

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY OPPOSING SENATE BILL 280 AND HOUSE BILL 403, BOTH OF WHICH SEEK TO ENABLE INDIVIDUALS TO FILE FRIVOLOUS LAWSUITS CHALLENGING COUNTY AND MUNICIPAL ORDINANCES, AND WHICH WOULD SEVERELY RESTRICT COUNTIES AND MUNICIPALITIES IN THE EXERCISE OF THEIR LEGISLATIVE POWERS AND GENERAL POWERS TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THEIR CITIZENS; AND DIRECTING THE CITY CLERK TO SEND A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE FLORIDA SENATE.**

**WHEREAS**, Senate Bill 280 ("SB 280") and its related House Bill 403 ("HB 403") (together, the "Bills") have been filed for consideration during the Florida Legislature's 2022 session; and

**WHEREAS**, SB 280 and HB 403 essentially seek to block enactment or enforcement of new county and municipal ordinances when they are challenged; and

**WHEREAS**, SB 280 is an extreme overreach of state government, and severely restricts the authority of local government officials to enact legislation to protect the health, safety, and welfare of the people they were sworn to protect; and

**WHEREAS**, if enacted, the Bills would authorize local businesses, and others, to delay the enforcement of new ordinances simply by suing local governments and merely alleging, without supporting proof or citation to any legal authority, that challenged ordinance appears to be "arbitrary" or "unreasonable" or preempted by state law; and

**WHEREAS**, the Bills would require counties and municipalities to produce a complicated and very expensive "business impact statement" before even making minor or clarifying amendments to an ordinance, and to suspend enforcement of the entire ordinance amid legal challenges; and

**WHEREAS**, by creating a right of action against governmental entities for otherwise lawfully enacted legislation, the proposed Bills create significant liability exposure for counties and municipalities in connection with the performance of their legislative functions; and

**WHEREAS**, the Bills do not provide for any consequence to the person challenging the ordinance, allowing individuals to file frivolous lawsuits without fear of any penalties; and

**WHEREAS**, in addition to the potential liability exposure for enormous damages awards for otherwise lawfully enacted legislation, the Bills would also authorize a prevailing business or individual to be awarded costs and attorney fees, payable by the county or municipality, and would thereby allocate the risks of litigation, and the costs thereof, to taxpayers and

**WHEREAS**, the proposed Bills would create a cottage industry of lawsuits against governmental entities for otherwise lawfully enacted legislation, and would further clog courts and deplete limited judicial resources; and

**WHEREAS**, if passed, the Bills would have a chilling effect on legislation and would severely restrict counties and municipalities in the exercise of their legislative powers and general powers to protect the health, safety and welfare of their citizens; and

**WHEREAS**, it is a local governing body's jurisdiction to determine the appropriate steps to solve local issues for the safety and benefit of all of its property owners and citizens, and to balance and take into account the social, economic, environmental and fiscal impacts of legislative decisions; and

**WHEREAS**, given the unique characteristics and demographics of each municipality, local elected officials are best suited to determine what laws and regulations are necessary for their respective communities and businesses' needs and wants, provided that such laws do not conflict with state law and are enacted in furtherance of legitimate governmental purposes; and

**WHEREAS**, the proper remedy for any business owner or individual asserting that any particular lawfully enacted legislation unduly impacts them is at the ballot box, by electing officials whose views are aligned with their views, and not via draconian legislation; and

**WHEREAS**, based on the foregoing, the Mayor and City Commission vehemently oppose and condemn SB 620 and HB 569 and any other similar legislation and urge the Florida Legislature to vote against the Bills or any other similar legislation brought for their consideration.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby strongly oppose Senate Bill 280 and House Bill 403, both of which seek to enable individuals to file frivolous lawsuits challenging county and municipal ordinances, and which would severely restrict counties and municipalities in the exercise of their legislative powers and general powers to protect the health, safety and welfare of their citizens; and direct the City Clerk to send a copy of this Resolution to the Speaker of the Florida House of Representatives, and the President of the Florida Senate.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

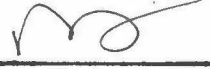
Attest:

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex Fernandez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney FA

2-1-22  
Date