

**RETAIL SECURITY TASK FORCE MEETING
October 15, 2008**

PRESENT:

CHAIR: Broward County Commissioner Josephus Eggleton, Jr.

ALSO PRESENT:

**Denise Sagerholm, Assistant County Attorney
Brad Seff, Real-Time Reporter**

A Broward County Retail Security Task Force meeting was held at 10:10 a.m. on October 15, 2008 in Room 430 of the Broward County Governmental Center, Fort Lauderdale, Florida.

(A sign in sheet reflecting those present is filed with the supplemental papers to this meeting.)

The following is a near-verbatim account of the presentation:

COMMISSIONER EGGELLETON: How is everybody today? Make sure that when you speak, I'm being told by our minutes person, that you should identify yourself and where you're from because they have to get that stuff on the record, so please, before you speak, just do that.

Did everybody get a draft? This is just a draft of just some things we're going through and trying to make changes as we move through.

We have taken copious notes of some of the things that you have brought up, and let me just go through some of these pending issues that have previously been raised so that we don't have to revisit some of that stuff so everybody

would know exactly what they are and let you know that there is going to be a second draft of this coming real soon that will take some of these things under consideration.

Here's some of the pending issues, and by our notes, we have 11 of them. One, should we include governmental entities? Two, should we broaden the definition of retail establishments? Three, it was suggested to limit the coverage in parking areas such as landscaping and limited lighted areas, etc. Four, is 30 days retention of footage possibly too long? Five, who enforces it? BSO, local law enforcement, county, you know, how, when and where. Six, inspection. Who performs inspections and what are their qualifications to perform these inspections? Seven, funding incentives, reduction in occupational license, fees, taxes, incentives, grants, whatever. Eight, the purpose. Should we remove the reference from this being a deterrent or not? Nine, should we phase this in? Currently we're suggesting 180 days. You have suggested a possibility of -- at least I have, the possibility of phasing it in over a three year period of time and how exactly would that be implemented over that period of time? Ten, are there any exceptions? Should we grandfather in any existing establishments with existing security measures such as security guards, cameras, etc., etc. And under definitions, just some -- how do we define this and whether or not -- how far can we go under Florida statutes.

Now here is what I would like to do today, if you don't mind. I think it's very clear that there needs to be, certainly at least two committees set up, maybe more. We need a technical support committee and we need a legal committee, and let me just give you some ideas, at least what is sort of going through my head in terms of the technical support committee, or some issues that maybe discussed for the technical

support committee. Phase implementation, two, coverage in parking areas. Three, lighting. Four, objective footage that is -- meaning, should the cameras be placed in an area where they get license plates, persons, entire cars, etc., and then quality of camera. And there could be some other things on there as well, but those are at least five things that I have noted in my mind. It may expand once we get these committees appointed.

The second one on the legal support committee, some issues to be discussed, footage, how long should it be retained and restrictive release of the footage to law enforcement, state attorney's, anyone who wants it. How do we legally deal with that issue?

Privacy versus compelling governmental interest. Public safety for our citizens and assisting law enforcement in apprehending criminals, exactly how do we deal with that? Okay?

Premise liability issues, owner and/or control -- you know -- know, should have known, whether or not the store was in a high risk area. How do you define what is high risk? What statistical barometer are we going to use to define what that may or may not be? Four, enforcement and inspection. Five, any other applicable legal issues. So, let me just stop there. That is a lot. I don't want you to focus so much on this today, because this is going to get rewritten a lot of times. You may want to take this back and let your legal team digest some of this stuff. What I do want to try to focus on today is dividing us up into some committees, and then trying to get assigned times for these committees to start to meet to deal with some of the technical issues and some of the legal issues and sort of bring those things back to encapsulate those things

into some sort of proposed ordinance, but putting a time frame on your work product to bring something back. And I'm going to stop talking and just try to solicit your comments on what we have gone through so far, so if anybody has any comments or anything you'd like to add or subtract from what I may have said, or if you agree with that work plan, let me know. Yes, ma'am. Please state your name and who you represent for the record.

MS. FRIEDMAN: Cynthia Friedman, Festival Flea Market Mall. I'd like to know why we have a Broward County assistant attorney here? Why isn't the work and the research being done by that department, rather by all of us having to pay money for legal research into a situation that we have already taken care of for our own properties. I really think this is the responsibility of the county and I'm not really sure it should be placed with the individual owners.

COMMISSIONER EGGELETON: Well, the individual owners asked for the task force. If you all want to abandon it, I can easily write this ordinance. I mean if that is what you are asking me to do; yes or no? If you want me to write it -- I mean, what I'm trying to do is get your input into a work product. If you are saying that you don't want to participate, that is fine. I mean, I can write this. Trust me. What I'm trying to do is solicit everyone's, all the effected parties, I'm trying to solicit your input into something that may pass the County Commission, may not pass the County Commission. I am trying to get a work product that you may feel happy with, that you had input into mitigating any harm that you may have seen to your property. I'm asking you for your input. If you are saying that you don't want to provide your input, I'm okay

with that. Trust me. I really am. I'm just trying to understand you so if you could explain, if that is what you are saying to me --

MS. FRIEDMAN: I think the county, just as you started the ordinance, I think that you should write the guidelines and then we can take them back and go over them with our -- in a committee, but you should be the first one to start with the guidelines and then we should be able to make changes to.

COMMISSIONER EGGELLETON: That is not the way we make laws in Broward County, ma'am. We propose an ordinance. The ordinance comes to the Board for a public notice. Then you have a public hearing and they are voted up or down. What I'm trying to do in this particular ordinance is to solicit as much broad based input as possible from the effected parties, because you guys can't get at me and you complain so much you haven't seen it, you had no input in it, so we set up a task force at your urging. And we're here at your urging, and now I'm hearing you say that if you don't want to be a part of that, I mean -- I don't know where the rest of the group stands, but if that is where you all stand, we can end the meeting and I guarantee you, you will have an ordinance. And you can vote it up or down and I will just report back to the commission that we had a task force, the task force didn't want to participate. They just wanted to kill it, so here you are. I am trying to be as fair as I can. I really am. I'm trying to be as fair as I possibly can. I just need to know where you stand. I'm open, and I'm amenable, but I can write.

