

Tallman, Nicole (Office of the Mayor)

From: Zichella, Eric <ez@p3miami.com>
Sent: Thursday, June 29, 2017 5:44 PM
To: Tallman, Nicole (Office of the Mayor)
Cc: Agrippa, Christopher (COC)
Subject: Areas of study
Attachments: Areas of Study CRTF 2018.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Nicole - Please see my list of the areas of study for the Charter Review Task Force. I reserve my ability to suggest experts to testify on any of these areas depending on the feedback from staff.

Thank you,

EZ

Eric Zichella
Principal
P3 Management
2929 SW 3rd Ave., Suite 212
Miami, FL 33129
786-401-4000 *office*
786-708-7000 *mobile*

Areas of Study:

Commission Compensation

Formulation of the budget and Organization of the Department of Finance

Organization of the Department of Law

Term Limits for Commissioners

Making ALL elected positions in the County including the Clerk of Courts non-partisan

Handling of Municipalities who have financial difficulties or file for bankruptcies

Percentage of the vote required to make certain changes to the UDB

Municipalities providing services to other government entities (Section 6.06)

Revision of notice requirements in section 1.02 of the charter

Section 7.01

Term Limits for the Executive Director of the Commission on Ethics

The maximum number of constituents that a County Commissioner shall represent

Tallman, Nicole (Office of the Mayor)

From: Bob Cuevas <bcuevas07@gmail.com>
Sent: Tuesday, July 11, 2017 5:03 PM
To: Tallman, Nicole (Office of the Mayor)
Subject: Re: Reminder to Submit List of Proposed Areas of Charter Review Study by July 12
Attachments: Proposed areas of CRTF study-6-11-17.pdf

Follow Up Flag: Follow up
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Nicole,

Attached below (in PDF format) is my list of proposed areas of study for the Task Force
Please let me know if you have any problems opening the attachment.

Bob Cuevas
305-588-5355

On Jul 10, 2017, at 11:32 AM, Tallman, Nicole (Office of the Mayor)
<nicole.tallman@miamidade.gov> wrote:

Dear Members of the Charter Review Task Force:

In follow-up to my June 29 email, the Task Force agreed at its first meeting to provide a list of proposed areas of Charter Review study for discussion at the July 17 CRTF meeting. If each member of the Task Force who has not already done so could please send your individual list of proposed areas of study to me by **Wednesday, July 12**, I will compile the master list and distribute it, along with the meeting agenda and any other meeting materials, on Thursday, July 13.

Please let me know if you have any questions.

Best regards,

Nicole Tallman
Director of Policy and Legislative Affairs
Miami-Dade County Office of the Mayor
305-375-5227 (office)
miamidade.gov/mayor
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INTRODUCTION

The areas which I propose for study by the Task Force are: the need to assure a more County-wide perspective on the County Commission; the need to re-establish the professional manager-Commission form of government; and the need to eliminate term limits for County Commissioners. I set forth below why I believe it is important that any review of the Charter address these areas. This list is not meant to be exhaustive, and I am amenable to consideration of other areas of study. However, we must be mindful that with the amount of time remaining in which we have to complete our task, we must focus on the most impactful areas for review.

The balance of this writing sets forth suggested amendments to the Charter that address these areas.

I. THE MAJOR ISSUES CONFRONTING THIS COMMUNITY ARE COUNTY-WIDE IN SCOPE

We face a number of difficult problems that affect all of us who live in Miami-Dade County. Problems such as traffic and transportation, provision of water and sewer services, environmental protection of the County, County-wide Jackson Health System, operation and development of Miami International Airport and the Port of Miami, provision of law enforcement services and operation and development of needed jail and court facilities, provision of fire and fire rescue, master planning to govern the development of the County and protection of the UDB, and provision and operation of major parks, recreational, arts and sports venues throughout the County.

The governmental entity with legal authority to address these regional, county-wide problems is Miami Dade County. I believe however that the County's current governance structure hampers its ability to focus on such problems and to develop and implement solutions to them.

II. THE CURRENT STRUCTURE OF COUNTY GOVERNANCE CONSTRAINS ITS ABILITY TO ADDRESS THESE PROBLEMS

That structure was created with the adoption of the "strong mayor" amendment to the Charter. The amendment has been construed by a court decision which enunciated several principles that fundamentally affect the governance of the County.

First the court reaffirmed that, under the Florida Constitution, the County Commission must be the governing body of the County. Second, the court construed the effect of the amendment as transferring the administrative power then held by the County Manager to the new "strong Mayor," and determined that such a transfer did not serve to displace the Commission as the governing board of the County because those administrative powers "exist to carry out the policies adopted by the Commission... . [and] that such powers of administration must conform to the dictates and policies of the County Commission. ..." Third, the court rejected the challengers' claim that the amendment granted executive branch type powers to the Mayor similar to those possessed by the executive branches of the federal and state governments, noting that the Mayor "would only be acquiring administrative powers that currently reside with the County Manager. ... [and which] pale in comparison to powers exercised by the Executive branches of federal and state governments."

As a result, although the County Commission is responsible for governing the County, responsibility for its management has been vested in an elected Mayor who is in essence an "elected County Manager" who can only be removed by the voters and not the County Commission. This division of governance responsibilities fundamentally affects the County's ability to confront and attempt to solve county-wide problems, and lessens accountability for how and what County government is able to accomplish in this regard.

I believe the Task Force should consider amending the Charter as set forth below in order to change the structure of county governance and to assure professional management so as to enhance the County's ability to confront and attempt to solve these problems.

SUGGESTED CHARTER AMENDMENTS:

I. AMENDING THE CHARTER TO ASSURE A MORE COUNTY-WIDE PERSPECTIVE ON THE COUNTY COMMISSION

Possible Charter amendments that would inject such a perspective are: provision for some members of the Commission to be elected county-wide; having district commissioners stand for county-wide retention election mid-way through their term, as previously proposed by former County Attorney Bob Ginsburg to the 2007 CRTF; and providing that the Chair of Commission be elected every two years at the county-

wide November general election from among the Commissioners elected in that two-year cycle.

II. AMENDING THE CHARTER TO RE-ESTABLISH THE PROFESSIONAL MANAGER - COMMISSION FORM OF COUNTY GOVERNMENT

A possible Charter amendment to accomplish this change would eliminate the position of Mayor, and provide that the chief executive officer and head of the administrative branch of County government responsible for the management of the County be appointed by the County Commission on the basis of his or her executive and administrative qualifications, and serve at the pleasure of the County Commission.

III. AMENDING THE CHARTER TO ELIMINATE TERM LIMITS FOR COUNTY COMMISSIONERS.

The problems facing this community are difficult ones. They are not easy to understand, and they are certainly not easy to solve. The ability to do so depends on understanding the complex entity which is the County and being able to generate consensus at the Commission level as to how best to apply its many resources towards solving these problems. These intertwined prerequisites for solving our problems are developed over time through experience serving as a Commissioner. It does not serve us well to cast away that experience arbitrarily at the end of eight years. The voters should have the ability to re-elect a Commissioner that they believe is effective, regardless of how long the Commissioner may previously have served. Experience in governing is not a negative attribute.

Tallman, Nicole (Office of the Mayor)

From: Alice Burch <aliceburch@aol.com>
Sent: Wednesday, July 12, 2017 5:39 AM
To: Tallman, Nicole (Office of the Mayor)
Subject: Re: Reminder to Submit List of Proposed Areas of Charter Review Study by July 12

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Nicole,

Here are some suggested areas of study:

- 1-Commission compensation
- 2-Election of Commissioners; continue by District or county-wide ballot?
- 3-Revisit number of Commissioners
- 4-Revisit term limits for Commissioners
- 5-County Commission governance limitation (i.e.: to 'big picture' issues)
- 6-Revisit strong mayor role
- 7-Revisit Commissioners ability to award contracts
- 8-Revisit adding limitations to Commissioner recalls
- 9-Revisit adding a format for Charter Review

Thank you for your service.

