



351108

LEGISLATIVE ACTION

Senate

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House

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Senator Torres moved the following:

1           **Senate Substitute for Amendment (349788) (with title**  
2 **amendment)**

3  
4           Delete lines 94 - 335

5 and insert:

6 633.202 or to local ordinances approved in a referendum by the  
7 qualified electors in the area governed by the local government.

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

11           (b) The amendments to this section effective October 1,



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12 2022, are prospective in nature and apply only to ordinances  
13 adopted on or after October 1, 2022.

14 Section 2. Present subsections (3) through (6) of section  
15 125.66, Florida Statutes, are redesignated as subsections (4)  
16 through (7), respectively, a new subsection (3) is added to that  
17 section, and paragraph (a) of subsection (2) of that section is  
18 amended, to read:

19 125.66 Ordinances; enactment procedure; emergency  
20 ordinances; rezoning or change of land use ordinances or  
21 resolutions.-

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

37 (3) (a) Before the enactment of a proposed ordinance, the  
38 board of county commissioners shall prepare or cause to be  
39 prepared a business impact estimate in accordance with this  
40 subsection. The business impact estimate must be posted on the



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41 county's website no later than the date the notice of proposed  
42 enactment is published pursuant to paragraph (2) (a) and must  
43 include all of the following:

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

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

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

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

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

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

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

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

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

69 1. Part II of chapter 163;



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- 70        2. Section 553.73;  
71        3. Section 633.202;  
72        4. Sections 190.005 and 190.046;  
73        5. Ordinances required to comply with federal or state law  
74 or regulation;  
75        6. Ordinances related to the issuance or refinancing of  
76 debt;  
77        7. Ordinances related to the adoption of budgets or budget  
78 amendments;  
79        8. Ordinances required to implement a contract or an  
80 agreement, including, but not limited to, any federal, state,  
81 local, or private grant, or other financial assistance accepted  
82 by a county government;  
83        9. Emergency ordinances; or  
84        10. Ordinances approved in a referendum by the qualified  
85 electors in the county.  
86        Section 3. Section 125.675, Florida Statutes, is created to  
87 read:  
88        125.675 Legal challenges to certain recently enacted  
89 ordinances.—  
90        (1) A county must suspend enforcement of an ordinance that  
91 is the subject of an action challenging the ordinance's validity  
92 on the grounds that it is expressly preempted by the State  
93 Constitution or by state law or is arbitrary or unreasonable if:  
94        (a) The action was filed with the court no later than 90  
95 days after the adoption of the ordinance;  
96        (b) The complainant requests suspension in the initial  
97 complaint or petition, citing this section; and  
98        (c) The county has been served with a copy of the complaint



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99 or petition.

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

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

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

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

126 (a) Part II of chapter 163;

127 (b) Section 553.73;



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128           (c) Section 633.202;  
129           (d) Sections 190.005 and 190.046;  
130           (e) Ordinances required to comply with federal or state law  
131 or regulation;  
132           (f) Ordinances related to the issuance or refinancing of  
133 debt;  
134           (g) Ordinances related to the adoption of budgets or budget  
135 amendments;  
136           (h) Ordinances required to implement a contract or an  
137 agreement, including, but not limited to, any federal, state,  
138 local, or private grant, or other financial assistance accepted  
139 by a county government;  
140           (i) Emergency ordinances; or  
141           (j) Ordinances approved in a referendum by the qualified  
142 electors in the county.  
143           (6) The court may award attorney fees and costs and damages  
144 as provided in s. 57.112.  
145           Section 4. Present subsections (4) through (8) of section  
146 166.041, Florida Statutes, are redesignated as subsections (5)  
147 through (9), respectively, and a new subsection (4) is added to  
148 that section, to read:  
149           166.041 Procedures for adoption of ordinances and  
150 resolutions.—  
151           (4) (a) Before the enactment of a proposed ordinance, the  
152 governing body of a municipality shall prepare or cause to be  
153 prepared a business impact estimate in accordance with this  
154 subsection. The business impact estimate must be posted on the  
155 municipality's website no later than the date the notice of  
156 proposed enactment is published pursuant to paragraph (3) (a) and



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157 must include all of the following:

158 1. A summary of the proposed ordinance, including a  
159 statement of the public purpose to be served by the proposed  
160 ordinance, such as serving the public health, safety, morals,  
161 and welfare of the municipality.