MS. PADGETT: Commissioner Eggelletion, if I may. Samantha Hunter Padgett with the Florida Retail Federation.

Has there been any consideration of the alternative proposal that we offered, that would establish a grant program, so that locations that are currently not able to afford to install security, would be able to apply for grant monies that could be pulled down from the federal government and state government, to allow people to voluntarily install security cameras.

COMMISSIONER EGGELLETON: If you find the money, I'm all for that. You find the money.

MS. PADGETT: There are grants available.

COMMISSIONER EGGELLETON: If you find the money, you know, I'm more than happy to write in here, where grants are available, retailers can apply for grants, but the ordinance will not rise and fall on a grant. I understand the economic situation just like you do. And if there is grant money available for you to do that, I'm all for that. But I just don't see it at the state capital, with a \$5 billion hole to fill, and I certainly don't see it in county government at all. Period.

MS. PADGETT: There are targeted grant monies at the federal level that are targeted towards local government, for community policing and for policing initiatives.

MS. SAGERHOLM:: What specific grant funds are you referring to because --

MS. PADGETT: The broad law enforcement grants and the JAG law enforcement grants.

MS. SAGERHOLM: Because I know CDBG was brought up and we did look into that and that is not something that --

MS. PADGETT: The Department of Justice offers specific grants that could be pulled down by local and state governments. They are portioned based on your per capital share of crime. Broward County has previously pulled down some monies, but I don't know if those monies are being maximized. There are resources that are available that don't come from taxpayer money that might be available. This would be a voluntary program. This would be not a mandate upon businesses, but businesses that do not currently have the funds, on a voluntary opportunity. If we're talking about grandfathering in businesses that already have security systems established, this would be away to invite those that don't currently have the means to voluntarily install security systems.

COMMISSIONER EGGELETTION: The only thing I'm saying is -- I don't disagree. I don't know if there is anything now to prevent a business today from applying for a grant. Okay? I don't know of any law that is in effect to say that you are business can't apply, but the only way your business can apply is if there is a local ordinance that says that if you have security cameras, you can't apply. I don't know of any such thing. If you have information to that effect, just bring it to me so I can read it. The only thing I am saying to you is, I'm not going to let this ordinance rise and fall on a grant. Okay? I'm just not going to do that, because I know how grants work, and I have been there, done that. I'm just not going to do that. This is not going to be a grant program ordinance, relying on government to fund it when you know full well that we're really in a depression. Okay? So I'm not --

MR. FRIEDMAN: If we're in a depression, how do you expect the private sector to afford millions of dollars. I mean, come on.

COMMISSIONER EGGELETION: I just want to know -- let me just say, I want to know whether or not you want to break in to these committees or do you want to disband the task force. Tell me what you want to do.

MR. FRIEDMAN: Commissioner Eggeletion, can I ask -- I mean I guess the Florida Retail Federation --

COMMISSIONER EGGELETION: Bernie, I know you but you have to identify yourself.

MR. FRIEDMAN: Bernie Friedman. So, the Florida Retail Federation sent you a nice letter with a -- I guess they proposed an ordinance, a pilot project ordinance modeled after Senator Atwater's bill in Tallahassee. Is that something that subcommittees can dialogue on and propose as an alternative and fine tune that and bring that back to you as part of our process? I think that is something we're interested in pursuing, a pilot project in Broward County modeled after Senator Atwater's bill, and basically we would be willing to work together with the retailers and the property owners to come up with something that we felt was workable.

COMMISSIONER EGGELETION: I remember reading it and it's very light in terms of specifics. I think it's what, two pages, and one page is just definition, so it's very light, but let me just say this. You know, there are some things in there that I can support and there are some things in there that I don't support. It's a starter. The only thing I'm saying is, Bernie, and everybody here -- you know, I have been doing this for 19 years. I understand how it works. Trust me. One way or another you're going to get an ordinance. Okay? You can vote it up or down at the Commission level. That is fine with me. I don't care. The only thing I'm doing is, I'm bending over

backwards to ask for your input. If you don't want to bend, I don't care, but you're going to get an ordinance, and what I'm saying to you and we have all been there before. I think you get a better work product when you work together as opposed to sitting back and saying, I'm going to lay back and play this game but at the end of the day, my goal is to kill this bill, and that is fine. I have had that before and I have overcome that, and the results of it was the Environmental Equity and Justice Act. And I have succeeded. I'm used to that. The only thing that I'm soliciting from you is an opportunity to have your input, just like this Retail Federation Bill. That is input. I'm asking you to have the input on all these things you all have said that you have concerns about. I didn't say these things. You all have said this. I'm saying, okay, you all said, can we have some committees and I'm saying okay, let's have the committees. And I'm willing to acquiesce, set up the committees, let you have the input, and to those things that you have said that you have concerns about, and you're going to have your input, write that out the way you want it to be, bring it back. Let's discuss it, and if it flies, it flies. If it doesn't, it doesn't. And we can inject those things into this legislation that are your concerns, and then we have a work product at the end of the day that you have had your input in, and then you can have your shot with eight other individuals and try to come up with five votes. I think that is fair. If you don't think that is fair, then don't waste my time here. That is all I'm saying. I will write it and then you have your shot anyway. That is all I'm trying to do, so let me just get to this.

Do you all think that these committees to work on these things is something you'd like to do, and if it is, then we will do it and if it's not, then we won't do

it. Let me just see by hands, those of you that feel as though you want to work on this technical support committee.

MR. FRIEDMAN: Can I ask just one more question?

COMMISSIONER EGGELETION: Yes.

