



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
CONFERENCE MEETING

#24-0206

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Thomas J. Ansbro, City Attorney

DATE: February 6, 2024

TITLE: Lawsuit Challenging § 112.3144, F.S., Form 6 Requirements -
(Commission Districts 1, 2, 3 and 4)

The City has been approached by the Weiss Serota law firm to determine whether the City has an interest in joining a lawsuit, along with any individual members of the Commission and the Mayor who may choose to participate as named plaintiffs, which seeks declaratory and injunctive relief challenging the recently amended provisions of § 112.3144(1)(d), Florida Statutes. These amendments require municipal elected officials to file a Form 6 financial disclosure. Other cities and elected officials have joined in the suit; the other cities are named in the last paragraph of this memorandum below.

The Florida Constitution requires that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income and asset values. Historically, municipal elected officials have only been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property, liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values.

During the 2023 legislative session, Senate Bill 774 was passed, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements which now require that all elected municipal mayors and elected members of the governing body file a Form 6 financial disclosure.

Specifically, Form 6 requires that the official disclose:

- (a) the official's exact net worth, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of

income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business for every primary source of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

So far, 18 cities and 29 elected officials from those cities have joined in the lawsuit. The 18 cities are Golden Beach, Indian Creek, Miami Springs, Lighthouse Point, Town of Palm Beach, North Bay Village, Bal Harbor, Weston, Delray Beach, Safety Harbor, Cooper City, Coral Springs, Marco Island, St Augustine, Key Biscayne, Wilton Manors, Margate and Destin. The cost for joining the lawsuit under the representation of Weiss Serota is a flat fee of \$10,000 for the trial level, which includes representing the City and all of its elected officials who want to serve as named plaintiffs.

Attachments

Exhibit 1 – Form Resolution Authorizing Participation In Lawsuit Challenging Form 6 Requirements

Exhibit 2 – Form Request and Agreement to Serve As Named Plaintiff

Prepared by: Eric Abend, Senior Assistant City Attorney, City Attorney's Office

Charter Officer: Thomas J. Ansbro, City Attorney