

Six Florida Cities Succeed in Reducing Harm of HB 1, End Court Challenge

News

June 8, 2023

Jenner & Block, in partnership with the Public Rights Project, Community Justice Project, and Southern Poverty Law Center, successfully represented six Florida cities in challenging a Florida law that would have effectively granted Gov. Ron DeSantis the power to override municipal police budgets. The cities filed a challenge in Florida state court in 2021 contending that the law violated the Florida Constitution and other laws, including by granting legislative powers to the executive branch, without any standards, subject to no appeal.

In direct response to the cities' lawsuit and following a failed attempt by Governor DeSantis to dismiss the challenge in court, the state legislature recently made critical changes to the law that resolves the original version's primary flaws. As a result, the cities ended their challenge to the law on June 8, 2023.

The cities involved were Gainesville, Lauderhill, Miramar, North Miami Beach, Tallahassee, and Wilton Manors. Based on how the law was originally drafted, the cities faced great uncertainty about when and whether the appeal process could be triggered. Some cities were also uncertain about whether they could start pilot projects that might divert funding from law enforcement to other social services.

"We are pleased that the Florida legislature addressed critical defects in HB 1 identified in our complaint," Partner John Flynn said in a press release. "This win helps protect local control as guaranteed by the Florida constitution."

The stipulation of dismissal filed preserves the rights of the cities to challenge the amended budget process at a later date, particularly should any budget reductions be subject to an appeal to the administrative law judge in the future. Other parts of HB 1—those focused on punishing public protest—remain subject to litigation in federal court.

The Jenner & Block team was led by John with support from Associates Grace Wallack, Abraham Kanter, Mary Marshall, and Erica Turret. Former Associate Carter Smith and former Summer Associate Alex Ramsey also contributed.

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