



October 19, 2022

Sent VIA: Electronic Mail and U.S. Mail

Mr. Terry Lewis, Esq.  
Lewis, Longman, Walker, P.A.  
360 South Rosemary Ave, Suite 1100  
West Palm Beach, FL 33401

Dear Terry,

As you are aware, as City Attorney, I represent the municipal government of the City of Coral Springs. I have been provided with the most recent newsletter authored by your client, Coral Springs Improvement District (“CSID”). In that newsletter, there is a full-page article from the President of CSID’s Board of Supervisors alleging that “Vice Mayor Joshua Simmons” sent an email in violation of Section 106.113, *Florida Statutes*. That allegation, published and emailed to thousands of Coral Springs residents, falsely accuses the City of Coral Springs, through its Vice Mayor, of violating Florida law. That allegation is irresponsible and without basis.

I have reviewed Joshua Simmons’ email that is referenced in the CSID article. As we discussed, Joshua Simmons did not send this email using any public funds or public resources. Mr. Simmons used a private email and never represented himself as speaking on behalf of the City of Coral Springs. Rather, as expressly permitted under Section 106.113(3), *Florida Statutes*, Joshua Simmons was expressing his opinion on the referendum.

Ironically, after reviewing the newsletter article and also reviewing an article published by CSID on its website (attached), it appears that CSID is in violation of Section 106.113, *Florida Statutes*.<sup>1</sup> The most egregious violations occur on the CSID website in an article titled “*Charter Amendment Proposed Changes*”. The article states that a “NO” vote on the amendment would mean that Board meetings would remain open to the public allowing customers to attend and provide input, that policies and decisions will continue to be made by local residents, and that low utility rates would continue. The article implies that a “Yes” vote would alter the foregoing. As you know, the referendum, on its face, would in no way affect those issues. Those misleading

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1. It appears that significant public funds and resources were expended in sending the newsletter, and that public funds and resources were expended in publishing the article on the website.



statements violate Section 106.113, *Florida Statutes* which requires that factual information be posted on a website.

CSID must immediately send out by email and regular mail a retraction of the blatantly false allegations that the City of Coral Springs violated Florida law through its Vice Mayor.

Sincerely,

A handwritten signature in blue ink, appearing to read "John J. Hearn", is written over a light blue horizontal line.

John J. Hearn

CC:

Scott Brook, Mayor  
Joshua Simmons, Vice Mayor  
Joy Carter, Commissioner  
Shawn Cerra, Commissioner  
Nancy Metayer, Commissioner  
Frank Babinec, City Manager  
Debra Thomas, City Clerk

## **Charter Amendment Proposed Changes PDF | RTF**

In November, there will be a ballot question pertaining to our **Charter**. The results of the ballot question, or referendum, could change how the district has been managed for more than 50 years. This referendum was initiated by someone who does not live in the district and can lead to changes in the Board of Supervisors that might or might not align with the citizens who live and receive services in the district.

The referendum question shall be placed on the ballot in substantially the following form:

Shall Chapter 2021-....., Laws of Florida, amending the Coral Springs Improvement District Charter, adding two members to the District Board of Supervisors and providing that the members of the District Board of Supervisors shall be elected by majority vote of all qualified electors of the district instead of just landowners for four year terms, with staggered elections every two years beginning in November 2024, become effective?

(.....) YES.

(.....) NO.

A "NO" vote on the amendment would mean our District will remain the same as it is now.

- Customers will continue to enjoy low utility rates and high-quality service

as they have for more than 50 years.

- Policies and decisions will continue to be made by local residents who have a vested interest in the district.
- Board meetings will remain open to the public, allowing customers to attend and provide input.

Your vote is very important! Please show up at the polls on November 8.