

DOG BITE BY POLICE K-9 NOT BARRED BY SOVEREIGN IMMUNITY

In *McKinley v. Gualtieri*, No. 2D20-3156, 2022 WL 1395523 (Fla. 2d DCA May 4, 2022), the Second District Court of Appeal (“Second DCA”) reviewed the case of a dog bite by a law enforcement K-9. The plaintiff sued the Pinellas County Sheriff, alleging that a deputy was negligent in handling a K-9 while on-duty at a baseball game. The specific details of the incident are unknown, but the plaintiff alleges that he was merely walking by the K-9 when he was attacked without provocation. The Complaint alleged that the K-9 was owned and trained by the Sheriff and that the deputy handling the K-9 knew of the dog’s aggressive tendencies. The trial court found the claims against the Sheriff were barred by sovereign immunity and dismissed the case, after which the plaintiff appealed.



2707 E. Jefferson Street
Orlando, FL 32803
www.roperpa.com

Cont’d 2

SOVEREIGN IMMUNITY – AGENCY - CONTRACTS

In *Naso v. Hall, et al.*, No. 4D21-1521, 2022 WL 1397411 (Fla. 4th DCA May 4, 2022), the Fourth District Court of Appeals, held that G4S Secure Solutions (USA) Inc., (“G4S”), a private entity which had contracted with Broward County to provide security services at various county facilities, was entitled to sovereign immunity under section 768.28(5), Florida Statutes, because it was acting as an agent of the County. The court noted that sovereign immunity extends to those private parties who are involved in contractual relationships with the state (or its political subdivisions), provided that such parties are “agents” of the state. The determination of whether the party being contracted with is an agent of the state turns on the degree of control retained or exercised by the state agency. Ultimately, the right to control depends upon the terms of the relevant contract. The court reiterated that when analyzing the issue of control, the focus should be on the right to control, not the actual control.

Cont’d 4

The Second DCA first looked at the interplay between section 767.04, Florida's "dog bite" statute, and section 768.28, which waives sovereign immunity in tort actions. Section 767.04 imposes strict liability "upon the dog owner when the dog-bite victim is in a public place or lawfully in a private place." However, there is no imposition of strict liability of any kind upon the government under section 768.28. As a result, lawsuits brought by a person bitten by a dog owned by the State or one of its agencies cannot be maintained under 767.04. Thus, the only means of potential liability is through a common law negligence claim.

Under a claim of negligence, the court held that the plaintiff sufficiently alleged a duty of care owed by the deputy for the K-9. Going a step further, the court stated that a duty of care is owed by a K-9 handler at all times, in all places, and regardless of whether the deputy stood still or was on active patrol with the K-9. The court rejected the Sheriff's argument that the plaintiff placed himself in the zone of risk by approaching the deputy and K-9. Rather, the court found that the deputy created the zone of risk by his presence with the K-9. The plaintiff could essentially walk right up to the deputy and expect that the K-9 would not bite him, unless warned first by the deputy.

The court also rejected the Sheriff's argument that patrolling the venue with K-9s was a discretionary function falling under the enforcement of laws and protection of public safety, a duty owed to the public at large, which barred the lawsuit under sovereign immunity. The court equated a K-9 to other equipment used by law enforcement, such as vehicles and firearms, in which there is a duty of care for the operation or handling of the same. The court held that the decision to patrol with a K-9 may have been discretionary, but the act of doing so was operational, and therefore was not barred by sovereign immunity.

As explained above, the actions of the plaintiff, deputy/K-9 handler, and the K-9 before the incident are not detailed in the court's opinion. Thus, it is unknown what, if anything, occurred leading up to the incident to cause the dog to bite. Notwithstanding, the court appears to broadly paint a duty of care capturing the entire spectrum of interactions with and towards a deputy and a working K-9. Law enforcement agencies have embraced the advantages of dogs for use in the detection of drugs, evidence, and explosives, search and rescue, and school resource service functions, to name only a few. This case has wide-reaching effects because regardless of its trained function or the circumstances involving a bite, the presence alone of a law enforcement dog may be sufficient to show a duty of care for negligence and broadens the potential for liability.

