Judicial Nominating Commission, 2004 – 2007, Chairman 2006-2007
- Second Circuit Judicial Nominating Commission, 2001 – 2004, Chairman 2003-2004

Education

- University of Florida, J.D., 1998
- University of Florida, B.S.B.A., with honors, 1995

Bar Admissions

- Florida

Court Admissions

- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida



DANIEL E. NORDBY

PARTNER

DNordby@shutts.com
1-850-241-1725 - [Tallahassee](#)

215 South Monroe Street, Suite 804, Tallahassee, FL 32301

Daniel Nordby is a partner in the Tallahassee office of Shutts & Bowen LLP, where he is a member of the Appellate Practice Group. His practice focuses on high-profile, high stakes matters of law and public policy, particularly in the areas of constitutional, appellate and administrative law.

Over the course of his career, Daniel has developed extensive experience in the area of government and administrative law. He is a Past Chair of the Florida Bar's Administrative Law Section and has served on the Section's Executive Council for more than a decade. Daniel has represented clients in some of Florida's largest competitive procurements and has served as counsel of record in a variety of administrative and judicial proceedings involving the application of constitutional and administrative law principles. He has personally presented oral argument on multiple occasions before the Florida Supreme Court, Florida's First District Court of Appeal, and the Federal Court of Appeals for the Eleventh Circuit on high-profile matters of constitutional law. A representative list of Daniel's reported opinions in the state and federal courts is available [here](#).

Daniel draws on his prior service in the public sector when representing businesses, individuals and governmental clients on their most challenging legal issues. As General Counsel to then-Governor Rick Scott from 2017-2019, Daniel provided oversight and strategic direction for all major litigation involving Florida's executive branch agencies and advised Governor Scott on the appointment of more than 100 judges to Florida's trial and appellate courts. Daniel's career also includes service as General Counsel to the Florida House of Representatives, General Counsel to Florida's Secretary of State, Assistant General Counsel to the Florida Department of Education, and Staff Attorney to the Florida Legislature's Joint Administrative Procedures Committee.

Daniel continues his public service as a gubernatorial appointee to the Florida Supreme Court Judicial Nominating Commission. After serving on the Commission from 2012-2018 as a direct appointee of Governor Scott, Daniel was appointed by Governor DeSantis in July 2019 to a third term. He currently serves as Chair of the Florida Supreme Court Judicial Nominating Commission.

Daniel E. Nordby

Daniel is also involved with several non-profit and community groups. He is a graduate of Leadership Florida (Connect VI), a member of Florida Blue Key, a member of the American Enterprise Institute's Leaders Network, and a member of the James Madison Institute's Inaugural Class of Leaders Fellows. Daniel is on the Steering Committee of the Tallahassee Lawyers Chapter of the Federalist Society for Law and Public Policy Studies and is a Past President of both its Tallahassee Lawyers Chapter and University of Florida Student Chapter. Daniel is an Eagle Scout and attends St. Peter's Anglican Cathedral in Tallahassee.

Daniel is a "triple-Gator" with three degrees from the University of Florida: a J.D. (with high honors), a B.S. in Microbiology and Cell Science, and a B.A. in Classical Studies. He has been recognized as a Florida Super Lawyers "Rising Star" and has been named to the roster of Florida Legal Elite by Florida Trend magazine in the categories of "Government & Administrative Law," "Best Government & Non-Profit Attorneys," and "Best Up & Coming Attorneys."

Practice Areas

- Administrative Law and Licensing
- Appellate
- Government Law
- Licensing
- Litigation

Industry Focus

- Government

Accolades

- Super Lawyers: Rising Star (2017, 2016, 2015)
- *Florida Trend's* Florida Legal Elite
 - Appellate Practice (2020)
 - Best Government & Non-Profit Attorneys (2018, 2014, 2013, 2012)
 - Best Government & Administrative Law Attorneys (2017, 2016, 2019)
 - Best Up & Coming Attorneys (2011, 2010, 2009)

Education

- University of Florida College of Law, J.D., *magna cum laude*, 2005
- University of Florida, B.A., Classical Studies, 2001

- University of Florida, B.S., Microbiology & Cell Science, 2001

Bar Admissions

- Florida

Court Admissions

- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida

Professional and Civic

- Administrative Law Section of the Florida Bar
 - Executive Council Member (2006-Present)
 - Chair (2014-2015)
- Federalist Society for Law and Public Policy Studies
 - Tallahassee Lawyers Chapter, Steering Committee (2006-Present); Past President (2007-2011)
- Leadership Florida
 - Connect Florida Statewide Leadership Institute (Class VI, 2015-2016)
- Florida Supreme Court Judicial Nominating Commission (2012-2019)
- James Madison Institute
 - Leaders Fellow (Inaugural Class, 2014-15)
- First District Appellate American Inn of Court
 - Barrister Member (2014-2017)

Reported Opinions

* Indicates lead counsel responsibility **BOLD** Indicates oral argument presented **Advisory Op. to Att'y Gen. re Right to Competitive Energy Market for Customers of Investor-Owned Utilities*, 45 Fla. L. Weekly S1 (Fla. Jan. 9, 2020)

- Represented trade associations in opposition to proposed constitutional amendment providing for electric utility deregulation.

