



587410

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD

.

01/27/2022 03:53 PM

.

.

Senator Farmer moved the following:

Senate Amendment

Delete lines 94 - 335

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, 2022, are prospective in nature and apply only to ordinances



587410

12 adopted on or after October 1, 2022.

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

18 125.66 Ordinances; enactment procedure; emergency
19 ordinances; rezoning or change of land use ordinances or
20 resolutions.—

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

36 (3) (a) Before the enactment of a proposed ordinance, the
37 board of county commissioners shall prepare or cause to be
38 prepared a business impact estimate in accordance with this
39 subsection. The business impact estimate must be posted on the
40 county's website no later than the date the notice of proposed



587410

41 enactment is published pursuant to paragraph (2) (a) and must
42 include all of the following:

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

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

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

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

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

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

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

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

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

68 1. Part II of chapter 163;

69 2. Section 553.73;



587410

70 3. Section 633.202;
71 4. Sections 190.005 and 190.046;
72 5. Ordinances required to comply with federal or state law
73 or regulation;
74 6. Ordinances related to the issuance or refinancing of
75 debt;
76 7. Ordinances related to the adoption of budgets or budget
77 amendments;
78 8. Ordinances required to implement a contract or an
79 agreement, including, but not limited to, any federal, state,
80 local, or private grant, or other financial assistance accepted
81 by a county government;
82 9. Emergency ordinances;
83 10. Section 125.01055; or
84 11. Ordinances related to affordable housing or residential
85 tenant protections.
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, including appeals, challenging the
92 ordinance's validity on the grounds that it is expressly
93 preempted by the State Constitution or by state law or is
94 arbitrary or unreasonable if:
95 (a) The action was filed with the court no later than 90
96 days after the adoption of the ordinance;
97 (b) The complainant requests suspension in the initial
98 complaint or petition, citing this section; and



587410

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

101 (2) When there is an appeal to a case in which the
102 enforcement of an ordinance is suspended under this section, the
103 appellate court may lift the suspension if the local government
104 prevailed in the lower 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;



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;
141 (j) Section 125.01055; or
142 (k) Ordinances related to affordable housing or residential
143 tenant protections.
144 (6) The court may award attorney fees and costs and damages
145 as provided in s. 57.112.
146 Section 4. Present subsections (4) through (8) of section
147 166.041, Florida Statutes, are redesignated as subsections (5)
148 through (9), respectively, and a new subsection (4) is added to
149 that section, to read:
150 166.041 Procedures for adoption of ordinances and
151 resolutions.—
152 (4) (a) Before the enactment of a proposed ordinance, the
153 governing body of a municipality shall prepare or cause to be
154 prepared a business impact estimate in accordance with this
155 subsection. The business impact estimate must be posted on the
156 municipality's website no later than the date the notice of



587410

157 proposed enactment is published pursuant to paragraph (3) (a) and
158 must include all of the following:

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

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

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

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

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

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

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

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

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

184 1. Part II of chapter 163;

185 2. Section 553.73;



587410

- 186 3. Section 633.202;
187 4. Sections 190.005 and 190.046;
188 5. Ordinances required to comply with federal or state law
189 or regulation;
190 6. Ordinances related to the issuance or refinancing of
191 debt;
192 7. Ordinances related to the adoption of budgets or budget
193 amendments;
194 8. Ordinances required to implement a contract or an
195 agreement, including, but not limited to, any federal, state,
196 local, or private grant, or other financial assistance accepted
197 by a local government;
198 9. Emergency ordinances;
199 10. Section 166.04151; or
200 11. Ordinances related to affordable housing or residential
201 tenant protections.

202 Section 5. Section 166.0411, Florida Statutes, is created
203 to read:

204 166.0411 Legal challenges to certain recently enacted
205 ordinances.—

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

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

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



587410

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

217 (2) When there is an appeal to a case in which the
218 enforcement of an ordinance is suspended under this section, the
219 appellate court may lift the suspension if the local government
220 prevailed in the lower court.

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

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

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

242 (a) Part II of chapter 163;

243 (b) Section 553.73;



587410

- 244 (c) Section 633.202;
- 245 (d) Sections 190.005 and 190.046;
- 246 (e) Ordinances required to comply with federal or state law
247 or regulation;
- 248 (f) Ordinances related to the issuance or refinancing of
249 debt;
- 250 (g) Ordinances related to the adoption of budgets or budget
251 amendments;
- 252 (h) Ordinances required to implement a contract or an
253 agreement, including, but not limited to, any federal, state,
254 local, or private grant, or other financial assistance accepted
255 by a municipal government;
- 256 (i) Emergency ordinances;
- 257 (j) Section 166.04151; or
- 258 (k) Ordinances related to affordable housing or residential
259 tenant protections.