



**Town of Ponce Inlet  
Town Council  
Regular Meeting Minutes  
February 16, 2023**

4

5  
6 **1. CALL TO ORDER:** Pursuant to proper notice, Mayor Paritsky called the meeting to  
7 order at 6:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

8  
9 **2. PLEDGE OF ALLEGIANCE:** Mayor Paritsky led the Pledge of Allegiance.

10  
11 **3. ROLL CALL:**

12 **Town Council:**

13 Mayor Paritsky, Seat #1

14 Councilmember Milano, Seat #2

15 Councilmember Caswell, Seat #3

16 Councilmember Villanella, Seat #4

17 Vice-Mayor Smith, Seat #5

18  
19 **Staff Members Present:**

20 Mr. Barber, IT Technician

21 Mr. Disher, Interim Town Manager/Planning & Development Director

22 Ms. French, Cultural Services Manager

23 Chief Glazier, Police Chief

24 Ms. Hugler, FD Office Manager

25 Ms. McColl, Finance Manager

26 Chief Scales, Public Safety Director *pro tem*

27 Attorney Shepard, Town Attorney

28 Deputy Fire Chief Taylor

29  
30 **4. ADDITIONS, CORRECTIONS, OR DELETIONS TO THE AGENDA.** Mayor  
31 Paritsky noted that Council had been provided an amended Item 6-D; Mr. Disher added Item 13-  
32 E, Discussion of Conceptual Designs for the Ponce Preserve Dune Walkover Repair. There were  
33 no other changes.

34  
35 Mayor Paritsky moved to approve the Agenda with the amended agenda item 6-D and the addition  
36 of agenda item 13-E; seconded by Councilmember Caswell. The motion PASSED by consensus,  
37 5-0.

38  
39 **5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**

40  
41 **A. Presentation of First Step Shelter Signs.** Daytona Beach City Commissioner  
42 Stacy Cantu and Dr. Fahlberg, director of the First Step Shelter, introduced a new program to better  
43 assist homeless residents through use of a new hotline; they provided sample signage including a  
44 QR code; she stated that instead of supporting panhandling, residents may instead scan the sign's

45 QR code with their phone and contribute directly to the First Step Shelter. Councilmember Milano  
46 supported the program and the installation of signage since the Town is a participating agency.

47  
48 Council directed this item to be placed on the March Council agenda for discussion of quantity  
49 and location(s).

50  
51 **B. Presentation by Andrew Kalel, Sunrise Consulting Group.** Mayor Paritsky  
52 stated she met Mr. Kalel last year while attending the Florida League of Cities conference, and he  
53 has secured funding and grants for projects for many jurisdictions. She noted that the Town has  
54 never employed a lobbyist or consultant, and based on recent events, suggested that the Town  
55 consider hiring one. Mr. Kalel provided a review of the services provided by the Sunrise  
56 Consulting Group, which assists local governments with lobbying for grants and other legislative  
57 issues. Attorney Shepard noted that the hiring of a consultant would require three written quotes  
58 per the Town’s purchasing policy.

59  
60 Council directed this item to be placed on the March Council agenda for further discussion.

61  
62 **6. CONSENT AGENDA:** Mayor Paritsky asked if there was any item Council would like to  
63 remove from the consent agenda. Councilmember Caswell removed items 6-B and 6-D. Mr. Disher  
64 moved Item 6-B to Item 7-B; and moved Item 6-D to Item 13-F. The remainder of the agenda was  
65 renumbered/relettered as appropriate. Mayor Paritsky asked for public comments – hearing none,  
66 she closed public comments.