****L3Harris Technologies, Inc. v. Dept. of Management Services***, 279 So. 3d 648 (Fla. 1st DCA 2019)

- Successfully defended \$680MM contract award for development of statewide law enforcement radio system following competitive procurement and bid protest.

***Scott v. Hinkle**, 2018 WL 6253291 (Fla. 1st DCA Nov. 30, 2018) •

- Represented Governor in successful defense of challenge to financial disclosure under Florida's qualified blind trust law.

***Trotti v. Scott**, 2018 WL 6167830 (Fla. Nov. 26, 2018); and ***Scott v. Trotti**, 43 Fla. L. Weekly D1691 (Fla. 1st DCA July 26, 2018)

- Represented Governor at trial court, appellate court, and Supreme Court levels in successful defense of constitutional challenge to gubernatorial appointment power to fill vacancy on the Fourth Judicial Circuit.

***League of Women Voters of Fla. v. Scott**, 2018 WL 6010744 (Nov. 16, 2018)

- Represented Governor in successful defense of extraordinary writ challenges in Florida Supreme Court to authority of Supreme Court Judicial Nominating Commission to certify nominations before occurrence of physical vacancies in judicial office.

***League of Women Voters of Fla. v. Scott**, 2018 WL 6025856 (N.D. Fla. Nov. 15, 2018)

- Represented Governor in successful defense of emergency motion for preliminary injunction regarding conduct and oversight of 2018 General Election and statewide recounts.

***Bogorff v. Scott**, 223 So. 3d 1000 (Fla. 2017)

- Represented Governor in successful defense of original action for mandamus in Florida Supreme Court seeking invalidation of gubernatorial line-item veto to 2017 General Appropriations Act.

Jackson v. Scott et al., Case No. 2018-CA-4630 (Fla. 4th Cir. Sept. 26, 2018)

- Represented Governor in successful defense of appointment to fill vacancy on Jacksonville City Council during pendency of a council member's suspension.

***Rosen Gonzalez v. Scott**, Case No. 2018-CA-860 (Fla. 2d Cir. Apr. 26, 2018)

- Represented Governor in successful defense of constitutional challenge by Congressional candidate to Florida's resign-to-run law.

***Bittel et al. v. Scott et al.**, Case No. 17-CA-2301 (Fla. 2d Cir. Dec. 15, 2017)

- Represented Governor in successful defense of challenge by Florida Democratic Party Chair to executive orders setting special elections to fill vacancies in the Florida Senate and Florida House of Representatives.

***League of Women Voters v. Scott**, 232 So. 3d 264 (Fla. 2017)

- Represented Governor in successful defense of original action for quo warranto in Florida Supreme Court seeking determination on scope of gubernatorial appointment authority regarding end-of-term vacancies on Florida Supreme Court.

Sarasota Cty Public Hosp. Dist. et al. v. Fla. Agency for Health Care Admin., 230 So. 3d 973 (Fla. 1st DCA 2017)

- Represented Agency for Health Care Administration in consolidated administrative challenges by hospitals to unaudited outpatient reimbursement rates.

Ayala v. Scott, 224 So. 3d 755 (Fla. 2017)

- Represented Governor in successful defense of extraordinary writ challenge to executive orders reassigning responsibility for prosecution of capital homicide cases in the Ninth Judicial Circuit.

***McGillis v. Dept. of Economic Opportunity**, 210 So. 3d 220 (Fla. 3d DCA 2017)

- Successfully defended appeal of Department of Economic Opportunity's determination that a former driver for Uber performed his services as an independent contractor rather than as an employee for the purpose of reemployment assistance.

***AT&T Corp. v. Dept. of Management Services**, 201 So. 3d 852 (Fla. 1st DCA 2016); and **AT&T Corp. v. Dept. of Management Services**, Case No. 15-5002BID (Fla. DOAH Nov. 25, 2015)

- Successfully defended \$700MM MyFloridaNet-2 contract award by Department of Management Services following competitive procurement and bid protest.

Bayfront Med. Cntr., Inc. v. Fla. Agency for Health Care Admin., Case No. 14-4758RU (Fla. DOAH Apr. 20, 2015), *affirmed per curiam*, 192 So. 3d 472 (Fla. 1st DCA 2016)

- Represented Agency for Health Care Administration in successful defense of rule challenge by hospitals contesting agency's practice of limiting Medicaid reimbursement for services provided to eligible undocumented aliens to the duration of the medical emergency.

In re: Medicaid Reimbursement Rate Proposed and Existing Rule Challenges, Case Nos. 17-467RP through 17-474RP, 17-496RP, 17-558RP through 17-560RP) (Fla. DOAH Apr. 18, 2018)

- Represented Agency for Health Care Administration in successful defense of consolidated proposed and existing rule challenges by hospitals to agency rules governing outpatient reimbursement rates.

