

1 A bill to be entitled
2 An act relating to local government actions; amending
3 ss. 125.66, 125.675, 166.041, and 166.0411 F.S.;
4 revising applicability provisions for the enactment or
5 adoption of and legal challenges to county and
6 municipal ordinances, respectively; creating s.
7 186.921, F.S.; defining terms; providing legislative
8 findings; requiring local governments to seek to
9 minimize or eliminate the potential negative impacts
10 of a local government action; authorizing affected
11 entities to submit written requests to the appropriate
12 departments for impact reviews under certain
13 circumstances; providing requirements for such
14 requests and the responses to such requests; requiring
15 affected entities to provide certain information to
16 the appropriate departments; requiring a department to
17 issue an impact review within a specified timeframe
18 and to consider specified potential impacts; requiring
19 local governments to hold specified meetings upon
20 receipt of an impact review; prohibiting additional
21 impact reviews for the same local government action
22 under certain circumstances; providing construction;
23 authorizing rulemaking; requiring the appropriate
24 departments to consult with each other regarding
25 certain guidelines and procedures; providing

26 applicability; authorizing the Department of
 27 Agriculture and Consumer Services, the Department of
 28 Transportation, and the Public Service Commission to
 29 adopt emergency rules; providing for future expiration
 30 of such rulemaking authority; requiring the Office of
 31 Program Policy Analysis and Government Accountability
 32 to submit a report to the Governor and the Legislature
 33 by a specified date; providing requirements for the
 34 report; providing applicability; providing an
 35 effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. Paragraph (c) of subsection (3) of section
 40 125.66, Florida Statutes, is amended to read:

41 125.66 Ordinances; enactment procedure; emergency
 42 ordinances; rezoning or change of land use ordinances or
 43 resolutions.—

44 (3)

45 (c) This subsection does not apply to:

46 1. Ordinances required for compliance with federal or
 47 state law or regulation;

48 2. Ordinances relating to the issuance or refinancing of
 49 debt;

50 3. Ordinances relating to the adoption of budgets or

51 budget amendments, including revenue sources necessary to fund
 52 the budget;

53 4. Ordinances required to implement a contract or an
 54 agreement, including, but not limited to, any federal, state,
 55 local, or private grant, or other financial assistance accepted
 56 by a county government;

57 5. Emergency ordinances;

58 6. Ordinances relating to procurement; or

59 7. Ordinances enacted to implement the following:

60 a. ~~Part II of chapter 163, relating to growth policy,~~
 61 ~~county and municipal planning, and land development regulation,~~
 62 ~~including zoning,~~ Development orders and development permits, as
 63 those terms are defined in s. 163.3164, and, development
 64 agreements, as authorized by the Florida Local Government
 65 Development Agreement Act under ss. 163.3220-163.3243 and
 66 ~~development permits;~~

67 b. Sections 190.005 and 190.046;

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

69 or

70 d. Section 633.202, relating to the Florida Fire
 71 Prevention Code.

72 Section 2. Subsection (5) of section 125.675, Florida
 73 Statutes, is amended to read:

74 125.675 Legal challenges to certain recently enacted
 75 ordinances.-

- 76 (5) This section does not apply to:
- 77 (a) Ordinances required for compliance with federal or
- 78 state law or regulation;
- 79 (b) Ordinances relating to the issuance or refinancing of
- 80 debt;
- 81 (c) Ordinances relating to the adoption of budgets or
- 82 budget amendments, including revenue sources necessary to fund
- 83 the budget;
- 84 (d) Ordinances required to implement a contract or an
- 85 agreement, including, but not limited to, any federal, state,
- 86 local, or private grant, or other financial assistance accepted
- 87 by a county government;
- 88 (e) Emergency ordinances;
- 89 (f) Ordinances relating to procurement; or
- 90 (g) Ordinances enacted to implement the following:
- 91 1. ~~Part II of chapter 163, relating to growth policy,~~
- 92 ~~county and municipal planning, and land development regulation,~~
- 93 ~~including zoning,~~ Development orders and development permits, as
- 94 those terms are defined in s. 163.3164, and, development
- 95 agreements, as authorized by the Florida Local Government
- 96 Development Agreement Act under ss. 163.3220-163.3243 and
- 97 ~~development permits;~~
- 98 2. Sections 190.005 and 190.046;
- 99 3. Section 553.73, relating to the Florida Building Code;
- 100 or

101 4. Section 633.202, relating to the Florida Fire
 102 Prevention Code.