67  
68 **A. Approval of the Town Council regular meeting minutes – January 19, 2023.**

69  
70 ~~**B. Request for co-sponsorship of the Marine Science Center’s Annual “Turtle**~~  
71 ~~**Day” event, scheduled for April 1, 2023. Moved to Agenda Item 7-B.**~~

72  
73 ~~**€B. Request for co-sponsorship of the Ponce Inlet Community Center’s Food**~~  
74 ~~**Truck Night events, scheduled for March 6<sup>th</sup>, April 3<sup>rd</sup>, and May 1, 2023; and request for**~~  
75 ~~**refund of the special event permit application fee.**~~

76  
77 ~~**D. Change Order #8 for the Ponce deLeon Septic to Sewer project, extending the**~~  
78 ~~**completion date by 30 days. Moved to Agenda Item 13-F.**~~

79  
80 Mayor Paritsky moved to approve the Consent Agenda as amended; seconded by Councilmember  
81 Caswell. The motion PASSED by consensus, 5-0.

82  
83 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**  
84 **MEETING:**

85  
86 **A. Annual Accounting Report from C4Pi.** Ms. DiCarlo reviewed the report as  
87 provided to Council; there were no Council questions.

88  
89 Mayor Paritsky opened public participation – hearing none, she closed public participation.

91 Mayor Paritsky moved to accept the annual accounting report provided by C4Pi as presented;  
92 seconded by Councilmember Caswell. The motion PASSED by consensus, 5-0.  
93

94 **B. Request for co-sponsorship of the Marine Science Center’s Annual “Turtle**  
95 **Day” event, scheduled for April 1, 2023.** Ms. French introduced the item. Councilmember  
96 Caswell expressed concerns of the anticipated 2,500 visitors within a five-hour timeframe, the  
97 possibility of 500 cars per hour with only two officers requested, and asked if this was normal for  
98 this event; Ms. French stated yes, this is consistent with past events. Chief Glazier stated that  
99 meetings were held with Chad MacFie, Manager of the Marine Science Center (MSC) and the  
100 Special Events Committee and it was noted that there would not be a turtle release this year, which  
101 typically draws 1,000 spectators; he added that the boat trailer parking lot, boat ramp, and rear  
102 entrance to the County Park [Lighthouse Point] are opened for this event to accommodate overflow  
103 parking. Councilmember Caswell asked if there would be inspections for the food truck and to  
104 explain the history of waiving fees for events in general. Ms. French stated that last year was the  
105 first year that the MSC requested waiver of fees; up to that time, the fees were always paid. She  
106 noted that on average, 14 requests are received by the Town each year, and of those, nine are  
107 granted. Mayor Paritsky stated that she has researched this matter and has prepared a memo to  
108 bring forth at the March meeting – the goal is to promote the Town’s policies and Vision statement;  
109 however, there is no criteria that Council uses at this time to make a fee waiver determination. Mr.  
110 MacFie reviewed the event history and its activities; and thanked Council and residents for their  
111 support.

112  
113 Mayor Paritsky opened public comment – hearing none, she closed public comment.

114  
115 Councilmember Milano moved to grant the co-sponsorship request and waiver of fees associated  
116 with the Marine Science Center’s Turtle Day event; seconded by Mayor Paritsky. The motion  
117 PASSED by consensus, 5-0.

118  
119 **8. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS:** None.

120  
121 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:** None.

122  
123 **10. CITIZENS’ PARTICIPATION:** Mayor Paritsky opened citizens’ participation.

124  
125 Robert Bullard, 4802 S. Peninsula Drive – stated his appreciation of the elder care seminar hosted  
126 by Councilmember Caswell; he spoke in support of lobbyists who advocate for local interests.

127  
128 Sharone LeMieux, 4590 S. Atlantic Avenue, #405 – thanked Council and staff for their valiant  
129 efforts post-hurricanes; she spoke in support of re-forming the Land Acquisition Committee and  
130 suggested the Town purchase the property adjacent to Winterhaven Park at 4591 S. Atlantic  
131 Avenue.

132  
133 Paul Brooks, 88 Jana Drive – stated his ongoing disagreement with the building department’s  
134 decision to deny his owner-builder permit and the related attorney’s fees being spent on this issue;  
135 and stated he feels he is at an unfair advantage.