By Jennifer C. Barron

THIRD DISTRICT COURT OF APPEAL AFFIRMS THAT AN *IN CAMERA* REVIEW IS REQUIRED BEFORE PRODUCTION OF EXEMPT AND CONFIDENTIAL VIDEO RECORDINGS

The Third District Court of Appeal recently, in the case of *City of Miami v. Blanco*, 2022 WL 1099427 (Fla 3d DCA Apr. 13, 2022), affirmed that prior to ordering production of a video recording which is confidential and exempt under Florida law, namely sections 119.071(3)(a)2. and 281.301(1), Fla. Stat., the trial court must hold an evidentiary hearing and review the subject video in camera. Section 119.071(3)(a)(2) provides “[a] security . . . plan or portion thereof for . . . [a]ny property owned by or leased to the state or any of its political subdivisions . . . is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.” Section 281.301(1) similarly provides “[i]nformation relating to the security . . . systems for any property owned by or leased to the state or any of its political subdivisions . . . including all records, information, photographs, audio and visual presentations . . . relating directly to or revealing such systems or information is confidential and exempt. . . .” Both statutes provide that such confidential and exempt records may be disclosed “[u]pon a showing of good cause before a court of competent jurisdiction.” § 119.071(3)(a)3.d., Fla. Stat.; § 286.301(2)(d), Fla. Stat.

Andres Blanco was arrested for driving under the influence of alcohol, and transported to a City of Miami police station for a breathalyzer test. He later claimed the test was improperly administered. During his criminal prosecution he requested a copy of the video camera recordings of the police station for a specific two-hour period of the day of his arrest. The City denied the request stating the recordings obtained from the security systems are confidential and exempt from disclosure. Blanco filed a motion to compel and/or for a subpoena duces tecum for the recordings, in the criminal case. A copy of the motion was sent to the State Attorney’s Office and the Miami Police Department records department. The judge assigned to the criminal case heard the motion via an online hearing, along with several other motions. The court, without argument, or without reviewing the video in question, summarily granted the motion, and executed an order prepared by Blanco’s attorney. Notably, while a copy the motion was sent to the City, according to the case opinion, the City was notified of the hearing on the motion.

The City moved to quash or set aside the trial court’s order granting Blanco’s motion to compel. The City argued the recordings are confidential and exempt from disclosure as they reveal information pertaining to the security capabilities and vulnerabilities of the police department security system. The City acknowledged the court may order disclosure of such exempt information, but only upon a showing of “good cause.” The City disputed Blanco’s claim that the recordings would show good cause because they do not show the officers administering the breathalyzer test. And, the City argued before ordering any disclosure, the trial court was required to conduct an *in camera* review.

The Third District Court of Appeal analyzed in detail the question of whether an *in camera* review of the subject video was required. The Court analyzed several prior cases, and ultimately concluded that indeed, prior to production of such records, Cont’d 5

Under the contract at issue, Broward County had the right to review and approve security guards, remove security guards, review personnel files, audit G4S's records, and make changes to the security guard requirements. Broward County required G4S employees to abide by the county's rules and regulations, and Broward County set the criteria, qualifications, training, and testing requirements for G4S employees. G4S employees were required to comply with Broward County's post orders. In the agreement with G4S, Broward County enumerated twenty-nine tasks required of G4S's security guards. Those tasks included making patrols in accordance with routes and schedules established in the post orders, responding to reports of injuries, reporting safety hazards to maintenance personnel, and maintaining daily logs and reports of injuries. The court concluded that this degree of control was sufficient to establish an agency relationship which, in turn extended the County's sovereign immunity protection to the private entity.

