

**By** the Committees on Rules; and Community Affairs; and Senator Hutson

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1                                   A bill to be entitled  
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;  
7       providing construction and applicability; amending s.  
8       125.66, F.S.; requiring a board of county  
9       commissioners to prepare or cause to be prepared a  
10      business impact estimate before the enactment of a  
11      proposed ordinance; specifying requirements for the  
12      posting and content of the estimate; providing  
13      construction and applicability; creating s. 125.675,  
14      F.S.; requiring a county to suspend enforcement of an  
15      ordinance that is the subject of a certain legal  
16      action if certain conditions are met; authorizing an  
17      appellate court to lift a suspension under certain  
18      circumstances; requiring courts to give priority to  
19      certain cases; providing construction relating to an  
20      attorney's or a party's signature; requiring a court  
21      to impose sanctions under certain circumstances;  
22      providing applicability; authorizing courts to award  
23      attorney fees and costs and damages under certain  
24      circumstances; amending s. 166.041, F.S.; requiring a  
25      governing body of a municipality to prepare or cause  
26      to be prepared a business impact estimate before the  
27      enactment of a proposed ordinance; specifying  
28      requirements for the posting and content of the  
29      estimate; providing construction and applicability;

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30 creating s. 166.0411, F.S.; requiring a municipality  
31 to suspend enforcement of an ordinance that is the  
32 subject of a certain legal action if certain  
33 conditions are met; authorizing an appellate court to  
34 lift a suspension under certain circumstances;  
35 requiring courts to give priority to certain cases;  
36 providing construction relating to an attorney's or a  
37 party's signature; requiring a court to impose  
38 sanctions under certain circumstances; providing  
39 applicability; authorizing courts to award attorney  
40 fees and costs and damages under certain  
41 circumstances; amending ss. 163.2517, 163.3181,  
42 163.3215, 376.80, 497.270, 562.45, and 847.0134, F.S.;

43 conforming cross-references; providing a declaration  
44 of important state interest; providing an effective  
45 date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Section 57.112, Florida Statutes, is amended to  
50 read:

51 57.112 Attorney fees and costs and damages; arbitrary,  
52 unreasonable, or expressly preempted local ordinances ~~actions.~~

53 (1) As used in this section, the term "attorney fees and  
54 costs" means the reasonable and necessary attorney fees and  
55 costs incurred for all preparations, motions, hearings, trials,  
56 and appeals in a proceeding.

57 (2) If a civil action is filed against a local government  
58 to challenge the adoption or enforcement of a local ordinance on

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59 the grounds that it is expressly preempted by the State  
60 Constitution or by state law, the court shall assess and award  
61 reasonable attorney fees and costs and damages to the prevailing  
62 party.

63 (3) If a civil action is filed against a local government  
64 to challenge the adoption of a local ordinance on the grounds  
65 that the ordinance is arbitrary or unreasonable, the court may  
66 assess and award reasonable attorney fees and costs and damages  
67 to a prevailing plaintiff. An award of reasonable attorney fees  
68 or costs and damages pursuant to this subsection may not exceed  
69 \$50,000. In addition, a prevailing plaintiff may not recover any  
70 attorney fees or costs directly incurred or associated with  
71 litigation to determine an award of reasonable attorney fees or  
72 costs.

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

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

79 (b) The governing body of the local governmental entity  
80 withdraws the proposed ordinance within 30 days; or, in the case  
81 of an adopted ordinance, the governing body of a local  
82 government notices an intent to repeal the ordinance within 30  
83 days of receipt of the notice and repeals the ordinance within  
84 30 days thereafter.

85 (5)-(4) The provisions in this section are supplemental to  
86 all other sanctions or remedies available under law or court  
87 rule. However, this section may not be construed to authorize

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88 double recovery if an affected person prevails on a damages  
89 claim brought against a local government pursuant to other  
90 applicable law involving the same ordinance, operative acts, or  
91 transactions.

92 (6) ~~(5)~~ This section does not apply to local ordinances  
93 adopted pursuant to part II of chapter 163, s. 553.73, or s.  
94 633.202.