136

137 Mickey Longjar, 4590 S. Atlantic Avenue – stated his concerns that pedestrians visiting the North  
138 Turn Restaurant walk in front of vehicles and do not use the crosswalks; he asked that the Town  
139 reach out to the owners and ask them to inform its customers to utilize the crosswalks.

140  
141 Matt Reinhart, County Councilmember – reported he met with the County Manager, County Public  
142 Works staff, and County Attorney’s office today and provided an update on the beach  
143 replenishment project: the County will consider a resolution to temporarily relax the regulations  
144 regarding the reconstruction of seawalls; and the sand dredged from Rattlesnake Island may be  
145 brought to the beach as part of the restoration project. Vice-Mayor Smith suggested that the County  
146 consider a cross-section for seawalls for consistency and standardization.

147  
148 Mark Oebbecke, 4758 S. Peninsula Drive – stated that the FP&L tree trimming on Peninsula  
149 should go all the way to the end due to the canopy and street lights being blocked; during the  
150 January 25<sup>th</sup> Town Hall meeting, a discussion was held about construction of a new fire station  
151 and he asked where it would be built; reported that kids are doing wheelies on S. Peninsula Drive  
152 into oncoming traffic.

153  
154 Tawna Kramer, 4595 S. Atlantic Avenue – stated her home sustained damage from the storms and  
155 suggested a sign to inform residents of upcoming meetings; suggested the crosswalk at North Turn  
156 Restaurant be moved; stated that one of the homes behind Winterhaven Park has been seriously  
157 neglected and there is a low-hanging FP&L wire in that area as well; stated that purchasing the  
158 property adjacent to Winterhaven Park may draw more visitors and traffic is already heavy. Mr.  
159 Disher stated the Town is limited in what it can do with crosswalks on S. Atlantic Avenue as it is  
160 a County road; and the County is restricted to installing crosswalks at public locations only.

161  
162 Charles Burge, Harbour Village Links South – referenced the last year’s resiliency study  
163 [Vulnerability Assessment] and asked if the new fire station would be built in the same place and  
164 how would it be protected from flooding; stated the recent house fire on South Atlantic Avenue  
165 took 80,000 to 100,000 gallons of water to extinguish and asked where the water runoff would go  
166 if this happened on one of the cross streets; expressed concerns about EV’s; suggested that  
167 additional police, firefighters, equipment, and infrastructure are needed to accommodate the  
168 growing community.

169  
170 Mayor Paritsky closed citizens’ participation.

171  
172 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:** None.

173  
174 **12. OLD BUSINESS:** None.

175  
176 **13. NEW BUSINESS:**

177  
178 **A. Acceptance of the Florida Inland Navigation District (FIND) grant award for**  
179 **marine public safety vessel.** Chief Glazier stated his department is aware of the issues with the  
180 kids riding in traffic and officers are monitoring the streets. The Town applied for and was awarded  
181 a grant for the purchase of a public safety vessel and the contract must be accepted by March 30,  
182 2023; he stated his intent to send a letter requesting the project completion deadline date be

183 extended to September 30, 2025. Councilmember Caswell clarified that this item is being deferred  
184 as there are more urgent needs facing the Town; Mr. Disher concurred, adding that hurricane  
185 recovery and preparation for next hurricane season is underway and funds are tight.

186  
187 Mayor Paritsky opened public comment – hearing none, she closed public comment.

188  
189 Councilmember Milano moved to approve the grant award agreement and to authorize the Town  
190 Manager to execute the agreement; seconded by Vice-Mayor Smith. The motion PASSED by 5-0,  
191 consensus.