Interestingly, the contract at issue expressly stated the parties' intent for G4S to be considered an independent contractor. However, in its previous decision in *Lovelace v. G4S Secure Solutions (USA) Inc.*, 320 So. 3d 178 (Fla. 4th DCA 2021) the court interpreted the identical contract and noted that under Florida law, independent contractors are not necessarily precluded from being agents of the state, thereby entitling them to statutory immunity from liability. It further noted that although express intent regarding agency status in the contract is to be considered in deciding the issue of control, it is not dispositive of the issue. Significantly, if the provisions of the contract governing the state's right to control are inconsistent with the parties' expressed intent, the nature of the relationship controls over the label.

In reaching its decision the Fourth District noted that the issue of sovereign immunity was a determination for the court, as a matter of law, as opposed to a decision for a jury. It also noted the application of the new summary judgment standard in Florida, which requires entry of summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

By: Michael J. Roper

RECENT FLORIDA LEGISLATION REGARDING HOMEOWNERS INSURANCE

With hurricane season just around the corner, many homeowners are scrambling to review their home insurance policies to make sure they are adequately prepared for Florida's unpredictable weather. The Florida Legislature recently passed a bill called "My Safe Florida Home", that could place limits on what insurers may refuse to insure. Currently, homeowners that have roofs older than ten (10) years are being denied coverage by insurers. The Bill would allow homeowners with roofs that are fifteen (15) years or older to have an inspection performed by the insurance company before the company may issue a denial based on the age of the roof. The condition of the roof would have to be that it could last another five (5) years before full replacement. As an alternative option, under the Bill, if more than 25% of the roof is damaged, insurers can opt for repairs as opposed to replacing the entire roof.

In order to qualify for "My Safe Florida Home", the home must be in Florida's wind-borne debris region, have an insured value of less than \$500,000, and be covered under the homestead exemption. The program could save homeowners money and allow insurers to have options in extending coverage. The goal of "My Safe Florida Home" is to stabilize the property insurance market and to provide homeowners more options. "My Safe Florida Home" also provides a \$2 billion fund that provides insurance companies the ability to receive reinsurance. Reinsurance has been difficult to receive as the number of roof claims has sky rocketed in recent years, which ultimately leads to high rates for homeowners.

Under "My Safe Florida Home", a detailed estimate of the inspection findings must be sent within seven (7) days to the homeowner if they request it and detailed coverage decision letter regarding the reasoning for extending or denying coverage. Homeowners will be better prepared and feel safer for the upcoming hurricane season with "My Florida Safe Home."

By: Bijal M. Patel

5

which are exempt from public record production and confidential, an *in camera* review is required. As such, the Court concluded the trial court departed from the essential requirements of law in not conducting an *in camera* review. As the Court explained "[w]ithout an *in camera* review, the trial court cannot determine whether the video camera recordings fall within the security plan exemption or even if they are material in any manner."

This ruling reaffirms that not only are video recordings of this nature exempt and confidential, but also the requirement that trial courts review the videos *in camera* prior to ordering their production, in order to determine whether the recordings fall within the security plan exemption. This case does not specifically address the question of "good cause" which might warrant production, but seems to indicate that at a minimum, materiality must be shown—that is, materiality to some other issue, which might amount to "good cause."

By: Dale A. Scott

2022 REGULAR LEGISLATIVE SESSION UPDATE

This year, Florida's regular legislative session started on January 11, 2022, and wrapped up on March 14, 2022, with bipartisan approval of a 112-billion-dollar state budget. As with most years, the session was a roller coaster ride, with one lawmaker describing it as "a pure and simple culture-war" driven session. Below is the legislation which emerged, having the greatest impact on local government:

