



Legislation Details (With Text)

File #: RES 2018-074 **Name:** Section 790.33, F.S. Litigation

Type: Resolution **Status:** Passed

File created: 3/12/2018 **In control:** City Commission

On agenda: 3/22/2018 **Final action:** 3/22/2018

Title: A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO JOIN THE LAWSUIT TO BE FILED BY THE CITY OF CORAL SPRINGS SEEKING TO DECLARE THE PENALTY PROVISIONS WITHIN SECTION 790.33, FLORIDA STATUTES, INVALID UNDER THE LEGAL DOCTRINE OF LEGISLATIVE IMMUNITY AND SUCH OTHER COGNIZABLE LEGAL THEORIES AS MAY BE RELEVANT. (ADDENDUM)

Sponsors:

Indexes: City Attorney, Litigation, Resolution

Code sections:

Attachments: 1. RESOLUTION 2018-074-Authorization for Dec Action, 790.33 F.S. Litigation, 2. BACKUP-Resolution 2018-065, 3. BACKUP-Everytown for Gun Safety Letter for Pro Bono Legal Services, 4. BACKUP-Proskauder Letter for Pro Bono Legal Services

Date	Ver.	Action By	Action	Result
3/22/2018	1	City Commission		

AGENDA ITEM REPORT

TITLE:

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO JOIN THE LAWSUIT TO BE FILED BY THE CITY OF CORAL SPRINGS SEEKING TO DECLARE THE PENALTY PROVISIONS WITHIN SECTION 790.33, FLORIDA STATUTES, INVALID UNDER THE LEGAL DOCTRINE OF LEGISLATIVE IMMUNITY AND SUCH OTHER COGNIZABLE LEGAL THEORIES AS MAY BE RELEVANT. (ADDENDUM)

BACKGROUND:

On March 7, 2018, the City Commission of the City of Coral Springs, upon unanimous consent, voted to engage the free legal services of Everytown for Gun Safety (“Everytown”), a non-profit organization, in collaboration with the law firm of Proskauer Rose, LLP, to represent the City of Coral Springs in a declaratory action challenging the penalty provisions within Section 790.33, Florida Statutes, on the basis of legislative immunity and such other relevant legal theories. This arguably invalid law creates personal liability (fines up to \$5,000 plus attorney’s fees and costs), authorizes the recovery of damages against the City (damages up to \$100,000 plus attorney’s fees and costs), and authorizes removal from office by the Governor without due process.

DISCUSSION:

On March 8, 2018, the City Commission of the City of Coconut Creek passed Resolution 2018-065, authorizing the City Attorney to engage the City in legal action as determined appropriate and necessary to vindicate the City's rights and remedies under certain provisions within Section 790.33, Florida Statutes. Through this Resolution, the City desires to give direction to the City Attorney to engage the free legal services of outside counsel, Everytown, in collaboration with Proskauer Rose, LLP, to join the lawsuit to be filed by Everytown on behalf of the City of Coral Springs and name the City of Coconut Creek as an additional Plaintiff along with certain individual Commissioners, in their official capacity, as Plaintiffs in such lawsuit. In their sole discretion, each Commissioner, individually, may approach the City Attorney to express his/her desire to join this lawsuit and be individually named, in his/her official capacity.

RECOMMENDATION:

Staff recommends approval of this Resolution.

FISCAL IMPACT: Unknown at this time.