

**RESOLUTION NUMBER 23-97**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, MAKING FINDINGS; ALLOWING ELECTED OFFICIALS TO PARTICIPATE IN THE FORT MYERS BEACH HEALTH INSURANCE PROGRAM FOR TOWN EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, Sec. 112.08 Fla. Stat. provides in pertinent part:

**112.08 Group insurance for public officers, employees, and certain volunteers; physical examinations.—**

(1) As used in this section, the term “local governmental unit” means any county, municipality, community college district, school board, or special district or any county officer listed in s. 1(d), Art. VIII of the State Constitution.

(2)(a) **Notwithstanding any general law or special act to the contrary, every local governmental unit is authorized to provide and pay out of its available funds for all or part of the premium for life, health, accident, hospitalization, legal expense, or annuity insurance, or all or any kinds of such insurance, for the officers and employees of the local governmental unit** and for health, accident, hospitalization, and legal expense insurance for the dependents of such officers and employees upon a group insurance plan and, to that end, to enter into contracts with insurance companies or professional administrators to provide such insurance or with a corporation not for profit whose membership consists entirely of local governmental units authorized to enter into risk management consortiums.... [Emphasis supplied.]

and

**WHEREAS**, Attorney General’s Opinion 2004-17 provides that:

“Municipalities are included within the definition of "local governmental unit" for purposes of section 112.08, Florida Statutes. The language "for the officers and employees of the unit" is all-inclusive and is not limited to any particular officers or employees of the local governmental units by any statutory provision of which I am aware. Where the Legislature uses a comprehensive term ("officers . . . of the unit") without qualification, it must be considered that it intended to include

everything embodied within the term unless the context of the statute clearly suggests otherwise. **Clearly, members of the city commission, as the city's governing body, constitute officers of the city.**" [Emphasis supplied.]

**WHEREAS**, the Town Council has determined it is in the best interest of the Town to make health insurance available to the Town's elected officials on the same basis as such insurance is available to regular Town employees.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby authorizes its elected officials to receive, at the elected official's request, health insurance on the same basis as is available to the Town's regular employees.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Council Member Woodson, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Bill Veach, Council Member	<b>Nay</b>
Karen Woodson, Council Member	Aye

ADOPTED this 21<sup>st</sup> day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

**Dan Allers**

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Dan Allers, Mayor

**ATTEST:**

**Amy Baker**

\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

**Gretchen R. H. "Becky" Vose**

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Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 22<sup>nd</sup> day of August 2023.

**Signature:** Dan Allers  
Dan Allers (Aug 22, 2023 14:15 EDT)  
**Email:** allersd@fmbgov.com

**Signature:** Becky Vose  
Becky Vose (Aug 22, 2023 12:28 EDT)  
**Email:** bvose@voselaw.com

**Signature:** Amy Baker  
AMY BAKER (Aug 22, 2023 11:32 EDT)  
**Email:** AMY@FMBGOV.COM