MR. FRIEDMAN: Anyway, Bernie Friedman again. I just want to understand, I think that there is a lot of interest in a voluntary pilot project for Broward County to really work together with law enforcement, work together with you, the stakeholders on a voluntary pilot project that sort of -- I don't know if you saw the letter the Florida Retail Federation sent --

COMMISSIONER EGGELETION: Got it.

MR. FRIEDMAN: -- but there were literally hundreds of questions maybe beyond the questions that you came up with, and hopefully we can put that into the minutes of the meeting, the letter from the Florida Retail Federation on October 9, 2008, and all the back up from it, but there are so many questions we felt that maybe the best approach would be to really look at some sort of voluntary program where we would meet with law enforcement, and we would meet with you and others. We seek some federal funding, because as you know, anyone can apply for a grant, but when you have an ordinance, you have momentum and you have press coverage and lots of interest, our ability to go to Debbie Wasserman-Schultz and Ron Klein and (inaudible) and members of Congress I think to get federal funding based on a pilot project that we have in Broward County, you know would be a lot better than just someone applying for a grant. So I think that the Florida Retail Federation would be very interested in sort of working like they did in Tallahassee. They actually worked with the PBA. They jointly

testified before the Senate Commerce Committee, with the PBA and law enforcement on the pilot project, and I know they are going to pursue it again next year and start very early in the session with the pilot project, so I think that is something that we want to fine tune and you're right, it only two pages now. It only the beginning. Is that something that we could dialogue some more? And I think you a couple of minutes ago said we could dialogue on that.

COMMISSIONER EGGELETION: If you all want to have a third subcommittee to deal with the Florida Retail Federation input into the bill, I'm more than happy to have that too.

MR. FRIEDMAN: Okay.

COMMISSIONER EGGELETION: And --

MR. FRIEDMAN: I want to serve on that committee.

COMMISSIONER EGGELETION: That is fine.

But let me just get to the question of the day, because I want to deal with the work today and I have a lot of things I need to get done today. How many people want to serve on the technical support committee? Okay. One person. Good. Anybody want to serve on the legal support committee? Okay. Two. All right. Then the rest of you all can go. Here's who I'm going to work with in the future. I am going to work with these two individuals. We will write this bill and it will be in front of the County Commission. Thank you all. You all can have a good day. Yes ma'am.

SPEAKER: (Inaudible) from Shutts & Bowen. I would just like to clarify the tech support committee meetings and the legal committee meetings, will those be open to the public under the sunshine laws?

COMMISSIONER EGGELETION: Yes, ma'am. Every meeting will be open to the public on the sunshine law. Okay? Now, I just want you all to know, I have tried, but it's very clear where you are headed, and I'm just telling you, I'm not going down that road. If you all don't want to participate in this, you don't have to. I'm here because you all wanted me here. I could have written this and saved myself and you a lot of time. But if this is the direction you all want to go, I'm fine with that.

MS. BELAIRE: Commissioner Eggelletion, excuse me. Michelle Belaire with Wal-Mart stores Inc.

Respectfully, sir, I think the majority of the people in this room who have come and served on this task force, on multiple occasions, have not only expended their time, their resources and their company efforts to sit here in an effort to provide you with extensive feed back. I have a significant amount of questions with regards to the intent of these committees, other than what you have stated, particularly because you started off the conversation today alone, with some of the questions, as far as government buildings included, broader definitions, coverage and scopes, so on and so forth.

Is your intent to allow these two committees, because I don't think we have talked about the third one that Bernie proposed, to address those first 10 questions?

COMMISSIONER EGGELETION: Absolutely. And I think when I read off the things inside of there, it included those things.

MS. BELAIRE: Those are sub sets.

COMMISSIONER EGGELETION: Yes.

MS. BELAIRE: So can we discuss the third committee that you said there would be a willingness for you to entertain, which is the one that Bernie proposed?

COMMISSIONER EGGELLETON: Yes.

MS. BELAIRE: Okay. So before we close this meeting, we can discuss the third committee and how many members would like to volunteer and serve on that one.

COMMISSIONER EGGELLETON: That is fine.

MS. BELAIRE: Thank you.

COMMISSIONER EGGELLETON: What would you like to discuss about it?

MS. BELAIRE: I'd like to make sure that for the record that we identify it as a standing committee and not just technical support and legal, and also --

COMMISSIONER EGGELLETON: The Retail Federation Committee?

MS. BELAIRE: Yes, sir.

COMMISSIONER EGGELLETON: Okay. That is your.

MR. FRIEDMAN: No, the --

COMMISSIONER EGGELLETON: The name of it shall be a Retail Federation Committee.

MR. FRIEDMAN: A pilot project.

COMMISSIONER EGGELLETON: Well, you can come out of it with anything you want, Bernie, but the name of it will be the Retail Federation Committee.

MR. FRIEDMAN: It's a pilot.

COMMISSIONER EGGELETION: Okay. So it's a Retail Federation Committee.

SPEAKER: How do you have a committee of one?

COMMISSIONER EGGELETION: You know, you can -- that committee of one can deal with it the way it wants. I will be more than happy to sit in there with you, so it can be a committee of two, and we will come away with some good things with that. I can have a lot of fun with that, on both of those, both the legal and the on the side.

MS. PADGETT: Commissioner -- Samantha Hunter Padgett.

We had been happy to have our name attached to the pilot project. We think that in these times that it is an innovative approach. It's a new approach and it would make Broward a leader, that it would allow for Broward County to lead other county's in how to have a voluntary approach to this issue, so we're happy to have our name attached to that committee, and I know you solicited membership for the previous committees, and I would ask, will you be soliciting membership for this committee as you did?

COMMISSIONER EGGELETION: Absolutely. Absolutely, and I expect everybody else would be on that committee. Look, I'm familiar with the game. I mean, I didn't get here 19 years successfully by being stupid. I really didn't. I think I know where this is heading and I think I know where it's going to go, and I think I know how it's going to end up, believe it or not, but I'm not naive. So let's see the hands of those of you who want to serve on the third committee. Wow. What a surprise.