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

98 (b) The amendments to this section effective October 1,  
99 2022, are prospective in nature and apply only to ordinances  
100 adopted on or after October 1, 2022.

101 Section 2. Present subsections (3) through (6) of section  
102 125.66, Florida Statutes, are redesignated as subsections (4)  
103 through (7), respectively, a new subsection (3) is added to that  
104 section, and paragraph (a) of subsection (2) of that section is  
105 amended, to read:

106 125.66 Ordinances; enactment procedure; emergency  
107 ordinances; rezoning or change of land use ordinances or  
108 resolutions.—

109 (2) (a) The regular enactment procedure shall be as follows:  
110 The board of county commissioners at any regular or special  
111 meeting may enact or amend any ordinance, except as provided in  
112 subsection (5) ~~(4)~~, if notice of intent to consider such  
113 ordinance is given at least 10 days before such meeting by  
114 publication as provided in chapter 50. A copy of such notice  
115 shall be kept available for public inspection during the regular  
116 business hours of the office of the clerk of the board of county

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117 commissioners. The notice of proposed enactment shall state the  
118 date, time, and place of the meeting; the title or titles of  
119 proposed ordinances; and the place or places within the county  
120 where such proposed ordinances may be inspected by the public.  
121 The notice shall also advise that interested parties may appear  
122 at the meeting and be heard with respect to the proposed  
123 ordinance.

124 (3) (a) Before the enactment of a proposed ordinance, the  
125 board of county commissioners shall prepare or cause to be  
126 prepared a business impact estimate in accordance with this  
127 subsection. The business impact estimate must be posted on the  
128 county's website no later than the date the notice of proposed  
129 enactment is published pursuant to paragraph (2) (a) and must  
130 include all of the following:

131 1. A summary of the proposed ordinance, including a  
132 statement of the public purpose to be served by the proposed  
133 ordinance, such as serving the public health, safety, morals,  
134 and welfare of the county.

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

138 a. An estimate of direct compliance costs businesses may  
139 reasonably incur if the ordinance is enacted.

140 b. Identification of any new charge or fee on businesses  
141 subject to the proposed ordinance or for which businesses will  
142 be financially responsible.

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

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

148       4. Any additional information the board determines may be  
149 useful.

150       (b) This subsection may not be construed to require a  
151 county to procure an accountant or other financial consultant to  
152 prepare the business impact estimate required by this  
153 subsection.

154       (c) This subsection does not apply to local ordinances  
155 enacted to implement the following:

156       1. Part II of chapter 163;

157       2. Section 553.73;

158       3. Section 633.202;

159       4. Sections 190.005 and 190.046;

160       5. Ordinances required to comply with federal or state law  
161 or regulation;

162       6. Ordinances related to the issuance or refinancing of  
163 debt;

164       7. Ordinances related to the adoption of budgets or budget  
165 amendments;

166       8. Ordinances required to implement a contract or an  
167 agreement, including, but not limited to, any federal, state,  
168 local, or private grant, or other financial assistance accepted  
169 by a county government; or

170       9. Emergency ordinances.

171       Section 3. Section 125.675, Florida Statutes, is created to  
172 read:

173       125.675 Legal challenges to certain recently enacted  
174 ordinances.-

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175 (1) A county must suspend enforcement of an ordinance that  
176 is the subject of an action, including appeals, challenging the  
177 ordinance's validity on the grounds that it is expressly  
178 preempted by the State Constitution or by state law or is  
179 arbitrary or unreasonable if:

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

182 (b) The complainant requests suspension in the initial  
183 complaint or petition, citing this section; and

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

186 (2) When there is an appeal to a case in which the  
187 enforcement of an ordinance is suspended under this section, the  
188 appellate court may lift the suspension if the local government  
189 prevailed in the lower court.

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

194 (4) The signature of an attorney or a party constitutes a  
195 certificate that he or she has read the pleading, motion, or  
196 other paper and that, to the best of his or her knowledge,  
197 information, and belief formed after reasonable inquiry, it is  
198 not interposed for any improper purpose, such as to harass or to  
199 cause unnecessary delay, or for economic advantage, competitive  
200 reasons, or frivolous purposes or needless increase in the cost  
201 of litigation. If a pleading, motion, or other paper is signed  
202 in violation of these requirements, the court, upon its own  
203 initiative, shall impose upon the person who signed it, a

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204 represented party, or both, an appropriate sanction, which may  
205 include an order to pay to the other party or parties the amount  
206 of reasonable expenses incurred because of the filing of the  
207 pleading, motion, or other paper, including reasonable attorney  
208 fees.

209 (5) This section does not apply to local ordinances enacted  
210 to implement the following:

211 (a) Part II of chapter 163;

212 (b) Section 553.73;

213 (c) Section 633.202;

214 (d) Sections 190.005 and 190.046;

215 (e) Ordinances required to comply with federal or state law  
216 or regulation;

217 (f) Ordinances related to the issuance or refinancing of  
218 debt;

219 (g) Ordinances related to the adoption of budgets or budget  
220 amendments;

221 (h) Ordinances required to implement a contract or an  
222 agreement, including, but not limited to, any federal, state,  
223 local, or private grant, or other financial assistance accepted  
224 by a county government; or

225 (i) Emergency ordinances.

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

228 Section 4. Present subsections (4) through (8) of section  
229 166.041, Florida Statutes, are redesignated as subsections (5)  
230 through (9), respectively, and a new subsection (4) is added to  
231 that section, to read:

232 166.041 Procedures for adoption of ordinances and



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233 resolutions.—

234 (4) (a) Before the enactment of a proposed ordinance, the  
235 governing body of a municipality shall prepare or cause to be  
236 prepared a business impact estimate in accordance with this  
237 subsection. The business impact estimate must be posted on the  
238 municipality's website no later than the date the notice of  
239 proposed enactment is published pursuant to paragraph (3) (a) and  
240 must include all of the following:

241 1. A summary of the proposed ordinance, including a  
242 statement of the public purpose to be served by the proposed  
243 ordinance, such as serving the public health, safety, morals,  
244 and welfare of the municipality.

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

248 a. An estimate of direct compliance costs businesses may  
249 reasonably incur if the ordinance is enacted;

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

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

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

258 4. Any additional information the governing body determines  
259 may be useful.

260 (b) This subsection may not be construed to require a  
261 municipality to procure an accountant or other financial

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262 consultant to prepare the business impact estimate required by  
263 this subsection.

264 (c) This subsection does not apply to local ordinances  
265 enacted to implement the following:

266 1. Part II of chapter 163;

267 2. Section 553.73;

268 3. Section 633.202;

269 4. Sections 190.005 and 190.046;

270 5. Ordinances required to comply with federal or state law  
271 or regulation;

272 6. Ordinances related to the issuance or refinancing of  
273 debt;

274 7. Ordinances related to the adoption of budgets or budget  
275 amendments;

276 8. Ordinances required to implement a contract or an  
277 agreement, including, but not limited to, any federal, state,  
278 local, or private grant, or other financial assistance accepted  
279 by a local government; or

280 9. Emergency ordinances.

281 Section 5. Section 166.0411, Florida Statutes, is created  
282 to read:

283 166.0411 Legal challenges to certain recently enacted  
284 ordinances.—

285 (1) A municipality must suspend enforcement of an ordinance  
286 that is the subject of an action, including appeals, challenging  
287 the ordinance's validity on the grounds that it is expressly  
288 preempted by the State Constitution or by state law or is  
289 arbitrary or unreasonable if:

290 (a) The action was filed with the court no later than 90

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291 days after the adoption of the ordinance;

292 (b) The complainant requests suspension in the initial  
293 complaint or petition, citing this section; and

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

296 (2) When there is an appeal to a case in which the  
297 enforcement of an ordinance is suspended under this section, the  
298 appellate court may lift the suspension if the local government  
299 prevailed in the lower court.

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

304 (4) The signature of an attorney or a party constitutes a  
305 certificate that he or she has read the pleading, motion, or  
306 other paper and that, to the best of his or her knowledge,  
307 information, and belief formed after reasonable inquiry, it is  
308 not interposed for any improper purpose, such as to harass or to  
309 cause unnecessary delay, or for economic advantage, competitive  
310 reasons, or frivolous purposes or needless increase in the cost  
311 of litigation. If a pleading, motion, or other paper is signed  
312 in violation of these requirements, the court, upon its own  
313 initiative, shall impose upon the person who signed it, a  
314 represented party, or both, an appropriate sanction, which may  
315 include an order to pay to the other party or parties the amount  
316 of reasonable expenses incurred because of the filing of the  
317 pleading, motion, or other paper, including reasonable attorney  
318 fees.

319 (5) This section does not apply to local ordinances enacted

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320 to implement the following:

321 (a) Part II of chapter 163;

322 (b) Section 553.73;

323 (c) Section 633.202;

324 (d) Sections 190.005 and 190.046;

325 (e) Ordinances required to comply with federal or state law  
326 or regulation;

327 (f) Ordinances related to the issuance or refinancing of  
328 debt;

329 (g) Ordinances related to the adoption of budgets or budget  
330 amendments;

331 (h) Ordinances required to implement a contract or an  
332 agreement, including, but not limited to, any federal, state,  
333 local, or private grant, or other financial assistance accepted  
334 by a municipal government; or

335 (i) Emergency ordinances.

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

338 Section 6. Subsection (5) of section 163.2517, Florida  
339 Statutes, is amended to read:

340 163.2517 Designation of urban infill and redevelopment  
341 area.—

342 (5) After the preparation of an urban infill and  
343 redevelopment plan or designation of an existing plan, the local  
344 government shall adopt the plan by ordinance. Notice for the  
345 public hearing on the ordinance must be in the form established  
346 in s. 166.041(3)(c)2. for municipalities, and s. 125.66(5)(b)2.  
347 ~~s. 125.66(4)(b)2.~~ for counties.

348 Section 7. Paragraph (a) of subsection (3) of section

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349 163.3181, Florida Statutes, is amended to read:

350 163.3181 Public participation in the comprehensive planning  
351 process; intent; alternative dispute resolution.-

352 (3) A local government considering undertaking a publicly  
353 financed capital improvement project may elect to use the  
354 procedures set forth in this subsection for the purpose of  
355 allowing public participation in the decision and resolution of  
356 disputes. For purposes of this subsection, a publicly financed  
357 capital improvement project is a physical structure or  
358 structures, the funding for construction, operation, and  
359 maintenance of which is financed entirely from public funds.

360 (a) Prior to the date of a public hearing on the decision  
361 on whether to proceed with the proposed project, the local  
362 government shall publish public notice of its intent to decide  
363 the issue according to the notice procedures described by s.  
364 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ for a county or s.  
365 166.041(3)(c)2.b. for a municipality.

366 Section 8. Paragraph (a) of subsection (4) of section  
367 163.3215, Florida Statutes, is amended to read:

368 163.3215 Standing to enforce local comprehensive plans  
369 through development orders.-

370 (4) If a local government elects to adopt or has adopted an  
371 ordinance establishing, at a minimum, the requirements listed in  
372 this subsection, the sole method by which an aggrieved and  
373 adversely affected party may challenge any decision of local  
374 government granting or denying an application for a development  
375 order, as defined in s. 163.3164, which materially alters the  
376 use or density or intensity of use on a particular piece of  
377 property, on the basis that it is not consistent with the

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378 comprehensive plan adopted under this part, is by an appeal  
379 filed by a petition for writ of certiorari filed in circuit  
380 court no later than 30 days following rendition of a development  
381 order or other written decision of the local government, or when  
382 all local administrative appeals, if any, are exhausted,  
383 whichever occurs later. An action for injunctive or other relief  
384 may be joined with the petition for certiorari. Principles of  
385 judicial or administrative res judicata and collateral estoppel  
386 apply to these proceedings. Minimum components of the local  
387 process are as follows:

388 (a) The local process must make provision for notice of an  
389 application for a development order that materially alters the  
390 use or density or intensity of use on a particular piece of  
391 property, including notice by publication or mailed notice  
392 consistent with the provisions of ss. 125.66(5)(b)2. and 3. and  
393 166.041(3)(c)2.b. and c. ~~ss. 125.66(4)(b)2. and 3. and~~  
394 ~~166.041(3)(c)2.b. and c.~~, and must require prominent posting at  
395 the job site. The notice must be given within 10 days after the  
396 filing of an application for a development order; however,  
397 notice under this subsection is not required for an application  
398 for a building permit or any other official action of local  
399 government which does not materially alter the use or density or  
400 intensity of use on a particular piece of property. The notice  
401 must clearly delineate that an aggrieved or adversely affected  
402 person has the right to request a quasi-judicial hearing before  
403 the local government for which the application is made, must  
404 explain the conditions precedent to the appeal of any  
405 development order ultimately rendered upon the application, and  
406 must specify the location where written procedures can be

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407 obtained that describe the process, including how to initiate  
408 the quasi-judicial process, the timeframes for initiating the  
409 process, and the location of the hearing. The process may  
410 include an opportunity for an alternative dispute resolution.

411 Section 9. Paragraph (c) of subsection (1) of section  
412 376.80, Florida Statutes, is amended to read:

413 376.80 Brownfield program administration process.—

414 (1) The following general procedures apply to brownfield  
415 designations:

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

418 1. Notification to department following adoption.—A local  
419 government with jurisdiction over the brownfield area must  
420 notify the department, and, if applicable, the local pollution  
421 control program under s. 403.182, of its decision to designate a  
422 brownfield area for rehabilitation for the purposes of ss.  
423 376.77–376.86. The notification must include a resolution  
424 adopted by the local government body. The local government shall  
425 notify the department, and, if applicable, the local pollution  
426 control program under s. 403.182, of the designation within 30  
427 days after adoption of the resolution.

428 2. Resolution adoption.—The brownfield area designation  
429 must be carried out by a resolution adopted by the  
430 jurisdictional local government, which includes a map adequate  
431 to clearly delineate exactly which parcels are to be included in  
432 the brownfield area or alternatively a less-detailed map  
433 accompanied by a detailed legal description of the brownfield  
434 area. For municipalities, the governing body shall adopt the  
435 resolution in accordance with the procedures outlined in s.

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436 166.041, except that the procedures for the public hearings on  
437 the proposed resolution must be in the form established in s.  
438 166.041(3)(c)2. For counties, the governing body shall adopt the  
439 resolution in accordance with the procedures outlined in s.  
440 125.66, except that the procedures for the public hearings on  
441 the proposed resolution shall be in the form established in s.  
442 125.66(5)(b) ~~s. 125.66(4)(b)~~.

443 3. Right to be removed from proposed brownfield area.—If a  
444 property owner within the area proposed for designation by the  
445 local government requests in writing to have his or her property  
446 removed from the proposed designation, the local government  
447 shall grant the request.

448 4. Notice and public hearing requirements for designation  
449 of a proposed brownfield area outside a redevelopment area or by  
450 a nongovernmental entity. Compliance with the following  
451 provisions is required before designation of a proposed  
452 brownfield area under paragraph (2)(a) or paragraph (2)(c):

453 a. At least one of the required public hearings shall be  
454 conducted as closely as is reasonably practicable to the area to  
455 be designated to provide an opportunity for public input on the  
456 size of the area, the objectives for rehabilitation, job  
457 opportunities and economic developments anticipated,  
458 neighborhood residents' considerations, and other relevant local  
459 concerns.

460 b. Notice of a public hearing must be made in a newspaper  
461 of general circulation in the area, must be made in ethnic  
462 newspapers or local community bulletins, must be posted in the  
463 affected area, and must be announced at a scheduled meeting of  
464 the local governing body before the actual public hearing.



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465 Section 10. Paragraph (a) of subsection (3) of section  
466 497.270, Florida Statutes, is amended to read:

467 497.270 Minimum acreage; sale or disposition of cemetery  
468 lands.—

469 (3) (a) If the property to be sold, conveyed, or disposed of  
470 under subsection (2) has been or is being used for the permanent  
471 interment of human remains, the applicant for approval of such  
472 sale, conveyance, or disposition shall cause to be published, at  
473 least once a week for 4 consecutive weeks, a notice meeting the  
474 standards of publication set forth in s. 125.66(5)(b)2. ~~s.~~  
475 ~~125.66(4)(b)2.~~ The notice shall describe the property in  
476 question and the proposed noncemetery use and shall advise  
477 substantially affected persons that they may file a written  
478 request for a hearing pursuant to chapter 120, within 14 days  
479 after the date of last publication of the notice, with the  
480 department if they object to granting the applicant's request to  
481 sell, convey, or dispose of the subject property for noncemetery  
482 uses.

483 Section 11. Paragraph (a) of subsection (2) of section  
484 562.45, Florida Statutes, is amended to read:

485 562.45 Penalties for violating Beverage Law; local  
486 ordinances; prohibiting regulation of certain activities or  
487 business transactions; requiring nondiscriminatory treatment;  
488 providing exceptions.—

489 (2) (a) Nothing contained in the Beverage Law shall be  
490 construed to affect or impair the power or right of any county  
491 or incorporated municipality of the state to enact ordinances  
492 regulating the hours of business and location of place of  
493 business, and prescribing sanitary regulations therefor, of any

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494 licensee under the Beverage Law within the county or corporate  
495 limits of such municipality. However, except for premises  
496 licensed on or before July 1, 1999, and except for locations  
497 that are licensed as restaurants, which derive at least 51  
498 percent of their gross revenues from the sale of food and  
499 nonalcoholic beverages, pursuant to chapter 509, a location for  
500 on-premises consumption of alcoholic beverages may not be  
501 located within 500 feet of the real property that comprises a  
502 public or private elementary school, middle school, or secondary  
503 school unless the county or municipality approves the location  
504 as promoting the public health, safety, and general welfare of  
505 the community under proceedings as provided in s. 125.66(5) ~~s.~~  
506 ~~125.66(4)~~, for counties, and s. 166.041(3)(c), for  
507 municipalities. This restriction shall not, however, be  
508 construed to prohibit the issuance of temporary permits to  
509 certain nonprofit organizations as provided for in s. 561.422.  
510 The division may not issue a change in the series of a license  
511 or approve a change of a licensee's location unless the licensee  
512 provides documentation of proper zoning from the appropriate  
513 county or municipal zoning authorities.

514 Section 12. Subsection (1) of section 847.0134, Florida  
515 Statutes, is amended to read:

516 847.0134 Prohibition of adult entertainment establishment  
517 that displays, sells, or distributes materials harmful to minors  
518 within 2,500 feet of a school.—

519 (1) Except for those establishments that are legally  
520 operating or have been granted a permit from a local government  
521 to operate as adult entertainment establishments on or before  
522 July 1, 2001, an adult entertainment establishment that sells,

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523 rents, loans, distributes, transmits, shows, or exhibits any  
524 obscene material, as described in s. 847.0133, or presents live  
525 entertainment or a motion picture, slide, or other exhibit that,  
526 in whole or in part, depicts nudity, sexual conduct, sexual  
527 excitement, sexual battery, sexual bestiality, or  
528 sadomasochistic abuse and that is harmful to minors, as  
529 described in s. 847.001, may not be located within 2,500 feet of  
530 the real property that comprises a public or private elementary  
531 school, middle school, or secondary school unless the county or  
532 municipality approves the location under proceedings as provided  
533 in s. 125.66(5) ~~s. 125.66(4)~~ for counties or s. 166.041(3)(c)  
534 for municipalities.

535 Section 13. The Legislature finds and declares that this  
536 act fulfills an important state interest.

537 Section 14. This act shall take effect October 1, 2022.