RESOLUTION NO. 08-37

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROPOSED AMENDMENT TO FLORIDA RULE OF APPELLATE PROCEDURE 9.310(b)(2); ELECTING TO OPPOSE THE AMENDED RULE AND SUBMIT WRITTEN COMMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 1, 2008, the Triennial Cycle Report of the Appellate Court Rules Committee was filed and an amended report was filed on February 15, 2008; and,

WHEREAS, the Triennial Report proposes to amend, among other things, the "automatic stay" provision of the Florida Rule of Appellate Procedure 9.310(b)(2); and,

WHEREAS, if approved, this proposed amendment will eliminate the automatic stay now afforded to governmental entities when they appeal orders issued by state agencies in administrative proceedings governed by Chapter 120, Florida Statutes; and,

WHEREAS, pursuant to Florida Rule of Judicial Administration 2.140(b)(5) and (6) several Florida counties, cities, and other governmental entities have agreed to submit written comments in opposition to the proposed amendment; and,

WHEREAS, the Mayor and Village Council desire to adopt the position of opposition to the proposed amendment to Florida Rule of Appellate Procedure 9.310(b)(2).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. It is the intent of the Village of Palmetto Bay to adopt the position of opposition to the proposed amendment to Florida Rule of Appellate Procedure 9.310(b)(2), along with various other Florida counties, cities, and other governmental entities.

Section 2. Due to the April 1, 2008 deadline the Village Attorney, on behalf of the Mayor and Village Council, submitted to the Florida Supreme Court the Village's written comments in opposition to proposed amendments to Florida Rule of Appellate Procedure 9.310(b)(2) (attached as Exhibit 1).

Section 3. This resolution shall take effect retroactive to April 1, 2008 to ratify the submittal of the Village Attorney.

PASSED and ADOPTED this 7th day of April, 2008.

Attest:

Meighan Rader
Village Clerk

Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:

Eve A. Boutsis,
Nagin Gallop Figueredo, P.A.
Office of Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	YES
Council Member Paul Neidhart	YES
Council Member Shelley Stanczyk	YES
Vice-Mayor Linda Robinson	YES
Mayor Eugene P. Flinn, Jr.	YES