

Local Ordinances SB 170
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Section 1 -- Prevailing plaintiff attorney fees authorized (modifies s. 57.112, F.S.)

- I. Courts may award attorney fees, costs, and damages to a prevailing plaintiff who challenges an ordinance for being arbitrary or unreasonable. Fees, costs, and damages are capped at \$50,000.¹ No recovery of fees for litigating amount of fees. No double recoveries for claims involving the same ordinance. This section applies only to ordinances adopted on or after October 1, 2023. Amendments to existing ordinances are subject to this section only to the extent the amendatory language gives rise to the claim.
- Does not change standing requirements for challenging ordinances enacted pursuant to a local government's police powers. *See Boucher v. Novotny*, 102 So. 2d 132, 134-35 (Fla. 1958) (requiring special damages differing in kind from damages suffered by the community as a whole); *Renard v. Dade County*, 261 So. 2d 832 (Fla. 1972); *Jack Eckerd Corp. v. Michels Island Village Pharmacy, Inc.*, 322 So. 2d 57 (Fla. 2d DCA 1975).
 - Does not change the standard of judicial review or burden of proof
 - Ordinances are presumed valid and constitutional. An ordinance that is within the legislative power of a county or municipality is presumed to be valid. *See Panama City Bch. Community Redvmt. Agency v. State*, 831 So. 2d 662, 669 (Fla. 2002); *Orange County v. Costco Wholesale Corp.*, 823 So. 2d 732, 736 (Fla. 2002); *Lowe v. Broward Cty.*, 766 So. 2d 1199, 1203-04 (Fla. 4th DCA 2000). A court is required to indulge every reasonable presumption in favor of an ordinance's constitutionality. *Miami Dade Cty. v. Malibu Lodging Investments, LLC*, 64 So 3d 716, 719 (Fla. 3d DCA 2011); *Hoesch v. Broward Cty.*, 53 So. 3d 1177, 1180 (Fla. 4th DCA 2011); *City of Kissimmee v. Florida Retail Fed'n*, 915 So. 2d 205, 209 (Fla. 5th DCA 2005).
 - Where an ordinance is challenged on the grounds of unreasonableness or unconstitutionality, the burden is on the person alleging its invalidity to establish that fact. *Orange County v. Costco Wholesale Corp.*, 823 So. 2d 732, 736 (Fla. 2002).
 - Fee award is discretionary ("may")
- II. What does "Arbitrary or Unreasonable" mean?

This phrase does not introduce anything new. All ordinances enacted pursuant to an exercise of the police power must be reasonable and not arbitrary. *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046, 1051 (Fla. 1st DCA 2019) ("The modern test [of the validity of an ordinance] is an application of the rational basis test, which requires that the ordinance in question be reasonable and not arbitrary."); *Bal Harbour Village v. Welsh*, 879 So. 2d 1265, 1267 (Fla. 3d DCA 2004). Courts use the "fairly debatable" test in determining the reasonableness of an ordinance. *D.R. Horton, Inc.-Jacksonville v. Peyton*, 959 So. 2d 390, 398 (Fla. 1st DCA 2007); *Martin County v. Section 28 Partnership, Ltd.*, 772 So. 2d 616, 619 (Fla. 4th DCA 2000), *cert.*

¹ This \$50,000 cap is also found in Section 120.57(3), F.S., relating to challenges to state agency rules.

denied, 534 U.S. 1114 (2002). This is a highly deferential standard because citizens of a municipality should be able to determine through the city's proper officials "what rules are necessary for their own local government." *State v. Sawyer*, 346 So. 2d 1071, 1072 (Fla. 3d DCA 1977), *cert. denied*, 436 U.S. 914 (1978); *Sarasota County v. Walker*, 144 So. 2d 345, 348 (Fla. 2d DCA 1962). If the object of an ordinance is one that reasonable people would find fairly debatable as to its reasonableness, the ordinance will be upheld. *Id.*; *Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077, 1079 (Fla. 1st DCA 1981). The Florida Supreme Court has said:

Where an ordinance is within the police power of the municipality to enact it is presumed to be reasonable, unless its unreasonable character appears on its face. And when the authority to enact the ordinance does fairly appear, wide latitude is allowed in its exercise, where it does not appear there has been, in action taken, an abuse of authority or a violation of organic or fundamental rights. If reasonable argument exists on the question of whether an ordinance is arbitrary or unreasonable, the legislative will must prevail.

City of Miami v. Kayfetz, 92 So. 2d 798 (Fla. 1957) (citations omitted).

Sections 2 (counties) & 5 (municipalities) -- Continuance of properly noticed ordinance to a subsequent meeting

Creates a new subsection 7 in s. 125.66 and new paragraph (d) in subsection 166.041(3), F.S., to clarify that consideration of a proposed ordinance at a meeting properly noticed under section 125.66 and subsection 166.041 may be continued to a subsequent meeting if, at the meeting, the date, time, and place of the subsequent meeting is publicly stated. No further publication, mailing, or posted notice is required but the continued consideration must be listed in an agenda or similar communication produced for the subsequent meeting. The bill specifies this clarification is remedial in nature. This revision was prompted by a recent decision by the Fourth District Court of Appeal in *Testa v. Town of Jupiter Island*, 2023 WL 1808293 (Fla. 4th DCA Feb. 8, 2023).

