RESOLUTION NO. 33-LEG-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
RECOMMENDING ADOPTION OF U.S. SENATE BILL 141 TO AMEND
THOSE FEDERAL STATUTES.

PREMISES

1. Local governments, such as counties and municipalities in
Florida, can be liable for damages under 42 U.S.C. 1983 and for

2. Such liability can arise from actions taken by local govern­
ments, and by officials and employees of local government, which were
not legally or constitutionally questionable when taken, but which
subsequent judicial decisions brought into question.

3. Under the present state of the law, local governments cannot
successfully defend on the basis that such actions were taken in
"good faith" reliance on judicial decisions and the law existing at
the time the challenged action was taken.

4. Potential liability arising in this way adversely affects
the budgets and fiscal planning of local government.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY:

Section 1. The Board urges the U.S. Congress to enact Senate
Bill 141 to amend 42 U.S.C. §§1983 and 1988, limiting liability to
situations where the rights and interests alleged or asserted were
clearly and definitively established when the action challenged was
taken and limiting the award of attorneys fees for suits invoking

Section 2. The Board urges that the enactment include a find­
ing or statement that it is remedial and shall apply retroactively.

Section 3. This Resolution takes effect upon its adoption.

ADOPTED THIS 6th DAY OF JUN, 1983.

[Signature]
Vice Chairman, Board of County Commissioners of Orange County

ATTEST:

[Signature]
Deputy Clerk to Board of County Commissioners