So here is what we will do then. We want to come up with some dates on these committee meetings. In fact you can break up now, if you like, in this room, and my goal here today was to try to get out of here by at least 11:15, 11:30, and we can break up in this room, and I guess under Retail Federation, I guess you all already have what you are all going to write. I'm pretty sure you do, so I imagine you will be pretty quick with your committee work. And here's what we will do. Today is the 15. I have to go meet with my tax guy at about 1:00 today. I imagine some of you may have to, but I have to meet with my accountant and I intend on doing that, but I'm more than happy to meet with the two individuals with the technical and legal support. We have some information that we'd like to share with them to start to craft those issues that you all raised about those things and we will start to codify that into an ordinance, and then the retail committee, we can also meet. I imagine you all would be probably pretty good around this large table, I would imagine. I guess legally, how do we -- we have to have somebody to record this stuff?

MS. SAGERHOLM: It has to be in the sunshine. The public has to be able to have access to it. It has to be properly recorded, and the date for the future meetings have to be determined, established and public notice has to be given.

COMMISSIONER EGGELLETION: Right.

MS. PADGETT: Samantha Hunter Padgett.

We all have come to the table to participate and be part of this effort, and I think so far we have contributed openly with one another and we have understood kind of where everybody is coming from -- are committees really necessary? If you have things to share with one or two people, can we share them all together? We have

shared those ideas openly and we have communicated with each other, and I think we all come from different perspectives of this issue, and I know that I personally have been introduced to different aspects of this issue, from the Realtor's Association, from the counties, the cities, from developers, from retailers, that it has helped me to learn more about this issue and what the concerns are. Are the committees necessary to consider those issues or can we consider them together, as we have done.

MR. FRIEDMAN: We can do a committee of the whole.

COMMISSIONER EGGELLETON: Remember, the idea of committees came from you. It didn't come from me.

MR. FRIEDMAN: It wasn't us.

COMMISSIONER EGGELLETON: No. You all raised this issue.

MR. FRIEDMAN: There was one woman who --

COMMISSIONER EGGELLETON: Well, you know, I asked --

MR. FRIEDMAN: It was just one woman who isn't here today.

COMMISSIONER EGGELLETON: Excuse me Bernie. I think that the minutes will reflect that I asked if you all thought that was a good idea and you said you did. Okay? So now we have come back with that idea. Now you don't want to participate. All right. And that is fine. You know, I mean, I'm here at your urging. I can't seem to get this across to you. This is not Tallahassee. I have served there. You're not going to kill this idea. It's coming. And the only thing I'm saying to you is, you can be on board the train or you can be on the sideline, but it's coming. Now you can work those other eight and kill it. If that is your goal, then do that, but don't waste my time and your time by playing a game. That is all I'm asking you all to do. I

understand politics imminently well. I really do. But don't waste my time and your time and the county attorney's time, our staff time. You know, don't do that. Okay? I mean, I understand how this reads, we met, we tried to work with him, he was unwilling to work with us. I'm not willing to work with things where you try to love an issue to death. I'm not willing to allow this ordinance to rise and fall on a grant. There are no grants coming, period. The banks are sucking it up. Okay? There are no grants coming. You and I both know that. So if you think you can kill this with a grant, that is not going to happen. It's just not going to happen. I'm more than happy to put it in this ordinance, but the ordinance shall not rise and fall on that. That is all I'm saying to you. Okay? You all can write whatever you want.

MR. PENNAVERI: Tom Pennaveri representing Wal-Mart and others.

I'm afraid that several of our business folks here today are going to come away from this meeting, just as entrenched about this issue as you are. And there is a lot of money sitting here, trying to work through this issue, not working against you.

COMMISSIONER EGGELLETION: I don't think you are trying to work with it, Tom. I'm being very honest with you. I think you're trying to kill it, but I am willing to work with you to help kill it.

MR. PENNAVERI: I just want you to respect the fact that when these folks go back to their respective bosses and boards, and they try to explain that they have to have one camera per four parking spaces --

COMMISSIONER EGGELLETION: I don't see that anywhere.

MR. PENNAVERI: And some other of these questions that we really don't have good answers to, it's not -- that conversation doesn't come out too well, and no one is quite sure where this all end up, and what we would really like is some definite goals that you are looking for. We have a lot more questions than we do answers, and there seems to be somewhat of a problem looking for a solution. Now we have sat with members of the law enforcement community and they have explained to us that this is a tool, but it's not the end all/be all tool. So when we go back to business like minds and do a value cost benefit analysis, we're not getting there, where you are already there. We're talking about lighting issues. We're talking about digging up parking lots and laying down conduit. We're talking about very expensive issues, where your proposal gives us no relief. None at all. And we're expected to go back to our respective corporate leaders and say, we have talked to the Commissioner. He is got a gun to our heads and this is the way it's all going to happen, and we're not there for that either. So we're looking for some leadership, as far as the county is concerned, we know you have cameras in the airport, very sophisticated cameras. Where is that staff? We know you have very sophisticated cameras at the sheriff's department. We don't see the sheriff's department camera people here. Fort Lauderdale apparently has 250 portable cameras that they have put throughout the city. We don't see those people here to explain it us what benefit that has provided the city. Wal-Mart testified earlier that it's upwards of hundreds of thousands of dollars for Wal-Mart to have a camera system. The minimum camera system we have, not even to every four spaces in our parking lot. Where exactly do you see this ending? The pilot program we have proposed to you is a very reasonable approach to this, given all the unanswered questions. We talked about how

many armed batteries. We have talked about identifying problem shopping centers. What is the end of the rainbow? A camera every four parking spaces in every shopping center in Broward County, with or without any crime statistics at all?