Sincerely,
Alice Burch
305-318-9578
aliceburch@aol.com

On Jul 10, 2017, at 11:32 AM, Tallman, Nicole (Office of the Mayor) <nicole.tallman@miamidade.gov> wrote:

Dear Members of the Charter Review Task Force:

In follow-up to my June 29 email, the Task Force agreed at its first meeting to provide a list of proposed areas of Charter Review study for discussion at the July 17 CRTF meeting. If each member of the Task Force who has not already done so could please send your individual list of proposed areas of study to me **by Wednesday, July 12**, I will compile the master list and distribute it, along with the meeting agenda and any other meeting materials, on Thursday, July 13.

Please let me know if you have any questions.

Best regards,

Nicole Tallman
Director of Policy and Legislative Affairs
Miami-Dade County Office of the Mayor

305-375-5227 (office)

miamidade.gov/mayor

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Tallman, Nicole (Office of the Mayor)

From: Mike Valdes-Fauli <mvaldesfauli@pintausa.com>
Sent: Wednesday, July 12, 2017 12:07 PM
To: Tallman, Nicole (Office of the Mayor)
Subject: Valdes-Fauli Topics

Follow Up Flag: Follow up
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Nicole,

Here are three things I would like to discuss on Monday:

- **Commissioner Compensation** – although it's been proposed in the past, and ultimately the voters rejected it, I'd like to spark a dialogue again.
- **City-County Home Rule Body** - an official board or body should be created composed of county and municipal officials, including municipal and county attorneys, dedicated to protecting the Miami-Dade Home Rule Charter from preemption from the Legislature. The group could also be entrusted with interpreting the Charter in a manner that is equitable to both the county and municipalities.
- **Commerce Committee** – I have an idea that I would appreciate being handed the floor to propose in person.
- **Marketing** – discuss website, social media, PR, events.

Mike Valdes-Fauli
President and CEO

Pinta
The Art of Cross-Cultural Marketing
1111 Lincoln Rd., Suite 800
Miami Beach, FL 33139
T 305.615.1111 ext. 110
M 305.588.2216



Tallman, Nicole (Office of the Mayor)

From: Maria Lievano Cruz <mlievanocruz@gmail.com>
Sent: Wednesday, July 12, 2017 6:29 PM
To: Tallman, Nicole (Office of the Mayor)
Subject: Re: Reminder to Submit List of Proposed Areas of Charter Review Study by July 12

Follow Up Flag: Follow up
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Good afternoon, Nicole.

I would like to consider the following issues:

- 1) Review the composition of the County Commission to determine whether the charter should provide for a combination of at-large commission members and district members.
- 2) Review the structure of county government to determine whether the Charter should provide for a professional county administrator to oversee procurement, Human Resources, and the day-to-day responsibilities of running county government.
- 3) Review Article 1 relating to the salary of a county commissioner to determine whether a Commissioner's salary should follow the State defined formula.
- 4) Review the initiative petition process to determine whether the County Attorney should provide a legal opinion on the legal sufficiency of ballot language before the form of a citizen's petition is approved by the Clerk of the Courts for signature collection.
- 5) Study whether the Charter should provide for a permanent Urban Development Boundary UDB that allows for staggered development up to the defined boundary based on the Comprehensive Development Master Plan and proper planning for transportation infrastructure.

Sincerely,

Maria Lievano Cruz

On Mon, Jul 10, 2017 at 11:32 AM, Tallman, Nicole (Office of the Mayor) <nicole.tallman@miamidade.gov> wrote:

> Dear Members of the Charter Review Task Force:

>

> In follow-up to my June 29 email, the Task Force agreed at its first
> meeting to provide a list of proposed areas of Charter Review study
> for discussion at the July 17 CRTF meeting. If each member of the Task

> Force who has not already done so could please send your individual
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> compile the master list and distribute it, along with the meeting
> agenda and any other meeting materials, on Thursday, July 13.
>
> Please let me know if you have any questions.
>
> Best regards,
>
> Nicole Tallman
>
> Director of Policy and Legislative Affairs
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Tallman, Nicole (Office of the Mayor)