CYBERSECURITY

Cybersecurity

CS/HB 7055

Florida Statutes, Chapter 282

Effective Date: July 1, 2022

Creation of the Local Government Cybersecurity Act. The bill requires all local government employees with access to the government's network to complete a basic cybersecurity training within 30 days of beginning employment and annually thereafter. All local government technology employees and employees with access to highly sensitive information will be required to complete more advanced cybersecurity training. The Florida Digital Service will develop and provide these trainings. The bill also requires local governments to adopt cybersecurity standards that safeguard their data, information technology and information technology resources to ensure availability, confidentiality and integrity. The standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology (NIST) and Technology Cybersecurity Framework. Municipalities with a population over 25,000 must comply by January 1, 2024. Municipalities with a population under 25,000 must comply by January 1, 2025. The bill also requires local governments to report severe cybersecurity incidents and ransomware incidents to the State Watch Office as soon as possible, but no later than 48 hours after discovery for a cybersecurity incident and 12 hours after discovery for a ransomware incident. The bill also prohibits state agencies, counties and municipalities from paying or otherwise complying with a ransom demand. The budget includes \$67 million of nonrecurring state funding to assist local governments in complying with the provisions of the bill. The bill clarifies what type of cyber incidents need to be reported by a local government and defines the levels of severity of a cybersecurity incident set by the U.S. Department of Homeland Security National Cyber Incident Response Plan. The bill also requires the advanced training to include training on the incident levels.

Public Records and Meetings/Cybersecurity or Ransomware Incident

CS/HB 7057

Chapter 119

Effective Date: July 1, 2022

Provides a public records exemption for coverage limits and deductible or self-insurance amounts of insurance or risk mitigation coverages acquired for the protection of information technology systems, operational technology systems or data of a local government. The bill

Cont'd 7

also exempts information related to an agency's critical infrastructure. Additionally, any information related to an agency's network schematics, hardware and software configurations, or encryption information or details that identify detection, investigation or response practices or confirmed cybersecurity incidents are exempt under the bill. Finally, the bill creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information described above. The meetings must be recorded and transcribed, but those records are exempt.

ETHICS AND ELECTIONS

Elections

CS/CS/SB 524

Florida Statutes – various Chapters

Effective Date: Effective upon becoming law, except as otherwise specifically provided

Amends various provisions of the Florida Elections Code. The bill creates the Office of Election Crimes and Security within the Department of State and revises requirements for special officers who may investigate election law violations. It requires county commissioners of single-member districts to run for election after each decennial redistricting, with staggered terms as provided in Section 100.041, Florida Statutes, except: Miami-Dade County, any non-charter county, any county the charter of which limits the number of terms a commissioner may serve and any county in which voters have never approved a charter amendment limiting the number of terms a commissioner may serve regardless of subsequent judicial nullification. The bill revises retention and information posting requirements for citizens' initiative petition signature forms and authorizes review of proposed initiative amendment review processes to be halted if the validity of signatures for the petition have expired. It increases criminal penalties for ballot harvesting and crimes involving ballot petition signatures. The bill revises requirements for vote-by-mail ballots by conforming the mailing and canvassing timeframes for all mail ballot elections to those for vote-by-mail ballots in regular elections, effective **January 1, 2024**. The bill prohibits and preempts the use of ranked-choice voting to determine election or nomination to elective office and voids existing or future local ordinance authorizing the use of ranked choice voting. The bill expands the prohibition against the use of private donations for elections-related expenses to include any kind of expense, including the costs of litigation related to the election. It amends provisions relating to voter registration by increasing penalties that may be assessed against third-party voter registration organizations for certain actions, including alteration of the voter registration application of any other person without the person's knowledge or consent. In addition, it increases the frequency for conducting voter list maintenance and adds requirements for providing information about voter registration to the Department of State. In addition, it requires inactive voters to confirm their address of legal residence before being restored to active voter status. The bill expands a criminal penalty for early disclosure of election results. Finally, the bill requires the Department of State to report annually on investigations of election law violations and to submit a plan for using identifying numbers to confirm elector identity before returning a vote-by-mail ballot.

