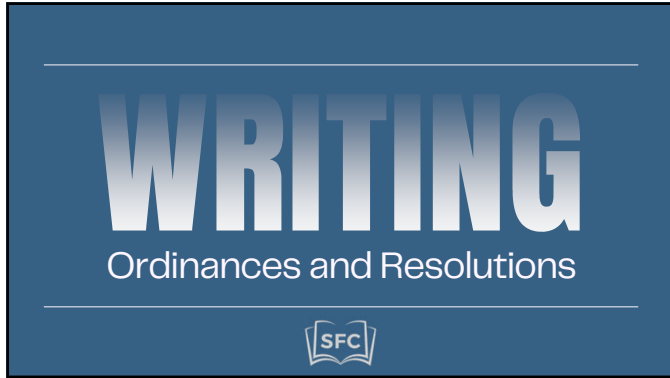




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★ POLL

What aspect of ordinance drafting is most challenging?

01

Keeping up with Florida law

02

Writing legally defensible language

03

Organizing public hearings

04

Codification

05

Legislative records

4

MUNCIPAL LEGISLATIVE ACTIONS

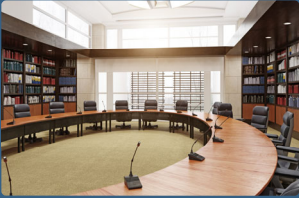
LEGISLATIVE ACTION	ORDINANCE	RESOLUTION	PROCLAMATION
Creates Law	✓ Yes	✗ No	✗ No
Requires Public Hearing	✓ Usually	✗ Usually No	✗ No
Codified	✓ Yes	✗ No	✗ No
Permanence	Permanent	Temporary or Administrative	Ceremonial

5

BREAKOUT
SESSIONS

6

ORDINANCE



- Purpose
- Key Elements
- Examples
- Characteristics
- Authority



7

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA, (Always have the legislative authority listed in the title) RELATING TO THE ESTABLISHMENT OF REGULATIONS AND PROCEDURES FOR CERTIFIED RECOVERY RESIDENCES AND FOR REQUESTING A REASONABLE ACCOMMODATION AS REQUIRED BY CHAPTER 2025-182, LAWS OF FLORIDA [TOPIC]; IMPLEMENTING SECTION 397.487(15), FLORIDA STATUTES (2025) [the reason why the ordinance is being established and it is shown in the recitals here]; CREATING CHAPTER 15, ARTICLE 1, OF THE CODE OF ORDINANCES, CITY OF LAKE ALFRED, FLORIDA; [this is establishment of a new section of the code of ordinances where the new code will be codified / if amending a section of the existing code of ordinances it would show AMENDING CHAPTER XX, ARTICLE X.....](Section 1 at bottom with legal language) PROVIDING FOR THE INCORPORATION OF FACTUAL RECITALS (Section 2 at bottom with legal language) ; PROVIDING FOR CONFLICTS (Section 3 at bottom with legal language); PROVIDING FOR SEVERABILITY (Section 4 at bottom with legal language); PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS (Section 5 at bottom with legal language); PROVIDING FOR CODIFICATION (Section 6 at bottom with legal language); PROVIDING FOR BUSINESS IMPACT ESTIMATE (Section 7 at bottom with legal language); AND PROVIDING FOR AN EFFECTIVE DATE (Section 8 at bottom with legal language).

8

ORDINANCE: 1823

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR COMPLIANCE WITH STATE OF FLORIDA STATUTE; PROVIDING FOR THE AMENDMENT OF CHAPTER 54 – OFFENSES AND MISCELLANEOUS PROVISIONS FOR THE ENACTMENT OF JOEY’S LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

9

CHALLENGES



- Coleman v. Key West
- Anderson v. St. Pete Beach



10

Coleman v. City of Key West

Florida 3rd DCA, 2001 | Ordinance 98-31 | Transient rental regulation

Procedural defect, not policy authority

The challenge

Ordinance 98-31 regulated transient use of residential dwellings to preserve neighborhood character.

Coleman and Henshaw argued the ordinance was invalid because the City did not follow statutory notice procedures.

Why the ordinance failed

1 Scheduled notice

Second hearing advertised Oct. 30 for Nov. 4.

2 Storm cancellation

Nov. 4 commission meeting did not occur.

3 Rescheduled notice

Notice ran Nov. 8 for a Nov. 10 hearing.

4 Statutory failure

Two days did not satisfy the 5-day mandate.

Ruling + ultimate outcome

Held: Ordinance 98-31 was null and void.

Later: Key West readopted identical language as Ordinance 02-06, effective Sept. 2003.

Key takeaways for municipal enactments

1 Strict notice compliance

A land-use ordinance subject to §186.041 must follow the statutory notice procedure exactly.

2 A good excuse is not a cure

A regional storm justified cancellations, but not advertised notice for the rescheduled hearing.