From: GonzalezAJ@gtlaw.com
Sent: Wednesday, July 12, 2017 10:22 PM
To: Tallman, Nicole (Office of the Mayor)
Subject: List of Proposed Areas of Charter Review Study

Follow Up Flag: Follow up
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Good Afternoon Nicole,

First, my position is that the Charter Review Task Force should be an "open Book" as to proposed areas there may be Charter amendments proposed and it should be based on the public comments we receive throughout the fact finding process. The most important task we are obligated to accomplish is to reach out to the residents of Miami Dade County and listen to their concerns on the areas of the Charter may require amendments or a new chapter all together.

To that end we took a great initial step at our first meeting to maximize the use technology and social media as one avenue in reaching out to the Residents of Miami Dade County.

I strongly believe the next step is to start regional public fact finding hearings throughout the County in the Fall. This will help achieve the broadest base of public impute of the public's belief of the issues of greatest importance that the Task Force should focus and deliberate on. I understand the Task force set up meetings at SPCC for Monday evenings, but these Countywide regional public fact finding hearings would not require quorum or count towards any mandatory attendance of all the members. As the County Attorney's office stated if no formal action is taken at those meeting quorum is not required. That way members can attend any or all the fact finding hearings as their schedule permits. Then only the Task force meetings at SPCC would be mandatory counting towards overall attendance.

With that point on inclusion I do think some of the policy issues that can start the discussions are as follows:

1. Section 1.06 and the Salaries for County Commissioners, must be discussed. This is clearly an issue that leads every Task force time after time and has yet to be resolved.
2. The Urban Development Boundary (UDB), the issue on how the line may be amended or whether two lines are created, one as permanent, while the other may be amended through an agreed process.
3. Technology advancements including social media can be incorporated into the Charter to advance transparency in government.
4. Technical amendments, such as Section 1.01 paragraph 3., adding "rideshare services" to list of forms of transportation, which was not in existence last time Task force was in place.
5. Under Section 7.01, evaluation of limit of commercial operations to 1,500 sq. ft. is too restrictive. Some expansion could be beneficial for the public benefit, especially if revenues generated are earmarked for park enhancements.

With these 5 items in addition to any my fellow Board members suggest would be a positive start of the process in analyzing potential Charter amendments.

Let me know if you have any questions.

Alfredo

Alfredo J. Gonzalez
Shareholder
Greenberg Traurig, P.A. | 333 S.E. 2nd Avenue | Miami, FL 33131
Tel 305.579.0588 | Fax 305.961.5588
GonzalezAJ@gtlaw.com | www.gtlaw.com



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Tallman, Nicole (Office of the Mayor)

From: Marlon A. Hill (HMB) <mhill@hamiltonmillerlaw.com>
Sent: Thursday, July 13, 2017 9:47 AM
To: Tallman, Nicole (Office of the Mayor)
Subject: RE: Reminder to Submit List of Proposed Areas of Charter Review Study by July 12
Attachments: CHARTER REVIEW ISSUE MEMO.pdf

Follow Up Flag: Follow up
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Nicole – apologies for the delay.

From: Tallman, Nicole (Office of the Mayor) [mailto:nicole.tallman@miamidade.gov]
Sent: Monday, July 10, 2017 11:32 AM
To: Tallman, Nicole (Office of the Mayor)
Subject: Reminder to Submit List of Proposed Areas of Charter Review Study by July 12

Dear Members of the Charter Review Task Force:

In follow-up to my June 29 email, the Task Force agreed at its first meeting to provide a list of proposed areas of Charter Review study for discussion at the July 17 CRTF meeting. If each member of the Task Force who has not already done so could please send your individual list of proposed areas of study to me **by Wednesday, July 12**, I will compile the master list and distribute it, along with the meeting agenda and any other meeting materials, on Thursday, July 13.

Please let me know if you have any questions.

Best regards,

Nicole Tallman
Director of Policy and Legislative Affairs
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HM&B
HAMILTON, MILLER & BIRTHISEL LLP
Attorneys At Law
WWW.HAMILTONMILLERLAW.COM

150 Southeast Second Avenue, Suite 1200, Miami, Florida 33131
305-379-3686 • Fax 305-379-3690

REPLY TO: MIAMI OFFICE

MEMORANDUM

To: Nicole Tallman

From: Marlon A. Hill, Esq.

Re: Charter Review Task Force
Areas of Study

Date: July 10, 2017

As requested of the members of the Charter Review Task Force (“CRTF”) at our last meeting, the following are recommended issues and areas of study (in no order of priority):

1. **Establishment of a City-County Home Rule Body:** In order to mitigate against any preemption from Legislature, the County may explore the creation of an official board or body, composed of county and municipal officials, including municipal and county attorneys, dedicated to protecting the Miami-Dade Home Rule Charter. This body may also be entrusted with interpreting the Charter in an equitable manner for the county and municipalities.
2. **Dispute Resolution (City-County Chapter 164):** The County may explore establishing a dispute resolution process, in comparison to the process under Chapter 164, to resolve issues/disputes between cities and the county.
3. **County Preemption:** The County Charter preserves municipal authority and protects the municipality’s right to have a higher standard of zoning, regulation, and service. The County may explore reviewing whether these protections should be strengthened to expressly state that the County may not preempt municipalities or assert exclusive jurisdiction over any matter. Further, the County may review whether the county and municipalities may share

July 13, 2017

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jurisdiction, for example, with the municipality taking precedence as to zoning and local matters under a balancing of interests test.

4. Municipal Zoning: The CRTF may explore whether the Charter should expressly state that the County must comply with any municipality's zoning regulations when building structures, maintaining trees, and operating roads within a municipality.
5. County Commissioner Compensation: The CRTF may explore further discourse on commissioner compensation (increasing from \$6,000) and implications of full time employment.
6. Review of Initiative, Referendum and Recall provisions
7. Strong Mayor form of government – review of efficiencies or inefficiencies

I reserve the opportunity to submit other issues for research and/or expert education at a later date.

Tallman, Nicole (Office of the Mayor)

From: Florence Ferre <Florence.Ferre@northhighland.com>
Sent: Thursday, July 13, 2017 2:52 PM
To: Tallman, Nicole (Office of the Mayor)
Cc: maferremiami@gmail.com
Attachments: maf 7-13-17 copy copy.docx

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Please see attached. Added Maurice A. Ferre to the top

Thank you.

Florence M. Ferre

north highland

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Maurice A. Ferre
July 13, 2017

Ms. Nicole Tallman (tallman@miamidade.gov)
Director of Policy and Legislative Affairs
Office of the Mayor

At the request of the 2017 Miami Dade County Charter Review Task Force, by resolution, at our first meeting, the following are my priorities of issues to be studied, discussed and, by majority vote, concluded by March 30, 2018:

1. The general structure of our County Government should be reviewed and discussed. We currently have a hybrid Commission/ "strong" Mayor format that is based on an altered County Commission format. MDC is larger than 16 States of the Union. The board of CC has all the powers, as granted by the Florida Constitution. The BCC should be a legislative board that:
 - a. Establishes the budget
 - b. Passes the local laws
 - c. Has oversight powers over all MDC functions.The BCC should not be involved in awarding contracts (as the Legislature and Congress do not), nor deciding zoning cases. In Orange County, zoning is decided by special judges (our own Bob Ginsberg, MDC Attorney, when he retired from MDC, became such a judge in Orange County).
2. We need to review the size and structure of the BCC; district and at large election formats; full time and part time service; salary; and conflicts of interest.
3. We need to review the functions of the BCC vis-à-vis the Unincorporated Metropolitan Service Areas (UMSA). The county should be out of the city service business. Most of MDC and all of the urban areas should be part of a city. What is the fair and inevitable way to do this? Study the Minneapolis- St. Paul share structure for the distribution of funds to all cities by establishing minimum standards for municipal services.
4. The issues of the powers of the Mayor should be studied. The MDC Mayor is currently a super, elected manager. We need to study the powers of the Mayor in New York, Boston, San Francisco and Houston.
5. We need to revisit the election or not of all Constitutional Officers in a Florida County.
6. We need to again review the establishment of the UDB in MDC.
7. Review the regulations for for lobbyists in MDC; conflicts of interest; double representation; compensation.