***Advisory Op. to the Att'y Gen. re Rts of Elect. Consumers re Solar Energy Choice**, 188 So. 3d 822 (Fla. 2016)

- Filed amicus curiae brief on behalf of social welfare organization in support of ballot summary of proposed constitutional amendment governing solar energy choice.

***Dept. of Economic Opportunity v. Consumer Rights, LLC**, 181 So. 3d 1239 (Fla. 2015)

- Successfully obtained reversal of attorney's fee award against Department in public records case.

***Joyner v. House of Representatives**, 163 So. 3d 503 (Fla. 2015)

- Represented Speaker Crisafulli and Florida House of Representatives in successful defense of mandamus action filed by State Senators seeking to compel House to reconvene following adjournment sine die.

Plastic Tubing Industries v. Advanced Drainage Systems, Case No. 14-3960 (Fla. DOAH Dec. 19, 2014)

- Represented applicant for regulatory variance in successful defense of administrative challenge by competitor to agency order granting variance.

***Advisory Op. to the Att'y Gen. re Use of Marijuana for Certain Med. Conditions**, 132 So. 3d 786 (Fla. 2014)

- Filed amicus curiae brief on behalf of Florida House of Representatives in opposition to ballot summary of proposed constitutional amendment governing medical use of marijuana.

League of Women Voters of Fla. v. Fla. House of Representatives, 132 So. 3d 135 (Fla. 2013)

- Represented Speaker Weatherford and Florida House of Representatives in constitutional litigation regarding application of legislative privilege to reapportionment litigation.

***Westphal v. City of St. Petersburg**, 122 So. 3d 440 (Fla. 1st DCA 2013) (en banc)

- Filed amicus curiae brief on behalf of Speaker Weatherford and Florida House of Representatives in constitutional challenge to Florida's worker's compensation statutes.

Fla. House of Representatives v. League of Women Voters of Fla., 118 So. 3d 198 (Fla. 2013)

- Represented Speaker Weatherford and Florida House of Representatives in extraordinary writ proceeding regarding subject matter jurisdiction of circuit courts to review validity of legislative apportionment plans.

Worley v. Fla. Secretary of State, 717 F.3d 1238 (11th Cir. 2013); and **Worley v. Detzner**, 2012 WL 12897964 (N.D. Fla. July 2, 2012)

- Represented Secretary of State in successful defense of constitutional challenge to Florida campaign finance disclosure laws.

**Crews v. Fla. Pub. Employers Council 79*, 113 So. 3d 1063 (Fla. 1st DCA 2013)

- Filed amicus curiae brief on behalf of Speaker Weatherford and Florida House of Representatives in constitutional challenge to authority of the Legislative Budget Commission with respect to prison health care contracts.

**Bray v. Detzner*, 99 So. 3d 1290 (Fla. 1st DCA 2012)

- Represented Secretary of State in successful defense of constitutional challenge to judicial candidate qualifying fees.

Arcia v. Detzner, 908 F.Supp.2d 1276 (S.D. Fla. 2012)

- Represented Secretary of State in successful defense of challenge to database-matching program under National Voter Registration Act.

**Telli v. Detzner et al.*, 98 So. 3d 1284 (Fla. 4th DCA 2012)

- Represented Secretary of State in successful defense of constitutional challenge seeking to open political party primary election under Universal Primary Amendment.

Greene v. Clemens et al., 98 So. 3d 791 (Fla. 1st DCA 2012)

- Represented Secretary of State in successful defense of election contest action challenging results of primary election for Florida Senate.

Brown v. Detzner, 895 F.Supp.2d 1236 (M.D. Fla. 2012)

- Represented Secretary of State in successful defense of Voting Rights Act and Fourteenth Amendment challenges to Florida's early voting statutes.

**Joyner v. Secretary of State of Fla.*, Case No. 12-2295RU (Fla. DOAH Sept. 18, 2012)

- Represented Secretary of State in successful defense of rule challenge proceeding regarding implementation of election law amendments under Voting Rights Act.

Mi Familia Vota Ed. Fund v. Detzner, 891 F.Supp.2d 1326 (M.D. Fla. 2012)

- Represented Secretary of State in defense of Voting Rights Act challenge to database-matching program.

Florida v. United States, 885 F.Supp.2d 299 (D.D.C. 2012) (three-judge court)

- Represented State of Florida in declaratory judgment action seeking preclearance of election law changes under Section 5 of the Voting Rights Act.

***Florida v. United States**, 886 F.Supp.2d 1301 (N.D. Fla. 2012)

- Represented State of Florida in proceeding ancillary to Voting Rights Act litigation, successfully establishing as a matter of first impression that Florida legislators had a privilege against compelled testimony as to matters at the core of their legislative functions.

***Lacasa v. Townsley**, 883 F.Supp.2d 1231 (S.D. Fla. 2012)

- Represented Secretary of State in successful defense of constitutional challenge seeking to open political party primary election for Miami-Dade State Attorney under Universal Primary Amendment.