3 Policy can be re-enacted

The defect voided the enactment process, it did not permanently bar the City from readopting the policy.



11

Anderson v. City of St. Pete Beach

Florida 2d DCA, 2014 | Ordinance 2011-19 | Comprehensive plan amendment

Notice defect + Sunshine Law violation

The challenge

Ordinance 2011-19 amended the City's comprehensive plan and related land-use framework.

Anderson challenged the enactment for defective statutory notice and alleged that commissioners used seven closed shade meetings to formulate policy outside the Sunshine.

Why the City lost

1 Strict notice

Section 166.041 required the prescribed public notice and hearing process for the land-use change.

2 City noncompliance

The City did not dispute that it failed to follow the required enactment procedure.

3 Shade-meeting overreach

Closed sessions moved beyond settlement and litigation costs into broader comp-plan strategy.

4 Failed cure

Later public action was only a perfunctory ratification, not a genuine Sunshine cure.

Ruling + ultimate outcome

Held: Ordinance 2011-19 was null and void.

Also: the City violated the Sunshine Law. Later, St. Pete Beach readopted the plan amendments through Ordinance 2013-13.

Key takeaways for municipal enactments

1 Strict notice compliance

Land-use ordinances subject to §166.041 must follow the statutory process exactly.

2 Shade meetings are narrow

Attorney-client sessions cannot become private policy-making sessions under the guise of litigation strategy.

3 A cure must be genuine

A later public vote must involve real reconsideration and participation, not ceremonial approval of a private decision.



12

4

RESOLUTION



- Purpose
- Characteristics
- Examples



13

[KNOWN AS THE TITLE OF RESOLUTION AND SHOULD ONLY ADDRESS ONE TOPIC]

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA; (Always have the legislative authority listed in the title) APPROVING AND AUTHORIZING THE EXECUTION OF THE AMENDED UPDATED CITY MANAGER EMPLOYMENT AGREEMENT WITH RYAN LEAVENGOOD; PROVIDING FOR APPROVAL AND AUTHORIZATION (Section 1 at bottom with legal language); PROVIDING FOR THE INCORPORATION OF FACTUAL RECITALS (Section 2 at bottom with legal language); PROVIDING FOR CONFLICTS (Section 3 at bottom with legal language); PROVIDING FOR SEVERABILITY (Section 4 at bottom with legal language); PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS (Section 5 at bottom with legal language); AND PROVIDING FOR AN EFFECTIVE DATE (Section 6 at bottom with legal language).

14

RESOLUTION: 2021-11

A RESOLUTION OF THE CITY OF CRESTVIEW, FLORIDA, IN SUPPORT OF OKALOOSA COUNTY RESOLUTION 2021-__ TO AMEND THE BOUNDARIES OF THE EXISTING TOURIST DEVELOPMENT DISTRICT TO INCLUDE THE ENTIRE COUNTYWIDE AREA OF OKALOOSA COUNTY IN ITS ENTIRETY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Local Option Tourist Development Act, section 125.0104, Florida Statutes, (the "Act") permits the Board of County Commissioners of Okaloosa County, Florida (the "Board" or "County") to levy a tourist development tax as provided in said statutes; and

WHEREAS, the Florida Local Option Tourist Development Act, section 125.0104, Florida Statutes, (the "Act") permits the Board of County Commissioners of Okaloosa County, Florida (the "Board" or "County") to levy a tourist development tax as provided in said statutes; and

15



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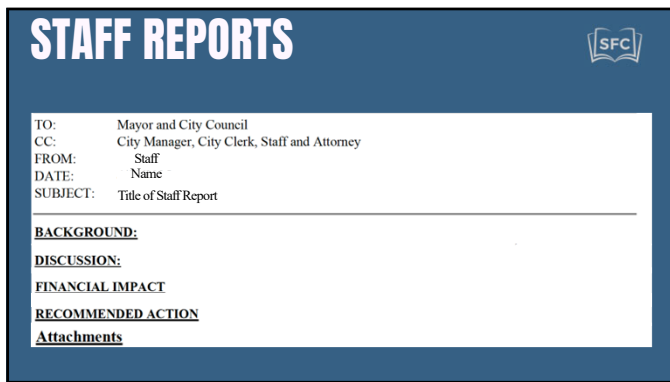
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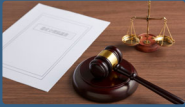


20



21

COMMON PROBLEMS




Notices
 Public notices published too late or not properly documented.

Records
 Failing to maintain relevant documents including exhibits.

Document
 Using an incorrect ordinance draft or title.



22





Law
Ordinance
 Create or amend law

Decision
Motion
 Regular business during a council meeting

Recognition
Proclamation
 Recognition of someone or something.

Policy
Resolution
 Expresses the council's policy. Approve grants and contracts.



TAKEAWAYS

23

QUESTIONS?



Email jessica@tbspeaks.com

Website www.solution-focusedculture.com



24



25
