

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Harris offered the following:

Amendment (with title amendment)

Remove lines 102-421 and insert:

633.202 or to local ordinances related to affordable housing or residential tenant protections.

(7) (a) ~~(6)~~ Except as provided in paragraph (b), this section is intended to be prospective in nature and applies ~~shall apply~~ only to cases commenced on or after July 1, 2019.

(b) The amendments to this section, effective October 1, 2023, are prospective in nature and apply only to ordinances adopted on or after October 1, 2023.

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13 Section 2. Effective upon becoming a law, subsection (7)
14 is added to section 125.66, Florida Statutes, to read:

15 125.66 Ordinances; enactment procedure; emergency
16 ordinances; rezoning or change of land use ordinances or
17 resolutions.—

18 (7) Consideration of the proposed ordinance or resolution
19 at a properly noticed meeting may be continued to a subsequent
20 meeting if, at the scheduled meeting, the date, time, and place
21 of the subsequent meeting is publicly stated. No further
22 publication, mailing, or posted notice as required under this
23 section is required, except that the continued consideration
24 must be listed in an agenda or similar communication produced
25 for the subsequent meeting. This subsection is remedial in
26 nature, is intended to clarify existing law, and shall apply
27 retroactively except as to a court challenge under this section
28 that was filed by January 1, 2023.

29 Section 3. Present subsections (3) through (6) of section
30 125.66, Florida Statutes, are redesignated as subsections (4)
31 through (7), respectively, a new subsection (3) is added to that
32 section, and paragraph (a) of subsection (2) of that section is
33 amended, to read:

34 125.66 Ordinances; enactment procedure; emergency
35 ordinances; rezoning or change of land use ordinances or
36 resolutions.—

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37 (2) (a) The regular enactment procedure shall be as
38 follows: The board of county commissioners at any regular or
39 special meeting may enact or amend any ordinance, except as
40 provided in subsection (5) ~~(4)~~, if notice of intent to consider
41 such ordinance is given at least 10 days before such meeting by
42 publication as provided in chapter 50. A copy of such notice
43 shall be kept available for public inspection during the regular
44 business hours of the office of the clerk of the board of county
45 commissioners. The notice of proposed enactment shall state the
46 date, time, and place of the meeting; the title or titles of
47 proposed ordinances; and the place or places within the county
48 where such proposed ordinances may be inspected by the public.
49 The notice shall also advise that interested parties may appear
50 at the meeting and be heard with respect to the proposed
51 ordinance.

52 (3) (a) Before the enactment of a proposed ordinance, the
53 board of county commissioners shall prepare or cause to be
54 prepared a business impact estimate in accordance with this
55 subsection. The business impact estimate must be posted on the
56 county's website no later than the date the notice of proposed
57 enactment is published pursuant to paragraph (2) (a) and must
58 include all of the following:

59 1. A summary of the proposed ordinance, including a
60 statement of the public purpose to be served by the proposed

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61 ordinance, such as serving the public health, safety, morals,
62 and welfare of the county.

63 2. An estimate of the direct economic impact of the
64 proposed ordinance on private, for-profit businesses in the
65 county, including the following, if any:

66 a. An estimate of direct compliance costs businesses may
67 reasonably incur if the ordinance is enacted.

68 b. Identification of any new charge or fee on businesses
69 subject to the proposed ordinance, or for which businesses will
70 be financially responsible.

71 c. An estimate of the county's regulatory costs, including
72 an estimate of revenues from any new charges or fees that will
73 be imposed on businesses to cover such costs.

74 3. A good faith estimate of the number of businesses
75 likely to be impacted by the ordinance.

76 4. Any additional information the board determines may be
77 useful.

78 (b) This subsection may not be construed to require a
79 county to procure an accountant or other financial consultant to
80 prepare the business impact estimate required by this
81 subsection.

82 (c) This subsection does not apply to local ordinances
83 enacted to implement the following:

84 1. Part II of chapter 163;

85 2. Section 553.73;

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86 3. Section 633.202;

87 4. Sections 190.005 and 190.046;

88 5. Ordinances required to comply with federal or state law
89 or regulation;

90 6. Ordinances related to the issuance or refinancing of
91 debt;

92 7. Ordinances related to the adoption of budgets or budget
93 amendments;

94 8. Ordinances required to implement a contract or an
95 agreement, including, but not limited to, any federal, state,
96 local, or private grant, or other financial assistance accepted
97 by a county government;

98 9. Emergency ordinances; or

99 10. Ordinances related to affordable housing or
100 residential tenant protections.