Cont'd 8

Implementation of the Constitutional Prohibition Against Lobbying by a Public Officer CS/CS/HB 7001

Florida Statutes, Chapter 112

Effective Date: December 31, 2022

Implements Section 8(f), Article II of the state constitution, approved by voters in 2018. The provision prohibits lobbying by certain public officers both during public service and for a six-year period following vacation of public office. The prohibition applies to lobbying before the federal government, the Legislature, any state agency or any political subdivision. The prohibition applies to the following public officers: statewide elected officers; legislators; county commissioners; constitutional county officers and county charter officials; school board members; school superintendents; elected municipal officers; elected special district officers in special districts with ad valorem taxing authority; and secretaries, executive directors, and other administrative heads of executive branch departments. The bill defines terms that are not defined in the constitutional provision. Notable definitions in the bill include:

- “Administrative action” For a political subdivision not regulated by Chapter 120, the term means any action or decision on a license, permit, waiver of regulation, development order or permit, development agreement, any quasi-judicial proceeding on land use matters, any decision subject to judicial review by petition for writ of certiorari, or any other procedure governed by existing law, ordinance, rule or regulation, except on an issue of procurement.
- “Issue of appropriation” means a legislative decision to expend or approve an expenditure of public funds, including decisions that are delegated to an administrator.
- “Issue of policy” means a change in a law, ordinance or decision, plan or course of action designed to influence the actions of a governmental entity or to regulate conduct.

Limitations on Political Contributions

CS/CS/HB 921

Florida Statutes, Chapter 106

Effective Date: July 1, 2022

Imposes additional restrictions on expenditures by local governments relating to anything that is subject to a vote of the electors (e.g., charter amendment or constitutional amendment) and imposes additional restrictions on contributions to political committees relating to proposed constitutional amendments. It prohibits a local government from expending public funds for any communication that is sent to electors concerning an issue that is subject to a vote of the electors. The prohibition applies to any communication initiated by the local government, regardless of whether the communication is limited to factual information. The prohibition does not preclude any of the following: a local government from reporting on official actions

Cont'd 9

of the governing body in an accurate and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law.

FINANCE AND TAXATION

Agritourism

SB 1186

Florida Statutes, Chapter 570

Effective Date: July 1, 2022

Removes the requirement that agritourism be a secondary stream of revenue for a bona fide agricultural operation. The bill prohibits the denial or revocation of a property's agricultural classification due solely to the conduct of agritourism or the construction, alteration or maintenance of a nonresidential structure on a bona fide farm that is used to conduct agritourism activities. However, the buildings, structures or facilities must be an integral part of the agricultural operation. The nonresidential structures and other improvements to the land must be assessed at their just value and added to the agriculturally assessed value of the land.

Business Damages Against Local Government

CS/SB 620

Florida Statutes, Chapter 70

Effective Date: immediately upon becoming law

Allows a business that has been engaged in a lawful business in a county or municipality for at least three (3) years to claim business damages from the county or municipality if it enacts or amends an ordinance or charter provision that will cause a reduction of at least 15% of the business' profit as applied on a per location basis of a business operated within the jurisdiction. The bill provides three ways for a municipality to cure the business' claim and avoid paying damages: (1) repeal the ordinance or charter provision; (2) amend the ordinance or charter provision; or (3) grant a waiver to the business from enforcement of the ordinance or charter provision. The bill also provides exemptions from business damages claims for various ordinances and charter provisions:

- ordinances required to comply with, or expressly authorized by, state or federal law;
- emergency ordinances, declarations or orders adopted pursuant to the state Emergency Management Act;
- a temporary emergency ordinance that remains in effect for no more than 90 days;
- ordinances or charter provisions enacted to implement Part II of Chapter 163 (including zoning, development orders and development permits);
- the Florida Building Code;
- the Florida Fire Code;
- a contract or an agreement, including contracts or agreements relating to grants or other financial assistance;

Cont'd 10

- debt issuance or refinancing; procurement;
- budgets or budget amendments, including revenue sources necessary to fund the budget.

