

JUN 6 1983

RESOLUTION NO. 83-LEG-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ORANGE COUNTY RELATING TO 42 U.S.C. §§1983 AND 1988;
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 attorney fees under 42 U.S.C. 1988.
2. Such liability can arise from actions taken by local governments, 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 42 U.S.C. §§1983 and 1988.

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

Section 3. This Resolution takes effect upon its adoption.

ADOPTED THIS 6th DAY OF June, 1983.



VICE Chairman, Board of County
Commissioners of Orange County

ATTEST:



Deputy Clerk to Board of
County Commissioners