United States v. Florida, 870 F.Supp.2d 1346 (N.D. Fla. 2012)

- Represented Secretary of State in successful defense of challenge to database-matching program under National Voter Registration Act.

League of Women Voters of Fla. v. Browning, 863 F.Supp.2d 1155 (N.D. Fla. 2012)

- Represented Secretary of State in defense of constitutional challenge to statutes governing activities of third-party voter registration organizations.

National Organization for Marriage v. Secretary, State of Fla., 477 Fed.Appx. 584 (11th Cir. 2012) •

- Represented Secretary of State in successful defense of constitutional challenge to Florida campaign finance disclosure laws for electioneering communications organizations.

***In re Senate Joint Resolution of Legislative Apportionment 2-B**, 89 So. 3d 872 (Fla. 2012)

- Filed amicus curiae brief on behalf of Secretary of State regarding statutory deadlines and Voting Rights Act requirements relevant to legislative redistricting litigation.

***Argenziano v. Detzner**, Case No. 2011-CA-3484 (Fla. Cir. Ct. Mar. 26, 2012)

- Represented Secretary of State in successful defense of candidate qualifying statutes.

***Brown v. Secretary of State of Fla.**, 668 F.3d 1271 (11th Cir. 2012)

- Represented Secretary of State in successful defense of redistricting amendments to Florida Constitution against constitutional challenge under federal Elections Clause.

***Shapiro v. Browning**, Case No. 2011-CA-1892 (Fla. Cir. Ct. Dec. 13, 2011)

- Represented Secretary of State in defense of constitutional challenge to ballot summary for constitutional amendment regarding religious freedom.

***Sullivan v. Scott**, 2011 WL 4954261 (S.D. Fla. 2011)

- Represented Secretary of State in successful defense of Voting Rights Act challenge to implementation of Florida Election Code.

Infinity Software Development v. Dept. of Education, Case No. 11-1662BID (Fla. DOAH June 7, 2011)

- Represented software developer in successful bid protest challenge to contract award following invitation to negotiate.

***Norman v. Ambler**, 46 So. 3d 178 (Fla. 1st DCA 2010)

- Represented Republican Party of Florida in election contest litigation challenging eligibility of prevailing candidate.

***Scott v. Roberts**, 612 F.3d 1279 (11th Cir. 2010)

- Represented Secretary of State in defense of constitutional challenge to campaign matching funds statute.



AMY M. WESSEL

PARTNER

AWessel@shutts.com

1-954-847-3889 - [Fort Lauderdale](#)

200 East Broward Boulevard, Suite 2100, Fort Lauderdale, FL 33301

Amy M. Wessel is a Partner in the Fort Lauderdale office of Shutts & Bowen LLP, where she is a member of the Appellate Practice Group.

Amy is board certified in Appellate Practice by the Florida Bar. She represents clients in a wide range of appellate and litigation matters involving commercial disputes, business torts, real-property litigation, and premises liability. She also provides pre-trial and trial support to litigators, assisting in the development of legal arguments and ensuring that all steps necessary to preserve issues for appellate review are taken. Amy is also a regular contributor to the *Florida Appellate Law Blog*, where she writes on issues of appellate practice and procedure.

Prior to joining the firm, Amy served as a judicial law clerk for the Honorable Jay P. Cohen at the Florida Fifth District Court of Appeal. During her appellate clerkship, Amy gained invaluable insight into the preservation of error at trial as well as effective appellate advocacy techniques. Prior to clerking, Amy completed a post-graduate fellowship with the Honorable Robin S. Rosenbaum at the United States District Court for the Southern District of Florida. During law school, Amy served as a Managing Editor of the *Florida Law Review*. She was also the recipient of the UF Law Pro Bono Certificate of Excellence in recognition of her commitment to public service through pro bono work.

Practice Areas

- Appellate
- Litigation

Accolades

- *Florida Super Lawyers*, Rising Star, Appellate, 2019 & 2020

Education

- University of Florida Levin College of Law, J.D., *cum laude*, 2011
- University of Florida, B.A., *cum laude*, Political Science, 2006
 - Phi Beta Kappa

Bar Admissions

- Florida

Court Admissions

- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Court

Professional and Civic

- Florida Bar Appellate Practice Section
 - Pro Bono Committee
- Broward County Bar Association
 - Young Lawyers Section
 - Appellate Practice Section
- Leadership Broward, Class XXXVIII
- PACE Center for Girls - Broward
 - Partners for PACE, Member
 - PACE Center's Annual Girls Just Wanna Have Fun Brunch Fundraiser, Co-Chair (2018, 2019 and 2020)
- Ghost Light Society

Presentations

- Presenter, "Appellate Practice 101", Continuing Legal Education course for Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida, February 2020
- Co-Presenter, "Preservation of Error and Avoiding Trial Mistakes," Broward County Bar Association Appellate Practice Section CLE, February 2018

