

How Does the New Florida Law SB 170 Impact Pet Stores?

Florida Governor DeSantis signed SB 170, sponsored by Sen. Jay Trumbull (R) and Sen. Keith Perry (R), into law on June 29, 2023. Now known as [Chapter 2023-309](#), this law applies to both County Government and Local Municipalities and becomes effective on October 1, 2023.

Overview: This law is positive for the pet care community in that it helps create a more business-friendly environment and provides business leaders with a stronger voice in local government policymaking processes that would impact their operations.

Summary of Provisions	What it Means for Pet Stores
<p>A local ordinance may not be passed without a business impact statement.</p> <p>The board of county commissioners has to prepare and post on the county’s website a business impact estimate that includes the number of businesses that would be impacted, estimated compliance costs and any new charges or fees for businesses, and an estimate of the county’s regulatory costs including revenues from new charges or fees that will be imposed on businesses to cover such costs.</p>	<p>Lawmakers will have to evaluate the hard data on the potential economic effects on businesses when considering a new ordinance, not just listen to emotional rhetoric from anti-pet store activists. Pet stores will be able to view the report and take action to dispute erroneous figures before the ordinance is voted on.</p>
<p>Enforcement of local ordinances must be suspended when they are under legal challenge.</p> <p>Municipalities/Counties must suspend enforcement of the ordinances that are subject to an action challenging the validity of the ordinance on the grounds that it is expressly pre-empted by the state constitution or by state law or is arbitrary or unreasonable.</p>	<p>This protection allows pet businesses to continue operations without interruption or risk of incurring penalties or fines under an ordinance that may later be deemed unreasonable or arbitrary. It also means that pet stores can retain legal counsel or explore their options before the vote on a problematic ordinance, so they are ready to file a challenge as soon as it passes and mitigate the damage to their business that enforcement would cause.</p>
<p>Prevailing parties in civil actions against harmful local ordinances may be entitled to attorney fees and damages up to \$50,000.</p> <p>This applies to challenges on the grounds that the ordinance is arbitrary or unreasonable. Cases that are already progressing through the judicial system could, under specific circumstances, be eligible for these fees and damages, but any new cases must be against ordinances enacted on or after October 1, 2023.</p>	<p>This helps alleviate the financial burden on businesses who challenge unfair local ordinances. For example, if a pet business brings civil action against a Florida local government to challenge the adoption of a local ordinance on the grounds that the ordinance is “arbitrary” or “unreasonable,” and wins, the business may be awarded up to \$50,000 reimbursement for reasonable attorney fees and costs and damages they may have incurred as a part of this process.</p>

Disclaimer: This document does not constitute legal advice. We advise businesses to seek qualified legal counsel.

The team at Pet Advocacy Network is available to provide more detailed information about the new law and how it will impact your pet business. Contact us at info@petadvocacy.org or 202-452-1525.

Know someone who should be a member? Send them to petadvocacy.org/membership to join today.