192  
193 **B. Request for continued support of the South Peninsula Drive**  
194 **Bicycle/Pedestrian Mobility Plan.** Mr. Disher provided a brief history of the project, noting that  
195 funding from the federal Infrastructure Act has allowed the project to move ahead of schedule on  
196 FDOT’s work program, however, the entire project was not funded and the TPO has assured the  
197 Town that it will not be responsible for additional monies other than the 15% previously pledged.  
198 Volusia County will administer the project as required by the FDOT, possible options for  
199 proceeding with the project include: the Town fully-funding the design for the entire project up  
200 front; designing and constructing the project in phases over multiple years; or requesting the entire  
201 project be deferred. This item was forwarded to the Town Council from the Essential Services  
202 Advisory Board with the recommendation for approval.

203  
204 Mayor Paritsky opened public comment – hearing none, she closed public comment.

205  
206 Councilmember Caswell moved to approve the request for continued support of the South  
207 Peninsula Drive Bicycle/Pedestrian Mobility Project; seconded by Councilmember Villanella. The  
208 motion PASSED by consensus, 5-0.

209  
210 **C. Update on Grant Opportunities for Emergency Management and Resilience.**  
211 Mr. Disher provided an update on grant opportunities currently being pursued by the Town along  
212 with new grant applications and upcoming grant opportunities, particularly those related to  
213 emergency management and long-term resiliency; and noted that the Town has recently been  
214 awarded the grant for the Adaptation Action Plan. There were no Council questions. Mayor  
215 Paritsky noted that a lot of work goes into these grants and commended Mr. Disher and Chief  
216 Scales for their hard work and professionalism.

217  
218 No action taken by Council, update only.

219  
220 **D. Request for additional personnel: 1) request to fill vacant, unfunded position**  
221 **in the Town Clerk’s office (Assistant Deputy Clerk); and 2) request for new position in the**  
222 **Finance Department (Accountant/Grants Coordinator).** Mr. Disher noted that the Grants  
223 Coordinator tracks and documents grant funds and reporting schedules; he stated that the Assistant  
224 Deputy Clerk position will help pick up the workload in the Town Clerk/HR office, currently down  
225 one person after the former Town Manager/Town Clerk resigned. Councilmember Villanella  
226 clarified that the Accountant/Grants Coordinator position would assist with grants related to  
227 emergency management and resiliency; Mr. Disher confirmed. Councilmember Caswell asked for  
228 the fully-loaded costs of each position; Mr. Disher stated double the amount referenced in the

229 memo since those are mid-year figures. Councilmember Caswell asked how the current Grants  
230 Consultant is paid and if the hours are tracked; Mr. Disher stated the Grants Consultant is paid by  
231 the month and provides a report as well. Councilmember Milano stated his support of grants, that  
232 several programs in his school district were funded by grants, and he supports the positions.

233  
234 Mayor Paritsky opened public comment. Robert Bullard, 4802 S. Peninsula Drive – stated that he  
235 once worked with a grant agency that could bundle together the requests of multiple small towns  
236 and suggested that the Town see if anything like that exists. Mayor Paritsky closed public  
237 comment.

238  
239 Mayor Paritsky stated her support of these requests and noted that the residents have come to  
240 expect the best level of service; adding that the people who are telling us they need the help, need  
241 the help. Councilmember Caswell asked how funding the Assistant Deputy Clerk position would  
242 alleviate the current workload. Mr. Disher explained that Ms. Cherbano is the Town Clerk and the  
243 Human Resources Director – which is typically two separate positions in other jurisdictions; there  
244 is a Deputy Clerk, who was promoted from Assistant Deputy Clerk. He noted the memorandum  
245 provided in the packet outlines many of the job duties. Mayor Paritsky stated that this would allow  
246 for succession planning as well. Mr. Disher agreed and noted that the Deputy Clerk position  
247 requires several years of training and education. Councilmember Caswell asked where the funds  
248 would be taken to support these positions. Mr. Disher stated there are several vacant positions now,  
249 and those funds could be used to pay for these positions.