103 Section 3. Paragraph (c) of subsection (4) of section
 104 166.041, Florida Statutes, is amended to read:

105 166.041 Procedures for adoption of ordinances and
 106 resolutions.—

107 (4)

108 (c) This subsection does not apply to:

109 1. Ordinances required for compliance with federal or
 110 state law or regulation;

111 2. Ordinances relating to the issuance or refinancing of
 112 debt;

113 3. Ordinances relating to the adoption of budgets or
 114 budget amendments, including revenue sources necessary to fund
 115 the budget;

116 4. Ordinances required to implement a contract or an
 117 agreement, including, but not limited to, any federal, state,
 118 local, or private grant, or other financial assistance accepted
 119 by a municipal government;

120 5. Emergency ordinances;

121 6. Ordinances relating to procurement; or

122 7. Ordinances enacted to implement the following:

123 a. ~~Part II of chapter 163, relating to growth policy,~~
 124 ~~county and municipal planning, and land development regulation,~~
 125 ~~including zoning,~~ Development orders and development permits, as

126 | those terms are defined in s. 163.3164, and development
 127 | agreements, as authorized by the Florida Local Government
 128 | Development Agreement Act under ss. 163.3220-163.3243 and
 129 | ~~development permits;~~

130 | b. Sections 190.005 and 190.046;

131 | c. Section 553.73, relating to the Florida Building Code;
 132 | or

133 | d. Section 633.202, relating to the Florida Fire
 134 | Prevention Code.

135 | Section 4. Subsection (5) of section 166.0411, Florida
 136 | Statutes, is amended to read:

137 | 166.0411 Legal challenges to certain recently enacted
 138 | ordinances.—

139 | (5) This section does not apply to:

140 | (a) Ordinances required for compliance with federal or
 141 | state law or regulation;

142 | (b) Ordinances relating to the issuance or refinancing of
 143 | debt;

144 | (c) Ordinances relating to the adoption of budgets or
 145 | budget amendments, including revenue sources necessary to fund
 146 | the budget;

147 | (d) Ordinances required to implement a contract or an
 148 | agreement, including, but not limited to, any federal, state,
 149 | local, or private grant, or other financial assistance accepted
 150 | by a municipal government;

151 (e) Emergency ordinances;

152 (f) Ordinances relating to procurement; or

153 (g) Ordinances enacted to implement the following:

154 1. ~~Part II of chapter 163, relating to growth policy,~~

155 ~~county and municipal planning, and land development regulation,~~

156 ~~including zoning,~~ Development orders and development permits, as

157 those terms are defined in s. 163.3164, and, development

158 agreements, as authorized by the Florida Local Government

159 Development Agreement Act under ss. 163.3220-163.3243 and

160 ~~development permits;~~

161 2. Sections 190.005 and 190.046;

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

163 or

164 4. Section 633.202, relating to the Florida Fire

165 Prevention Code.

166 Section 5. Section 186.921, Florida Statutes, is created

167 to read:

168 186.921 Food, energy, and supply chain security.—

169 (1) As used in this section, the term:

170 (a) "Affected entity" means a private, for-profit business

171 in an identified sector which may be negatively impacted by a

172 local government action.

173 (b) "Department" means:

174 1. For an identified sector under subparagraph (c)1., the

175 Department of Agriculture and Consumer Services;

176 2. For an identified sector under subparagraph (c)2., the
177 Public Service Commission; and

178 3. For an identified sector under subparagraph (c)3., the
179 Department of Transportation.

180 (c) "Identified sector" means:

181 1. Farming, farm operations, and farm production,
182 including food crops, livestock, poultry, viticulture,
183 aquaculture, commercial fishing, apiculture, timber, and
184 fertilizer production and distribution;

185 2. Energy and fuel production and transmission, energy
186 distribution, and fuel storage; and

187 3. Supply chain points of connection, including ports,
188 railways, and rail stations.

189 (d) "Local government action" means the adoption or
190 amendment of any ordinance or charter provision by a county or
191 municipality or the denial of a local authorization or permit
192 issued by the county or municipality.

193 (2) The Legislature finds that there is an important state
194 interest in protecting this state's food production and supply,
195 energy generation and delivery, essential supply chains, and the
196 private enterprises that support this state's food, energy, and
197 supply chains. Such interest includes creating jobs, achieving
198 economic prosperity, reducing the potential for disruptions due
199 to supply chain vulnerabilities, ensuring the flow of commerce
200 and the intrastate production of essential goods and services,

201 and providing economic security associated therewith.

202 (3) A local government shall seek to minimize or eliminate
203 the potential negative impacts that a local government action
204 will have on an identified sector while still advancing the
205 stated public purpose, such as serving public health, safety,
206 and welfare.

207 (4)(a) An affected entity may submit a written request to
208 the appropriate department for an impact review if the local
209 government action is likely to negatively impact an identified
210 sector. Such request must be made within 15 days after the
211 enactment or adoption of a local government action pursuant to
212 s. 125.66 or s. 166.041. An affected entity may submit only one
213 request for an impact review to the appropriate department for a
214 local government action. The department shall issue an impact
215 review to an affected entity pursuant to this subsection as to
216 the position of the department on the impact of a local
217 government action and whether the local government has
218 adequately minimized or eliminated impacts to the identified
219 sector.

220 (b) The affected entity must submit a copy of the request
221 for an impact review to the relevant local government within 1
222 business day after submitting the request to the department.
223 This shall serve as notice to the local government. Upon notice
224 of the timely submission of a request for an impact review to
225 the appropriate department by an affected entity pursuant to

226 this section, a local government may not enforce the local
227 government action until the department issues an impact review
228 and the local government holds the meeting required under
229 subsection (8), if applicable.

230 (5) The affected entity shall submit to the department all
231 of the following information in its request for an impact review
232 if applicable and if the information is available to the
233 requester:

234 (a) A copy of the local government action and relevant
235 supplemental information published with the local government
236 action.

237 (b) A complete statement of all relevant facts relating to
238 the action, including:

239 1. Any negative impacts to the identified sector that the
240 affected entity reasonably anticipates will occur;

241 2. Information relating to the local government's stated
242 interest in implementing the local government action; and

243 3. Any supporting documentation.

244 (c) A business impact estimate required pursuant to s.
245 125.66(3) or s. 166.041(4) associated with the proposed local
246 government action.

247 (6) A department shall issue an impact review within 45
248 days after receiving such a request and shall provide a copy to
249 the affected entity and the local government. The department may
250 request additional information if necessary during that

251 timeframe.

252 (7) A department shall consider all of the following
 253 potential impacts when balancing the interest of a local
 254 government and an affected entity, as applicable:

255 (a) Impacts on customer or downstream charges for goods
 256 and services.

257 (b) Impacts on the market value of goods and services
 258 produced, provided, or sold, or other change in value resulting
 259 from implementation or compliance.

260 (c) Impacts on revenues.

261 (d) Costs resulting from the purchase of substitute or
 262 alternative goods or services or capital, equipment, materials,
 263 supplies, or other implementation or compliance costs.

264 (e) The reasonable value of time to be spent by owners,
 265 officers, operators, and managers of the affected entity to
 266 understand and comply with the local government action,
 267 including time to be spent completing any required education,
 268 training, or testing.

269 (f) Impacts on opportunity or timing in executing a
 270 business plan.

271 (g) Monitoring and reporting requirements.

272 (h) Advancement of a stated public purpose, such as
 273 servicing public health, safety, and welfare.

274 (8) If the department determines in the impact review that
 275 the local government failed to minimize or eliminate the

276 negative impacts to the identified sector:

277 (a) The department may recommend in the impact review
278 changes to the local government action which may minimize or
279 eliminate the negative impacts; and

280 (b) At its next regular or special meeting after issuance
281 of the review, the local government must include a discussion of
282 its response to the review and whether revisions to the proposed
283 local government action are appropriate.

