

Sec. 31.17. - INDEMNIFICATION.

- (A) City officials or employees who are personally liable for the payment of any claims arising out of a civil action, settlement or judgment, or the expenses, costs and awards of attorney's fees arising therefrom, shall be entitled to indemnification from the City (except to the extent the City's insurance coverage provides payment) where the claim resulted from activities:
- (1) Which were done in good faith;
 - (2) In which the City has an interest;
 - (3) Which were within the course and scope of employment or in the course of performance of public duties of the persons so acting; and
 - (4) Were not willful, wanton or malicious.
- (B) Notwithstanding the foregoing, any City official or employee who acts outside the scope of his or her authority or employment, in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property in the course of performance of his or her public duties, shall not be indemnified by the City.
- (1) Any such action shall be considered to be an ultra vires act, shall not be approved, and the City shall not be bound or obligated thereby. However, the City Commission may ratify any such action or actions and/or chose to indemnify such official or employee by affirmative vote of at least three (3) City Commissioners.
 - (2) Any person who violates this section shall be subject to the penalties set forth at Section 10.99 of the Code of Ordinances, Chapter 37 of the Code of Ordinances, F.S. ch. 162, and/or any other means of enforcement available under both state and federal law inclusive.

(Code 1980, § 2-6(c); Ord. No. 11-17 , § 1, passed 4/4/17)

State Law reference— Payment of judgments or settlements, F.S. § 111.071; authority of City to obtain indemnity insurance, F.S. § 111.072.