COMMISSIONER EGGELETTION: Do you want me to answer that?

MR. PENNAVERI: Yes.

COMMISSIONER EGGELETTION: First of all, I have not come back to you with a proposed written ordinance, as of yet. I'm trying to solicit your input in doing that. It seems as though -- let me use that proverbial term that I think -- I don't know who it was, this it was Clint Eastwood or Paul Newman, used in the movie. "What we have here is a failure to communicate." And I have tried to reach out to solicit your input. We have taken copious notes. I have read back your concerns. As the staff and the county attorney's office tried to take those concerns and say, okay, these were the concerns that everybody brought up, and let's try to take their concerns and answer those concerns, and put them into some sort of working format to move forward, by dividing the group up, so we can get it done. You're response to that has been, we don't want to do that. You're response has been, from day one, we don't want this period. And what I'm saying to you is, in the face of all of that, obviously what we have is a failure to communicate. I have not -- I have proposed an ordinance. I told you from the very first meeting that that would be totally rewritten. You wanted a task force, and we're here to do that. I have listened to your complaints, but I'm not the kind of person -- and Tom, you know me. I don't listen a whole lot to complaints. I'm a do-er. There are those that talk about problems and there are those that solve problems. I'm a problem solver. I try to solve your problems. So you have given me your problems. I'm

ready to solve your problems. I'm ready to take what you said -- what you said. Not me. What you said your problems were, and to put that in paper and to put it out there and allow you to go and lobby eight individuals and say you all kill this. That is where I'm right now. And the only thing I'm asking you to do is mitigate your damages that you consider your damages, your problems. And you are saying we don't want to do that. We want to all work over here and do what the retail federation, the lobby group, the special interest group want us to do, but we're not going to work with Commissioner Eggelation. What we're going to do is filibuster him and drag him around the parking lot two or three times and try to make him say I give. It doesn't work. And you know me for a while, Tom. You now that that is not going to work. Okay? And maybe other people here don't know that, but it's not going to work. If you all want to play in game, I'm all for it, because I can play it very well, and I have played it successfully for 19 years, and I will play this game. And we will just turn up the heat on the on the side and see what started to fall out. Let's start to shake the trees and see what comes out, and I'm willing to do that. I don't mind doing that. Trust me, I really don't. And we have the names of everybody in here and where you're from, and we can shake that tree. We can shake it real good. Yes, sir.

MR. ORTENZO: Al Ortenzo, Broward County Crime Commission.

First, Commissioner, I hope you got some of the input that we sent you, some of the issues related to this, and we're certainly willing to serve on either both or all the committees and have input there, as I think you can see we have input in all of those areas.

The other thing that is evident is, as I pointed out last time, the Broward County Crime Commission, we're here trying to represent the interests of both the individual citizens, as well as the business owners and property owners, and there is a balance there that we recognize, but what is pretty obvious to me sitting here, is there is not much balance in this room. There are well over a million and a half potential victims in Broward County that do not have many special interest groups here to represent them. I don't know which others there may be here, in this room, but when we propose ordinances to protect people, victims, like kids who may drown in swimming pools, we don't necessarily rely on the input of swimming pool owners to determine whether or not it necessary and appropriate. And just on that matter, if we determine it's important enough, we don't rely on a federal grant it pay for it, to put it in place. Now that having been said, I think that you had said, you're going to have an ordinance. It's not going to be dependant on a federal grant. It not going to be a voluntary program, and you are asking the people in this room to give you their best input as to what they would like to see, if it should pass. So with that in mind, I would suggest the business interest here, participate and get that input in, because we certainly intend to do that on behalf of both businesses and the citizens and potential victims out there, who have no one to rely on but the property owners and businesses to provide a reasonably safe place for them to spend their money and to patronize. So that is my observation, for whatever it's worth.

MS. PADGETT: I'd like to respond. Samantha Hunter Padgett, Florida Retail Federation.

If you are going to pass an ordinance to protect children in swimming pools, for example, as you stated, you're going to make sure that you know what measures work and what things are truly safe and what truly would make those swimming pools safe. You would determine what materials would be used. You would determine where you would get those suppliers; who will test them; who will be impacted. You will flush out the details and you will make sure that the ordinance that you pass truly will serve the purposes that you are seeking to serve. Here we don't have those answers. We don't know who this ordinance, as it's currently drafted, will apply to. We don't know who it's aimed at, and we don't know and haven't looked at whether or not it will truly make our citizens safer. Well, yes, I work for the Florida Retail Federation. We represent retail corporations, but everyone here is a person and a customer, and we all put our safety -- our safety is always an issue, so while we maybe here representing corporations, we're also here as citizens of our respective communities, and we will be impacted by such ordinances. My issue has always been making sure that the ordinance passed is one that will truly make people safer. As the Commissioner has stated, we're in rough economic times. Resources are short for government and for private business. If we're going to be asked to expend enormous resources to institute such ordinance, I would want it make sure, on behalf of my members, that those resources are well used, and that there is not a duplication of resources, and they are not duplicating efforts that are already in place. We have a vested interest in making our customers safe, because they won't want to visit us if they don't feel safe. We also have a vested interest because our families are customers. Our children are customers, our mothers, our fathers, our sisters, our brothers. And if

we can't make our corporations and our parking lots in our establishments safe for our own family members and your family members, no one will want to be there. I don't think we're saying we don't want to cooperate. We do. We want to make Broward safe and we want to make any store in any community safer, but we want to make sure that the measures being instituted are really going to do that, and the studies that we're all looking at are showing us that without a targeted measure, without a broad based consideration of the issue of public safety in a specific community or specific area, that installing cameras willy/nilly is useless. And that is the part of the conversation, in my opinion, that is missing.

Commissioner Eggeleton, you have been at this way longer than I have. And I have no doubt that you know the lay of the land much better than I do, and I apologize if our efforts seem to be an effort to stymie you and just throw up road blocks. That is not my intent. My intent is that if an ordinance moves forward related to security cameras, whether or not it's a voluntary ordinance, which would be our preference, or a mandatory ordinance, that it would be one that would truly make a community safer. Thank you.

