

RESOLUTION
NO. 2022-026

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA EXPRESSING ITS OPPOSITION TO THE SENATE BILL 280 WHICH WOULD SEVERLY HAMPER THIS COUNCIL'S LEGISLATIVE AUTHORITY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF ITS CITIZENS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 280 essentially blocks the enactment or enforcement of new county and municipal ordinances when they are challenged;

WHEREAS, SB 280 is an extreme overreach of state government and severely restricts the authority of local government officials to protect the health, safety, and welfare of the people they were sworn to protect; and

WHEREAS, the bill would give local businesses, and others, the ability to delay new ordinances by suing and merely alleging, without proof or citation to any legal authority, that the measure appears to be preempted by State law or the state Constitution, or merely alleging that the ordinance is arbitrary or unreasonable, without any proof of the allegations; and

WHEREAS, SB 280 will allow a frivolous lawsuit to trigger an automatic court stay which would prevent the ordinance from taking effect and cause harm to the health, safety, and welfare of the people; and

WHEREAS, the bill does not provide for any consequence to the person challenging the ordinance if the allegations are not proven and yet the person could hold up the enforcement of ordinance and cause harm to the health, safety, and welfare of businesses and people residing and working within a local government's jurisdiction; and

WHEREAS, the bill would require counties and municipalities to produce a complicated and very expensive "business impact statement" before even making minor or clarifying amendments to an ordinance and to suspend enforcement of the entire ordinance amid legal challenges; and

WHEREAS, the enactment of SB 280 will cause extensive delays in local elected officials carrying out their duties; and

WHEREAS, there is no language in the bill preventing the filing of lawsuits for frivolous purposes; thus, requiring local governments to defend these lawsuits and to pay substantial sums in taxpayers' dollars in attorney's fees and costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and they are incorporated into the resolution by reference as if set forth in full herein.

SECTION 2. The City of Pensacola hereby adopts the position that it opposes the legislation being considered as it would authorize imposition of damages, allow frivolous lawsuits to take place to challenge ordinances, and require a "business impact statement" at the time of adoption or amendment to ordinances.

SECTION 3. This resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk