



654388

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

03/08/2023 06:04 PM

.

.

---

Senator Trumbull moved the following:

**Senate Amendment (with title amendment)**

Delete lines 113 - 298

and insert:

Section 2. Effective upon becoming a law, subsection (7) is added to section 125.66, Florida Statutes, to read:

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

(7) Consideration of the proposed ordinance or resolution at a properly noticed meeting may be continued to a subsequent



654388

12 meeting if, at the scheduled meeting, the date, time, and place  
13 of the subsequent meeting is publicly stated. No further  
14 publication, mailing, or posted notice as required under this  
15 section is required, except that the continued consideration  
16 must be listed in an agenda or similar communication produced  
17 for the subsequent meeting. This subsection is remedial in  
18 nature, is intended to clarify existing law, and shall apply  
19 retroactively except as to a court challenge under this section  
20 that was filed by January 1, 2023.

21 Section 3. Present subsections (3) through (7) of section  
22 125.66, Florida Statutes, as amended by this act, are  
23 redesignated as subsections (4) through (8), respectively, a new  
24 subsection (3) is added to that section, and paragraph (a) of  
25 subsection (2) of that section is amended, to read:

26 125.66 Ordinances; enactment procedure; emergency  
27 ordinances; rezoning or change of land use ordinances or  
28 resolutions.-

29 (2) (a) The regular enactment procedure is shall be as  
30 follows: The board of county commissioners at any regular or  
31 special meeting may enact or amend any ordinance, except as  
32 provided in subsection (5) (4), if notice of intent to consider  
33 such ordinance is given at least 10 days before such meeting by  
34 publication as provided in chapter 50. A copy of such notice  
35 must shall be kept available for public inspection during the  
36 regular business hours of the office of the clerk of the board  
37 of county commissioners. The notice of proposed enactment must  
38 shall state the date, time, and place of the meeting; the title  
39 or titles of proposed ordinances; and the place or places within  
40 the county where such proposed ordinances may be inspected by



654388

41 the public. The notice must ~~shall~~ also advise that interested  
42 parties may appear at the meeting and be heard with respect to  
43 the proposed ordinance.

44 (3) (a) Before the enactment of a proposed ordinance, the  
45 board of county commissioners shall prepare or cause to be  
46 prepared a business impact estimate in accordance with this  
47 subsection. The business impact estimate must be posted on the  
48 county's website no later than the date the notice of proposed  
49 enactment is published pursuant to paragraph (2) (a) and must  
50 include all of the following:

51 1. A summary of the proposed ordinance, including a  
52 statement of the public purpose to be served by the proposed  
53 ordinance, such as serving the public health, safety, morals,  
54 and welfare of the county.

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

58 a. An estimate of direct compliance costs that businesses  
59 may reasonably incur if the ordinance is enacted.

60 b. Identification of any new charge or fee on businesses  
61 subject to the proposed ordinance or for which businesses will  
62 be financially responsible.

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

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

68 4. Any additional information the board determines may be  
69 useful.



654388

70 (b) This subsection may not be construed to require a  
71 county to procure an accountant or other financial consultant to  
72 prepare the business impact estimate required by this  
73 subsection.

74 (c) This subsection does not apply to:

75 1. Ordinances required for compliance with federal or state  
76 law or regulation;

77 2. Ordinances relating to the issuance or refinancing of  
78 debt;

79 3. Ordinances relating to the adoption of budgets or budget  
80 amendments, including revenue sources necessary to fund the  
81 budget;

82 4. Ordinances required to implement a contract or an  
83 agreement, including, but not limited to, any federal, state,  
84 local, or private grant, or other financial assistance accepted  
85 by a county government;

86 5. Emergency ordinances;

87 6. Ordinances relating to procurement; or

88 7. Ordinances enacted to implement the following:

89 a. Part II of chapter 163, relating to growth policy,  
90 county and municipal planning, and land development regulation,  
91 including zoning, development orders, development agreements,  
92 and development permits;

93 b. Sections 190.005 and 190.046;

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

95 or

96 d. Section 633.202, relating to the Florida Fire Prevention  
97 Code.