COMMISSIONER EGGELETON: There was someone at the microphone. The gentlemen here, up top. Yes, sir.

MR. LEVIN: Steve Levin, Southern Management and Development.

This is the second time I have been at these hearings, I would say, and usually I understand in the political process, you want your cameras and increased security in the lots. We want something for it. We want maybe tax credits, time, and a reduced level of cameras that doesn't cost the property so much money in coverage,

and then maybe we can work together to frame a bill that might pass. Even from our side and get the pressure off the other Commissioners, and maybe they would like to join in this. But we're only hearing one side. According to the way the bill is written, the level of cameras makes this too expensive for us.

COMMISSIONER EGGELLETON: There is no bill, sir.

MR. LEVIN: Well, this ordinance.

COMMISSIONER EGGELLETON: There is no ordinance, sir.

MR. LEVIN: Well, this proposal.

COMMISSIONER EGGELLETON: There is no ordinance.

MR. LEVIN: Well, we --

COMMISSIONER EGGELLETON: We're writing this ordinance as we gather here.

MR. LEVIN: Well, we interpret -- I should say, a few of my colleagues interpret it as a very expensive measure the way it's written, and we're not seeing any flexibility from your side to help us, and you just want specifics and phrasing of the laws to make them proper. Well that is fine. We would all like that too, but we want to have a little flexibility here, and maybe we do have to hire a security company to come and an engineering company to give us the proper information we need to determine how much coverage, what type of cameras, those kind of things. I'm hearing from our community that that might help.

COMMISSIONER EGGELLETON: Well, thank you, but that was the whole purpose of the subcommittees, to do that, which you all don't want to participate in.

MR. LEVIN: But who is going to pay for this stuff? Should we pay for this study or Broward County.

COMMISSIONER EGGELETTION: We don't have an ordinance yet, sir.

MR. LEVIN: I know, but someone has to find this information out.

COMMISSIONER EGGELETTION: But you don't have it yet. That is what we're here to do, to write it.

MR. LEVIN: Okay, but where are we going to get the money to do these studies that are needed, I think to be able to draft this right.

COMMISSIONER EGGELETTION: But you don't have an ordinance yet, sir.

MR. LEVIN: All right. But after it's -- am I wrong? After it gets approved, then we have an ordinance; right? Let's say it gets approved the way it is today. Then we have an ordinance that gives you the high level of what I think expense to the owners, and if this could be some compromise that would help us, I think every owner would join in, because they want safety too.

COMMISSIONER EGGELETTION: Well, let's try to write it and then get it back to you for your review and then maybe I think the points you are raising might be valid at that time, but right now I don't think they are valid because there is -- you know, again, I said that don't think that this is the ordinance. It's not. That is what we're here to do, to solicit your input to create it. At least what I'm hearing from you and I apologize if I'm wrong. What I'm hearing is, the only thing that you want is a pilot project that leaves out most of the stores and it says, basically, that without a grant, you don't

have an ordinance. That is what it says. Okay? And that is what I'm not here to do, and I'm just telling you. I don't mind putting in the ordinance, that those retail establishments can apply for grants for the installation of their cameras. I'm happy to do that. I have said to you before, and one of the things that we took down is whether or not we should phase this in over a long period of time. Nobody is talking about that. Okay? I understand the economic situation, and that is where that came from, but what you are saying is, we don't want to do that. We just don't want the ordinance. That is what I'm hearing. We want a pilot project that rises and falls on a grant. Again, what we have here is a failure to communicate. It's easy -- trust me, it is easy for me to write this. I'm trying to do this with you. If you want it do it without me, you write your ordinance. You bring it in front of the commission. Give it to a Commissioner and say this is a substitute amendment for Commissioner Eggleton's ordinance we'd like you to propose. That is what you ought to do, or you can sit here with me and say okay, we're going to write something that we think the residents of Broward County and the commission may or may not be able to sign off on and we, as retailers can live with. If you are saying to me we don't want cameras period because we can't live with them unless the public pays for them, I'm saying that is not acceptable, because that is where the money comes from, from a grant. It comes from the public. And if you are saying the public ought to pay for it in order for us to do it, I'm saying I don't support that. I just really don't, and that is all I'm saying. I'm saying that if you can get that money from the public, God bless you. Get it and use it, and I support that, but I'm not saying I'm willing to draw up an order that happens that is totally dependant on public financing, and if you don't get it, it doesn't happen. That is all I'm saying to you. Okay? If we can

compromise somewhere, that is fine and if we can't we will go our own separate ways.
Yes, sir.

MR. RIVERA: Commissioner, Oscar Rivera on behalf of the International Council of Shopping Centers.

I just have a threshold question. There is no changing your mind that you are going to want an ordinance that requires security cameras; is that a correct statement?

COMMISSIONER EGGELETTION: I'm going to want an ordinance that requires something, and that is why I said, when I read off these things to you about -- we talked about definition of a retail establishment, what that would require. We talked about, or you suggested, should there be limited coverage in the parking lot. Should you leave out things such as landscaping, limited lighting, those type of things, so I'm saying, I'm going to require something. I'm trying to look at what your limitations are, what you are considerations need to be as a shopping center owner in order to do that.

MR. RIVERA: Well, the bulk of our organization is developers.

COMMISSIONER EGGELETTION: Right. Okay.