Sections 3 (counties) & 6 (municipalities) -- Requires counties and municipalities to prepare a "Business Impact Estimate" prior to enacting certain ordinances

- I. Requires cities and counties to prepare a "business impact estimate" before adoption of an ordinance. The use of an accountant or other financial professional is not required. The estimate must be posted on the local government's website no later than the date the ordinance is published. The estimate must include:
 - A summary of ordinance and its public purpose;
 - A reasonable estimate of the direct economic impact of ordinance on private, for-profit businesses in the local government, including any direct compliance costs the businesses may incur;
 - Identification of any new charge or fee on the businesses;
 - An estimate of the local government's regulatory costs including any revenues associated with any new charges or fees;
 - The estimated number of businesses impacted; and
 - Any additional information the local government deems useful.

II. Exemptions:

- Ordinances required to comply with federal or state laws or regulations
- Ordinances relating to the issuance or refinancing of debt
- Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget
- Ordinances required to implement a contract or agreement, including grants or financial assistance
- Emergency ordinances
- Ordinances relating to procurement
- Ordinances enacted to implement: Part II, Ch. 163, including land development regulations, zoning, development orders, development agreements, and development permits; Sections 190.005 and 190.046 (CDDs); the Florida Building Code; the Florida Fire Prevention Code.

III. How onerous is this new requirement?

The bill does not provide a mechanism for any person to challenge the sufficiency of the business impact estimate. The bill uses the term “reasonable” as a modifier in several places, suggesting the local government simply make a reasonable effort to address the law’s minimum criteria.

IV. Are there consequences for failing to prepare the business impact estimate?

The bill does not specify consequences for failure to prepare the estimate. The requirement to prepare the estimate is established as a new Paragraph (4) in section 166.041 -- Procedures for adoption of ordinances and resolutions, and Paragraph (3) in section 125.66 - - Ordinances; enactment procedure. Thus, preparation and posting of the business impact estimate should be treated as a mandatory procedural requirement that is essential to the validity of the ordinance. See *Parsons v. City of Jacksonville*, 295 So. 2d 892 (Fla. 1st DCA 2020); *Coleman v. City of Key West*, 807 So. 2d 84 (Fla. 3d DCA 2001); *Healthsouth Doctors’ Hospital, Inc. v. Hartnett*, 622 So. 2d 146 (Fla. 3d DCA 1993).

V. Are there any examples of a business impact estimate?

The bill does not require use of a specific form or method (other than stating minimum requirements to be included) and it does not specify the level of detail that must be provided for each criterion. Also, the bill does not prevent local governments from providing additional information in the business impact estimate, such as potential positive fiscal impacts on other constituent groups. The attached examples show how other governmental entities approach similar requirements, such as the Florida Legislature (Attachment A), the State of Nevada and its municipalities (Attachment B), and Florida state agencies (Attachment C).

Sections 4 (counties) and 7 (municipalities) – Suspension of ordinance enforcement

- I. The local government must suspend enforcement of an ordinance that is the subject of an action alleging the ordinance is expressly preempted, arbitrary, or unreasonable if:
 - The action is filed no later than 90 days after ordinance adoption;
 - The plaintiff requests suspension in the initial complaint or petition; and
 - The local government has been served a copy of the complaint or petition.

- II. If the local government prevails in the action and the plaintiff appeals, the local government may begin enforcing the ordinance 45 days after entry of the lower court order unless the plaintiff obtains a stay.

- III. Directs courts to “prioritize” cases in which ordinance enforcement has been suspended.

- IV. Authorizes a court, on its own or upon motion of a party, to impose sanctions if a pleading, motion, or other paper is signed or filed for an improper purpose.

- V. Exemptions:
 - Ordinances required to comply with federal or state laws or regulations
 - Ordinances relating to the issuance or refinancing of debt
 - Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget
 - Ordinances required to implement a contract or agreement, including grants or financial assistance
 - Emergency ordinances
 - Ordinances relating to procurement
 - Ordinances enacted to implement: Part II, Ch. 163, including land development regulations, zoning, development orders, development agreements, and development permits; Sections 190.005 and 190.046 (CDDs); the Florida Building Code; the Florida Fire Prevention Code.

Effective date: October 1, 2023.

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1
2 An act relating to local ordinances; amending s.
3 57.112, F.S.; authorizing courts to assess and award
4 reasonable attorney fees and costs and damages in
5 certain civil actions filed against local governments;
6 specifying a limitation on awards and a restriction on
7 fees and costs of certain litigation; providing
8 construction and applicability; amending s. 125.66,
9 F.S.; providing certain procedures for continued
10 meetings on proposed ordinances and resolutions for
11 counties; providing for construction and retroactive
12 application; requiring a board of county commissioners
13 to prepare or cause to be prepared a business impact
14 estimate before the enactment of a proposed ordinance;
15 specifying requirements for the posting and content of
16 the estimate; providing construction and
17 applicability; creating s. 125.675, F.S.; requiring a
18 county to suspend enforcement of an ordinance that is
19 the subject of a certain legal action if certain
20 conditions are met; authorizing a prevailing county to
21 enforce the ordinance after a specified period, except
22 under certain circumstances; requiring courts to give
23 priority to certain cases; providing construction
24 relating to an attorney's or a party's signature;
25 requiring a court to impose sanctions under certain
26 circumstances; providing applicability; authorizing
27 courts to award attorney fees and costs and damages if
28 certain conditions are met; amending s. 166.041, F.S.;
29 providing certain procedures for continued meetings on

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30 proposed ordinances for municipalities; providing for
31 construction and retroactive application; requiring a
32 governing body of a municipality to prepare or cause
33 to be prepared a business impact estimate before the
34 enactment of a proposed ordinance; specifying
35 requirements for the posting and content of the
36 estimate; providing construction and applicability;
37 creating s. 166.0411, F.S.; requiring a municipality
38 to suspend enforcement of an ordinance that is the
39 subject of a certain legal action if certain
40 conditions are met; authorizing a prevailing
41 municipality to enforce the ordinance after a
42 specified period, except under certain circumstances;
43 requiring courts to give priority to certain cases;
44 providing construction relating to an attorney's or a
45 party's signature; requiring a court to impose
46 sanctions under certain circumstances; providing
47 applicability; authorizing courts to award attorney
48 fees and costs and damages if certain conditions are
49 met; amending ss. 163.2517, 163.3181, 163.3215,
50 376.80, 497.270, 562.45, and 847.0134, F.S.;

51 conforming cross-references and making technical
52 changes; providing a declaration of important state
53 interest; providing effective dates.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Section 57.112, Florida Statutes, is amended to
58 read:

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59 57.112 Attorney fees and costs and damages; arbitrary,
60 unreasonable, or expressly preempted local ordinances actions.-

61 (1) As used in this section, the term "attorney fees and
62 costs" means the reasonable and necessary attorney fees and
63 costs incurred for all preparations, motions, hearings, trials,
64 and appeals in a proceeding.

65 (2) If a civil action is filed against a local government
66 to challenge the adoption or enforcement of a local ordinance on
67 the grounds that it is expressly preempted by the State
68 Constitution or by state law, the court shall assess and award
69 reasonable attorney fees and costs and damages to the prevailing
70 party.

71 (3) If a civil action is filed against a local government
72 to challenge the adoption of a local ordinance on the grounds
73 that the ordinance is arbitrary or unreasonable, the court may
74 assess and award reasonable attorney fees and costs and damages
75 to a prevailing plaintiff. An award of reasonable attorney fees
76 or costs and damages pursuant to this subsection may not exceed
77 \$50,000. In addition, a prevailing plaintiff may not recover any
78 attorney fees or costs directly incurred by or associated with
79 litigation to determine an award of reasonable attorney fees or
80 costs.

81 (4) Attorney fees and costs and damages may not be awarded
82 pursuant to this section if:

83 (a) The governing body of a local governmental entity
84 receives written notice that an ordinance that has been publicly
85 noticed or adopted is expressly preempted by the State
86 Constitution or state law or is arbitrary or unreasonable; and

87 (b) The governing body of the local governmental entity

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88 withdraws the proposed ordinance within 30 days; or, in the case
89 of an adopted ordinance, the governing body of a local
90 government notices an intent to repeal the ordinance within 30
91 days after ~~of~~ receipt of the notice and repeals the ordinance
92 within 30 days thereafter.

93 (5)-(4) The provisions in this section are supplemental to
94 all other sanctions or remedies available under law or court
95 rule. However, this section may not be construed to authorize
96 double recovery if an affected person prevails on a claim
97 brought against a local government pursuant to other applicable
98 law involving the same ordinance, operative acts, or
99 transactions.

100 (6)-(5) This section does not apply to local ordinances
101 adopted pursuant to part II of chapter 163, s. 553.73, or s.
102 633.202.

103 (7) (a)-(6) Except as provided in paragraph (b), this section
104 is intended to be prospective in nature and applies ~~shall apply~~
105 only to cases commenced on or after July 1, 2019.

106 (b) The amendments to this section effective October 1,
107 2023, are prospective in nature and apply only to ordinances
108 adopted on or after October 1, 2023.

109 (c) An amendment to an ordinance enacted after October 1,
110 2023, gives rise to a claim under this section only to the
111 extent that the application of the amendatory language is the
112 cause of the claim apart from the ordinance being amended.

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

115 125.66 Ordinances; enactment procedure; emergency
116 ordinances; rezoning or change of land use ordinances or

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117 resolutions.—

118 (7) Consideration of the proposed county ordinance or
119 county resolution at a properly noticed meeting may be continued
120 to a subsequent meeting if, at the scheduled meeting, the date,
121 time, and place of the subsequent meeting is publicly stated. No
122 further publication, mailing, or posted notice as required under
123 this section is required, except that the continued
124 consideration must be listed in an agenda or similar
125 communication produced for the subsequent meeting. This
126 subsection is remedial in nature, is intended to clarify
127 existing law, and shall apply retroactively.

128 Section 3. Present subsections (3) through (7) of section
129 125.66, Florida Statutes, as amended by this act, are
130 redesignated as subsections (4) through (8), respectively, a new
131 subsection (3) is added to that section, and paragraph (a) of
132 subsection (2) of that section is amended, to read:

133 125.66 Ordinances; enactment procedure; emergency
134 ordinances; rezoning or change of land use ordinances or
135 resolutions.—

136 (2) (a) The regular enactment procedure is ~~shall be~~ as
137 follows: The board of county commissioners at any regular or
138 special meeting may enact or amend any ordinance, except as
139 provided in subsection (5) ~~(4)~~, if notice of intent to consider
140 such ordinance is given at least 10 days before such meeting by
141 publication as provided in chapter 50. A copy of such notice
142 must ~~shall~~ be kept available for public inspection during the
143 regular business hours of the office of the clerk of the board
144 of county commissioners. The notice of proposed enactment must
145 ~~shall~~ state the date, time, and place of the meeting; the title

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146 or titles of proposed ordinances; and the place or places within
147 the county where such proposed ordinances may be inspected by
148 the public. The notice must ~~shall~~ also advise that interested
149 parties may appear at the meeting and be heard with respect to
150 the proposed ordinance.

151 (3) (a) Before the enactment of a proposed ordinance, the
152 board of county commissioners shall prepare or cause to be
153 prepared a business impact estimate in accordance with this
154 subsection. The business impact estimate must be posted on the
155 county's website no later than the date the notice of proposed
156 enactment is published pursuant to paragraph (2) (a) and must
157 include all of the following:

158 1. A summary of the proposed ordinance, including a
159 statement of the public purpose to be served by the proposed
160 ordinance, such as serving the public health, safety, morals,
161 and welfare of the county.

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

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

167 b. Identification of any new charge or fee on businesses
168 subject to the proposed ordinance or for which businesses will
169 be financially responsible.

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

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

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175 4. Any additional information the board determines may be
176 useful.

177 (b) This subsection may not be construed to require a
178 county to procure an accountant or other financial consultant to
179 prepare the business impact estimate required by this
180 subsection.

181 (c) This subsection does not apply to:

182 1. Ordinances required for compliance with federal or state
183 law or regulation;

184 2. Ordinances relating to the issuance or refinancing of
185 debt;

186 3. Ordinances relating to the adoption of budgets or budget
187 amendments, including revenue sources necessary to fund the
188 budget;

189 4. Ordinances required to implement a contract or an
190 agreement, including, but not limited to, any federal, state,
191 local, or private grant, or other financial assistance accepted
192 by a county government;

193 5. Emergency ordinances;

194 6. Ordinances relating to procurement; or

195 7. Ordinances enacted to implement the following:

196 a. Part II of chapter 163, relating to growth policy,
197 county and municipal planning, and land development regulation,
198 including zoning, development orders, development agreements,
199 and development permits;

200 b. Sections 190.005 and 190.046;

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

202 or

203 d. Section 633.202, relating to the Florida Fire Prevention

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204 Code.

205 Section 4. Section 125.675, Florida Statutes, is created to
206 read:

207 125.675 Legal challenges to certain recently enacted
208 ordinances.—

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

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

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

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

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

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

227 (4) The signature of an attorney or a party constitutes a
228 certificate that he or she has read the pleading, motion, or
229 other paper and that, to the best of his or her knowledge,
230 information, and belief formed after reasonable inquiry, it is
231 not interposed for any improper purpose, such as to harass or to
232 cause unnecessary delay, or for economic advantage, competitive

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233 reasons, or frivolous purposes or needless increase in the cost
234 of litigation. If a pleading, motion, or other paper is signed
235 in violation of these requirements, the court, upon its own
236 initiative or upon favorably ruling on a party's motion for
237 sanctions, must impose upon the person who signed it, a
238 represented party, or both, an appropriate sanction, which may
239 include an order to pay to the other party or parties the amount
240 of reasonable expenses incurred because of the filing of the
241 pleading, motion, or other paper, including reasonable attorney
242 fees.

243 (5) This section does not apply to:

244 (a) Ordinances required for compliance with federal or
245 state law or regulation;

246 (b) Ordinances relating to the issuance or refinancing of
247 debt;

248 (c) Ordinances relating to the adoption of budgets or
249 budget amendments, including revenue sources necessary to fund
250 the budget;

251 (d) Ordinances required to implement a contract or an
252 agreement, including, but not limited to, any federal, state,
253 local, or private grant, or other financial assistance accepted
254 by a county government;

255 (e) Emergency ordinances;

256 (f) Ordinances relating to procurement; or

257 (g) Ordinances enacted to implement the following:

258 1. Part II of chapter 163, relating to growth policy,
259 county and municipal planning, and land development regulation,
260 including zoning, development orders, development agreements,
261 and development permits;

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262 2. Sections 190.005 and 190.046;
263 3. Section 553.73, relating to the Florida Building Code;
264 or
265 4. Section 633.202, relating to the Florida Fire Prevention
266 Code.

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

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

272 166.041 Procedures for adoption of ordinances and
273 resolutions.—

274 (3) (a) Except as provided in ~~paragraphs~~ paragraph (c) and
275 (d), a proposed ordinance may be read by title, or in full, on
276 at least 2 separate days and shall, at least 10 days prior to
277 adoption, be noticed once in a newspaper of general circulation
278 in the municipality. The notice of proposed enactment shall
279 state the date, time, and place of the meeting; the title or
280 titles of proposed ordinances; and the place or places within
281 the municipality where such proposed ordinances may be inspected
282 by the public. The notice shall also advise that interested
283 parties may appear at the meeting and be heard with respect to
284 the proposed ordinance.

285 (d) Consideration of the proposed municipal ordinance at a
286 meeting properly noticed pursuant to this subsection may be
287 continued to a subsequent meeting if, at the meeting, the date,
288 time, and place of the subsequent meeting is publicly stated. No
289 further publication, mailing, or posted notice as required under
290 this subsection is required, except that the continued

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291 consideration must be listed in an agenda or similar
292 communication produced for the subsequent meeting. This
293 paragraph is remedial in nature, is intended to clarify existing
294 law, and shall apply retroactively.

295 Section 6. Present subsections (4) through (8) of section
296 166.041, Florida Statutes, are redesignated as subsections (5)
297 through (9), respectively, and a new subsection (4) is added to
298 that section, to read:

299 166.041 Procedures for adoption of ordinances and
300 resolutions.—

301 (4) (a) Before the enactment of a proposed ordinance, the
302 governing body of a municipality shall prepare or cause to be
303 prepared a business impact estimate in accordance with this
304 subsection. The business impact estimate must be posted on the
305 municipality's website no later than the date the notice of
306 proposed enactment is published pursuant to paragraph (3) (a) and
307 must include all of the following:

308 1. A summary of the proposed ordinance, including a
309 statement of the public purpose to be served by the proposed
310 ordinance, such as serving the public health, safety, morals,
311 and welfare of the municipality.

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

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

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

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

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

325 4. Any additional information the governing body determines
326 may be useful.

327 (b) This subsection may not be construed to require a
328 municipality to procure an accountant or other financial
329 consultant to prepare the business impact estimate required by
330 this subsection.

331 (c) This subsection does not apply to:

332 1. Ordinances required for compliance with federal or state
333 law or regulation;

334 2. Ordinances relating to the issuance or refinancing of
335 debt;

336 3. Ordinances relating to the adoption of budgets or budget
337 amendments, including revenue sources necessary to fund the
338 budget;

339 4. Ordinances required to implement a contract or an
340 agreement, including, but not limited to, any federal, state,
341 local, or private grant, or other financial assistance accepted
342 by a municipal government;

343 5. Emergency ordinances;

344 6. Ordinances relating to procurement; or

345 7. Ordinances enacted to implement the following:

346 a. Part II of chapter 163, relating to growth policy,
347 county and municipal planning, and land development regulation,
348 including zoning, development orders, development agreements,

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349 and development permits;

350 b. Sections 190.005 and 190.046;

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

352 or

353 d. Section 633.202, relating to the Florida Fire Prevention
354 Code.

355 Section 7. Section 166.0411, Florida Statutes, is created
356 to read:

357 166.0411 Legal challenges to certain recently enacted
358 ordinances.—

359 (1) A municipality must suspend enforcement of an ordinance
360 that is the subject of an action challenging the ordinance's
361 validity on the grounds that it is expressly preempted by the
362 State Constitution or by state law or is arbitrary or
363 unreasonable if:

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

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

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

370 (2) When the plaintiff appeals a final judgment finding
371 that an ordinance is valid and enforceable, the municipality may
372 enforce the ordinance 45 days after the entry of the order
373 unless the plaintiff obtains a stay of the lower court's order.

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

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378 (4) The signature of an attorney or a party constitutes a
379 certificate that he or she has read the pleading, motion, or
380 other paper and that, to the best of his or her knowledge,
381 information, and belief formed after reasonable inquiry, it is
382 not interposed for any improper purpose, such as to harass or to
383 cause unnecessary delay, or for economic advantage, competitive
384 reasons, or frivolous purposes or needless increase in the cost
385 of litigation. If a pleading, motion, or other paper is signed
386 in violation of these requirements, the court, upon its own
387 initiative or upon favorably ruling on a party's motion for
388 sanctions, must impose upon the person who signed it, a
389 represented party, or both, an appropriate sanction, which may
390 include an order to pay to the other party or parties the amount
391 of reasonable expenses incurred because of the filing of the
392 pleading, motion, or other paper, including reasonable attorney
393 fees.

