



848956

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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01/27/2022 11:56 AM

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Senator Hutson moved the following:

**Senate Amendment to Substitute Amendment (609228)**

Delete lines 68 - 111

and insert:

the county or municipality enacting or amending the ordinance or  
charter provision. The settlement offer must be made in good  
faith and include an explanation of the nature, extent, and  
monetary amount of damages and must be prepared by the owner, a  
certified public accountant, or a business damage expert  
familiar with the nature of the operations of the business. The  
business must also provide copies of the business' records that



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12 substantiate the offer to settle the business damage claim. If  
13 additional information is needed beyond the data that may be  
14 obtained from business records existing at the time of the  
15 offer, the business and county or municipality may agree on a  
16 schedule for the submission of that information.

17 (b) Within 120 days after receipt of the good faith  
18 business damage offer and accompanying business records, the  
19 county or municipality must, by certified mail, accept or reject  
20 the business' offer or make a counteroffer, which may include an  
21 offer to grant a waiver to the application of the ordinance or  
22 charter provision.

23 (c) If a business files an action for business damages, it  
24 must be filed within 1 year after the effective date of the  
25 relevant ordinance, ordinance amendment, or charter provision.

26 (d) Evidence of negotiations or of any written or oral  
27 statements used in mediation or negotiations between the parties  
28 under this section is inadmissible in any proceeding for  
29 business damages, except in a proceeding to determine reasonable  
30 costs and attorney fees.

31 (e) In an action for business damages, the court may award  
32 reasonable attorney fees and costs to the prevailing party.

33 (4) OPPORTUNITY TO CURE.—There is no liability under this  
34 section for a county or municipality that, within the 120-day  
35 timeframe provided for in paragraph (3) (b):

36 (a) Repeals the ordinance or charter provision that gave  
37 rise to the business' claim;

38 (b) Amends the ordinance or charter provision that gave  
39 rise to the business' claim in a manner that returns the  
40 ordinance or charter provision to its form in existence before



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41 the business' claim arose or in a manner that avoids causing a  
42 reduction of at least 15 percent of the business' profit as  
43 applied on a per location basis within the jurisdiction;

44 (c) Publishes notice of its intent to repeal or amend the  
45 ordinance that gave rise to the business' claim and, within 30  
46 days after publication of the notice, amends the ordinance in a  
47 manner that returns the ordinance to its form in existence  
48 before the business' claim arose or repeals the ordinance or in  
49 a manner that avoids causing a reduction of at least 15 percent  
50 of the business' profit as applied on a per location basis  
51 within the jurisdiction;

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