Publications

- *Appellate Practice Section Update: Fourth District Court of Appeal at the 2017 Bench & Bar Convention*, Broward County Bar Association Barrister (December 2017)
- Co-editor, [Appellate Law Blog](#)

TALLAHASSEE
1500 Mahan Drive
Suite 200
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax



TAMPA
2502 Rocky Point Drive
Suite 1060
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

PLANTATION
8201 Peters Road
Suite 1000
Plantation, Florida 33324
(954) 315-0268 Tel

Reply to Tallahassee

July 13, 2020

Via Electronic Mail

D. J. Doddy
Town Attorney
Town of Hillsboro Beach, Florida
Goren, Cherof, Doffy & Ezrol, P.A.
3099 East Commercial Blvd.
Fort Lauderdale, Florida 33308

Re: Appeal of Final Judgment in Town of Hillsboro Beach, Florida
v. State of Florida, CACE 20003859

Dear Mr. Doddy:

The law firm of Nabors, Giblin & Nickerson, P.A. ("NGN") would be pleased to submit its proposal for the representation of the Town of Hillsboro Beach, Florida, in the appeal to the Florida Supreme Court from a Final Judgment entered in the above styled cause.

We propose that the legal services for the appeal would be compensated on an hourly basis at the following hourly rates:

- Partners: \$300.00 per hour
- Associates: \$250.00 per hour

Time spent in travel would not be charged.

In addition to the compensation specified above, we request that expenses incurred which are directly related to the provision of services be reimbursed, including, but not limited to: copy and fax costs, long distance telephone costs, express mail and on-line research expenses. Travel expenses, to the extent they are incurred, will be reimbursed in accordance with the provisions governing the travel of public officers and employees contained in Section 112.061, Florida Statutes.

D. J. Doddy
Town Attorney
July 13, 2020
Page 2

The primary attorneys who would be assigned to the engagement would be Gregory T. Stewart, Carly J. Schrader and Elizabeth D. Ellis. Copies of their resumes are attached to this correspondence.

NGN has the unique qualifications to assist the Town in the appeal to the Florida Supreme Court. Initially, NGN has exclusively represented authorities, special districts, counties, cities, and other government entities since the law firm was organized in 1984. As a result, the firm has avoided those conflicting relationships that other law firms have frequently encountered where a firm represents both private and governmental interests.

Further, one of the distinguishing characteristics of NGN is its extensive representation of Florida local governments and the historical participation by its attorneys in shaping Florida local government statutory and case law. That experience began with the creation of the constitutional and statutory Home Rule powers of counties and municipalities in the 1968 constitutional revision as further implemented by general law in the early 1970s. This experience and its historical perspective are unparalleled in any other law firm. That experience will be particularly pertinent in the appeal of the Final Judgment as the interrelation between the powers granted to the Town through its Charter and the interplay with the provisions of statutory Home Rule will be a significant issue.

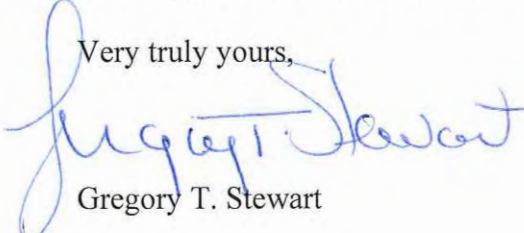
In the context of the bond validations, NGN has extensive experience in both the creation and implementation of home rule revenue sources such as special assessments for improvements and services and in the validation of a wide variety of proposed indebtedness issued for the funding of projects. The firm has represented numerous counties and cities throughout the State of Florida in establishing assessment programs including the creation and implementation of special assessments for beach restoration/renourishment programs for six counties.

Additionally, NGN has an active litigation and appellate practice and represents numerous governmental entities on a wide variety of issues, including matters relating to the constitutional scope of local government authority and governmental tax and finance issues. Notably, NGN has been at the forefront in developing and defending local government revenue sources and has been actively involved in litigation regarding the scope of Home Rule Power.

In the specific context of the appeal of the Final Judgment to the Florida Supreme Court, NGN has represented numerous cities and counties in the validation of proposed indebtedness at both the trial level and upon appeal. NGN has appeared before the Florida Supreme Court on appeals from bond validations in excess of ten cases including the successful validation of bonds for a beach restoration/renourishment project for Okaloosa County. See Donovan v. Okaloosa County, 82 So.3d 801 (Fla. 2012).

D. J. Doddy
Town Attorney
July 13, 2020
Page 3

Thank you for your consideration of the firm of Nabors, Giblin & Nickerson, P.A. If you have any questions or desire any further information, please feel free to contact me at any time.