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

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

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

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

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

175 4. Any additional information the governing body determines  
176 may be useful.

177 (b) This subsection may not be construed to require a  
178 municipality to procure an accountant or other financial  
179 consultant to prepare the business impact estimate required by  
180 this subsection.

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

183 1. Part II of chapter 163;

184 2. Section 553.73;

185 3. Section 633.202;



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186           4. Sections 190.005 and 190.046;

187           5. Ordinances required to comply with federal or state law  
188 or regulation;

189           6. Ordinances related to the issuance or refinancing of  
190 debt;

191           7. Ordinances related to the adoption of budgets or budget  
192 amendments;

193           8. Ordinances required to implement a contract or an  
194 agreement, including, but not limited to, any federal, state,  
195 local, or private grant, or other financial assistance accepted  
196 by a local government;

197           9. Emergency ordinances; or

198           10. Ordinances approved in a referendum by the qualified  
199 electors in the municipality.

200           Section 5. Section 166.0411, Florida Statutes, is created  
201 to read:

202           166.0411 Legal challenges to certain recently enacted  
203 ordinances.—

204           (1) A municipality must suspend enforcement of an ordinance  
205 that is the subject of an action challenging the ordinance's  
206 validity on the grounds that it is expressly preempted by the  
207 State Constitution or by state law or is arbitrary or  
208 unreasonable if:

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

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

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





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

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

224           (4) The signature of an attorney or a party constitutes a  
225 certificate that he or she has read the pleading, motion, or  
226 other paper and that, to the best of his or her knowledge,  
227 information, and belief formed after reasonable inquiry, it is  
228 not interposed for any improper purpose, such as to harass or to  
229 cause unnecessary delay, or for economic advantage, competitive  
230 reasons, or frivolous purposes or needless increase in the cost  
231 of litigation. If a pleading, motion, or other paper is signed  
232 in violation of these requirements, the court, upon its own  
233 initiative, shall impose upon the person who signed it, a  
234 represented party, or both, an appropriate sanction, which may  
235 include an order to pay to the other party or parties the amount  
236 of reasonable expenses incurred because of the filing of the  
237 pleading, motion, or other paper, including reasonable attorney  
238 fees.

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

241           (a) Part II of chapter 163;

242           (b) Section 553.73;

243           (c) Section 633.202;



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- 244       (d) Sections 190.005 and 190.046;
- 245       (e) Ordinances required to comply with federal or state law
- 246 or regulation;
- 247       (f) Ordinances related to the issuance or refinancing of
- 248 debt;
- 249       (g) Ordinances related to the adoption of budgets or budget
- 250 amendments;
- 251       (h) Ordinances required to implement a contract or an
- 252 agreement, including, but not limited to, any federal, state,
- 253 local, or private grant, or other financial assistance accepted
- 254 by a municipal government;
- 255       (i) Emergency ordinances; or
- 256       (j) Ordinances approved in a referendum by the qualified
- 257 electors in the municipality.

258  
259 ===== T I T L E   A M E N D M E N T =====

260 And the title is amended as follows:

261       Delete lines 16 - 34

262 and insert:

263       action if certain conditions are met; authorizing a

264       prevailing county to enforce the ordinance after a

265       specified period, except under certain circumstances;

266       requiring courts to give priority to certain cases;

267       providing construction relating to an attorney's or a

268       party's signature; requiring a court to impose

269       sanctions under certain circumstances; providing

270       applicability; authorizing courts to award attorney

271       fees and costs and damages under certain

272       circumstances; amending s. 166.041, F.S.; requiring a



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273 governing body of a municipality to prepare or cause  
274 to be prepared a business impact estimate before the  
275 enactment of a proposed ordinance; specifying  
276 requirements for the posting and content of the  
277 estimate; providing construction and applicability;  
278 creating s. 166.0411, F.S.; requiring a municipality  
279 to suspend enforcement of an ordinance that is the  
280 subject of a certain legal action if certain  
281 conditions are met; authorizing a prevailing  
282 municipality to enforce the ordinance after a  
283 specified period, except under certain circumstances;