

**City of Coral Gables City Commission Meeting
Agenda Items I-1 and I-2
November 18, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

City Attorney Items

I-2 - Status regarding proposed forfeiture ordinance, previously passed on First Reading.

Mayor Cason: Craig, you have two items.

City Attorney Leen: Yes. Thank you Mr. Mayor. I have Item I-1 and I-2. Item I-2. Just briefly, I'll go to that first, that's the forfeiture ordinance that was heard on First Reading last time. It was passed by the Commission 5-0, and the Commission instructed me to speak with an industry representative to talk about different issues where maybe we would try to accommodate some of their concerns. I'm still waiting to have that conversation, I have been in contact with them, a couple people actually, and including an attorney up in Massachusetts, but one of them had a health issue and so we are going to be doing that conversation over the next couple of weeks, and it will be brought before you in December, so it will come for Second Reading at the December meeting, I just want to let you know that.

I-1 - Report regarding appellate rule change related to non-final order appeals and official immunity / sovereign immunity.

City Attorney Leen: The second issue I wanted to mention very briefly is -- I'm the Vice Chairperson of the Florida Appellate Court Rules Committee. I'm also on the Executive Council of the City/County Local Government law section of the Florida Bar, and the City has been very supportive of me in being part of, which I appreciate very much, and I just want to tell you in one minute something that recently happened that I think will be very helpful to all cities and counties in Florida and particularly, Coral Gables, I think, and the Florida Supreme Court recently issued an order allowing for interlocutory appeals for sovereign immunity and official immunity. I was the one who drafted the amendment in the Rules Committee, it was assigned to me, and it was modified a little bit by the Supreme Court, but it's great because what this means now is, remember earlier today we talked about sovereign immunity when we were talking about the PAC? Well let's say, for example, hypothetically the City ever had a suit and we raised the issue of sovereign immunity to try to get a case like that dismissed; and let's say for whatever reason the Circuit Court didn't agree, this allows us to take an immediate appeal to the District Court of Appeal and potentially to the Supreme Court arguing that sovereign immunity applies; and we raised sovereign immunity in many cases, so this is good for us because it gives us a lot more clarity from the courts. Also, another benefit is that this allows for appeals for government employees, so if a government employee is ever sued we have the right to raise official immunity; and if for some reason the court doesn't grant that, we can take an immediate appeal on their behalf. We don't have to bare the expenses of trial or discovery, we can take an immediate appeal.

Mayor Cason: It should speed up resolution one way or another.

City Attorney Leen: I think it should speed it up and it leads to the government being able to get a final decision, which will often in opinion, be that immunity applies. Instead of having to be put in a difficult position whereas to go through trial, potentially lose and then seek immunity, put you in a much more difficult position and it leads to much more likely a settlement. So I think it will lead to better outcomes and a better understanding of what the law is. The other issue I wanted to mention to you is -- I'm the editor of the agenda, which is the City, County and Local Government Law Sections Newsletter; and I wrote an article in there on this very issue. So I've distributed to you all, so if you would like to take a look at it, please do, and if you have any questions let me know. And thank you again for your support on these things.

[End: 4:25:47 p.m.]