Very truly yours,

Gregory T. Stewart

GTS:pad

Attachments

Gregory T. Stewart



Gregory T. Stewart | Shareholder | gstewart@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax

Mr. Stewart, a Martindale-Hubbell AV-rated lawyer, is a 1975 honors graduate of the University of Florida, College of Law. Mr. Stewart served as an Assistant State Attorney for the Eighteenth Judicial Circuit from June 1975 through January 1981. He served as Chief Trial Attorney for the Public Defender's Office of Brevard County from January 1981 through August 1982. As a partner in the firm of Nabors, Potter, McClelland, Griffith & Jones, P.A., Mr. Stewart represented Brevard County, Florida as an Assistant County Attorney specializing in governmental litigation, including representation of Brevard County on personnel and employment issues, from September 1982 through March 1986. He has also served as trial counsel for various counties throughout the State of Florida in the areas of employment, land use, finance and intergovernmental

litigation. He has lectured extensively on numerous aspects of local government litigation. Mr. Stewart has been selected as one of "The Best Lawyers in America" in the field of Litigation - Municipal. Mr. Stewart's area of practice includes matters related to governmental tax and finance, employment, land use, construction, civil rights claims and trial and administrative litigation.

- Head of the firm's Litigation and Appellate Law practice areas.
- Serves as County Attorney for Okaloosa County (2004-present).
- Provides general representation to clients on employment issues, tax and finance matters and land use disputes.
- Serves as litigation counsel to clients relating to a variety of state and local revenue sources, including impact fees, special assessments and other taxes.
- Serves as litigation counsel to numerous counties and cities in matters relating to land use claims and actions relating to local government comprehensive plans.
- Represents clients before the Florida Supreme Court, all Florida District Courts of Appeal and Circuit Courts, the United States Supreme Court, the Eleventh Circuit Court of Appeals, and each of Florida's three Federal District Courts.
- Represents clients before numerous administrative bodies, including DOAH, PERC, EEOC, the FCHR and FPSC.
- Lectures to numerous professional organizations on a variety of topics, including state and local revenue sources, the Florida Sunshine Law, Florida public records law, the Americans with Disabilities Act and Family Medical Leave Act and land use issues.

Prior Professional Experience

- Nabors, Potter, McClelland, Griffith & Jones, Partner, 1982-1986.
- Chief Trial Attorney, Public Defender's Office (18th Judicial Circuit), 1981-1982.
- Assistant State Attorney (18th Judicial Circuit), 1975-1981.

Professional, Civic & Community Involvement

- Admitted to practice in all courts of the State of Florida, United States District Court for the Northern, Southern and Middle Districts of Florida, United States Bankruptcy Court for the Northern, Southern and Middle Districts of Florida, United States District Court for the Eastern District of Michigan, Eleventh Circuit Court of Appeals and United States Supreme Court.
- Member of the Leon County Bar Association.
- Former Member of the Board of Directors of the Brevard County Bar Association.

- Member of the American Bar Association and has served on its Individual Rights and Responsibilities Committee and Governmental Operations Committee.
 - Member of the City, County and Local Government Law and Trial Lawyers Section of the Florida Bar.
-

Education

- J.D., University of Florida, 1975.
 - B.S., Business Administration, University of Florida, 1972.
-

Honors

- AV® Preeminent™ 5.0 Peer Review Rated™ by Martindale-Hubbell®
 - *Best Lawyers In America®*, Litigation - Municipal, First Year Listed 2007
-

Areas of Practice

- Litigation and Appellate Law
- Land Use and Real Estate Law
- Employment Law
- Public Finance

Carly J. Schrader



Carly J. Schrader | Shareholder | cschrader@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax

Ms. Schrader is a 2001 *summa cum laude* graduate of the University of West Florida and a 2005 *summa cum laude* graduate of the Florida State University College of Law. Ms. Schrader was a member of the Florida State University Law Review and is a member of the Order of the Coif. Ms. Schrader joined the Firm in 2007 where she concentrates her practice in the areas of litigation and appellate law. She is currently a member of the First District Appellate American Inns of Court and Tallahassee Women Lawyers. Prior to joining the Firm, Ms. Schrader was a law clerk for Judge Ricky Polston of the Florida First District Court of Appeal.

- Member of the firm's Litigation and Appellate Law Practice Area.
- Represents clients before all state courts of the State of Florida, the United States District Court for the Northern, Middle and Southern Districts, and the Eleventh Circuit Court of Appeals.
- Provides general representation to clients on employment issues, tax and finance matters and land use issues.
- Board Certified City, County and Local Government Law Lawyer.

Prior Professional Experience

- Law Clerk for Judge Ricky Polston, Florida First District Court of Appeal, 2005-2007.

Professional, Civic & Community Involvement

- Member of the Appellate Practice, and City, County and Local Government Law Sections of the Florida Bar.
- Member of the Tallahassee Women Lawyers.
- Admitted to practice in all courts of the State of Florida, the United States District Courts for the Northern, Middle and Southern Districts, and the Eleventh Circuit Court of Appeals.

Education

- J.D., Florida State University, *summa cum laude*, 2005.
 - Florida State University Law Review, Associate Editor.
 - Member of the Order of the Coif.
- B.A. University of West Florida, *summa cum laude*, 2001.

