

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Hinson offered the following:

Amendment (with title amendment)

Remove lines 220-421 and insert:

(2) When the court renders a final judgment finding that an ordinance is not valid and enforceable, the state must publish notice in a newspaper of general circulation in the affected jurisdiction and another publication must be mailed or delivered to all registered voters in the affected jurisdiction. The notices must contain the relevant ordinance number and the following statement, in substantially the following form, in at least 14-point boldfaced type:

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14 BY THE ORDER OF GOVERNOR RON DESANTIS AND THE MAJORITY
15 OF THE FLORIDA LEGISLATURE, DESPITE APPROVAL BY LOCAL,
16 DEMOCRATICALLY ELECTED LEADERS, THE STATE OF FLORIDA
17 HAS DETERMINED THIS LOCAL ORDINANCE IS NOW NULL AND
18 VOID.

19 (3) When the plaintiff appeals a final judgment finding
20 that an ordinance is valid and enforceable, the county may
21 enforce the ordinance 45 days after the entry of the order
22 unless the plaintiff obtains a stay of the lower court's order.

23 (4) The court shall give cases in which the enforcement of
24 an ordinance is suspended under this section priority over other
25 pending cases and shall render a preliminary or final decision
26 on the validity of the ordinance as expeditiously as possible.

27 (5) The signature of an attorney or a party constitutes a
28 certificate that he or she has read the pleading, motion, or
29 other paper and that, to the best of his or her knowledge,
30 information, and belief formed after reasonable inquiry, it is
31 not interposed for any improper purpose, such as to harass or to
32 cause unnecessary delay, or for economic advantage, competitive
33 reasons, or frivolous purposes or needless increase in the cost
34 of litigation. If a pleading, motion, or other paper is signed
35 in violation of these requirements, the court, upon its own
36 initiative or upon favorably ruling on a party's motion for
37 sanctions, must impose upon the person who signed it, a
38 represented party, or both, an appropriate sanction, which may

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39 include an order to pay to the other party or parties the amount
40 of reasonable expenses incurred because of the filing of the
41 pleading, motion, or other paper, including reasonable attorney
42 fees.

43 (6) This section does not apply to:

44 (a) Ordinances required for compliance with federal or
45 state law or regulation;

46 (b) Ordinances relating to the issuance or refinancing of
47 debt;

48 (c) Ordinances relating to the adoption of budgets or
49 budget amendments, including revenue sources necessary to fund
50 the budget;

51 (d) Ordinances required to implement a contract or an
52 agreement, including, but not limited to, any federal, state,
53 local, or private grant, or other financial assistance accepted
54 by a county government;

55 (e) Emergency ordinances;

56 (f) Ordinances relating to procurement; or

57 (g) Ordinances enacted to implement the following:

58 1. Part II of chapter 163, relating to growth policy,
59 county and municipal planning, and land development regulation,
60 including zoning, development orders, development agreements,
61 and development permits;

62 2. Sections 190.005 and 190.046;

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63 3. Section 553.73, relating to the Florida Building Code;
64 or

65 4. Section 633.202, relating to the Florida Fire
66 Prevention Code.

67 (7) The court may award attorney fees and costs and
68 damages as provided in s. 57.112.

69 Section 5. Effective upon becoming a law, paragraph (d) is
70 added to subsection (3) of section 166.041, Florida Statutes,
71 and paragraph (a) of that subsection is amended, to read:

72 166.041 Procedures for adoption of ordinances and
73 resolutions.—

74 (3)(a) Except as provided in paragraphs ~~paragraph~~ (c) and
75 (d), a proposed ordinance may be read by title, or in full, on
76 at least 2 separate days and shall, at least 10 days prior to
77 adoption, be noticed once in a newspaper of general circulation
78 in the municipality. The notice of proposed enactment shall
79 state the date, time, and place of the meeting; the title or
80 titles of proposed ordinances; and the place or places within
81 the municipality where such proposed ordinances may be inspected
82 by the public. The notice shall also advise that interested
83 parties may appear at the meeting and be heard with respect to
84 the proposed ordinance.

85 (d) Consideration of the proposed ordinance at a meeting
86 properly noticed pursuant to this subsection may be continued to
87 a subsequent meeting if, at the meeting, the date, time, and

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88 place of the subsequent meeting is publicly stated. No further
89 publication, mailing, or posted notice as required under this
90 subsection is required, except that the continued consideration
91 must be listed in an agenda or similar communication produced
92 for the subsequent meeting. This paragraph is remedial in
93 nature, is intended to clarify existing law, and shall apply
94 retroactively except as to a court challenge under this section
95 that was filed by January 1, 2023.

96 Section 6. Present subsections (4) through (8) of section
97 166.041, Florida Statutes, are redesignated as subsections (5)
98 through (9), respectively, and a new subsection (4) is added to
99 that section, to read:

100 166.041 Procedures for adoption of ordinances and
101 resolutions.—

102 (4) (a) Before the enactment of a proposed ordinance, the
103 governing body of a municipality shall prepare or cause to be
104 prepared a business impact estimate in accordance with this
105 subsection. The business impact estimate must be posted on the
106 municipality's website no later than the date the notice of
107 proposed enactment is published pursuant to paragraph (3) (a) and
108 must include all of the following:

109 1. A summary of the proposed ordinance, including a
110 statement of the public purpose to be served by the proposed
111 ordinance, such as serving the public health, safety, morals,
112 and welfare of the municipality.

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

116 a. An estimate of direct compliance costs that businesses
117 may reasonably incur if the ordinance is enacted;

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

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

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

126 4. Any additional information the governing body
127 determines may be useful.

