

RESOLUTION NO. 2023- 2968

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING HOUSE BILL 401 (2023) AND SENATE BILL 604 (2023) RELATING TO SOVEREIGN IMMUNITY; URGING THE FLORIDA LEGISLATURE TO SUBSTANTIALLY REVISE OR NOT ENACT HOUSE BILL 401 (2023) OR SENATE BILL 604 (2023); PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, House Bill 401 (2023) (the “House Bill”) and Senate Bill 604 (2023) (the “Senate Bill”), introduced as part of the regular 2023 Florida Legislative session, propose to revise the statutory limits on liability for tort claims against the state, its agencies and its subdivisions (collectively, the Senate Bill and House Bill are referred to as the “Bills”); and

WHEREAS, the House Bill, which originally proposed to remove the statutory limits on liability for tort claims, was amended in committee to increase the caps on sovereign immunity from \$200,000 per person to \$2,500,000 per person, and increase the limit per incident from \$300,000 to \$5,000,000; and

WHEREAS, the Senate Bill proposes to increase the caps on sovereign immunity from \$200,000 per person to \$400,000 per person, increase the limit per incident from \$300,000 to \$600,000, and proposes annual adjustments based on the Consumer Price Index; and

WHEREAS, the Bills threaten to substantially increase the Town’s maximum liability arising from potential claims; and

WHEREAS, while the Bills are still in review and subject to modification, the Town Commission desires to oppose the Bills given the potential increased liability arising from potential claims and the corresponding potential impact on liability insurance; and

WHEREAS, the Town opposes the Bills, and urges the Florida Legislature to substantially revise the Bills to address the Town's concerns or not enact the Bills; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Opposition. The Town Commission hereby opposes the Bills and urges the Florida legislature to substantially revise the Bills to address the Town's concerns or not enact the Bills.

Section 3. Transmittal. The Town Clerk is directed to transmit this Resolution to the Miami-Dade County State Legislative Delegation, Florida State House of Representatives Speaker Paul Renner, Florida State Senate President Kathleen C. Passidomo, and Florida Governor Ron DeSantis for their review.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on this 14th day of February, 2023.

Motion By: Mayor Danzinger

Second By: Vice Mayor Rose

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeff Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

Attest:




Sandra McCreedy, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Shlomo Danzinger, Mayor