The bill specifies that in action to recover damages, the courts may award attorney fees and costs to the prevailing party. The bill is prospective and applies to ordinances and charter provisions enacted or amended after the legislation becomes law.

PARKS AND RECREATION

Regulation of Smoking by Counties and Municipalities

CS/HB 105

Florida Statutes, Chapter 386

Effective Date: July 1, 2022

Authorizes cities and counties to restrict smoking within the boundaries of any public beach or park they own. The bill specifies that municipalities can restrict smoking within the boundaries of a beach or park that is owned by the county but located within the city, as long as it does not conflict with any county ordinance. The bill prevents cities and counties from restricting unfiltered cigars.

PERSONNEL

Workers' Compensation Benefits for Post-Traumatic Stress Disorder

CS/HB 689

Florida Statutes, Chapter 112

Effective Date: July 1, 2022; and the portion which impacts local governments - October 1, 2022

Specifies that the time for notice of an injury or death in a compensable post-traumatic stress disorder (PTSD) claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later. Current law requires a claim to be filed within 52 weeks after the qualifying event. The bill expands workers' compensation coverage for PTSD for first responders to also include correctional officers.

Fire Investigators

CS/SB 838

Florida Statutes, Chapter 112

Effective Date: July 1, 2022

Expands the eligibility for certain cancer treatment benefits to include full-time, Florida-certified fire investigators.

Cont'd 11

Firefighter Inquiries and Investigations**HB 31****Florida Statutes, Chapter 112****Effective Date:** July 1, 2022

Extends certain provisions of the Firefighters' Bill of Rights to questioning conducted under an informal inquiry. The bill specifies that an informal inquiry does not include routine work-related discussions, such as safety sessions or normal operational fire debriefings. The bill requires an informal inquiry of a firefighter to be of reasonable duration with permitted periods for rest and personal necessities and not subject the firefighter to offensive language or offer any incentive as an inducement to answer any questions. During an informal inquiry or interrogation, a firefighter may not be threatened with a transfer, suspension, dismissal or other disciplinary action.

Individual Freedom**CS/HB 7****Florida Statutes, Chapter****Effective Date:** July 1, 2022

Makes subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing or passing an examination, to training, instruction or any other required activity that espouses, promotes, advances, inculcates or compels such individual to believe specific concepts constitutes discrimination based on race, color, sex or national origin. The bill clarifies that discussion of the specified concepts is allowed as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

Law Enforcement Vehicles**CS/SB 266****Florida Statutes, Chapter 627****Effective Date:** July 1, 2022

Requires an agency that employs law enforcement officers and allows those officers to take home an agency-owned vehicle to maintain motor vehicle insurance, including bodily injury, death and property damage liability coverage that covers the time an officer spends while going to or coming from work or any other agency assignment in an official law enforcement vehicle. The bill provides specific instances when the motor vehicle insurance would not have to provide coverage.

Cont'd 12

Records of Physical Examination**CS/HB 453****Florida Statutes, Chapter 112****Effective Date:** July 1, 2022

Requires employers to maintain records of pre-employment physical examinations for firefighters and law employment officers at least five years after the employee's separation from the agency. If the employing agency fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption. The bill provides that if a firefighter did not undergo a pre-employment physical examination, the medical examination required for firefighter certification is deemed to satisfy the medical examination requirement if the medical examination failed to reveal any evidence of tuberculosis, heart disease or hypertension.

PUBLIC RECORDS**Public Records/Crash Reports and Traffic Citations****CS/CS/SB 1614****Florida Statutes, Chapter 316****Effective Date:** March 1, 2023

Revises an exemption from public records adding an exemption related to personal information in written crash reports. Crash report data in computerized databases are now confidential and exempt. Crash reports held by an agency may be made available 60 days after the report is filed to any person or entity eligible to access crash reports.

Public Records/Law Enforcement Geolocation Information**CS/SB 1046****Florida Statutes, Chapter 119****Effective Date:** immediately upon becoming law

Exempts from public records requirements law enforcement officers and law enforcement vehicle geolocation information. The bill specifies that the exemption would be applied retroactively.