128 (b) This subsection may not be construed to require a
129 municipality to procure an accountant or other financial
130 consultant to prepare the business impact estimate required by
131 this subsection.

132 (c) This subsection does not apply to:

133 1. Ordinances required for compliance with federal or
134 state law or regulation;

135 2. Ordinances relating to the issuance or refinancing of
136 debt;

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137 3. Ordinances relating to the adoption of budgets or
138 budget amendments, including revenue sources necessary to fund
139 the budget;

140 4. Ordinances required to implement a contract or an
141 agreement, including, but not limited to, any federal, state,
142 local, or private grant, or other financial assistance accepted
143 by a municipal government;

144 5. Emergency ordinances;

145 6. Ordinances relating to procurement; or

146 7. Ordinances enacted to implement the following:

147 a. Part II of chapter 163, relating to growth policy,
148 county and municipal planning, and land development regulation,
149 including zoning, development orders, development agreements,
150 and development permits;

151 b. Sections 190.005 and 190.046;

152 c. Section 553.73, relating to the Florida Building Code;

153 or

154 d. Section 633.202, relating to the Florida Fire
155 Prevention Code.

156 Section 7. Section 166.0411, Florida Statutes, is created
157 to read:

158 166.0411 Legal challenges to certain recently enacted
159 ordinances.—

160 (1) A municipality must suspend enforcement of an
161 ordinance that is the subject of an action challenging the

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162 ordinance's validity on the grounds that it is expressly
163 preempted by the State Constitution or by state law or is
164 arbitrary or unreasonable if:

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

167 (b) The plaintiff requests suspension in the initial
168 complaint or petition, citing this section; and

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

171 (2) When the court renders a final judgment finding that
172 an ordinance is not valid and enforceable, the state must
173 publish notice in a newspaper of general circulation in the
174 affected jurisdiction and another publication must be mailed or
175 delivered to all registered voters in the affected jurisdiction.
176 The notices must contain the relevant ordinance number and the
177 following statement, in substantially the following form, in at
178 least 14-point boldfaced type:

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180 BY THE ORDER OF GOVERNOR RON DESANTIS AND THE MAJORITY
181 OF THE FLORIDA LEGISLATURE, DESPITE APPROVAL BY LOCAL,
182 DEMOCRATICALLY ELECTED LEADERS, THE STATE OF FLORIDA
183 HAS DETERMINED THIS LOCAL ORDINANCE IS NOW NULL AND
184 VOID.
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186 (3) When the plaintiff appeals a final judgment finding
187 that an ordinance is valid and enforceable, the municipality may
188 enforce the ordinance 45 days after the entry of the order
189 unless the plaintiff obtains a stay of the lower court's order.

190 (4) The court shall give cases in which the enforcement of
191 an ordinance is suspended under this section priority over other
192 pending cases and shall render a preliminary or final decision
193 on the validity of the ordinance as expeditiously as possible.

194 (5) The signature of an attorney or a party constitutes a
195 certificate that he or she has read the pleading, motion, or
196 other paper and that, to the best of his or her knowledge,
197 information, and belief formed after reasonable inquiry, it is
198 not interposed for any improper purpose, such as to harass or to
199 cause unnecessary delay, or for economic advantage, competitive
200 reasons, or frivolous purposes or needless increase in the cost
201 of litigation. If a pleading, motion, or other paper is signed
202 in violation of these requirements, the court, upon its own
203 initiative or upon favorably ruling on a party's motion for
204 sanctions, must impose upon the person who signed it, a
205 represented party, or both, an appropriate sanction, which may
206 include an order to pay to the other party or parties the amount
207 of reasonable expenses incurred because of the filing of the
208 pleading, motion, or other paper, including reasonable attorney
209 fees.

210 (6) This section does not apply to:

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- 211 (a) Ordinances required for compliance with federal or
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214 debt;
- 215 (c) Ordinances relating to the adoption of budgets or
216 budget amendments, including revenue sources necessary to fund
217 the budget;
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219 agreement, including, but not limited to, any federal, state,
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- 222 (e) Emergency ordinances;
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- 224 (g) Ordinances enacted to implement the following:
- 225 1. Part II of chapter 163, relating to growth policy,
226 county and municipal planning, and land development regulation,
227 including zoning, development orders, development agreements,
228 and development permits;
- 229 2. Sections 190.005 and 190.046;
- 230 3. Section 553.73, relating to the Florida Building Code;
231 or
- 232 4. Section 633.202, relating to the Florida Fire
233 Prevention Code.
- 234 (7) The court may award attorney fees and costs and
235 damages as provided in s. 57.112.

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T I T L E A M E N D M E N T

Remove lines 20-40 and insert:

conditions are met; requiring the state to provide specified notices when a court renders a final judgement finding that an ordinance is not valid and enforceable; providing content requirements for such notices; authorizing a prevailing county to enforce the ordinance after a specified period, except under certain circumstances; requiring courts to give priority to certain cases; providing construction relating to an attorney's or a party's signature; requiring a court to impose sanctions under certain circumstances; providing applicability; authorizing courts to award attorney fees and costs and damages if certain conditions are met; amending s. 166.041, F.S.; providing certain procedures for continued meetings on proposed ordinances for municipalities; providing for construction and retroactive application; requiring a governing body of a municipality to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance; specifying requirements for the posting and content of the estimate; providing construction and applicability; creating s. 166.0411, F.S.; requiring a municipality to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; requiring the state to provide

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261 | specified notices when a court renders a final judgement finding
262 | that an ordinance is not valid and enforceable; providing
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