

RESOLUTION NO. 2022- 2858

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE SENATE BILL 280, WHICH UNDERMINES LOCAL AUTHORITY'S ABILITY AND ELECTED DUTY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF SURFSIDE RESIDENTS, AND WOULD ALLOW INDIVIDUALS AND ENTITIES TO DELAY ENACTMENT OF LOCAL ORDINANCES BY FILING LAWSUITS THAT ALLEGE AN ORDINANCE IS ARBITRARY OR UNREASONABLE; AUTHORIZING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO THE OFFICIALS NAMED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in recent years, the Florida Legislature has increasingly contemplated and implemented legislation that restricts municipal and county home rule and designed to restrict cities and counties from legislating on issues ranging from vacation rentals to the distribution of plastic bags at stores in coastal communities; and

WHEREAS, the Florida Legislature is currently considering Senate Bill 280 ("SB 280"), which allows individuals and entities to delay enforcement of an ordinance by merely alleging that the ordinance is arbitrary or unreasonable; and

WHEREAS, the Town Commission of the Town of Surfside (the "Town") finds that SB 280 serves to limit home rule authority by empowering individuals and entities with the ability to put forth frivolous lawsuits in order to trigger automatic court stays of local ordinances; and

WHEREAS, the Town Commission urges the Florida Governor, Florida Legislature, and the Miami-Dade County Legislative Delegation to oppose SB 280; and

WHEREAS, The Town Commission finds that SB 280 undermines local elected official's duty of self-determination and protection of local interests and the health, safety and welfare of its residents; and

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

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

Section 1. **Recitals Adopted.** The recitals are true and correct and incorporated in the Resolution.

Section 2. **Urging Resolution.** The Town Commission urges the Florida Governor, Florida Legislature, and the Miami-Dade County Legislative Delegation to oppose SB 280.

Section 3. **Transmittal.** The Town Commission authorizes the Town Clerk to transmit a copy of the Resolution to Governor Ron DeSantis, Florida Senate President Wilton Simpson, the Florida Speaker of the House Chris Sprowls, the Miami-Dade County Legislative Delegation, the Florida League of Cities, the Miami-Dade County League of Cities, and all municipalities in Miami-Dade County, Florida.

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

PASSED AND ADOPTED on this 8th day of February, 2022.

Motion By: Commissioner Salzhauer

Second By: Commissioner Velasquez

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl Yes

Commissioner Eliana R. Salzhauer Yes

Commissioner Nelly Velasquez Yes

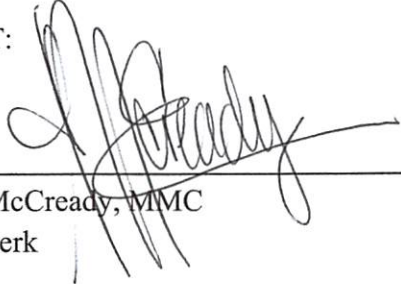
Vice Mayor Tina Paul Yes

Mayor Charles W. Burkett No




Charles W. Burkett, Mayor

ATTEST:



Sandra McCready, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



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