PUBLIC SAFETY**Telecommunicator Cardiopulmonary Resuscitation****HB 593****Florida Statutes, Chapter 401****Effective Date:** July 1, 2022

Requires an employee of a public safety agency who answers emergency medical service calls to provide direct telephonic assistance in administering cardiopulmonary resuscitation or

Cont'd 13

transfer calls to a dedicated telephone line, call center or other public safety agency with which the transferring public safety agency has a reciprocal agreement. The bill also requires all 911 public safety telecommunicators who take telephone calls and provide dispatch functions for emergency medical conditions to complete telecommunicator cardiopulmonary resuscitation training and continuing education as deemed appropriate by the Department of Health.

“BIG FAIL” Successes for Local Government

And finally, this session brought two “big fails” that are worth mentioning as local government success stories:

First, **CS/CS/SB 280 - CS/CS/HB 403**, related to Local Ordinances. This legislation would have imposed new substantive requirements on local governments for adopting and enforcing ordinances. First, the bills required a local government to prepare a business impact estimate before adopting an ordinance (except specified exempt ordinances) and specified the minimum content to be included in the statement. Second, the bills required a local government to suspend enforcement of an ordinance that was the subject of a civil action challenging the ordinance’s validity on grounds that it was arbitrary or unreasonable or expressly preempted by state law. The bills authorized courts to consider lifting the stay on ordinance enforcement if the government prevailed and an appeal was taken. Third, the bills authorized the award of attorney fees, costs, and damages to a prevailing plaintiff in a civil action commenced after October 1, 2022, in which an ordinance was alleged to be arbitrary or unreasonable.

Second, **CS/CS/CS/SB 974 - CS/CS/HB 985**, would have increased the statutory limits on liability for tort claims against the state and its agencies and its subdivisions, including cities. The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. CS/CS/HB 985 would have increased statutory limits for claims to \$400,000 per person and \$600,000 per incident. CS/CS/CS/SB 974 would have changed the current statutory limits to a tiered system based on a population threshold. A city or county whose population is 50,000 or less would have maintained the current limits of \$200,000 per person and \$300,000 per occurrence. For a city or county whose population is between 50,001-250,000, the limits would have increased to \$300,000 per person and \$400,000 per occurrence. Lastly, for a city or county whose population is greater than 250,001, the limits would have been increased to \$400,000 per person and \$600,000 per occurrence.

If you have any questions regarding any of these bills or the impacts of the same, you should contact your general counsel or feel free to contact our office directly.

By: Sherry G. Sutphen
~ City Attorney, City of Mount Dora
~ County Attorney, Highlands County
~ Board Certified Specialist –
City, County and Local Government

CONTACT A MEMBER OF THE FIRM

Michael J. Roper - mroper@roperpa.com

Joseph D. Tessitore - jtessitore@roperpa.com

Dale A. Scott - dscott@roperpa.com

Christopher R. Fay - cfay@roperpa.com

Cindy A. Townsend - ctownsend@roperpa.com

Anna E. Engelman - aengelman@roperpa.com

Sherry G. Sutphen - ssutphen@roperpa.com

David B. Blessing - dblessing@roperpa.com

Frank M. Mari - fmari@roperpa.com

Derek J. Angell - dangell@roperpa.com

John M. Janousek - jjanousek@roperpa.com

Jennifer C. Barron - jbarron@roperpa.com

April H. Rembis - arembis@roperpa.com

Teri A. Bussey - tbussey@roperpa.com

Eric R. Arckey - earckey@roperpa.com

Bijal M. Patel - bpatel@roperpa.com

If you are interested in being added to our newsletter e-mail list, or if you wish to be taken off of this list, please contact Krysta Reed at kreed@roperpa.com.

Questions, comments or suggestions regarding our newsletter, please let us know your thoughts by contacting John Janousek at jjanousek@roperpa.com

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