394 (5) This section does not apply to:

395 (a) Ordinances required for compliance with federal or
396 state law or regulation;

397 (b) Ordinances relating to the issuance or refinancing of
398 debt;

399 (c) Ordinances relating to the adoption of budgets or
400 budget amendments, including revenue sources necessary to fund
401 the budget;

402 (d) Ordinances required to implement a contract or an
403 agreement, including, but not limited to, any federal, state,
404 local, or private grant, or other financial assistance accepted
405 by a municipal government;

406 (e) Emergency ordinances;

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407 (f) Ordinances relating to procurement; or
408 (g) Ordinances enacted to implement the following:
409 1. Part II of chapter 163, relating to growth policy,
410 county and municipal planning, and land development regulation,
411 including zoning, development orders, development agreements,
412 and development permits;
413 2. Sections 190.005 and 190.046;
414 3. Section 553.73, relating to the Florida Building Code;
415 or
416 4. Section 633.202, relating to the Florida Fire Prevention
417 Code.
418 (6) The court may award attorney fees and costs and damages
419 as provided in s. 57.112.
420 Section 8. Subsection (5) of section 163.2517, Florida
421 Statutes, is amended to read:
422 163.2517 Designation of urban infill and redevelopment
423 area.—
424 (5) After the preparation of an urban infill and
425 redevelopment plan or designation of an existing plan, the local
426 government shall adopt the plan by ordinance. Notice for the
427 public hearing on the ordinance must be in the form established
428 in s. 166.041(3)(c)2. for municipalities, and s. 125.66(5)(b)2.
429 ~~s. 125.66(4)(b)2.~~ for counties.
430 Section 9. Paragraph (a) of subsection (3) of section
431 163.3181, Florida Statutes, is amended to read:
432 163.3181 Public participation in the comprehensive planning
433 process; intent; alternative dispute resolution.—
434 (3) A local government considering undertaking a publicly
435 financed capital improvement project may elect to use the

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436 procedures set forth in this subsection for the purpose of
437 allowing public participation in the decision and resolution of
438 disputes. For purposes of this subsection, a publicly financed
439 capital improvement project is a physical structure or
440 structures, the funding for construction, operation, and
441 maintenance of which is financed entirely from public funds.

442 (a) Before ~~Prior to~~ the date of a public hearing on the
443 decision on whether to proceed with the proposed project, the
444 local government shall publish public notice of its intent to
445 decide the issue according to the notice procedures described by
446 s. 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ for a county or s.
447 166.041(3)(c)2.b. for a municipality.

448 Section 10. Paragraph (a) of subsection (4) of section
449 163.3215, Florida Statutes, is amended to read:

450 163.3215 Standing to enforce local comprehensive plans
451 through development orders.—

452 (4) If a local government elects to adopt or has adopted an
453 ordinance establishing, at a minimum, the requirements listed in
454 this subsection, the sole method by which an aggrieved and
455 adversely affected party may challenge any decision of local
456 government granting or denying an application for a development
457 order, as defined in s. 163.3164, which materially alters the
458 use or density or intensity of use on a particular piece of
459 property, on the basis that it is not consistent with the
460 comprehensive plan adopted under this part, is by an appeal
461 filed by a petition for writ of certiorari filed in circuit
462 court no later than 30 days following rendition of a development
463 order or other written decision of the local government, or when
464 all local administrative appeals, if any, are exhausted,

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465 whichever occurs later. An action for injunctive or other relief
466 may be joined with the petition for certiorari. Principles of
467 judicial or administrative res judicata and collateral estoppel
468 apply to these proceedings. Minimum components of the local
469 process are as follows:

470 (a) The local process must make provision for notice of an
471 application for a development order that materially alters the
472 use or density or intensity of use on a particular piece of
473 property, including notice by publication or mailed notice
474 consistent with the provisions of ss. 125.66(5)(b)2. and 3. and
475 166.041(3)(c)2.b. and c. ss. ~~125.66(4)(b)2. and 3. and~~
476 ~~166.041(3)(c)2.b. and c.,~~ and must require prominent posting at
477 the job site. The notice must be given within 10 days after the
478 filing of an application for a development order; however,
479 notice under this subsection is not required for an application
480 for a building permit or any other official action of local
481 government which does not materially alter the use or density or
482 intensity of use on a particular piece of property. The notice
483 must clearly delineate that an aggrieved or adversely affected
484 person has the right to request a quasi-judicial hearing before
485 the local government for which the application is made, must
486 explain the conditions precedent to the appeal of any
487 development order ultimately rendered upon the application, and
488 must specify the location where written procedures can be
489 obtained that describe the process, including how to initiate
490 the quasi-judicial process, the timeframes for initiating the
491 process, and the location of the hearing. The process may
492 include an opportunity for an alternative dispute resolution.

493 Section 11. Paragraph (c) of subsection (1) of section

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494 376.80, Florida Statutes, is amended to read:

495 376.80 Brownfield program administration process.—

496 (1) The following general procedures apply to brownfield
497 designations:

498 (c) Except as otherwise provided, the following provisions
499 apply to all proposed brownfield area designations:

500 1. Notification to department following adoption.—A local
501 government with jurisdiction over the brownfield area must
502 notify the department, and, if applicable, the local pollution
503 control program under s. 403.182, of its decision to designate a
504 brownfield area for rehabilitation for the purposes of ss.
505 376.77–376.86. The notification must include a resolution
506 adopted by the local government body. The local government shall
507 notify the department, and, if applicable, the local pollution
508 control program under s. 403.182, of the designation within 30
509 days after adoption of the resolution.

510 2. Resolution adoption.—The brownfield area designation
511 must be carried out by a resolution adopted by the
512 jurisdictional local government, which includes a map adequate
513 to clearly delineate exactly which parcels are to be included in
514 the brownfield area or alternatively a less-detailed map
515 accompanied by a detailed legal description of the brownfield
516 area. For municipalities, the governing body shall adopt the
517 resolution in accordance with the procedures outlined in s.
518 166.041, except that the procedures for the public hearings on
519 the proposed resolution must be in the form established in s.
520 166.041(3)(c)2. For counties, the governing body shall adopt the
521 resolution in accordance with the procedures outlined in s.
522 125.66, except that the procedures for the public hearings on

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523 the proposed resolution must ~~shall~~ be in the form established in
524 s. 125.66(5)(b) ~~s. 125.66(4)(b)~~.

525 3. Right to be removed from proposed brownfield area.—If a
526 property owner within the area proposed for designation by the
527 local government requests in writing to have his or her property
528 removed from the proposed designation, the local government must
529 ~~shall~~ grant the request.

530 4. Notice and public hearing requirements for designation
531 of a proposed brownfield area outside a redevelopment area or by
532 a nongovernmental entity. Compliance with the following
533 provisions is required before designation of a proposed
534 brownfield area under paragraph (2)(a) or paragraph (2)(c):

535 a. At least one of the required public hearings must ~~shall~~
536 be conducted as closely as is reasonably practicable to the area
537 to be designated to provide an opportunity for public input on
538 the size of the area, the objectives for rehabilitation, job
539 opportunities and economic developments anticipated,
540 neighborhood residents' considerations, and other relevant local
541 concerns.

542 b. Notice of a public hearing must be made in a newspaper
543 of general circulation in the area, must be made in ethnic
544 newspapers or local community bulletins, must be posted in the
545 affected area, and must be announced at a scheduled meeting of
546 the local governing body before the actual public hearing.

547 Section 12. Paragraph (a) of subsection (3) of section
548 497.270, Florida Statutes, is amended to read:

549 497.270 Minimum acreage; sale or disposition of cemetery
550 lands.—

551 (3)(a) If the property to be sold, conveyed, or disposed of

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552 under subsection (2) has been or is being used for the permanent
553 interment of human remains, the applicant for approval of such
554 sale, conveyance, or disposition must ~~shall~~ cause to be
555 published, at least once a week for 4 consecutive weeks, a
556 notice meeting the standards of publication set forth in s.
557 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ The notice must ~~shall~~ describe
558 the property in question and the proposed noncemetery use and
559 must ~~shall~~ advise substantially affected persons that they may
560 file a written request for a hearing pursuant to chapter 120,
561 within 14 days after the date of last publication of the notice,
562 with the department if they object to granting the applicant's
563 request to sell, convey, or dispose of the subject property for
564 noncemetery uses.

565 Section 13. Paragraph (a) of subsection (2) of section
566 562.45, Florida Statutes, is amended to read:

567 562.45 Penalties for violating Beverage Law; local
568 ordinances; prohibiting regulation of certain activities or
569 business transactions; requiring nondiscriminatory treatment;
570 providing exceptions.—

571 (2) (a) Nothing contained in the Beverage Law may ~~shall~~ be
572 construed to affect or impair the power or right of any county
573 or incorporated municipality of the state to enact ordinances
574 regulating the hours of business and location of place of
575 business, and prescribing sanitary regulations therefor, of any
576 licensee under the Beverage Law within the county or corporate
577 limits of such municipality. However, except for premises
578 licensed on or before July 1, 1999, and except for locations
579 ~~that are~~ licensed as restaurants, which derive at least 51
580 percent of their gross revenues from the sale of food and

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581 nonalcoholic beverages, pursuant to chapter 509, a location for
582 on-premises consumption of alcoholic beverages may not be
583 located within 500 feet of the real property that comprises a
584 public or private elementary school, middle school, or secondary
585 school unless the county or municipality approves the location
586 as promoting the public health, safety, and general welfare of
587 the community under proceedings as provided in s. 125.66(5) ~~s.~~
588 ~~125.66(4)~~, for counties, and s. 166.041(3)(c), for
589 municipalities. This restriction may ~~shall~~ not, however, be
590 construed to prohibit the issuance of temporary permits to
591 certain nonprofit organizations as provided for in s. 561.422.
592 The division may not issue a change in the series of a license
593 or approve a change of a licensee's location unless the licensee
594 provides documentation of proper zoning from the appropriate
595 county or municipal zoning authorities.

