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LEGISLATIVE ACTION

Senate

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House

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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