Areas of Practice

- Litigation and Appellate Law
- Land Use and Real Estate Law
- Employment Law
- Public Finance

Elizabeth Desloge Ellis



**Elizabeth Desloge Ellis | Associate | eellis@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax**

Ms. Ellis is a 2009 graduate of Washington University in St. Louis and a 2012 graduate of the Florida State University College of Law. Ms. Ellis joined the firm in 2019 and practices in the areas of litigation and appellate law. Prior to joining the firm, Ms. Ellis practiced at the firm of Carr Allison and served as an Assistant State Attorney in the Second Judicial Circuit, where she took over 50 cases to jury trial. She is currently a member of the Capital Tiger Bay Club, Tallahassee Women Lawyers, and the Tallahassee Bar Association, and is currently participating in Class 37 of Leadership Tallahassee. Ms. Ellis serves on the Board of Directors for the Young Lawyers Section of the Tallahassee Bar Association, Refuge House of the Big Bend, and the Awesome Foundation of Tallahassee.

- Member of the firm's Litigation and Appellate Law Practice Area.
- Represents clients before all state courts of the State of Florida and the United States District Court for the Northern, Middle, and Southern Districts.
- Provides general representation to clients on employment issues, tax and finance matters, contract and construction issues, real estate and land use disputes, eminent domain, inverse condemnation, and Bert J. Harris issues.

Professional, Civic & Community Involvement

- The Florida Bar, Member
- Knight Creative Communities Institute (KCCI), Catalyst 2012-2013
- Capital Tiger Bay Club, Member
- Florida Association for Women Lawyers, Member
- Tallahassee Women Lawyers, Member
- Young Lawyers Section, Tallahassee Bar Association, Board Member
- Refuge House of the Big Bend, Board Member
- Leadership Tallahassee, Member, Class 37
- The Awesome Foundation of Tallahassee, Board Member

Education

- J.D., Florida State University College of Law, 2012
- B.A., Washington University in St. Louis, 2009

Area of Practice

- Employment Law
- Land Use and Real Estate Law
- Litigation and Appellate Law

RESOLUTION NO. 2020-48

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE FOURTH AMENDMENT TO COMMERCIAL CONTRACT BETWEEN THE TOWN OF HILLSBORO BEACH AND WINTER SUN INVESTMENTS, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission deems it to be in the best interests of the Town to approve and authorize the appropriate Town officials to execute the Fourth Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clause is true and correct and hereby ratified and confirmed by the Town Commission. All exhibits attached hereto are hereby incorporated herein.

SECTION 2. The Town Commission of the Town of Hillsboro Beach, Florida, hereby approves and authorizes the appropriate Town officials to execute the Fourth Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC. A copy of the Fourth Amendment is attached hereto as Exhibit "A".

SECTION 3. The appropriate Town officials are authorized and directed to execute the necessary documents to comply with this Resolution.

SECTION 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and adoption.

1 **ADOPTED** by the Town Commission of the Town of Hillsboro Beach, Florida this ____
2 day of _____ 2020.

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TOWN OF HILLSBORO BEACH, FLORIDA

Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson, CMC
Town Clerk

RESOLUTION NO. 2020-48

RECORD OF TOWN COMMISSION VOTE:

	<u>YES</u>	<u>NO</u>
MAYOR D. TARRANT	☐	☐
VICE MAYOR I. KIRDAHY	☐	☐
COMMISSIONER V. FEAMAN	☐	☐
COMMISSIONER B. BALDASARRE	☐	☐
COMMISSIONER A. BROWN	☐	☐

INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2020-23

TO: Mayor and Members of the Town Commission

CC: William “Mac” Serda, Town Manager
Sherry D. Henderson, Town Clerk

FROM: Donald J. Doody, Town Attorney *DJD*

DATE: July 23, 2020

RE: Town of Hillsboro Beach (“Town”) / Purchase and Sale Agreement with Winter Sun Investments, LLC (1205/1206 Hillsboro Mile)

Enclosed please find for your consideration, a Fourth Amendment to Commercial Contract between the Town and Winter Sun Investments, LLC.

Should you have any questions, please feel free to contact our office.

DJD:mea

Encls.

FOURTH AMENDMENT TO COMMERCIAL CONTRACT

This Fourth Amendment to Commercial Contract (the “Fourth Amendment”) is entered into by the **Town of Hillsboro Beach, Florida**, a Florida municipal corporation (the “Buyer”) and **Winter Sun Investments, LLC**, a Florida limited liability company (the “Seller” and, together with Buyer, the “Parties” and each a “Party”) this ____ day of July 2020 (the “Effective Date”) at Hillsboro Beach, Florida.

RECITALS

Seller is the owner of the real property legally described as Parcels A and B of Ocean Reef Condominium, according to the Plat thereof recorded in Plat Book 124 at Page 19 of the Public Records of Broward County, Florida (the “Property”).

