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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Hutson) recommended the following:

Senate Amendment to Amendment (235072)

Delete lines 115 - 234

and insert:

4. Sections 190.005 and 190.046;

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

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

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



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12 8. Ordinances required to implement a contract or an
13 agreement, including, but not limited to, any federal, state,
14 local, or private grant, or other financial assistance accepted
15 by a county government; or

16 9. Emergency ordinances.

17 Section 3. Section 125.675, Florida Statutes, is created to
18 read:

19 125.675 Legal challenges to certain recently enacted
20 ordinances.—

21 (1) A county must suspend enforcement of an ordinance that
22 is the subject of an action, including appeals, challenging the
23 ordinance's validity on the grounds that it is expressly
24 preempted by the State Constitution or by state law or is
25 arbitrary or unreasonable if:

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

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

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

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

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

40 (4) The signature of an attorney or a party constitutes a



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41 certificate that he or she has read the pleading, motion, or
42 other paper and that, to the best of his or her knowledge,
43 information, and belief formed after reasonable inquiry, it is
44 not interposed for any improper purpose, such as to harass or to
45 cause unnecessary delay, or for economic advantage, competitive
46 reasons, or frivolous purposes or needless increase in the cost
47 of litigation. If a pleading, motion, or other paper is signed
48 in violation of these requirements, the court, upon its own
49 initiative, shall impose upon the person who signed it, a
50 represented party, or both, an appropriate sanction, which may
51 include an order to pay to the other party or parties the amount
52 of reasonable expenses incurred because of the filing of the
53 pleading, motion, or other paper, including reasonable attorney
54 fees.

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

57 (a) Part II of chapter 163;

58 (b) Section 553.73;

59 (c) Section 633.202;

60 (d) Sections 190.005 and 190.046;

61 (e) Ordinances required to comply with federal or state law
62 or regulation;

63 (f) Ordinances related to the issuance or refinancing of
64 debt;

65 (g) Ordinances related to the adoption of budgets or budget
66 amendments;

67 (h) Ordinances required to implement a contract or an
68 agreement, including, but not limited to, any federal, state,
69 local, or private grant, or other financial assistance accepted



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70 by a county government; or

71 (i) Emergency ordinances.

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

74 Section 4. Present subsections (4) through (8) of section
75 166.041, Florida Statutes, are redesignated as subsections (5)
76 through (9), respectively, and a new subsection (4) is added to
77 that section, to read:

78 166.041 Procedures for adoption of ordinances and
79 resolutions.—

80 (4) (a) Before the enactment of a proposed ordinance, the
81 governing body of a municipality shall prepare or cause to be
82 prepared a business impact estimate in accordance with this
83 subsection. The business impact estimate must be posted on the
84 municipality's website no later than the date the notice of
85 proposed enactment is published pursuant to paragraph (3) (a) and
86 must include all of the following:

87 1. A summary of the proposed ordinance, including a
88 statement of the public purpose to be served by the proposed
89 ordinance, such as serving the public health, safety, morals,
90 and welfare of the municipality.

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

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

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



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

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

104 4. Any additional information the governing body determines
105 may be useful.

106 (b) This subsection may not be construed to require a
107 municipality to procure an accountant or other financial
108 consultant to prepare the business impact estimate required by
109 this subsection.

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

112 1. Part II of chapter 163;

113 2. Section 553.73;

114 3. Section 633.202;

115 4. Sections 190.005 and 190.046;

116 5. Ordinances required to comply with federal or state law
117 or regulation;

118 6. Ordinances related to the issuance or refinancing of
119 debt;

120 7. Ordinances related to the adoption of budgets or budget
121 amendments;

122 8. Ordinances required to implement a contract or an
123 agreement, including, but not limited to, any federal, state,
124 local, or private grant, or other financial assistance accepted
125 by a local government; or

126 9. Emergency ordinances.