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Carollo v. Platinum Advisors, LLC

District Court of Appeal of Florida, Third District - March 24, 2021 - So.3d - 2021 WL 1112554

Limited liability company (LLC) brought action against city commissioner for breach of fiduciary duty, breach of agreement, and misappropriation of trade secrets, after commissioner, who had contracted with LLC to help secure government approval of a ferris wheel prior to his election, participated in a public discussion conducted by the city commission regarding the ferris wheel's economic benefits.

The Circuit Court denied commissioner's motion to dismiss on grounds of sovereign immunity. Commissioner appealed.

On clarification, the District Court of Appeal held that commissioner enjoyed absolute legislative immunity from civil suit.

City commissioner who, prior to his election, had contracted with limited liability company (LLC) to help LLC secure government approval of a proposed ferris wheel, enjoyed absolute legislative immunity from suit arising from comments he made at a public discussion conducted by the city commission regarding ferris wheel's economic benefits; even if unethical, commissioner's participation in the discussion was precisely the type of legislative conduct in which elected city commissioners were expected to engage.

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