

Amendment No.

CHAMBER ACTION

Senate

House

.

---

Representative Brackett offered the following:

**Amendment**

Remove lines 127-296 and insert:  
retroactively.

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

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

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

14 (2) (a) The regular enactment procedure ~~is shall be~~ as  
15 follows: The board of county commissioners at any regular or  
16 special meeting may enact or amend any ordinance, except as  
17 provided in subsection (5) ~~(4)~~, if notice of intent to consider  
18 such ordinance is given at least 10 days before such meeting by  
19 publication as provided in chapter 50. A copy of such notice  
20 must ~~shall~~ be kept available for public inspection during the  
21 regular business hours of the office of the clerk of the board  
22 of county commissioners. The notice of proposed enactment must  
23 ~~shall~~ state the date, time, and place of the meeting; the title  
24 or titles of proposed ordinances; and the place or places within  
25 the county where such proposed ordinances may be inspected by  
26 the public. The notice must ~~shall~~ also advise that interested  
27 parties may appear at the meeting and be heard with respect to  
28 the proposed ordinance.

29 (3) (a) Before the enactment of a proposed ordinance, the  
30 board of county commissioners shall prepare or cause to be  
31 prepared a business impact estimate in accordance with this  
32 subsection. The business impact estimate must be posted on the  
33 county's website no later than the date the notice of proposed  
34 enactment is published pursuant to paragraph (2) (a) and must  
35 include all of the following:

36 1. A summary of the proposed ordinance, including a  
37 statement of the public purpose to be served by the proposed

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

38 ordinance, such as serving the public health, safety, morals,  
39 and welfare of the county.

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

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

45 b. Identification of any new charge or fee on businesses  
46 subject to the proposed ordinance or for which businesses will  
47 be financially responsible.

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

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

53 4. Any additional information the board determines may be  
54 useful.

55 (b) This subsection may not be construed to require a  
56 county to procure an accountant or other financial consultant to  
57 prepare the business impact estimate required by this  
58 subsection.

59 (c) This subsection does not apply to:

60 1. Ordinances required for compliance with federal or  
61 state law or regulation;

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

62        2. Ordinances relating to the issuance or refinancing of  
63 debt;

64        3. Ordinances relating to the adoption of budgets or  
65 budget amendments, including revenue sources necessary to fund  
66 the budget;

67        4. 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  
70 by a county government;

71        5. Emergency ordinances;

72        6. Ordinances relating to procurement; or

73        7. Ordinances enacted to implement the following:

74        a. Part II of chapter 163, relating to growth policy,  
75 county and municipal planning, and land development regulation,  
76 including zoning, development orders, development agreements,  
77 and development permits;

78        b. Sections 190.005 and 190.046;

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

80 or

81        d. Section 633.202, relating to the Florida Fire  
82 Prevention Code.

83        Section 4. Section 125.675, Florida Statutes, is created  
84 to read:

85        125.675 Legal challenges to certain recently enacted  
86 ordinances.-

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

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

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

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

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

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

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

105 (4) The signature of an attorney or a party constitutes a  
106 certificate that he or she has read the pleading, motion, or  
107 other paper and that, to the best of his or her knowledge,  
108 information, and belief formed after reasonable inquiry, it is  
109 not interposed for any improper purpose, such as to harass or to  
110 cause unnecessary delay, or for economic advantage, competitive  
111 reasons, or frivolous purposes or needless increase in the cost

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

112 of litigation. If a pleading, motion, or other paper is signed  
113 in violation of these requirements, the court, upon its own  
114 initiative or upon favorably ruling on a party's motion for  
115 sanctions, must impose upon the person who signed it, a  
116 represented party, or both, an appropriate sanction, which may  
117 include an order to pay to the other party or parties the amount  
118 of reasonable expenses incurred because of the filing of the  
119 pleading, motion, or other paper, including reasonable attorney  
120 fees.

121 (5) This section does not apply to:

122 (a) Ordinances required for compliance with federal or  
123 state law or regulation;

124 (b) Ordinances relating to the issuance or refinancing of  
125 debt;

126 (c) Ordinances relating to the adoption of budgets or  
127 budget amendments, including revenue sources necessary to fund  
128 the budget;

129 (d) Ordinances required to implement a contract or an  
130 agreement, including, but not limited to, any federal, state,  
131 local, or private grant, or other financial assistance accepted  
132 by a county government;

133 (e) Emergency ordinances;

134 (f) Ordinances relating to procurement; or

135 (g) Ordinances enacted to implement the following:

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

136 1. Part II of chapter 163, relating to growth policy,  
137 county and municipal planning, and land development regulation,  
138 including zoning, development orders, development agreements,  
139 and development permits;

140 2. Sections 190.005 and 190.046;

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

142 or

143 4. Section 633.202, relating to the Florida Fire  
144 Prevention Code.

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

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

150 166.041 Procedures for adoption of ordinances and  
151 resolutions.—

152 (3)(a) Except as provided in ~~paragraphs~~ paragraph (c) and  
153 (d), a proposed ordinance may be read by title, or in full, on  
154 at least 2 separate days and shall, at least 10 days prior to  
155 adoption, be noticed once in a newspaper of general circulation  
156 in the municipality. The notice of proposed enactment shall  
157 state the date, time, and place of the meeting; the title or  
158 titles of proposed ordinances; and the place or places within  
159 the municipality where such proposed ordinances may be inspected  
160 by the public. The notice shall also advise that interested

679791

Approved For Filing: 5/2/2023 7:35:39 AM

Amendment No.

161 parties may appear at the meeting and be heard with respect to  
162 the proposed ordinance.

163 (d) Consideration of the proposed ordinance at a meeting  
164 properly noticed pursuant to this subsection may be continued to  
165 a subsequent meeting if, at the meeting, the date, time, and  
166 place of the subsequent meeting is publicly stated. No further  
167 publication, mailing, or posted notice as required under this  
168 subsection is required, except that the continued consideration  
169 must be listed in an agenda or similar communication produced  
170 for the subsequent meeting. This paragraph is remedial in  
171 nature, is intended to clarify existing law, and shall apply  
172 retroactively.

679791

Approved For Filing: 5/2/2023 7:35:39 AM