101 Section 4. Section 125.675, Florida Statutes, is created
102 to read:

103 125.675 Legal challenges to certain recently enacted
104 ordinances.—

105 (1) A county must suspend enforcement of an ordinance that
106 is the subject of an action challenging the ordinance's validity
107 on the grounds that it is expressly preempted by the State
108 Constitution or by state law or is arbitrary or unreasonable if:

109 (a) The action was filed with the court no later than 90
110 days after the adoption of the ordinance;

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111 (b) The complainant requests suspension in the initial
112 complaint or petition, citing this section; and

113 (c) The county has been served with a copy of the
114 complaint or petition.

115 (2) When the plaintiff appeals a final judgment finding
116 that an ordinance is valid and enforceable, the county may
117 enforce the ordinance 30 days after the entry of the order
118 unless the plaintiff files a motion for a stay of the lower
119 tribunal's order which is granted by the appellate court.

120 (3) The court shall give cases in which the enforcement of
121 an ordinance is suspended under this section priority over other
122 pending cases and shall render a preliminary or final decision
123 on the validity of the ordinance as expeditiously as possible.

124 (4) The signature of an attorney or a party constitutes a
125 certificate that he or she has read the pleading, motion, or
126 other paper and that, to the best of his or her knowledge,
127 information, and belief formed after reasonable inquiry, it is
128 not interposed for any improper purpose, such as to harass or to
129 cause unnecessary delay, or for economic advantage, competitive
130 reasons, or frivolous purposes or needless increase in the cost
131 of litigation. If a pleading, motion, or other paper is signed
132 in violation of these requirements, the court, upon its own
133 initiative, shall impose upon the person who signed it, a
134 represented party, or both, an appropriate sanction, which may
135 include an order to pay to the other party or parties the amount

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136 of reasonable expenses incurred because of the filing of the
137 pleading, motion, or other paper, including reasonable attorney
138 fees.

139 (5) This section does not apply to local ordinances
140 enacted to implement the following:

141 (a) Part II of chapter 163;

142 (b) Section 553.73;

143 (c) Section 633.202;

144 (d) Sections 190.005 and 190.046;

145 (e) Ordinances required to comply with federal or state
146 law or regulation;

147 (f) Ordinances related to the issuance or refinancing of
148 debt;

149 (g) Ordinances related to the adoption of budgets or
150 budget amendments;

151 (h) Ordinances required to implement a contract or an
152 agreement, including, but not limited to, any federal, state,
153 local, or private grant, or other financial assistance accepted
154 by a county government;

155 (i) Emergency ordinances; or

156 (j) Ordinances related to affordable housing or
157 residential tenant protections.

158 (6) The court may award attorney fees and costs and
159 damages as provided in s. 57.112.

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160 Section 5. Present subsections (4) through (8) of section
161 166.041, Florida Statutes, are redesignated as subsections (5)
162 through (9), respectively, and a new subsection (4) is added to
163 that section, to read:

164 166.041 Procedures for adoption of ordinances and
165 resolutions.-

166 (4)(a) Before the enactment of a proposed ordinance, the
167 governing body of a municipality shall prepare or cause to be
168 prepared a business impact estimate in accordance with this
169 subsection. The business impact estimate must be posted on the
170 municipality's website no later than the date the notice of
171 proposed enactment is published pursuant to paragraph (3)(a) and
172 must include all of the following:

173 1. A summary of the proposed ordinance, including a
174 statement of the public purpose to be served by the proposed
175 ordinance, such as serving the public health, safety, morals,
176 and welfare of the municipality.

177 2. An estimate of the direct economic impact of the
178 proposed ordinance on private, for-profit businesses in the
179 municipality, including the following, if any:

180 a. An estimate of direct compliance costs businesses may
181 reasonably incur if the ordinance is enacted;

182 b. Identification of any new charge or fee on businesses
183 subject to the proposed ordinance, or for which businesses will
184 be financially responsible; and

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185 c. An estimate of the municipality's regulatory costs,
186 including an estimate of revenues from any new charges or fees
187 that will be imposed on businesses to cover such costs.

188 3. A good faith estimate of the number of businesses
189 likely to be impacted by the ordinance.

190 4. Any additional information the governing body
191 determines may be useful.

192 (b) This subsection may not be construed to require a
193 municipality to procure an accountant or other financial
194 consultant to prepare the business impact estimate required by
195 this subsection.

196 (c) This subsection does not apply to local ordinances
197 enacted to implement the following:

198 1. Part II of chapter 163;

199 2. Section 553.73;

200 3. Section 633.202;

201 4. Sections 190.005 and 190.046;

202 5. Ordinances required to comply with federal or state law
203 or regulation;

204 6. Ordinances related to the issuance or refinancing of
205 debt;

206 7. Ordinances related to the adoption of budgets or budget
207 amendments;

208 8. Ordinances required to implement a contract or an
209 agreement, including, but not limited to, any federal, state,

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210 local, or private grant, or other financial assistance accepted
211 by a local government;

212 9. Emergency ordinances; or

213 10. Ordinances related to affordable housing or
214 residential tenant protections.

215 Section 6. Section 166.0411, Florida Statutes, is created
216 to read:

217 166.0411 Legal challenges to certain recently enacted
218 ordinances.—

219 (1) A municipality must suspend enforcement of an
220 ordinance that is the subject of an action challenging the
221 ordinance's validity on the grounds that it is expressly
222 preempted by the State Constitution or by state law or is
223 arbitrary or unreasonable if:

224 (a) The action was filed with the court no later than 90
225 days after the adoption of the ordinance;

226 (b) The complainant requests suspension in the initial
227 complaint or petition, citing this section; and

228 (c) The municipality has been served with a copy of the
229 complaint or petition.

230 (2) When the plaintiff appeals a final judgment finding
231 that an ordinance is valid and enforceable, the municipality may
232 enforce the ordinance 30 days after the entry of the order
233 unless the plaintiff files a motion for a stay of the lower
234 tribunal's order which is granted by the appellate court.

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235 (3) The court shall give cases in which the enforcement of
236 an ordinance is suspended under this section priority over other
237 pending cases and shall render a preliminary or final decision
238 on the validity of the ordinance as expeditiously as possible.

239 (4) The signature of an attorney or a party constitutes a
240 certificate that he or she has read the pleading, motion, or
241 other paper and that, to the best of his or her knowledge,
242 information, and belief formed after reasonable inquiry, it is
243 not interposed for any improper purpose, such as to harass or to
244 cause unnecessary delay, or for economic advantage, competitive
245 reasons, or frivolous purposes or needless increase in the cost
246 of litigation. If a pleading, motion, or other paper is signed
247 in violation of these requirements, the court, upon its own
248 initiative, shall impose upon the person who signed it, a
249 represented party, or both, an appropriate sanction, which may
250 include an order to pay to the other party or parties the amount
251 of reasonable expenses incurred because of the filing of the
252 pleading, motion, or other paper, including reasonable attorney
253 fees.

254 (5) This section does not apply to local ordinances
255 enacted to implement the following:

- 256 (a) Part II of chapter 163;
- 257 (b) Section 553.73;
- 258 (c) Section 633.202;
- 259 (d) Sections 190.005 and 190.046;

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260 (e) Ordinances required to comply with federal or state
261 law or regulation;

262 (f) Ordinances related to the issuance or refinancing of
263 debt;

264 (g) Ordinances related to the adoption of budgets or
265 budget amendments;

266 (h) Ordinances required to implement a contract or an
267 agreement, including, but not limited to, any federal, state,
268 local, or private grant, or other financial assistance accepted
269 by a municipal government;

270 (i) Emergency ordinances; or

271 (j) Ordinances related to affordable housing or
272 residential tenant protections.

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T I T L E A M E N D M E N T

275 Remove lines 8-49 and insert:
276 construction and applicability; amending s. 125.66,
277 F.S.; conforming a cross-reference; requiring a board
278 of county commissioners to prepare or cause to be
279 prepared a business impact estimate before the
280 enactment of a proposed ordinance; specifying
281 requirements for the posting and content of the
282 estimate; providing construction and applicability;
283 creating s. 125.675, F.S.; requiring a county to
284

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285 suspend enforcement of an ordinance that is the
286 subject of a certain legal action if certain
287 conditions are met; authorizing a prevailing county to
288 enforce the ordinance after a specified period, except
289 under certain circumstances; requiring courts to give
290 priority to certain cases; providing construction
291 relating to an attorney's or a party's signature;
292 requiring a court to impose sanctions under certain
293 circumstances; providing applicability; authorizing
294 courts to award attorney fees and costs and damages if
295 certain conditions are met; amending s. 166.041, F.S.;
296 requiring a governing body of a municipality to
297 prepare or cause to be prepared a business impact
298 estimate before the enactment of a proposed ordinance;
299 specifying requirements for the posting and content of
300 the estimate; providing construction and
301 applicability; creating s. 166.0411, F.S.; requiring a
302 municipality to suspend enforcement of an ordinance
303 that is the subject of a certain legal action if
304 certain conditions are met; authorizing a prevailing
305 municipality to enforce the ordinance after a
306 specified period, except under certain circumstances;
307 requiring courts to give priority to certain cases;
308 providing construction relating to an attorney's or a
309 party's signature; requiring a court to impose

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310 | sanctions under certain circumstances; providing
311 | applicability; amending ss. 163.2517, 163.3181,
312 | 163.3215,

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