MR. RIVERA: And from a developers perspective, as has been said by others, crime prevention is critical. If people do not feel safe coming to one of the centers that the developer owns, people aren't going to go there. And the retailers and the developers themselves. So the key question I believe is, if we're looking to reduce crime, is the mandatory installation of security cameras going to achieve that goal? And is there empirical evidence that shows that crime dramatically drops when there are

security cameras, and we didn't seem to have that on our side of the table, and I believe we're asking government to tell us if that is where government is going, and government believes that security cameras need to be required in every -- and again, are we going to have a broader definition. Is it just for retail? Is it in every government installation? Is it at every public park? Is it at every office building? Is it at every industrial warehouse park? We can argue that issue, but the threshold issue is, is there empirical evidence that shows that mandatory security cameras reduce crime dramatically, and we don't seem to have that. If the legal department or the county has that, we would love to see it, and I think that is the threshold dispute we're having, Commissioner.

COMMISSIONER EGGELETION: That is not -- I'm going to say again, for maybe the 20th time, I never said the purpose of this is to reduce crime. Never said it. So --

MR. RIVERA: Then what is the purpose of --

COMMISSIONER EGGELETION: If that is the premise of your question, then the conclusion is incorrect. Let me just say, I have sat with you and asked the first question that I ticked off was, should we broaden the definition or what should the definition be. If you are not willing to help me do that, I will do it.

MR. RIVERA: I'm sorry. Run the definition of what is a retail establishment?.

COMMISSIONER EGGELETION: See, that should be the job of the legal support committee, to define that. That is why we tried to set that up, so that you can help define exactly what the purpose of this is.

MR. RIVERA: What the purpose of the statute is?

COMMISSIONER EGGELETION: Yes, absolutely.

MR. RIVERA: I didn't see that as being the issue. I thought it was whether we broaden the definition of what is a retail establishment or what the camera ordinance applies to.

COMMISSIONER EGGELETION: Well, for me it's a public safety issue. That is what it is. This is -- my purpose for doing this, and I'm going to say again, and I have said many, many times, this is a public safety issue for me. I don't think that a camera in and of itself will stop a criminal from committing a crime. It just like all the security devices you might put on your retail establishment will never stop someone from committing a crime. That is why in a lot of retail stores, they put hundreds of cameras on the inside, at a tremendous cost to that business. And you know what the purpose of that is; correct? It's to protect their assets. The only thing I'm saying is, I want something that at least, at least that deals with public safety, and it's a public safety issue.

MR. RIVERA: But again, we're not married to a camera ordinance; is that what you are saying?

COMMISSIONER EGGELETION: What I'm saying is, this is a public safety issue that I think will assist law enforcement in helping to solve and resolve some of the crimes that are committed in your shopping center, your owner's shopping centers. That is what I'm looking to create. Now you all have indicated to me that you helped to provide some of those things to assist in doing that, ie, private security guards, ie, sworn law enforcement officers, ie, in some instances, cameras on buildings, and lighting. And you may even employ some (inaudible) in the design of that center.

This is just another tool. That is all this is. And I'm trying to write an ordinance to provide a tool that will provide some level of public safety. You all have asked to be a part of that, and that is why we're gathered here today. What I don't want to do, and I'm just telling you and you may feel my frustration and I am -- I'm tired of the gripe sessions. I'm ready to write an ordinance, period. Okay? The only thing I have asked you to do is help participate. If you don't want to, just be honest and say I don't want to do that, but I'm not going to sit here and continue to listen to the gripes. I'm just not going to do that. I've heard them. We have taken copious notes. We have gone through the first proposal. I said let's try to get together, write something and then present it back to the group so that you can then dissect that and we will keep sifting these things through the sifter until we get to where everybody wants to be, and I think at the end of the day that I'm going to have something you don't like; I'm going to have something that I don't like; I'm going to have something that no one likes, and usually when that happens, you have something that is pretty good. That is probably what is going to happen.

MR. EDELSTEIN: Commissioner, Josh Edelstein from Publix.

I think one of the concerns, at least for myself is, I'm having a hard time understanding how we could write an ordinance without actually doing the statistical testing or in the beginning, at the first meeting, you said I'm not going to do any testing, I'm not open to that. I'm not going to look at the statistics. Everyone offered to give the statistics. We still haven't done that, and so to write an ordinance based on a tool, is understandable. We all agree that there are many tools out there that we use as businesses, not just for public safety but how do you write an ordinance

without sitting down and looking and taking the time to do the assessments or to obtain the proper statistical data that would say this is the right tool, or we should shift our focus and go in this direction, where this will help to assist law enforcement better. I sit on many different boards with different police chiefs across south Florida, and many of the conversations I have had with them are that they all want tools, absolutely, and so do we, and we want to be able to assist them in the best way that we can, but I don't understand how we can do that without the statistical data to back this is the right tool. That would be for law enforcement is best interests, for public safety's best interest.

COMMISSIONER EGGELLETON: I hear what you are saying, but I have yet to talk to one law enforcement official to say that this would not assist them in providing some level of public safety. Yes, sir.

MR. ORTENZO: Al Ortenzo, Crime Commission.

The problem is, there are no real statistics that will tell you how effective video cameras will be, just as there are no clear statistics that will tell you how effective a police officer or two police officers in a given neighborhood will be, because you can't measure a crime that is not committed, or you can't capture, when a criminal has decided not to commit a crime. There are studies and most of them have a lot of holes in them, so a lot of it gets down to reason, common sense, and a balance of what will work or what won't work, and I would go back to the statistics there might be to determine how many times a criminal may have considered stealing a car, and looked to see if you left the keys in your car. You probably can't come up with the statistic to tell us how effective taking the keys out of your car have been, but you know by taking the keys out of your car, you have got a lot less likelihood that it will be stolen. So that

is the problem when everybody hammers for statistics. They just really don't exist. Even a security guard or a police officer on an off duty detail at a business, you have to rely on other anecdotal pieces of evidence, because there are no statistics or major studies that will give you the big answer. They are just not out there.

MR. MARIANO: Ron Mariano from RAM Reality.

To that point, and the Commissioner has said it dozens of times, that this is not a crime prevention tool, and you are arguing that it is not a measurable crime prevention tool. Somebody has to know how many times a private business has delivered video media to law enforcement, and as a result of that act, a crime has been solved. Somebody has to keep track of that. I mean the major retailers I have talked to that are responsible for loss prevention, say they can't even remember a single time in their careers where that has happened.

