



PEMBROKE PINES CITY
COMMISSION

Angelo Castillo
MAYOR
954-450-1020
acastillo@ppines.com

Michael A. Hernandez
VICE MAYOR
DISTRICT 4
954-450-1030
mihernandez@ppines.com

Thomas Good, Jr
COMMISSIONER
DISTRICT 1
954-450-1030
tgood@ppines.com

Jay D. Schwartz
COMMISSIONER
DISTRICT 2
954-450-1030
jschwartz@ppines.com

Maria Rodriguez
COMMISSIONER
DISTRICT 3
954-450-1030
mrodriguez@ppines.com

Charles F. Dodge
CITY MANAGER
954-450-1040
cdodge@ppines.com

INTER-OFFICE CORRESPONDENCE
MEMORANDUM NO. 2025-093

TO: Charles F. Dodge, City Manager

FROM: Samuel S. Goren, City Attorney *SSG*
Susannah Nesmith, Assistant City Attorney *SN*

DATE: July 30, 2025

RE: City of Pembroke Pines ("City")/ DOGE Ordinance Review

This memorandum serves to respond to an inquiry regarding provisions in the City Code of Ordinances that may present questions under a DOGE-style review by the State of Florida. In response to the inquiry, the City Attorney's Office evaluated City ordinances involving any set-asides, preferences or special categories of benefits that may present efficiency questions. While our review focused on provisions affecting the procurement process, we also performed general searches of the City's ordinances.

I. Brief Answer

The City has procurement preferences for local small businesses, small businesses owned by veterans and businesses that maintain drug-free workplaces. *See* Pembroke Pines Code of Ordinances §§ 35.36, 35.37 and 35.30. Additionally, the City requires all contractors to provide domestic partner benefits. *See* Pembroke Pines Code of Ordinances § 35.39. The preferences are similar to state statutes that give preferences in state agency contracting to Florida-based businesses, veteran-owned businesses and businesses that maintain drug-free workplaces.¹

The domestic partner benefit requirement of contractors, on the other hand, has no counterpart in state law and no longer serves the purpose for which it was enacted at the City level. Furthermore, like any administrative requirement, it is certainly arguable that there may well be costs incurred in both City staff time expended enforcing it and contractor time expended ensuring compliance.

It is the recommendation of the City Attorney's Office that the domestic partner provision of the Code be repealed as obsolete.

¹ One additional preference outside of the procurement ordinance was discovered, but it need not be addressed at this time, because it provides an exemption from the payment of the local business tax for disabled veterans of both the Spanish-American War and World War I. *See* Pembroke Pines Code of Ordinances § 115.10(B)(1). This preference is also extended to veterans of World War II, and if deceased, to their widows.

II. Analysis

The City's local preference, section 35.36, Pembroke Pines Code of Ordinances, provides a 5 percent evaluation credit for businesses based in Pembroke Pines and a 2.5 percent evaluation credit for businesses based anywhere else in Broward County. This credit only affects the initial evaluation of the bids and then allows the local businesses who qualify based on the credit to submit a new bid that is at least 1 percent lower than the lowest bidder. The ordinance requires the City to choose the lowest bidder even if that means rejecting a local bidder that could not beat the price of an out-of-town bidder. Florida also has a statute giving preference to in-state businesses, though it is structured differently. *See Fla. Stat. § 287.084*. For these reasons, we do not expect the ordinance, or procurements that have faithfully followed it, to be challenged on efficiency standards.

Similarly, the military veteran's preference, section 35.37, Pembroke Pines Code of Ordinances, only provides an opportunity to veteran-owned businesses to submit a second bid if their original bid came within 2.5 percent of the lowest bid from a non-veteran-owned business. The City still requires the lowest responsive bid to be chosen, after all bids, and in the case of eligible veteran-owned businesses, rebids, have been ranked. Florida also has a statute that provides preferences to businesses owned by military veterans, and includes a provision encouraging municipalities to do the same. *See Fla. Stat. § 295.187(4)(c)*. For these reasons, we also do not expect the ordinance, or procurements that have faithfully followed it, to be challenged on efficiency standards.

The final preference, for businesses that certify that they provide drug-free workplaces, merely adopts section 287.087, Florida Statutes, providing for drug-free workplaces, and is therefore unlikely to be challenged on efficiency standards. *See Pembroke Pines Code of Ordinances § 35.30*.²

The requirement that City contractors provide the same benefits to employees in domestic partnerships that they provide to married employees is not a preference *per se*, but it does create an extra step for both potential contractors and City staff charged with enforcing all of the provisions of the Procurement Ordinance. *See Pembroke Pines Code of Ordinances § 35.39*. It is also unlike any existing state statute.

The City ordinance was originally adopted in 2014 to ensure that contractors mirrored the City's position on what an equal opportunity employer meant – that equal benefits were provided “irrespective of the gender of spouses” and also for domestic partners. *See Pembroke Pines Ord. 1797*, passed November 5, 2014. It has been generally obsolete since the U.S. Supreme Court found state prohibitions on same-sex marriage unconstitutional in *Obergefell v. Hodges*, 576 U.S. 644 (2015), and found that discrimination in employment based on a person being gay or transgender violated Title VII of the Civil Rights Act in *Bostock v. Clayton County, Ga.*, 140 U.S. 1731 (2020). The effect of these two decisions is that same-sex couples no longer have to resort to domestic partnerships to enjoy the same employment benefits of married traditional couples and that employers are prohibited by federal law from discriminating against employees in same-sex relationships.

With these federal protections now in place, section 35.39 of the City Code no longer provides significant protections to the employees of potential City contractors. It does, however, arguably require staff time to

² The City eliminated anything that could be perceived as a preference and adopted the state standards in its investment policy in 2023. *See Am. Ord. 2016*, Pembroke Pines Code of Ordinances.

enforce and it may present obstacles to certain affected small businesses who might otherwise wish to bid on City contracts but have limited health insurance plans. While the City Attorney's Office knows of no instance in which a potential contractor has declined to bid on a City project because of the ordinance, it still represents a potential unnecessary bureaucratic hurdle, however small, for potential contractors. For these reasons, it is the recommendation of the City Attorney's Office that the ordinance be repealed by the Mayor and City Commission as unnecessary, and potentially inefficient.

III. Conclusion

The City Attorney's Office recommends that steps be taken to secure the repeal of section 35.39 of the Code of Ordinances under the City Charter, Code of Ordinances and Chapter 166, Florida Statutes.

The City Attorney's Office is standing-by and ready to assist in any way the City may require, and can promptly draft the recommended legislation, upon request.