284 (9) After the issuance of an impact review to an affected
285 entity, another review may not be issued to an affected entity
286 that requests a review relating to the same local government
287 action unless it relates to a substantial modification of the
288 local government action. An impact review does not have
289 precedential value. Any modification of an impact review is
290 prospective only. An impact review is not an order issued
291 pursuant to s. 120.565 or s. 120.569 or a rule or policy of
292 general applicability under s. 120.54. The provisions of s.
293 120.53 are not applicable to impact reviews.

294 (10) Each department identified in paragraph (1)(b) may
295 establish rules prescribing guidelines and procedures for
296 submission, issuance or denial of issuance, and disclosure of
297 impact reviews. Each department shall consult with the other
298 departments to ensure the rules prescribing guidelines and
299 procedures for submission of a request for impact reviews,
300 issuance or denial of issuance, and disclosure of impact reviews

301 are consistent.

302 (11) This section does not apply to local government

303 actions:

304 (a) Required for compliance with a federal or state law or

305 regulation;

306 (b) Related to the issuance or refinancing of debt;

307 (c) Related to the adoption of budgets or budget

308 amendments, including the revenue source necessary to fund the

309 budget;

310 (d) Required to implement a contract or an agreement,

311 including, but not limited to, any federal, state, local, or

312 private grant, or other financial assistance accepted by the

313 local government;

314 (e) Enacted to prepare for or respond to an emergency;

315 (f) Related to procurement; or

316 (g) Enacted to implement the following:

317 1. Sections 190.005 and 190.046;

318 2. Section 553.73, relating to the Florida Building Code;

319 or

320 3. Section 633.202, relating to the Florida Fire

321 Prevention Code.

322 Section 6. (1) The Department of Agriculture and Consumer

323 Services is authorized, and all conditions are deemed met, to

324 adopt emergency rules under s. 120.54(4), Florida Statutes, for

325 the purpose of implementing provisions related to s. 186.921,

326 Florida Statutes, as created by this act. Notwithstanding any
 327 other law, emergency rules adopted under this section are
 328 effective for 6 months after adoption and may be renewed during
 329 the pendency of procedures to adopt permanent rules addressing
 330 the subject of the emergency rules.

331 (2) The Department of Transportation is authorized, and
 332 all conditions are deemed met, to adopt emergency rules under s.
 333 120.54(4), Florida Statutes, for the purpose of implementing
 334 provisions related to s. 186.921, Florida Statutes, created by
 335 this act. Notwithstanding any other law, emergency rules adopted
 336 under this section are effective for 6 months after adoption and
 337 may be renewed during the pendency of procedures to adopt
 338 permanent rules addressing the subject of the emergency rules.

339 (3) The Public Service Commission is authorized, and all
 340 conditions are deemed met, to adopt emergency rules under s.
 341 120.54(4), Florida Statutes, for the purpose of implementing
 342 provisions related to s. 186.921, Florida Statutes, created by
 343 this act. Notwithstanding any other law, emergency rules adopted
 344 under this section are effective for 6 months after adoption and
 345 may be renewed during the pendency of procedures to adopt
 346 permanent rules addressing the subject of the emergency rules.

347 (4) This section expires July 1, 2026.

348 Section 7. (1) The Office of Program Policy Analysis and
 349 Government Accountability (OPPAGA) shall submit to the Governor,
 350 the President of the Senate, and the Speaker of the House of

351 Representatives by December 1, 2025, a report on the
352 implementation and effectiveness of impact reviews issued
353 pursuant to s. 186.921, Florida Statutes, on reducing or
354 eliminating local government actions that threaten this state's
355 food production and supply, energy generation and delivery, and
356 essential supply chains.

357 (2) In consultation with the Department of Agriculture and
358 Consumer Services, the Department of Transportation, and the
359 Public Service Commission, OPPAGA shall develop the report and
360 recommendations with input from local governments, affected
361 entities, and other stakeholders.

362 (3) At a minimum, the report and recommendations must
363 include:

364 (a) The number of impact reviews issued and a brief
365 summary of the issues and actions, if any, taken by the local
366 government to address the impacts to the affected entity and
367 identified sector; and

368 (b) Recommended changes to the food, energy, and supply
369 chain security process.

370 Section 8. This act applies to local government ordinances
371 or charter provisions, or amendments to ordinances or charter
372 provisions, enacted on or after the effective date of this act.

373 Section 9. This act shall take effect October 1, 2024.