So the point is, and you have said a couple of things Commissioner that I think were really intriguing, and that is that you understand politics, and every day that goes by, I realize how little I understand about politics or politicians, and that this is a failure to communicate. I didn't come here to kill anything. I wouldn't know how to kill an ordinance if you asked me to. What I came here to do is to say we have a finite resource in dollars, and as a governmental leader you have observed a public safety issue that needs to be resolved, I'm here to help you do that, but not because there has been a device selected that might help solve a crime. I'm here to help you figure out away to spend those resources to prevent crimes, because my wife goes to those shopping centers. My daughter goes to those shopping centers. (Inaudible) and I'm not here to be in your way. I'm here to support something that makes this community safer.

COMMISSIONER EGGELETTION: Okay.

MR. ORTENZO: Commissioner, if I can clarify.

First of all, I can tell you there are thousands of cases every year in which law enforcement uses images on videos to capture criminals. I guarantee you that. I can site you specific cases --

SPEAKER: In parking lots?

MR. ORTENZO: -- within five or 10 blocks of this building in which cameras in businesses have been used to successfully capture criminals. Absolutely in parking lots, parking garages, on perimeters of buildings, inside businesses, yes. The degree to which they work and how many crimes they prevent is what I'm telling you, you can't really capture. But they are used all the time to successfully apprehend criminals. You can look at TV on a nightly basis and you see these videos that are we played for the media. I will tell you, many of them do resolve and criminals being identified and apprehended. I don't know what records Crime Stoppers keeps, but they get a lot of tips as a result of the media images that are played. But on the issue of prevention and deterrence, I would just like it make one point there, is that if you use video to capture a bad guy, in terms of the overall community, you are preventing crime, because if you identify somebody that is robbing one of your Wal-Mart's today, and the police, with the use of your video that you have, which is an exceptional system, helps identify that robber and leads to his apprehension. Your other Wal-Mart's are safer. There is one less criminal out there that is pulling robberies at Wal-Marts. I guarantee you that the criminals that shot our deputy had probably -- I would say I would

guarantee you they had a prior history of committing crimes. Had they be identified and captured, they may not have been there that night to shoot our deputy.

So the idea that these are two separate and distinct things, that when you assist law enforcement in capturing a bad guy, you're not preventing crime just isn't true, because the best way to prevent crime is to catch bad guys and take them off the streets. I think we would all agree on that.

MR. MARIANO: And I don't mean to argue that point. We're just discussing the purpose of this specific ordinance as not being a crime prevention tool. We have had that explained to us on a number of occasions, and we're going to use this as a crime solving tool. That is my --

MR. ORTENZO: I would just argue that it could be both, to a degree. Does it work 100 percent of the time, I think anyone would agree with that, nothing does.

COMMISSIONER EGGELETTION: Okay. Let me ask this, because I'm ready to get to work, and we have griped about this long enough. I think I know where I am headed.

The Retail Federation provided me with a list of a lot of questions. We have those. We have gone through some of those. Some of those have been asked as we went through the first blush of the ordinance. You have provided me with a -- what you propose as a bill for the Florida legislature to consider, and perhaps for us to consider as well.

Is there any other group in here that wants to provide anything, because what I'm going to do, I'm going to go ahead and write this. I think I know where

I am now, and I'm going to go ahead and write it, and then at our next meeting you will have it and we will move on from there, and I will meet with the two individuals who want to provide some technical and legal expertise in putting this together, and I will meet with Broward Crime Preventers and whoever wants to sit with me and write this, but it's getting ready to get written.

Yes. This is Rhonda Calhoun from --

MS. CALHOUN: Yes. Executive Director of Broward League of Cities. As you begin to draft the ordinance, Commissioner, we just ask, as municipalities, and I know that you share our sensitivity to unfunded mandates, and our municipal budgets, county budgets and our law enforcement personnel are pretty much stretched to the limit.

COMMISSIONER EGGELLETION: Absolutely.

MS. CALHOUN: We have just a couple of items that we hope you will address, or we can have a seat at the table and be able to weigh in on, and some of those issues are the authority to enforce. Who will enforce? How will it be reimbursed or paid? The county's authority to enforce within municipalities, if that is the either or where you are headed with that. We would also like to have some type of a weigh in with respect to further direction in our role, municipal role, in-site planning, zoning, permitting, and where we will be fitting in for those retro fits or however we're going to need to be doing this brand new construction, and also what our goal will be in lighting, landscaping, again, we know, unfunded mandates and our budgets will be hit again in this next coming year. We just want to make sure as this moves forward that this is something that we're all going to be able to handle.

COMMISSIONER EGGELETTION: Thank you, Rhonda, and you have always been invited to the table. The meetings are publicly noticed and we sit here and take your public input and I can tell you we have already figured the answer to just about all of your questions and we will be sitting down with you to further fine tune them to make sure that those things are done.

MS. CALHOUN: Thank you. I will look forward to it.

COMMISSIONER EGGELETTION: Okay. If there are no other comments, then -- who are the two persons on the legal support committee? Let me see your hands. Okay. Technical support? One, two. Okay. If you could come up and just give your name here and we will notify you as to the meeting, that those times and places will be legally noticed. Those of you that want to meet with the Retail Federation Committee, we will also notify you for the time and place for that meeting. We will probably have to hold these meetings on separate dates because of limited staff that we have and these meetings will be publicly noticed so that the work can be done, but since they are small committees -- the larger committee will probably have a larger place for you but the two smaller ones can easily take place in a very small room. Okay. Great.

There being no other business, I move we rise.

(This meeting adjourned at 11:23 p.m.)

(A copy of the audio recording of this meeting is available upon request by calling Document Control located in Room 336U, at (954) 357-7297.)