On December 3, 2019, the Parties entered into a Commercial Contract for the sale of the Property by Seller to Buyer (the “Initial Contract”). The Initial Contract provided for a due diligence period ending on April 1, 2020 and a Closing Date no later than September 30, 2020. The Contract subsequently was modified by: (i) “Amendment to Commercial Contract” dated January 2, 2020; (ii) by “Second Amendment to Commercial Contract” dated March 24, 2020, extending the due diligence period to May 27, 2020; and (iii) “Third Amendment to Commercial Contract” dated May 5, 2020, extending the due diligence period to August 17, 2020; (the Initial Contract together with the foregoing three Amendments collectively are referred to as the “Contract”).

Buyer originally intended to finance its purchase of the Property through the passage of a special assessment bond issuance. Buyer brought a Complaint for Validation against the State of Florida and other defendants in case styled *Town of Hillsboro Beach, Florida v. State of Florida*, Case No. CACE20003959 filed in the Circuit Court of the Thirteenth Judicial Circuit, in and for Broward County, Florida, seeking to have its bond issuance validated (the “Litigation”). The Court denied Buyer’s complaint on June 23, 2020 and issued a Final Judgment on June 26, 2020 (the “Judgment”).

Buyer now has requested that the Due Diligence Period be extended for an additional one hundred twenty (120) calendar days to allow Buyer the opportunity to appeal the Judgment (the “Appellate Contingency”) and to obtain financing of its purchase of the Property (the “Financing Contingency”) and Seller is willing to do so on the terms and conditions set forth in this Fourth Amendment.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) paid by each Party to the other Party, and the mutual promises and undertakings contained herein, the Parties hereby agree as follows:

1. Recitals Incorporated; Defined Terms. The foregoing Recitals are true, correct and complete and are incorporated herein by reference. All capitalized defined terms contained in the Contract shall have the same meanings in this Fourth Amendment unless otherwise specifically stated.

2. Extension of Due Diligence Period. Seller hereby extends the expiration date of the Due Diligence Period from August 17, 2020 to December 15, 2020 at 5:00 p.m. The purpose of this extension solely is to allow Buyer time to fulfill the Appellate Contingency and the Financing Contingency. Upon Buyer's filing of the appeal of the Judgment, Buyer shall provide Seller with a copy of the appellate brief filing and shall cause Seller and Seller's counsel to be included in the service list for the appeal. Section 4 of the original addendum to the Initial Contract hereby is deleted.
3. Closing Date. The Closing Date hereby is extended until a date which is the earlier of: (i) thirty (30) calendar days following the end of the Due Diligence Period; or (ii) thirty (30) calendar days following Buyer's notice given to Seller that Buyer is ready to close the Transaction.
4. Demolition of Existing Structures. As partial consideration for Seller entering into this Fourth Amendment, Buyer, at Buyer's expense, shall obtain all necessary federal, state and local governmental approvals necessary for demolition of the existing structures located upon the Property ("Demolition Approvals"). Buyer shall file applications for such Demolition Approvals in Seller's name within thirty (30) calendar days after the Effective Date of this Fourth Amendment and diligently shall pursue such applications throughout the pendency of the Contract. Such applications shall provide that the Demolition Approvals shall be assignable by Seller to any subsequent owner of the Property.
5. Closing Prorations. Section 9(d) of the Initial Contract and Section 8 of the addendum to the Initial Contract are amended to provide that, prorations of *ad valorem* real property taxes and all other governmental impositions including special assessments concerning the Property shall be calculated as of September 30, 2020 (the original Closing Date).
6. Reimbursement for Carrying Costs Beginning on August 17, 2020, Buyer shall pay any usual and customary Seller's operating expense of the Property, including but not limited to the cost of insurance, up to a maximum of \$5,000.00 per month ("Carrying Costs"), payable monthly to and through the Closing Date, which Carrying Costs shall be paid monthly by the Escrow Agent from the Deposit.
7. Code Fines Waiver. For the avoidance of all doubt, the Code fines waiver contained in the Initial Contract shall continue until the latest of: (i) the Closing Date; or (ii) April 28, 2021 (ninety (90) calendar days after the outside Closing Date).
8. Waiver of all Other Conditions Precedent. Except as to the Appellate Contingency and the Financing Contingency, and except as to Seller's obligation to deliver good, marketable and insurable title at Closing, Buyer hereby waives all contingencies and conditions to Closing contained in the Contract and shall accept the Property in "AS IS" condition as of the Effective Date of this Fourth Amendment.
9. Otherwise Unchanged. Except as amended by this Fourth Amendment, the Contract remains unchanged and in full force and effect.

(Signatures of the Parties appear on page 3)

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment the date and year first written above at Hillsboro Beach, Florida.

BUYER

ATTEST:

TOWN OF HILLSBORO BEACH, FLORIDA:

By: _____
William "Mac" Serda, Town Manager

By: _____
Deborah L. Tarrant, Mayor

Date: _____

Date: _____

(CITY SEAL):

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Donald J. Doody Attorney

SELLER

WINTER SUN INVESTMENTS, LLC.
A Florida limited liability company

By: _____
Steven Carlyle Cronig, Manager

Date: _____