98 Section 4. Section 125.675, Florida Statutes, is created to



654388

99 read:

100 125.675 Legal challenges to certain recently enacted  
101 ordinances.-

102 (1) A county must suspend enforcement of an ordinance that  
103 is the subject of an action challenging the ordinance's validity  
104 on the grounds that it is expressly preempted by the State  
105 Constitution or by state law or is arbitrary or unreasonable if:

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

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

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

112 (2) When the plaintiff appeals a final judgment finding  
113 that an ordinance is valid and enforceable, the county may  
114 enforce the ordinance 45 days after the entry of the order  
115 unless the plaintiff obtains a stay of the lower court's order.

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

120 (4) The signature of an attorney or a party constitutes a  
121 certificate that he or she has read the pleading, motion, or  
122 other paper and that, to the best of his or her knowledge,  
123 information, and belief formed after reasonable inquiry, it is  
124 not interposed for any improper purpose, such as to harass or to  
125 cause unnecessary delay, or for economic advantage, competitive  
126 reasons, or frivolous purposes or needless increase in the cost  
127 of litigation. If a pleading, motion, or other paper is signed



654388

128 in violation of these requirements, the court, upon its own  
129 initiative or upon favorably ruling on a party's motion for  
130 sanctions, must impose upon the person who signed it, a  
131 represented party, or both, an appropriate sanction, which may  
132 include an order to pay to the other party or parties the amount  
133 of reasonable expenses incurred because of the filing of the  
134 pleading, motion, or other paper, including reasonable attorney  
135 fees.

136 (5) This section does not apply to:

137 (a) Ordinances required for compliance with federal or  
138 state law or regulation;

139 (b) Ordinances relating to the issuance or refinancing of  
140 debt;

141 (c) Ordinances relating to the adoption of budgets or  
142 budget amendments, including revenue sources necessary to fund  
143 the budget;

144 (d) Ordinances required to implement a contract or an  
145 agreement, including, but not limited to, any federal, state,  
146 local, or private grant, or other financial assistance accepted  
147 by a county government;

148 (e) Emergency ordinances;

149 (f) Ordinances relating to procurement; or

150 (g) Ordinances enacted to implement the following:

151 1. Part II of chapter 163, relating to growth policy,  
152 county and municipal planning, and land development regulation,  
153 including zoning, development orders, development agreements,  
154 and development permits;

155 2. Sections 190.005 and 190.046;

156 3. Section 553.73, relating to the Florida Building Code;



654388

157 or

158 4. Section 633.202, relating to the Florida Fire Prevention  
159 Code.

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

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

165 166.041 Procedures for adoption of ordinances and  
166 resolutions.—

167 (3) (a) Except as provided in paragraphs ~~paragraph~~ (c) and  
168 (d), a proposed ordinance may be read by title, or in full, on  
169 at least 2 separate days and shall, at least 10 days prior to  
170 adoption, be noticed once in a newspaper of general circulation  
171 in the municipality. The notice of proposed enactment shall  
172 state the date, time, and place of the meeting; the title or  
173 titles of proposed ordinances; and the place or places within  
174 the municipality where such proposed ordinances may be inspected  
175 by the public. The notice shall also advise that interested  
176 parties may appear at the meeting and be heard with respect to  
177 the proposed ordinance.

178 (d) Consideration of the proposed ordinance at a meeting  
179 properly noticed pursuant to this subsection may be continued to  
180 a subsequent meeting if, at the meeting, the date, time, and  
181 place of the subsequent meeting is publicly stated. No further  
182 publication, mailing, or posted notice as required under this  
183 subsection is required, except that the continued consideration  
184 must be listed in an agenda or similar communication produced  
185 for the subsequent meeting. This paragraph is remedial in



654388

186 nature, is intended to clarify existing law, and shall apply  
187 retroactively except as to a court challenge under this section  
188 that was filed by January 1, 2023.

189

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

191 And the title is amended as follows:

192       Delete line 10

193 and insert:

194       meetings on proposed ordinances and resolutions for  
195       counties