

RESOLUTION NO. 09-2023 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 1011 ("HB 1011") DISPLAY OF FLAGS BY GOVERNMENTAL ENTITIES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, House Bill 1011 ("HB 1011") infringes on the free speech rights of the City Commission and its members, and interferes with their ability to perform their official duties; and

WHEREAS, on February 22, 2023, Florida Representative David Borrero filed HB 1011, which provides that certain governmental agencies and units of local government may only display specified flags; and

WHEREAS, HB 1011, if approved, would limit the exhibition or display of flags, in any manner, by a governmental agency, local government, or unit of local government to only the State flag, the United States flag, the POW-MIA flag, and the official state Firefighter Memorial Flag; and

WHEREAS, HB 1011, if approved, would not even allow the City of Lake Worth Beach ("City") to fly its own municipal flag; and

WHEREAS, HB 1011 further intrudes into Home Rule as provided for in Section 2(b), Article VIII of the Constitution of the State of Florida; and

WHEREAS, the City has embraced its reputation as a destination for the lesbian, gay, bisexual, transgender and queer (LGBTQ) community; and

WHEREAS, the City is home to the Compass Community Center, whose mission is to engage, empower and enrich the lives of lesbian, gay, bisexual, transgender and queer (LGBTQ) people and those impacted by HIV and AIDS; and

WHEREAS, the City is proud to fly the pride flag annually at City Hall for Palm Beach Pride Month; and

WHEREAS, the LGBTQ community has had a lasting and positive impact on the City; and

WHEREAS, as the government decision makers of the City, the City

Commission may select views it wishes to express, including the selection of monuments that portray what it views as appropriate for the place in question, based on aesthetics, history, and local culture; and

WHEREAS, the City Commission of the City of Lake Worth Beach believes it is in the best interest of the public to adopt this Resolution opposing HB 1011.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, THAT:

Section 1. The above "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The City Commission of the City of Lake Worth Beach urges all members of the Florida Legislature to oppose the adoption of HB 1011 and any other related bills.

Section 3. In the event the Florida Legislature adopts HB 1011, or any other related bill, the City Commission urges the Florida Legislature to amend HB 1011 to allow the City to fly the City flag, and the Honor and Remember Flag that meets the requirements of section 256.16, Florida Statutes.

Section 4. The City Commission further directs City Administration to transmit a copy of this Resolution to the to the Florida Governor, Florida Senate President, the Speaker of the Florida House, the Palm Beach County Legislative Delegation, the Florida League of Cities, the Broward County League of Cities, the Palm Beach County League of Cities, the Miami-Dade County League of Cities and any other interested parties.

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 section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. This Resolution shall become effective upon its adoption.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega

Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the
_____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk