

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2021-162

A RESOLUTION OF THE CITY COMMISSION, DIRECTING THE CITY ATTORNEY'S OFFICE TO JOIN THE APPEAL FROM THE FIRST DISTRICT COURT OF APPEAL TO THE FLORIDA SUPREME COURT IN CITY OF WESTON, ET AL. V. STATE OF FLORIDA, ET. AL.

WHEREAS, in Resolution 2018-98, the City Commission directed the City Attorney to initiate and join a lawsuit challenging the penalty provision of section 790.33, F.S.; and

WHEREAS, consequently, the City of Coral Gables joined the City of Weston and over 80 municipalities and elected officials in their official capacity in filing City of Weston, et al. v. State of Florida, et.al.; and

WHEREAS, a Leon County Circuit Court judge ruled in favor of plaintiffs on three of the claims, found that the provisions allowing the Governor to remove elected officials from office for violation of section 790.33, F.S. violated the state constitution, found that the assessment of personal fines against elected officials violated legislative immunity, and found that the assessment of fines against local governments violated governmental function immunity; and

WHEREAS, various defendants appealed the lower court's ruling on legislative immunity and governmental immunity to the First District Court of Appeal (DCA); and

WHEREAS, in April 2021, the First DCA reversed the lower court's ruling and various plaintiffs (including the City) asked the First DCA to certify the question as a matter of great public importance in order to allow plaintiffs to appeal the case to the Florida Supreme Court, however, that motion was denied; and

WHEREAS, various plaintiffs are preparing to file a notice of intent to invoke discretionary jurisdiction from the Florida Supreme Court; and

WHEREAS, after hearing from the City Attorney, the City Commission acknowledged the City's role as a leader in the battle to retain local control, and agreeing that at the very crux of this case is the protection of local governments from wide-reaching preemption, and the protection of legislative immunity and governmental immunity;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.


SECTION 2. That the City Commission directs the City Attorney’s Office to join other plaintiffs in filing a Notice of Intent to Invoke Discretionary Jurisdiction from the Florida Supreme Court with the condition that not more than \$1,000 be spent by the City on the jurisdictional brief and not more than \$2,000 be spent by the City on the substantive brief (should the Florida Supreme Court accept jurisdiction) and approves the continued use of separate counsel.

That this Resolution shall become effective upon the date of its passage and adoption herein.


PASSED AND ADOPTED THIS EIGHTH DAY OF JUNE, A.D., 2021.

(Moved: Mena / Seconded: Menendez)
(Yeas: Menendez, Fors, Jr., Mena, Lago)
(Absent: Nays)
(Majority: 4-1) Vote
(Agenda Item: J-1)

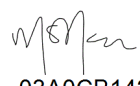
APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY