



Effective:[See Text Amendments]

West's Florida Statutes Annotated Currentness

Title XII. Municipalities (Chapters 165-185)

Chapter 166. Municipalities (Refs & Annos)

Part I. General Provisions

→ **166.041. Procedures for adoption of ordinances and resolutions**

(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) “Ordinance” means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) “Resolution” means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each **ordinance** or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No **ordinance** shall be revised or amended by reference to its title only. **Ordinances** to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

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

(b) The governing body of a **municipality** may, by a two-thirds vote, enact an **emergency ordinance** without complying with the requirements of paragraph (a) of this subsection. However, no **emergency ordinance** or resolution shall be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. **Emergency** enactment procedures for land use plans adopted pursuant to part II of chapter 163 shall be pursuant to that part.

(c) **Ordinances** initiated by other than the **municipality** that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). **Ordinances** that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or **ordinances** initiated by the **municipality** that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed **ordinance** changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

(4) A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein.

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

(6) The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

(7) Five years after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section. After 5 years, substantial compliance with the provisions contained in this section shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the provisions contained in this section. Without limitation, the common law doctrines of laches and waiver are valid defenses to any action challenging the validity of an ordinance or resolution based on failure to strictly adhere to the provisions contained in this section. Standing to initiate a challenge to the adoption of an ordinance or resolution based on a failure to strictly adhere to the provisions contained in this section shall be limited to a person who was entitled to actual or constructive notice

at the time the ordinance or resolution was adopted. Nothing herein shall be construed to affect the standing requirements under part II of chapter 163.

(8) The notice procedures required by this section are established as minimum notice procedures.

CREDIT(S)

Laws 1973, c. 73-129, § 1; Laws 1976, c. 76-155, § 2; Laws 1977, c. 77-331, § 2; Laws 1983, c. 83-240, § 1; Laws 1983, c. 83-301, § 1. Amended by Laws 1995, c. 95-198, § 2, eff. June 9, 1995; Laws 1995, c. 95-310, § 5, eff. June 15, 1995.

HISTORICAL AND STATUTORY NOTES

Amendment Notes:

Laws 1976, c. 76-155, amending subsec. (3), inserted the exception and provided for reading of the ordinance 7 rather than 14 days prior to adoption in subd. (a), added the proviso pertaining to emergency ordinances in subd. (b), and added subds. (c) and (d).

Prior to the 1977 amendment, subsec. (3) of the section as it appears in Fla.St.1976, Supp. provided:

“(3)(a) A proposed ordinance, except an ordinance which rezones private real property or an ordinance which deals with land use, enacted pursuant to the provisions of the Local Government Comprehensive Planning Act, may be read by title, or in full, on at least 2 separate days and shall, at least 7 days prior to adoption, be noticed once in a newspaper of general circulation in the **municipality**. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed **ordinances**, and the place or places within the **municipality** where such proposed **ordinances** may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed **ordinance**.

“(b) The governing body of a **municipality** may, by a two-thirds vote, enact an **emergency ordinance** without complying with the requirements of paragraph (a) of this subsection. However, no **emergency ordinance** shall be enacted which enacts or amends a land use plan or which rezones private real property.

“(c) Enactment of **ordinances** which deal with land use pursuant to the provisions of the Local Government Comprehensive Planning Act shall be enacted under the procedure prescribed in s. 163.3181(3).

“(d) Enactment of **ordinances** which rezone private real property shall be enacted pursuant to the following procedure:

“1. In cases in which the proposed rezoning involves less than 5 percent of the total land area of the **municipality**, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the **municipality** will rezone by enactment of the **ordinance** and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed **ordinance** as it affects that property owner and shall set a time and place for one or more public hearings on such **ordinance**. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept in a separate book which shall be open to public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance not more than 60 days or less than 30 days prior to the date set for adoption of the ordinance.

“2. In cases in which the proposed ordinance deals with more than 5 percent of the total land area of the municipality, the governing body shall provide for public notice and hearings as follows:

“a. The local governing body shall hold two advertised public hearings on the proposed ordinance. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

“b. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the municipality and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

“NOTICE OF ZONING CHANGE

“The (name of local governmental unit) proposes to rezone the land within the area shown in the map in this advertisement.

“A public hearing on the increase will be held on (date and time) at (meeting place).

“The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

“c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance.”

Laws 1977, c. 77-331, rewrote subsec. (3) to specify procedures by which municipalities shall enact certain ordinances which rezone real property.

Laws 1983, c. 83-240, § 1, in subsec. (3)(a), substituted “10 days” for “7 days” in the first sentence.

Laws 1983, c. 83-301, § 1, amending subsec. (3)(c), substituted “specific parcels of private real property or which substantially changed permitted use categories in zoning districts” for “private real property” and inserted “or change in permitted use” and “or whose land will be affected by the change in permitted use” in subpar. 1.

Laws 1995, c. 95-198, § 2, eff. June 9, 1995, in subsec. (3)(c)2.a., in the second sentence, substituted “unless the local governing body, by a majority plus one vote, elects to conduct one or both of these hearings at another time of day. The first public hearing” for “and the first”.

Laws 1995, c. 95-310, § 5, eff. June 15, 1995, in subsec. (3), rewrote the second sentence, which formerly read, “However, no emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private real property.”, and added the third sentence, relating to land use plan emergency enactment procedures, in par. (b), and rewrote par. (c), which had read:

“Ordinances initiated by the governing body or its designee which rezone specific parcels of private real property or which substantially change permitted use categories in zoning districts shall be enacted pursuant to the following procedure:

“1. In cases in which the proposed rezoning or change in permitted use involves less than 5 percent of the total land area of the municipality, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will rezone or whose land will be affected by the change in permitted use by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

“2. In cases in which the proposed ordinance deals with more than 5 percent of the total land area

of the municipality, the governing body shall provide for public notice and hearings as follows:

“a. The local governing body shall hold two advertised public hearings on the proposed ordinance. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

“b. The required advertisements shall be no less than one quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the municipality and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

“NOTICE OF ZONING (PERMITTED USE) CHANGE

“The (name of local governmental unit) proposes to rezone (change the permitted use of) the land within the area shown in the map in this advertisement.

“A public hearing on the rezoning will be held on (date and time) at (meeting place).

“The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

“c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance.”

and added subsecs. (7) and (8), relating to actions, and to minimum notice procedures, respectively.

Laws 1995, c. 95-310, § 6, provides:

“If any ordinance or resolution was adopted prior to the effective date of this act and the appropriate subsection of s. 166.041, Florida Statutes, was not followed, but the municipality followed the procedure of subsection (2) or subsection (3) of s. 166.041, Florida Statutes, as they

existed at the time of the adoption of such ordinance or resolution, the procedures used for such ordinance or resolution are hereby validated and ratified. This section does not apply to any lawsuit pending on the effective date of this act.”

CROSS REFERENCES

Annexation ordinances, see § 171.044.

Municipal annexation, interlocal service boundary agreements, see § 171.203.

LAW REVIEW AND JOURNAL COMMENTARIES

Executive Decisionmaking by Local Legislatures in Florida: Justice, Judicial Review and the Need for Legislative Reform. Robert Lincoln, 25 Stetson L.Rev. 627 (1996).

Participatory democracy with archaic rules: Initiative, referendum, and recall at the municipal level. Michael S. Davis and Mirella Murphy James, 22 Stetson L.Rev. 714 (1993).

Regulating developments of regional impact: Florida and Model Land Development Code. Thomas G. Pelham, 29 U.Fla.L.Rev. 789 (1977).

Vested rights: Predictability in a changing regulatory system. Robert M. Rhodes, James C. Hauser and Ralph A. DeMeo, Jr., 13 Stetson L.Rev. 1 (1983).

LIBRARY REFERENCES

Municipal Corporations ☞ 105.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations § 411 et seq.

RESEARCH REFERENCES

ALR Library

96 ALR 2nd 449, Validity and Construction of Statutory Notice Requirements Prerequisite to Adoption or Amendment of Zoning Ordinance or Regulation.

Encyclopedias

Distance from Churches or Schools, FL Jur. 2d Alcoholic Beverages § 64.

Exhibit or Presentation Harmful to Minors--Adult-Entertainment Establishments, FL Jur. 2d Amusements & Exhibitions § 13.

By Municipality, FL Jur. 2d Building, Zoning, & Land Controls § 183.

Community Redevelopment, FL Jur. 2d Counties & Municipal Corporations § 84.

Distinction Between Ordinance and Resolution, FL Jur. 2d Counties & Municipal Corporations § 159.

Amendment and Repeal, FL Jur. 2d Counties & Municipal Corporations § 160.

Enactment Procedure, FL Jur. 2d Counties & Municipal Corporations § 162.

Emergency Enactment Procedures, FL Jur. 2d Counties & Municipal Corporations § 163.

Emergency Enactment Procedures--Procedure With Respect to Land Use or Zoning, FL Jur. 2d Counties & Municipal Corporations § 164.

Subject and Title, FL Jur. 2d Counties & Municipal Corporations § 165.

Adoption of Resolutions, FL Jur. 2d Counties & Municipal Corporations § 168.

Forms

Florida Pleading and Practice Forms § 19:14, Zoning Procedure.

Treatises and Practice Aids

19 Florida Practice Series § 16:2, Role of Local Legislative Bodies.

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1. Construction and application

Florida statute setting forth notice and hearing requirements for proposed **ordinance** that changes list of permitted, conditional, or prohibited uses within zoning category, or changes actual zoning map designation for parcel of land involving ten or more contiguous acres, applies only to **ordinances** which substantially affect use of land. Lady J. Lingerie, Inc. v. City of Jacksonville, M.D.Fla.1997, 973 F.Supp. 1428, affirmed in part , reversed in part 176 F.3d 1358, certiorari denied 120 S.Ct. 1554, 529 U.S. 1053, 146 L.Ed.2d 459.

2. Necessity of ordinance--In general

Even if city commission had authority to delegate power of subpoena to nonelected officials, such delegation would be required to be accomplished via a duly enacted ordinance, rather than by means of resolution. Barry v. Garcia, App. 3 Dist., 573 So.2d 932 (1991), review denied 583 So.2d 1034. Municipal Corporations ¶62

Act required to be accomplished by ordinance may not be accomplished by resolution. Carlton v. Jones, 117 Fla. 622, 158 So. 170 (1934). Municipal Corporations ¶85

3. --- Vacating streets, necessity of ordinance

Within the purview of the definitions of the words “ordinance” and “resolution” contained in this section it would appear that, at least with respect to the permanent vacating of a street or alley by a municipal legislative body, the more appropriate procedure would be the adoption of an ordinance rather than a resolution. Op.Atty.Gen., 075-171, June 13, 1975.

4. Adoption by reference

A municipality by ordinance may adopt state misdemeanor statutes by specific reference or by general reference, such as that contained in ordinance making it unlawful to commit, within city limits, any act which is or shall be recognized by the laws of the state of Florida as a misdemeanor. Jaramillo v. City of Homestead, 322 So.2d 496 (1975). Municipal Corporations ¶592(2)

Municipalities of Florida could adopt United States public health service milk ordinance by reference only if ordinance was law of the federal government, but if it was not a law, it could not be adopted by reference but would have to be printed in full. 1939 Op.Atty.Gen. 307.

5. Title

Title of ordinance prohibiting in certain locations alcoholic beverage establishments permitting nudity did not violate subsec. (2) of this section, though title only recited that the ordinance prohibited location of alcoholic beverage establishments at particular locations and contained no reference to nude dancing. A.B.T. Corp., Inc. v. City of Fort Lauderdale, Fla., S.D.Fla.1987, 664 F.Supp. 488, affirmed 835 F.2d 1439. Municipal Corporations ¶112(3)

6. Amendments

City charter amendments relating to maximum density and height of residential construction were not “land development regulations” within meaning of statute requiring land development regulations to be referred to local planning agency before adoption, where amendments were adopted by referendum rather than by legislative action of the city council. City of Cocoa Beach v. Vacation Beach, Inc., App. 5 Dist., 852 So.2d 358 (2003). Municipal Corporations ¶46; Zoning And Planning ¶193

A municipal ordinance cannot be amended by resolution or on motion. General Development Utilities, Inc. v. Davis, App. 2 Dist., 375 So.2d 20 (1979). Municipal Corporations ¶114

An amendatory ordinance is sufficient if it is complete and intelligible in itself without the necessity of referring to the books to relate it to the amended ordinance in order to ascertain the meaning of the amendment; in the instant case, the three amendatory ordinances involved met that test. City of Hallandale v. State ex rel. Zachar, App. 4 Dist., 371 So.2d 186 (1979). Municipal Corporations ¶120

Where any substantial or material changes or amendments are made during the process of enacting a municipal ordinance, the enactment process mandated by this section must begin anew with full compliance with the reading and notice requirements contained therein. Op.Atty.Gen., 082-93, Oct. 29, 1982.

Subsection (2), does not require that ordinances shall set out the act, section, subsection or paragraph of a section or subsection in full as it was prior to amendment, as well as the act, section, subsection or paragraph in full as amended. Op.Atty.Gen., 073-449, Nov. 29, 1973.

The amendatory ordinance must set out the revised or amended section, subsection or paragraph of a section or subsection in full, including all the language of the former section or subsection or paragraph thereof not being deleted or amended and the amendatory language. Enough of the ordinance being amended must be republished to make the meaning of the provision published complete and intelligent from its language. Op.Atty.Gen., 073-449, Nov. 29, 1973.

7. Amendment of former charter by ordinance

Under this section City of Sarasota could amend by ordinance and without referendum approval its former charter provisions relating to removal of an appointed city manager. Op.Atty.Gen. No. 86-64, July 31, 1986.

The charter of the city of Lauderhill provides that the mayor cannot suspend, and the city council cannot remove, any appointed officer except for cause as specified in the Charter. Under Laws 1973, c. 73-129 such charter provision is either repealed or has become an ordinance subject to amendment or repeal as other ordinances. Therefore, the city council may enact an ordinance amending or repealing the charter provision. Until such time as the council enacts an ordinance charging the charter provision, existing ordinances and charter provisions govern. Op.Atty.Gen., 073-475, Dec. 19, 1973.

8. Repeal

A municipal ordinance cannot be repealed by a mere resolution but only by passing of a new ordinance. Bubb v. Barber, App., 295 So.2d 701 (1974); City of Coral Gables v. City of Miami, 138 Fla. 881, 190 So. 427 (1939).

A prior ordinance is repealed so far as any of its provisions are in conflict with the provisions of a subsequent ordinance. Greeley v. City of Jacksonville, 17 Fla. 174 (1879).

9. Readings

Two readings are not required for municipal resolutions adopted pursuant to the Community Re-development Act. Bay County v. Town of Cedar Grove, 992 So.2d 164 (2008). Municipal Cor-

porations ⚓106(2.1)

Subdivision (3) (a) of this section which provides that a municipality's “* * * proposed ordinance * * * may be read by title, or in full, on at least 2 separate days and shall, at least 7 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality,” mandates that an ordinance be read aloud twice before its passage, and, thus, ordinance, which had not been read aloud before its passage, was invalid. City of St. Petersburg v. Austin, App. 2 Dist., 355 So.2d 486 (1978). Municipal Corporations ⚓106(2.1)

Where, before zoning ordinance amendment, no high-rise, multiple-family dwellings could be constructed in city, amendment permitting such dwellings did not relate to uses permitted by city zoning ordinance but granted use different in kind and character from other permitted uses, and thus passage of amendment upon one reading rendered amendment void under city charter provision requiring ordinances to be read twice prior to passage. Skaggs v. City of Key West, App. 3 Dist., 312 So.2d 549 (1975). Zoning And Planning ⚓197

Where provision of city charter requiring that all ordinances shall be passed “on three several readings” was not complied with, the property involved was not properly zoned for multiple dwellings since city could not enact zoning ordinance by merely indicating intention to do so or by simply passing a resolution. Bubb v. Barber, App. 2 Dist., 295 So.2d 701 (1974). Zoning And Planning ⚓131

Under charter of city of St. Petersburg requiring at least one week to elapse “between the first and second reading of ordinances,” the required time must be reckoned between the readings rather than between the days on which readings occurred, and hence ordinance read the first time on December 4 and the second time on December 11 was valid. Nash v. Vaughn, 133 Fla. 499, 182 So. 827 (1938). Time ⚓6

Purpose of requiring proposed ordinance to be read at more than one session or meeting is to prevent undue haste and secure deliberation by legislative body before final passage. Nash v. Vaughn, 133 Fla. 499, 182 So. 827 (1938). Municipal Corporations ⚓106(2.1)

Proposed ordinances must be read by title or in full on at least two separate days, and this requirement would not be satisfied by reading a proposed municipal ordinance by its number only. Op.Atty.Gen., 84-14, Feb. 6, 1984.

This section providing for procedures for adoption of ordinances and resolutions as amended in 1983 excepts or exempts from the reading requirements imposed therein ordinances enacted which rezone specific parcels of private real property or substantially change permitted use categories in zoning districts. Op.Atty.Gen., 84-14, Feb. 6, 1984.

Unless an ordinance or charter provision adopted subsequent to October 1, 1973, provides otherwise, no reading of a resolution is required by the terms of this section, for the valid adoption

of a municipal resolution; resolutions may, but are not required, to be read by title only. Op.Atty.Gen., 081-71, Sept. 28, 1981.

9.5. Resolutions

Town resolution making it illegal for a person to drive from commercial properties onto a designated residential street was an ordinance as defined by statute; resolution regulated use of property in a manner that was both general and permanent, and was neither a matter of administration for the town, nor an expression of a temporary character. White v. Town of Inglis, App. 1 Dist., 988 So.2d 163 (2008). Municipal Corporations ¶85

A resolution cannot be substituted for and have the force and effect of an ordinance, nor can a resolution supply initial authority which is required to be vested by ordinance. White v. Town of Inglis, App. 1 Dist., 988 So.2d 163 (2008). Municipal Corporations ¶85

10. Notice--In general

Town's failure to satisfy 10-day statutory notice period for enacting ordinances caused ordinance making it illegal to drive from commercial properties onto a designated residential street to be void. White v. Town of Inglis, App. 1 Dist., 988 So.2d 163 (2008). Municipal Corporations ¶106(1)

City ordinance prohibiting structures from being used for bingo games more than two days per week was a regulatory ordinance, rather than a zoning ordinance subject to statutory procedural notice requirements; ordinance was intended to regulate the conduct of bingo games and bingo halls, and applied generally to all properties in which bingo halls were permitted or conditional use. M & A Management Corp. v. City of Melbourne, Fla., App. 5 Dist., 653 So.2d 1050 (1995), rehearing denied , review denied 661 So.2d 824. Municipal Corporations ¶106(1); Zoning And Planning ¶134.1

For ordinance to be classified as one which "affects the use of land" so that it must be adopted subject to notice and hearing requirements, ordinance must substantially impair use of land, and effect on land use must be something more than merely incidental. 3299 N. Federal Highway, Inc. v. Board of County Com'rs of Broward County, App. 4 Dist., 646 So.2d 215 (1994), rehearing denied, opinion clarified , review dismissed 699 So.2d 690. Zoning And Planning ¶194.1

Type of ordinance which substantially affects land use and must be adopted subject to notice and hearing requirements affecting regulations affecting use of land is one which prohibits owner from building at all, prohibits owner from using land for particular purpose, or places major restrictions on size, construction, or placement of building which can be erected on land. 3299 N. Federal Highway, Inc. v. Board of County Com'rs of Broward County, App. 4 Dist., 646 So.2d 215 (1994), rehearing denied, opinion clarified , review dismissed 699 So.2d 690. Zoning And Planning ¶194.1

Notice and hearing requirements are not usually required for impact fee ordinances which have primary purpose of capital expansion rather than land use regulation. 3299 N. Federal Highway, Inc. v. Board of County Com'rs of Broward County, App. 4 Dist., 646 So.2d 215 (1994), rehearing denied, opinion clarified , review dismissed 699 So.2d 690. Municipal Corporations ⚓106(1)

Structural requirements of county ordinance restricting and regulating nude dancing did not substantially affect use of land, and were not required to be adopted subject to notice and public hearing requirements; requirements were very similar to type of changes imposed on existing businesses due to amendments of fire or safety code which would not be subject to strict enactment requirements, and purpose behind ordinance was to regulate conduct which county commission found to pose danger to public health and safety even though purpose was accomplished in part by requiring structural changes to businesses. 3299 N. Federal Highway, Inc. v. Board of County Com'rs of Broward County, App. 4 Dist., 646 So.2d 215 (1994), rehearing denied, opinion clarified , review dismissed 699 So.2d 690. Counties ⚓55; Zoning And Planning ⚓194.1

Notice and hearing requirements are not usually imposed upon changes to municipal building or construction codes. 3299 N. Federal Highway, Inc. v. Board of County Com'rs of Broward County, App. 4 Dist., 646 So.2d 215 (1994), rehearing denied, opinion clarified , review dismissed 699 So.2d 690. Municipal Corporations ⚓106(1)

Statutory notice of meeting to consider ordinance proposed by private individual is clearly mandatory, and constitutes jurisdictional condition precedent to activation of city's power to adopt ordinance. Healthsouth Doctors' Hosp., Inc. v. Hartnett, App. 3 Dist., 622 So.2d 146 (1993). Municipal Corporations ⚓106(1)

Under Florida law, strict compliance with statutory notice requirements is jurisdictional and mandatory prerequisite to valid enactment of zoning measure; ordinance which does not comply with notice requirements is void. Lady J. Lingerie, Inc. v. City of Jacksonville, M.D.Fla.1997, 973 F.Supp. 1428, affirmed in part , reversed in part 176 F.3d 1358, certiorari denied 120 S.Ct. 1554, 529 U.S. 1053, 146 L.Ed.2d 459.

Advertising second public hearing 14 days in advance of hearing, rather than five days specified in statute setting forth notice and hearing requirements, did not render adult entertainment zoning ordinance void for failure to comply with statutory notice provisions; city complied with each minimum requirement of statute. Lady J. Lingerie, Inc. v. City of Jacksonville, M.D.Fla.1997, 973 F.Supp. 1428, affirmed in part , reversed in part 176 F.3d 1358, certiorari denied 120 S.Ct. 1554, 529 U.S. 1053, 146 L.Ed.2d 459.

City was not required to comply with statutory notice requirements with respect to zoning ordinance repealing an enjoined ordinance. Lady J. Lingerie, Inc. v. City of Jacksonville,

M.D.Fla.1997, 973 F.Supp. 1428, affirmed in part , reversed in part 176 F.3d 1358, certiorari denied 120 S.Ct. 1554, 529 U.S. 1053, 146 L.Ed.2d 459.

Ordinance which guaranteed right to operate adult entertainment facility while awaiting decision on application for exception was not ordinance which substantially affected use of land, and thus city did not have to comply with statutory notice requirements. West's F.S.A. § 166.041(3)(c)2. Lady J. Lingerie, Inc. v. City of Jacksonville, M.D.Fla.1997, 973 F.Supp. 1428, affirmed in part , reversed in part 176 F.3d 1358, certiorari denied 120 S.Ct. 1554, 529 U.S. 1053, 146 L.Ed.2d 459.

The procedures for the adoption of ordinances by the governing body of the City of Lake Worth are controlled by the terms of this section and, absent an ordinance or charter provision enacted subsequent to July 1, 1973 containing more stringent requirements than are contained therein, the provision of this section that requires a proposed ordinance to be read by title, or in full, on at least two separate days and which requires that the ordinance shall, at least 7 days prior to the adoption, be noticed once in a newspaper of general circulation in the municipality, is the minimum, mandatory requirement necessary for the adoption of an ordinance. Op.Atty.Gen., 081-32, April 29, 1981.

10.5. ---- Strict compliance, notice

Ordinances which fall within the ambit of the statutory notice requirements must be strictly enacted pursuant to the statute's notice provisions or they are null and void. Coleman v. City of Key West, App. 3 Dist., 807 So.2d 84 (2001), rehearing denied , review denied 828 So.2d 385. Municipal Corporations ☞106(1)

Ordinances which substantially affect the use of land must comply strictly with the notice requirements of statute governing procedures for adoption of ordinances and resolutions. Webb v. Town Council of Town of Hilliard, App. 1 Dist., 766 So.2d 1241 (2000). Municipal Corporations ☞106(1)

11. ---- Zoning ordinances, notice

Property owners who were affected by city zoning ordinance limiting number and location of adult entertainment establishments had standing to challenge ordinance based on city's failure to comply with notice requirements, even though owners were not present at first hearing at which ordinance was considered. Southern Entertainment Co. of Florida, Inc. v. City of Boynton Beach, S.D.Fla.1990, 736 F.Supp. 1094. Zoning And Planning ☞23.1

Strict compliance with notice requirements of this section is jurisdictional and mandatory prerequisite to valid enactment of zoning measure; failure to follow notice requirements renders zoning ordinance void. Southern Entertainment Co. of Florida, Inc. v. City of Boynton Beach, S.D.Fla.1990, 736 F.Supp. 1094. Zoning And Planning ☞134.1

City's failure to follow notice requirements in adopting ordinance restricting number and location of adult entertainment establishments made ordinance null and void. Southern Entertainment Co. of Florida, Inc. v. City of Boynton Beach, S.D.Fla.1990, 736 F.Supp. 1094. Zoning And Planning ⚓134.1

Under Florida law, strict compliance with state statutory notice requirements is jurisdictional and mandatory prerequisite to valid enactment of zoning measure; failure to follow such requirements renders a zoning ordinance void. Lamar Advertising of Mobile, Inc. v. City of Lakeland, Fla., M.D.Fla.1999, 189 F.R.D. 480. Zoning And Planning ⚓134.1

Under Florida law, splitting of proposed zoning ordinance into two separate pieces of legislation was “substantial” change, which triggered city's obligation to republish notice of these zoning measures; in absence of any such republication, zoning ordinances were not properly enacted and were void ab initio. Lamar Advertising of Mobile, Inc. v. City of Lakeland, Fla., M.D.Fla.1999, 189 F.R.D. 480. Zoning And Planning ⚓134.1

Change in proposed zoning ordinance may be “substantial,” so as to trigger city's obligation to give notice of modified ordinance in accordance with Florida law, even though it is not substantive. Lamar Advertising of Mobile, Inc. v. City of Lakeland, Fla., M.D.Fla.1999, 189 F.R.D. 480. Zoning And Planning ⚓134.1; Zoning And Planning ⚓194.1

Two-day notice for rescheduled second public hearing on proposed change to zoning ordinance to control or halt transient use of residential dwellings was insufficient, and thus amendment to zoning ordinance was invalid, even though notice for original second meeting was properly given proper five-day notice, and original second meeting had to be cancelled due to approaching tropical storm. Coleman v. City of Key West, App. 3 Dist., 807 So.2d 84 (2001), rehearing denied , review denied 828 So.2d 385. Zoning And Planning ⚓195

Notices of proposed changes to a zoning ordinance are mandated in order to protect interested persons, who are thus given the opportunity to learn of proposed ordinances, given the time to study the proposals for any negative or positive effects they might have if enacted, and given notice so that they can attend the hearings and speak out to inform the city commissioners prior to ordinance enactment, but noncompliance with the notice provisions takes away or reduces these opportunities. Coleman v. City of Key West, App. 3 Dist., 807 So.2d 84 (2001), rehearing denied , review denied 828 So.2d 385. Zoning And Planning ⚓194.1

Although a tropical storm is an excellent reason to cancel a hearing on a proposed change in a zoning ordinance, it is not a valid reason for noncompliance with the notice requirements for such proposed changes, and indeed, the havoc and confusion such a storm causes make strict compliance even more important, so that the opportunities meant to be provided are not lost in the storm's wake. Coleman v. City of Key West, App. 3 Dist., 807 So.2d 84 (2001), rehearing denied , review denied 828 So.2d 385. Zoning And Planning ⚓194.1

Notice of ordinance allowing for construction of medical office building and parking garage had to be given in accordance with notice statute governing ordinances initiated by private individuals, where notice specifically stated that city was to consider application submitted by private property owner. Healthsouth Doctors' Hosp., Inc. v. Hartnett, App. 3 Dist., 622 So.2d 146 (1993). Zoning And Planning ¶134.1

Notice given of meeting of city commission at which it adopted ordinance allowing for construction of medical office building and parking garage, upon application of property owner, was inadequate, where there was no newspaper publication of notice; accordingly, ordinance was null and void. Healthsouth Doctors' Hosp., Inc. v. Hartnett, App. 3 Dist., 622 So.2d 146 (1993). Zoning And Planning ¶135

Emergency zoning ordinance, which substantially changed permitted use of property by prohibiting sale or dispensing of alcoholic beverages for consumption on property on which entertainment facility was being constructed, was invalid as result of city's failure to comply with notice requirements. Daytona Leisure Corp. v. City of Daytona Beach, App. 5 Dist., 539 So.2d 597 (1989). Zoning And Planning ¶194.1

Property owner, who did not own land when notice of restrictive zoning ordinance was published, and who did not show that he was prospective purchaser of land at that time or resident of town at that time or that he was an otherwise interested person when ordinance was enacted, lacked standing to complain that notice given interested parties before enactment of zoning ordinance was not reasonably calculated to afford opportunity to be heard. Town of Bay Harbor Islands v. Driggs, App. 3 Dist., 522 So.2d 912 (1988), review denied 531 So.2d 1352. Zoning And Planning ¶571

A valid impact fee ordinance enacted for the purpose of capital expansion was not a zoning ordinance, and thus imposition of a fee for that purpose did not substantially restrict the use of property and did not have to comply with requirements for enacting zoning ordinances which substantially restrict use of property. Baywood Const., Inc. v. City of Cape Coral, App. 2 Dist., 507 So.2d 768 (1987), review denied 513 So.2d 1060. Zoning And Planning ¶131

Inasmuch as ordinance sought to regulate exterior signs, ordinance and its amendment were zoning ordinances which were null and void as not strictly enacted pursuant to notice provisions of West's F.S.A. § 166.041. David v. City of Dunedin, App. 2 Dist., 473 So.2d 304 (1985). Zoning And Planning ¶134.1

Ordinance which created "overlay zones" in vicinity of airports and which was intended to control development and land use in such vicinity and not merely to impose standards for construction of buildings otherwise permitted under existing zoning classifications was "zoning ordinance," and thus was null and void for city's failure to abide by special notice and hearing requirements requisite for promulgation of zoning ordinances. Fountain v. City of Jacksonville,

App. 1 Dist., 447 So.2d 353 (1984). Zoning And Planning ⚓134.1

City commission's declaration of moratorium on any development of lands zoned "shopping center" until a rewrite of city zoning ordinances could be accomplished, as well as city's subsequent zoning resolution adopting a more restrictive zoning ordinance for property owner's land, were invalid and ineffective regarding property owner's proposed development, since city failed to comply with notice requirements of this section regarding zoning ordinances. City of Gainesville v. GNV Investments, Inc., App. 1 Dist., 413 So.2d 770 (1982). Zoning And Planning ⚓134.1

Where property owners timely and specifically objected to notice as being insufficient and showed prejudice in being unable to prepare, verify and file a counterpetition, ordinance rezoning property owner's parcel from commercial to residential passed by city was invalid. City of Ft. Pierce v. Davis, App. 4 Dist., 400 So.2d 1242 (1981). Zoning And Planning ⚓196

Due process required that a landowner be afforded notice and opportunity to be heard at planning and zoning board stage of the zoning process where under city ordinance such board enjoyed a de facto interim zoning authority, in that once the board recommended a zoning change from a less to a more restrictive use the building department was prohibited from issuing a permit for a use not permitted in the more restrictive district, and much, if not all, the fact-finding, discretion and consideration with respect to merits of a zone change were accomplished at the board level; board constituted a "municipal zoning authority" within meaning of notice statute, notwithstanding that its recommendations were not binding. Gulf & Eastern Development Corp. v. City of Fort Lauderdale, 354 So.2d 57 (1978). Constitutional Law ⚓4096

Giving public notice required by city charter was condition precedent to city commission's power to enact zoning provision permitting high-rise, multiple-family dwellings in comprehensive zoning ordinance and failure to give such notice rendered provision void. Skaggs v. City of Key West, App. 3 Dist., 312 So.2d 549 (1975). Zoning And Planning ⚓134.1

Amendments made to site plan did not violate city residents' due process rights in connection with hospital's rezoning and lease request, even though some information was placed in the zoning file rather than directly on the site plan itself, as residents had adequate notice of hospital's intentions; residents were able to review many of the attached documents at an open house and meetings prior to the first public hearing, residents were able to review the documents that were submitted to the city, and residents were able to obtain the contents of the zoning file following the first hearing and had several weeks to review the information before the final reading. Davis Islands Civic Ass'n v. City of Tampa, 2006, 2006 WL 408058, Unreported. Constitutional Law ⚓4096; Zoning And Planning ⚓167.1

An ordinance providing for the placement of additional uses permitted by special exception in various zoning districts would "substantially change permitted use categories in zoning districts" within the purview of this section pertaining to procedures for adoption of ordinances and resolutions; in addition to the notice requirements specified in this section, the municipality is required

to comply with any additional notice requirements established by ordinance of the municipality for the enactment of ordinances which apply to the rezoning of specific parcels of real property or which substantially change permitted use categories in zoning districts. Op.Atty.Gen., 84-63, July 12, 1984.