Tallman, Nicole (Office of the Mayor)

From: Burgess, George <GBurgess@bplegal.com>
Sent: Thursday, July 13, 2017 3:52 PM
To: Tallman, Nicole (Office of the Mayor)
Subject: Comments on Upcoming Charter Review Task Force Efforts

Follow Up Flag: Follow up
Flag Status: Flagged

In response to your request I offer the following suggestions regarding the current Charter Review Task Force. I share brief thoughts on 1) how we should consider conducting our committee business and 2) topical areas we should discuss and potentially formulate recommendations on.

1) Conduct of Committee Business:

- We have much to accomplish over the next several months. I believe all 15 of our members should be involved in the review of all aspects of the Charter. Dividing the group into voting subcommittees could dilute the power and authority of this task force, which was appointed by all of our County's elected officials. While it will be more challenging, I do think we should all be involved in the review of the entire Charter. This does not mean we cannot break into subgroups based on areas of interest in order to conduct more in-depth reviews with such subgroups reporting back to the full Task Force for ultimate deliberation and votes.
- I agree that we should conduct public hearings throughout the County over the coming months to solicit public input, ensure a transparent process and seek reactions to any preliminary recommendations the Task Force may come up with. This might entail two rounds of public meeting across the County. In addition, the public should be welcome to testify at each of our meetings.
- Presentations on and discussions of prior Miami-Dade charter review efforts and recommendations, as well as expert testimony and public input on substantive topical areas of review will be essential.

2) Topical Area for Committee Review:

- The Task Force should undertake a cover to cover review of the Home Rule Charter, as well as a discussion of the provisions and powers available to the County Commission in the section of the Florida Constitution dedicated to the Miami-Dade Home Rule Charter. I believe our charge from the Board and our responsibility as prescribed in the Charter necessitates this kind of effort.
- While a cover to cover review is advisable certainly the following topical areas should be included in as part of our discussions:
 - County Commission composition and structure
 - County Commission term limits
 - County Commission salary levels
 - Strong vs. Executive Mayor structures
 - Powers and duties of the Office of the Mayor vis-a-vis the Board of County Commissioners
 - Elected vs. appointed constitutional officers
 - Independent and/or dependent authorities and districts
 - Provision of a County Manager or other requirements for procession government administration
 - County Commission role in the budget development process
 - Procedures for incorporation and annexation or the creation of alternative limited purpose governments
 - Procedures for County intervention in situations of municipal fiscal emergency
 - Procedures for modifications of the Urban Development Boundary

- Provision of development rules and regulations for sustainable and resilient development within Miami-Dade County that are cognizant to the long-term impacts of sea level rise
- Procedures and requirements associated with citizen initiatives, referenda and the recall of elected officials
- Alternative procedures for placement of charter amendments before the electorate
- County procurement process provisions, authority and responsibilities (to determine if a more transparent, efficient, cost effective and professional process can be prescribed)
- Citizen Bill of Rights

I feel the above topics should be part of our discussions but this is in no way an exclusive list. Also, just because a topic is listed above does not mean any changes to the Charter are necessary. It simply means we should discuss the topics and determine if possible amendments are warranted.

George Burgess

Senior Government Relations Strategist and Consultant

1 East Broward Blvd., Suite 1800 | Fort Lauderdale, FL 33301

Tel: 954.985.4121 | Cell: 305.588.8771 | Fax: 954.985.6809 | [E-Mail](#)

Alhambra Towers | 121 Alhambra Plaza, 10th Floor | Coral Gables, FL 33134

Tel: 305.262.4433 | Fax: 305.442.2232

[Website](#) | [Connect on LinkedIn](#)

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