250  
251 Council APPROVED the request to hire an Accountant/Grants Coordinator; by consensus, 5-0.

252  
253 Council APPROVED the request to hire an Assistant Deputy Clerk; by consensus, 4-1,  
254 Councilmember Caswell voted no.

255  
256 **E. Discussion of Conceptual Designs for the Ponce Preserve Dune Walkover**  
257 **Repair.** Mr. Disher stated that the Town Engineer provided three conceptual designs entitled  
258 “Option 1,” “Option 2,” and “Option 3.” He noted that the walkover must be constructed at the  
259 new dune line – not where it used to be; approximately 80 feet of dune was lost and the end of the  
260 walkway is now about 15 feet above the beach. He explained each of the designs, including the  
261 number of landings and switchbacks. He noted that temporary stairs could be added as an  
262 additional option, but stairs would not be covered under insurance or FEMA reimbursement  
263 because stairs did not originally exist. Vice-Mayor Smith said he preferred Option 1 because it  
264 takes up the less amount of space, but is concerned about when the dune will be restored, how sand  
265 will be placed, and sand burying the end of the ramp; Matt Reinhart stated that the County is usure  
266 at this time when the sand will be placed, however, it appears that any work in progress before  
267 May 1<sup>st</sup> might be allowed to continue into turtle nesting season. Councilmember Milano stated he  
268 supports any option that keeps the ramp closer to the dune; Councilmember Caswell, Mayor  
269 Paritsky, and Councilmember Villanella agreed.

270  
271 Mayor Paritsky opened public comment. Charles Burge, Links South – asked which option costs  
272 more? Mr. Disher stated that the costs are approximately the same; adding that the Town could  
273 chose to do nothing or install temporary stairs until the project can be constructed. Chief Scales  
274 confirmed that stairs would not be a violation of the ADA requirements since they are temporary.

275 Councilmember Caswell asked who would build the stairs; Mr. Disher stated it would be put out  
276 for bid based on the cost. Chief Scales stated that the challenge now is that although the walkover  
277 is boarded and marked closed, people are still using it and have walked off or fallen off the end.  
278 He suggested that the stairs could be incorporated into the design of the ramps, making a temporary  
279 access part of the permanent solution. Jim Sustr, Harbour Village – stated that his COA has been  
280 trying to get its stairs for months; people are still going to the beach and they are damaging the  
281 dunes; and recommended the installation of temporary stairs until such time as the walkover can  
282 be rebuilt. Howard Paritsky 4757 S. Atlantic – stated that if Option 1 was built as proposed, it  
283 could be built as temporary and modified as needed. Mayor Paritsky closed public comment.

284  
285 Council selected Option 1, to include stairs that will be constructed first; ramp will be constructed  
286 when Volusia County beach renourishment plans are known; by consensus, 5-0.

287  
288 **F. Change Order #8 for the Ponce deLeon Septic to Sewer project, extending the**  
289 **completion date by 30 days.** Councilmember Caswell stated that this is number eight and we  
290 could be in jeopardy of losing the grant funding. Chief Scales stated that the project will be  
291 completed by the end of the month and this extra time provides a buffer.

292  
293 Councilmember Caswell moved to approve Change Order #8 for the Ponce de Leon Septic-to-  
294 Sewer project extending the completion date by 30 days and authorize the Mayor to sign; seconded  
295 by Councilmember Villanella. The motion was APPROVED by consensus, 5-0.

296  
297 **14. FROM THE TOWN COUNCIL:**

298  
299 **A. Vice-Mayor Smith, Seat 5** – Stated he had no further comments.

300  
301 **B. Councilmember Villanella, Seat #4** – Stated this was a great meeting and we  
302 accomplished a lot.