The special notice requirements contained in this section apply to or govern any amendment to a municipal zoning code or ordinance which has the effect of changing or altering the existing uses or restrictions or regulation of land or permissible activities on or uses thereof within designated zones or districts; conversely, an amendatory ordinance not having such affect would not have to comply with the special notice provisions of this section. Op.Atty.Gen., 80-104, Dec. 30, 1980.

12. ---- Publication of notice

Authority to adopt ordinances of emergency charter did not dispense with necessity of publication required by charter, where ordinance was of general and permanent nature and highly penal in character. Adams v. Isler, 101 Fla. 457, 134 So. 535 (1931). Municipal Corporations ↪110

Publication required by charter provision, was condition precedent to effectiveness of municipal ordinance as supporting arrest and imprisonment. Adams v. Isler, 101 Fla. 457, 134 So. 535 (1931). Municipal Corporations ↪110

A newspaper's pending application to be entered as periodical matter does not satisfy the requirements of §§ 50.011 and 50.031 for publication of legal notices by municipalities; to qualify, a newspaper must have been in existence and in circulation as periodical material for one year. Op.Atty.Gen., 2002-70, Oct. 11, 2002.

A newspaper which meets the requirements of West's F.S.A. §§ 50.011 and 50.031 may be utilized for the publication of notices of proposed municipal ordinances as required in subsection (3)(a) of this section, as long as the terms of this section are also met. Op.Atty.Gen. 90-67, Aug. 17, 1990.

Under this section, the notice of the proposed enactment of an ordinance must be published at least 14 days prior to the meeting at which it is proposed to be adopted, and not prior to the meeting at which it is introduced and first read. Op.Atty.Gen., 073-385, Oct. 12, 1973.

13. Zoning ordinances--In general

Comprehensive plan for town was the broad framework which the town's zoning ordinances would implement, and such ordinances thus had to be consistent with the plan; however, adoption of municipal ordinances, including zoning ordinances, was regulated by this section. Op.Atty.Gen. 89-51, Aug. 24, 1989.

14. ---- Hearings, zoning ordinances

The city is not authorized to proceed to adopt changes, amendments or variances in its land-use plan at only one hearing of the city council rather than comply with the two-hearing requirement and other requirements of the Municipal Home Rule Powers Act, notwithstanding the amendments to the Local Government Comprehensive Planning Act and the Municipal Home Rule Powers Act contained in Laws 1977, c. 77-331. The one-hearing requirement applies only in cases of adoption or amendment of the future land-use element of a comprehensive plan under § 163.3161, et seq. Op.Atty.Gen., 078-9, Jan. 10, 1978.

15. Vote of governing body

City ordinance requiring four-fifths vote of city commission to approve zoning change when written protest of more than 20 percent of land ownership in area is filed was not unconstitutional. Hope v. City of Gainesville, 355 So.2d 1172 (1977). Zoning And Planning 198

Majority of quorum present of city council is necessary to enact special exception to zoning ordinance, unless charter provision or other ordinance imposes additional requirements. Op.Atty.Gen. 86-15, Feb. 14, 1986.

Abstention requirements of § 112.3143 causes quorum to be composed of only those members of governing body entitled to vote; quorum must be majority of governing body and majority of such quorum entitled to vote is necessary to enact any ordinance or adopt any resolution. Op.Atty.Gen. No. 85-40, May 22, 1985.

Under provisions of subsec. (4) of this section, where only four members of a five-member town commission are present at a meeting of such body, the adoption of a resolution requires the affirmative vote of at least three members, irrespective of the fact that one of the members present abstained from voting. Op.Atty.Gen., 074-160, May 23, 1974.

16. Initiative or referenda, generally

Municipal charter provisions, adopted prior to enactment of the Municipal Home Rule Powers Act, Ch. 166, F.S., and relating to citizen initiatives and referenda for the adoption of ordinances, have been nullified and repealed or have become ordinances of the city subject to modification or repeal; thus, the municipality's governing body may, pursuant to this section, alter or amend the procedures for citizens' initiatives or referenda for the adoption of ordinances without an approving referenda by the electorate. Op.Atty.Gen. 90-2, Jan. 16, 1990.

17. Referendum on rezoning ordinance

Referendum procedure pursuant to which vote would be held on whether to repeal certain rezoning ordinance was not unconstitutional nor invalid, despite contentions that it denied property owner notice and opportunity to be heard and constituted improper delegation of city's legislative

authority, in that city complied with all procedural requirements pertaining to zoning and rezoning, only after those required proceedings required under F.S.A. § 166.041 took place did citizens of city seek a referendum on the question of the council's action approving the rezoning request, and such a referendum procedure did not grant landowner any statutory or constitutional rights to notice and hearing. City of Winter Springs v. Florida Land Co., App. 5 Dist., 413 So.2d 84 (1982), approved 427 So.2d 170. Municipal Corporations ⚓108.10

Zoning ordinance enacted through initiative and referendum procedure to accomplish a rezoning of particular tract of land with the objective of overriding the factfinding of the planning commission and its function and the administrative decision of city commission, which had approved the rezoning of tract for condominium apartment development, violated basic requisites of constitutional due process and was void. Andover Development Corp. v. City of New Smyrna Beach, App. 1 Dist., 328 So.2d 231 (1976), certiorari denied 341 So.2d 290. Constitutional Law ⚓4096

18. Referenda on sale of property

Ordinance authorizing sale of city auditorium and surrounding land was the proper subject of referendum; city charter specifically reserved power of referendum to voters, city code specifically provided that selling or leasing of city's real property had to be accomplished by **ordinance**, and sale of 72 acres of city property was a legislative act rather than an administrative act. Brooks v. Watchtower Bible and Tract Soc. of Florida, Inc., App. 4 Dist., 706 So.2d 85 (1998). Municipal Corporations ⚓108.8; Municipal Corporations ⚓225(5)

19. Effective date

Effective date in **ordinance** was valid notwithstanding provision of city's charter that "all **ordinance** shall become effective immediately upon signature by the Mayor." B. M. Z. Corp. v. City of Oakland Park, App. 4 Dist., 415 So.2d 735 (1982). Municipal Corporations ⚓111(1)

Even if declaration of **emergency** in enactment of city **ordinance** was ineffective, **ordinance** would not for that reason be void, but the effective date would be postponed until the time an ordinary **ordinance** would become operative. Lifschitz v. City of Miami Beach, App. 3 Dist., 339 So.2d 232 (1976), certiorari denied 348 So.2d 949. Municipal Corporations ⚓111(1)

It is permissible to make the effective date of a statute or **ordinance** contingent upon a ratification by a majority vote of the qualified electors of a **municipality** at an election therein provided for. Brown v. City of Tampa, 149 Fla. 482, 6 So.2d 287 (1942). Municipal Corporations ⚓108.6; Statutes ⚓259

Under Laws 1973, c. 73-129, a **municipality** may specify an effective date on **ordinances** which would be less than ten days. Op.Atty.Gen., 073-474, Dec. 19, 1973.

20. Retroactive application

Language of town **ordinance** that owner shall be responsible for all attorney fees in foreclosing liens for garbage collection charges should only be given prospective effect and attorney fees could not be imposed upon property owners in actions to enforce liens which had been previously filed but not yet sought to be foreclosed. Stone v. Town of Mexico Beach, App. 1 Dist., 348 So.2d 40 (1977), certiorari denied 355 So.2d 517. Towns ⚓15

21. Emergency ordinances

The only distinction between ordinary and **emergency ordinances** is that former become effective 30 days after final passage and latter at time stated therein. McCall v. State ex rel. Daniels, 156 Fla. 437, 23 So.2d 492 (1945). Municipal Corporations ⚓120

Although the adoption of an **emergency ordinance** concerning **municipal** zoning by a city commission may be justified because of exigent circumstances, it is highly probable that the adoption of all zoning **ordinances** on an **emergency** basis would not. Op.Atty.Gen., 075-173, June 13, 1975.

22. Rezoning on application of owner

The procedure established by this section for the adoption of **municipal ordinances** which rezone private real property must be followed when property is being rezoned solely upon the application of the property owner. Op.Atty.Gen., 076-224, Nov. 16, 1976.

23. Building moratoriums

Municipality must enact **ordinance** declaring building moratorium with same formality required for **ordinance** which rezones property. City of Sanibel v. Buntrock, App. 2 Dist., 409 So.2d 1073 (1981), review denied 417 So.2d 328. Zoning And Planning ⚓131

24. Charter counties

Statute enumerating procedures **municipality** must follow to enact **ordinances** did not apply to charter county. McLeod v. Orange County, 645 So.2d 411 (1994), rehearing denied. Counties ⚓55

25. Charter restrictions on enactment of ordinances

That part of Laws 1976, c. 76-155, which amends subsec. (3) (a) of this section, to reduce the notice requirement for a proposed **ordinance** from "at least 14 days" to "at least 7 days prior to adoption," does not affect in any way the requirement contained in the recently revised charter of the City of St. Petersburg Beach (effective July 30, 1976) that a proposed ordinance be given the

prescribed notice "at least 14 days prior to adoption." Op.Atty.Gen., 076-197, Sept. 23, 1976.

A city commission must follow the procedure in this section, when adopting any ordinance, including zoning ordinances, unless subsequent to the effective date of this section, it has established a more stringent or detailed procedure by municipal ordinance or charter amendment. Op.Atty.Gen., 075-173, June 13, 1975.

That part of the municipal charter of the City of Miramar, Florida, which requires an affirmative vote of three members of the city council to adopt an ordinance or resolution has been nullified and repealed or has become a municipal ordinance pursuant to §§ 166.021(4) and (5). The city council, if it desires, may adopt by ordinance or charter amendment additional, more stringent requirements than those contained in this section which establishes a uniform procedure for the enactment of municipal ordinances and resolutions. Op.Atty.Gen., 074-371, Dec. 4, 1974.

26. Municipalities within Dade County

Since there is a constitutional provision prohibiting the legislature from amending or repealing the charter of any municipality in Dade County, Const. Art. 8, § 6, no such municipality is bound by the provisions of this section as created by Laws 1973, c. 73-129. Op.Atty.Gen., 073-440, Nov. 28, 1973.

West's F. S. A. § 166.041, FL ST § 166.041

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