

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Brackett offered the following:

Substitute Amendment for Amendment (679791)

Remove lines 118-296 and insert:

(7) Consideration of the proposed county ordinance or county resolution at a properly noticed meeting may be continued to a subsequent meeting if, at the scheduled meeting, the date, time, and place of the subsequent meeting is publicly stated. No further publication, mailing, or posted notice as required under this section is required, except that the continued consideration must be listed in an agenda or similar communication produced for the subsequent meeting. This

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13 subsection is remedial in nature, is intended to clarify
14 existing law, and shall apply retroactively.

15 Section 3. Present subsections (3) through (7) of section
16 125.66, Florida Statutes, as amended by this act, are
17 redesignated as subsections (4) through (8), respectively, a new
18 subsection (3) is added to that section, and paragraph (a) of
19 subsection (2) of that section is amended, to read:

20 125.66 Ordinances; enactment procedure; emergency
21 ordinances; rezoning or change of land use ordinances or
22 resolutions.—

23 (2) (a) The regular enactment procedure is ~~shall be~~ as
24 follows: The board of county commissioners at any regular or
25 special meeting may enact or amend any ordinance, except as
26 provided in subsection (5) ~~(4)~~, if notice of intent to consider
27 such ordinance is given at least 10 days before such meeting by
28 publication as provided in chapter 50. A copy of such notice
29 must ~~shall~~ be kept available for public inspection during the
30 regular business hours of the office of the clerk of the board
31 of county commissioners. The notice of proposed enactment must
32 ~~shall~~ state the date, time, and place of the meeting; the title
33 or titles of proposed ordinances; and the place or places within
34 the county where such proposed ordinances may be inspected by
35 the public. The notice must ~~shall~~ also advise that interested
36 parties may appear at the meeting and be heard with respect to
37 the proposed ordinance.

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38 (3) (a) Before the enactment of a proposed ordinance, the
39 board of county commissioners shall prepare or cause to be
40 prepared a business impact estimate in accordance with this
41 subsection. The business impact estimate must be posted on the
42 county's website no later than the date the notice of proposed
43 enactment is published pursuant to paragraph (2) (a) and must
44 include all of the following:

45 1. A summary of the proposed ordinance, including a
46 statement of the public purpose to be served by the proposed
47 ordinance, such as serving the public health, safety, morals,
48 and welfare of the county.

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

52 a. An estimate of direct compliance costs that businesses
53 may reasonably incur if the ordinance is enacted.

54 b. Identification of any new charge or fee on businesses
55 subject to the proposed ordinance or for which businesses will
56 be financially responsible.

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

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

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62 4. Any additional information the board determines may be
63 useful.

64 (b) This subsection may not be construed to require a
65 county to procure an accountant or other financial consultant to
66 prepare the business impact estimate required by this
67 subsection.

68 (c) This subsection does not apply to:

69 1. Ordinances required for compliance with federal or
70 state law or regulation;

71 2. Ordinances relating to the issuance or refinancing of
72 debt;

73 3. Ordinances relating to the adoption of budgets or
74 budget amendments, including revenue sources necessary to fund
75 the budget;

76 4. Ordinances required to implement a contract or an
77 agreement, including, but not limited to, any federal, state,
78 local, or private grant, or other financial assistance accepted
79 by a county government;

80 5. Emergency ordinances;

81 6. Ordinances relating to procurement; or

82 7. Ordinances enacted to implement the following:

83 a. Part II of chapter 163, relating to growth policy,
84 county and municipal planning, and land development regulation,
85 including zoning, development orders, development agreements,
86 and development permits;

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87 b. Sections 190.005 and 190.046;

88 c. Section 553.73, relating to the Florida Building Code;

89 or

90 d. Section 633.202, relating to the Florida Fire
91 Prevention Code.

92 Section 4. Section 125.675, Florida Statutes, is created
93 to read:

94 125.675 Legal challenges to certain recently enacted
95 ordinances.—

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

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

102 (b) The plaintiff requests suspension in the initial
103 complaint or petition, citing this section; and

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

106 (2) When the plaintiff appeals a final judgment finding
107 that an ordinance is valid and enforceable, the county may
108 enforce the ordinance 45 days after the entry of the order
109 unless the plaintiff obtains a stay of the lower court's order.

110 (3) The court shall give cases in which the enforcement of
111 an ordinance is suspended under this section priority over other

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112 pending cases and shall render a preliminary or final decision
113 on the validity of the ordinance as expeditiously as possible.

114 (4) The signature of an attorney or a party constitutes a
115 certificate that he or she has read the pleading, motion, or
116 other paper and that, to the best of his or her knowledge,
117 information, and belief formed after reasonable inquiry, it is
118 not interposed for any improper purpose, such as to harass or to
119 cause unnecessary delay, or for economic advantage, competitive
120 reasons, or frivolous purposes or needless increase in the cost
121 of litigation. If a pleading, motion, or other paper is signed
122 in violation of these requirements, the court, upon its own
123 initiative or upon favorably ruling on a party's motion for
124 sanctions, must impose upon the person who signed it, a
125 represented party, or both, an appropriate sanction, which may
126 include an order to pay to the other party or parties the amount
127 of reasonable expenses incurred because of the filing of the
128 pleading, motion, or other paper, including reasonable attorney
129 fees.

130 (5) This section does not apply to:

131 (a) Ordinances required for compliance with federal or
132 state law or regulation;

133 (b) Ordinances relating to the issuance or refinancing of
134 debt;

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135 (c) Ordinances relating to the adoption of budgets or
136 budget amendments, including revenue sources necessary to fund
137 the budget;

138 (d) Ordinances required to implement a contract or an
139 agreement, including, but not limited to, any federal, state,
140 local, or private grant, or other financial assistance accepted
141 by a county government;

142 (e) Emergency ordinances;

143 (f) Ordinances relating to procurement; or

144 (g) Ordinances enacted to implement the following:

145 1. Part II of chapter 163, relating to growth policy,
146 county and municipal planning, and land development regulation,
147 including zoning, development orders, development agreements,
148 and development permits;

149 2. Sections 190.005 and 190.046;

150 3. Section 553.73, relating to the Florida Building Code;

151 or

152 4. Section 633.202, relating to the Florida Fire
153 Prevention Code.

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

156 Section 5. Effective upon becoming a law, paragraph (d) is
157 added to subsection (3) of section 166.041, Florida Statutes,
158 and paragraph (a) of that subsection is amended, to read:

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159 166.041 Procedures for adoption of ordinances and
160 resolutions.—

161 (3)(a) Except as provided in ~~paragraphs~~ paragraph (c) and
162 (d), a proposed ordinance may be read by title, or in full, on
163 at least 2 separate days and shall, at least 10 days prior to
164 adoption, be noticed once in a newspaper of general circulation
165 in the municipality. The notice of proposed enactment shall
166 state the date, time, and place of the meeting; the title or
167 titles of proposed ordinances; and the place or places within
168 the municipality where such proposed ordinances may be inspected
169 by the public. The notice shall also advise that interested
170 parties may appear at the meeting and be heard with respect to
171 the proposed ordinance.

172 (d) Consideration of the proposed municipal ordinance at a
173 meeting properly noticed pursuant to this subsection may be
174 continued to a subsequent meeting if, at the meeting, the date,
175 time, and place of the subsequent meeting is publicly stated. No
176 further publication, mailing, or posted notice as required under
177 this subsection is required, except that the continued
178 consideration must be listed in an agenda or similar
179 communication produced for the subsequent meeting. This
180 paragraph is remedial in nature, is intended to clarify existing
181 law, and shall apply retroactively.

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