303  
304 **C. Councilmember Caswell, Seat #3** – Reported that she spoke with Chief Glazier  
305 regarding electric vehicles and is interested in hearing from residents because she is concerned for  
306 children riding these devices in the streets, on the sidewalks, and pulling wheelies without helmets;  
307 suggested that Council consider possible fines; stated she agreed with Ms. LeMieux’s comments  
308 regarding the Land Acquisition Committee, Land Acquisition funds, and long-term resiliency.

309  
310 **D. Councilmember Milano, Seat #2** – Reported that the First Step Shelter was closed  
311 due to an outbreak of COVID-19; the Gala was a success and generated \$223,000 for the Shelter.

312  
313 **E. Mayor Paritsky, Seat #1** – Provided the following report: **Sovereign Immunity -**  
314 **HB 401** which deals with Sovereign Immunity and encouraged residents to read the letter she  
315 wrote (Attachment #1) and write to their representatives in opposition to this bill. Attorney Shepard  
316 noted that if passed, this bill would be disastrous for local governments as it increases caps on  
317 compensation limits for tort claims and could lead to bankruptcy.

318  
319 **Update On The Recruitment of a Town Manager** – A total of 49 applications were received by  
320 the closing date of February 3<sup>rd</sup>. Of the 49, Mr. Dineen personally interviewed 11 candidates and

321 an electronic book of the 11 candidates should be sent by him to all members of Council tomorrow,  
322 this is the Preliminary Candidate Evaluation Stage of the process. The next step will involve Ms.  
323 Cherbano making individual appointments for Councilmembers to speak with Mr. Dineen with  
324 the goal of identifying those candidates who we wish to interview in person.

325  
326 **County Council to discuss Dogs on the Beach** – County Councilman Matt Reinhart is inquiring  
327 how residents feel about expanding the areas where dogs are permitted on the beach and the County  
328 Council will be discussing this at its February 21<sup>st</sup> meeting; and suggested information be provided  
329 to the residents via email and the Town’s Facebook page to make sure residents are aware of what  
330 is under consideration, and to include a link to the County’s agenda item.

331  
332 Council requested this information be provided via email to residents and posted on the Town’s  
333 Facebook page; 5-0, consensus.

334  
335 **15. FROM THE (INTERIM) TOWN MANAGER** – Mr. Disher noted that the Essential  
336 Services Advisory Board will be meeting on March 2<sup>nd</sup> to review budget requests; he stated he  
337 plans to provide the Town Manager Reports as part of the packet going forward; he reported that  
338 hurricane repairs are underway; next week work will begin on the town hall improvement project,  
339 the upgrades to the AV system in the Council Chambers, and the Elbers Park rip-rap revetment  
340 project; the Tina Maria retention walls are 95% complete; the fire department will be hosting a  
341 CPR class at PICC and the PD is planning a fraud education seminar – both in March; new resident  
342 welcome packets are available at town hall; the new website has launched and you can also  
343 download the app.

344  
345 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated the townhouse permitting  
346 issue has turned to misinformation or bad information; he stated that there would have been no  
347 costs to the Town for attorney fees if the owner(s) had accepted the decisions of the Chief Building  
348 Official, plus the Council wanted more information; he stated that the attorney’s office was then  
349 contacted and asked to research and analyze the decision made by staff. His office, in an effort to  
350 ensure it was providing the correct information, was directed to contact the attorney general’s  
351 office for a final determination. It has been made to look as though staff made a wrong decision –  
352 but what happens if the owner/builder permit is issued and town staff was wrong? You may not be  
353 able to obtain insurance or lose existing coverage; and there might be a disclosure problem  
354 (possible construction without permits or by unlicensed contractors); and if you do not disclose  
355 that and it is later learned that something you did caused injury or harm, you are still liable.

356  
357 Regarding the Land Acquisition Advisory Committee (LAAC) - one of the issues in the Pacetta  
358 case included the minutes from the LAAC wherein well-meaning members discussed properties  
359 of interest and some of those properties happened to be Pacetta properties. Those Minutes were  
360 construed to form a theory that “*the LAAC having identified properties it was interested in, the*  
361 *government went about regulating them in such a way that it could get them for cheap.*” The  
362 Committee is no longer used due to the potential liability that stems merely by identifying a  
363 property that is not your own and that is of interest to the government. Another reason is that  
364 discussing a private property in a government setting could devalue the property just by discussing  
365 it. He noted that Land Use Law is one of the most dynamic areas of the law and changes



366 dramatically every year. He cautioned that if Council considers reactivating the LAAC, to contact  
367 the Town Attorney's office before taking any steps to do so.

368  
369 **17. PUBLIC PARTICIPATION (on items 14 – 16 only)** – Mayor Paritsky opened public  
370 participation – hearing none, she closed public participation.

371  
372 **18. ADJOURNMENT** – With no further business, Mayor Paritsky adjourned the meeting at  
373 8:58 PM.

374  
375 Respectfully submitted by:

376  
377 *Kim Cherbano*

378 Kim Cherbano, CMC / Town Clerk  
379 Prepared by: Peg Hunt, CMC / Deputy Clerk

380  
381 Attachment(s): Mayor's letter to FL House of Representatives, dated February 8, 2023.



## Town of Ponce Inlet

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4300 South Atlantic Avenue  
Ponce Inlet, Florida 32127  
Phone: (386) 236-2150  
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[www.ponce-inlet.org](http://www.ponce-inlet.org)

February 8, 2023

The Honorable William Robinson, Jr.  
Florida House of Representatives  
417 House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300

Re: **HB 401- Sovereign Immunity**  
Sponsor – Representative Mike Beltran  
Civil Justice Subcommittee February 9, 2023 at 11:30 a.m.

Dear Chairman Robinson,

HB 401, Sovereign Immunity, is scheduled to be heard in the Civil Justice Subcommittee on Thursday, February 9, 2023 at 11:30 am. I appreciate your consideration of this correspondence that outlines the concerns for the Town of Ponce Inlet should HB 401 favorably pass in the Subcommittee as filed.

While well intended to ensure compensation for injuries arising from tort claims due to the actions of the State, its agencies and subdivisions, the removal in HB 401 of a statutory limit or the imposition of an exceptionally high cap on liability essentially eliminates the doctrine of sovereign immunity as applied in tort actions in the State of Florida. The consequence to the municipality of uncertain and unlimited liability is significant financial hardship imposed upon taxpayers through municipality self-funding or increased insurance premiums. Residents can anticipate reduced services due to the shift in funding from services to funding unlimited liability, counsel fees and litigation costs. Increased taxes and reduced services are the consequences of HB 401, particularly for smaller cities such as Ponce Inlet.

Ponce Inlet is a barrier island located in Volusia County with 3400 residents. It welcomes thousands of visitors each year to its beaches, lighthouse, marine science center and restaurants. Ponce Inlet is still recovering from the damaging impact of Hurricanes Ian and Nicole. For the Town of Ponce Inlet, HB 401 will place the programs and services that our residents have come to rely upon at risk while facing the resilience, flooding and sea level rise issues that were exacerbated by the 2022 challenging hurricane season.

Finally, HB 401 as filed will incentivize litigation with the creation of a “deep pocket” defendant – the municipality. Consideration of a less drastic increase in statutory liability limits that seeks a balance of state and municipal liability exposure and compensation for an injured party may be beneficial during discussion of HB 401.

For the foregoing reasons, I respectfully request that you oppose HB 401 and vote “No” on Thursday, February 9, 2023.

Sincerely,

A handwritten signature in black ink that reads "Lois A. Paritsky". The signature is written in a cursive style with a large initial "L".

Lois Paritsky  
Mayor, Town of Ponce Inlet  
386-310-4320  
[Lparitsky@ponce-inlet.org](mailto:Lparitsky@ponce-inlet.org)

CC: Members, Civil Justice Subcommittee

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens the greatest value for their dollar.*