596 Section 14. Subsection (1) of section 847.0134, Florida
597 Statutes, is amended to read:

598 847.0134 Prohibition of adult entertainment establishment
599 that displays, sells, or distributes materials harmful to minors
600 within 2,500 feet of a school.—

601 (1) Except for those establishments that are legally
602 operating or have been granted a permit from a local government
603 to operate as adult entertainment establishments on or before
604 July 1, 2001, an adult entertainment establishment that sells,
605 rents, loans, distributes, transmits, shows, or exhibits any
606 obscene material, as described in s. 847.0133, or presents live
607 entertainment or a motion picture, slide, or other exhibit that,
608 in whole or in part, depicts nudity, sexual conduct, sexual
609 excitement, sexual battery, sexual bestiality, or

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610 sadomasochistic abuse and that is harmful to minors, as
611 described in s. 847.001, may not be located within 2,500 feet of
612 the real property that comprises a public or private elementary
613 school, middle school, or secondary school unless the county or
614 municipality approves the location under proceedings as provided
615 in s. 125.66(5) ~~s. 125.66(4)~~ for counties or s. 166.041(3)(c)
616 for municipalities.

617 Section 15. The Legislature finds and declares that this
618 act fulfills an important state interest.

619 Section 16. Except as otherwise expressly provided in this
620 act and except for this section, which shall take effect upon
621 becoming a law, this act shall take effect October 1, 2023.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Hypothetical Proposed Ordinance 23-100 Building Permit Fees

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 23-100 would increase the current basic building permit fee applicable to residential dwelling construction from \$32 per 100 square feet to the proposed \$36 per 100 square feet. It is estimated this increase will add an additional \$400 per year to pay the costs of processing building permits, conducting related reviews and making related inspections. The public purpose of the ordinance is to offset the [City/Town/Village's] costs of processing building permits, conducting related reviews and making related inspections, thereby protecting public safety and ensuring compliance with the Florida Building Code.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The adoption of Ordinance 23-100 will directly increase the fees paid to construct new dwelling units and will result in additional money for building permit processing. Currently, the average levy is \$484, which represents an approximately 1,500-square-foot housing unit. The change from \$32 to \$36 represents a 12.5% increase. The direct impact of this change is anticipated to be an increase of \$60 per average housing unit.

Ordinance 23-100 does not create a new fee or charge. It would increase the current basic building permit fee applicable to residential dwelling construction from \$32 per 100 square feet to the proposed \$36 per 100 square feet.

The proposed change in the residential construction fee presents no significant foreseeable or anticipated cost or decrease in the [City/Town/Village's] regulatory costs. Ordinance 23-100 would increase the current basic building permit fee applicable to residential dwelling construction from \$32 per 100 square feet to the proposed \$36 per 100 square feet. It is estimated this increase will add an additional \$400 per year to pay the [City/Town/Village's] costs of processing building permits, conducting related reviews and making related inspections.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The [City/Town/Village] issued ___ permits for residential dwelling unit construction in FY ___. The estimated number of businesses likely to be impacted by the ordinance cannot be quantified at this time because the number of businesses likely to be impacted by Ordinance 23-100 will depend on how many businesses seek residential dwelling building permits following the effective date of the ordinance.

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Hypothetical Proposed Ordinance 23-101 Outdoor Amplified Sound

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 23-101 is proposed for the purpose of imposing sound limits on outdoor amplified sound at establishments that offer alcoholic beverages for sale to protect the public health and safety of patrons, nearby businesses and residences. The ordinance prohibits outdoor amplified sound that exceeds specified levels on Sunday to Thursday nights commencing at 11:00 p.m. and Friday and Saturday nights commencing at midnight until 7:00 a.m. the following morning.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 23-101. There may be indirect compliance costs incurred by business establishments that currently use outdoor amplified sound at noise levels and hours that would be prohibited by Ordinance 23-101. Such business establishments may be required to move amplified sound indoors or shorten the hours for outdoor amplified sound.

Ordinance 23-101 does not impose any new charge or fee on businesses.

The City may incur increased, indeterminate regulatory costs associated with code compliance. There are no new charges or fees that will be imposed on businesses by the ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The City estimates that ____ private, for-profit businesses serve alcoholic beverages in the City and, therefore, would potentially be subject to Ordinance 23-101. [cite source of data]

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses).

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Hypothetical Proposed Ordinance 23-102 Single-Use Plastic

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 23-102 would prohibit the sale or use of single-use plastic beverage straws and single-use plastic stirrers by city contractors and special event permittees conducting special events on municipal property. The ordinance furthers public health, safety and welfare by reducing litter from single-use plastic straws and stirrers, which are not readily recyclable or biodegradable.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], including the following, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

(c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Ordinance 23-102 applies only to city contractors and special event permittees with permits or contracts entered or issued after the effective date of the ordinance. These entities may incur increased, indeterminate costs associated with using biodegradable or reusable straws and stirrers that are greater than the costs associated with using non-biodegradable or single-use straws and stirrers. Biodegradable or reusable straws and stirrers typically cost 8% more than plastic products. [cite source of data]. Private, for-profit businesses in the [City/Town/Village] may avoid incurring these costs by not entering contracts with the City and by not seeking city permits for special events.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The City estimates that ____ private, for-profit businesses serve alcoholic beverages in the City and, therefore, would potentially be subject to Ordinance 23-101. [cite source of data]

Ordinance 23-102 does not impose any new charge or fee on businesses.

The City may incur increased, indeterminate costs associated with monitoring the activity of city contractors and special event permittees to ensure compliance. There are no new charges or fees that will be imposed on businesses by the ordinance to cover the City's costs of ensuring compliance.

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses).