

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 a
17 prevailing county to enforce the ordinance after a
18 specified period, except under certain circumstances;
19 requiring courts to give priority to certain cases;
20 providing construction relating to an attorney's or a
21 party's signature; requiring a court to impose
22 sanctions under certain circumstances; providing
23 applicability; authorizing courts to award attorney
24 fees and costs and damages under certain
25 circumstances; amending s. 166.041, F.S.; requiring a

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

48
 49 Be It Enacted by the Legislature of the State of Florida:
 50

51 Section 1. Section 57.112, Florida Statutes, is amended to
 52 read:

53 57.112 Attorney fees and costs and damages; arbitrary,
 54 unreasonable, or expressly preempted local ordinances actions.-

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

59 (2) If a civil action is filed against a local government
 60 to challenge the adoption or enforcement of a local ordinance on
 61 the grounds that it is expressly preempted by the State
 62 Constitution or by state law, the court shall assess and award
 63 reasonable attorney fees and costs and damages to the prevailing
 64 party.

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

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

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

81 (b) The governing body of the local governmental entity
 82 withdraws the proposed ordinance within 30 days; or, in the case
 83 of an adopted ordinance, the governing body of a local
 84 government notices an intent to repeal the ordinance within 30
 85 days of receipt of the notice and repeals the ordinance within
 86 30 days thereafter.

87 (5)~~(4)~~ The provisions in this section are supplemental to
 88 all other sanctions or remedies available under law or court
 89 rule. However, this section may not be construed to authorize
 90 double recovery if an affected person prevails on a damages
 91 claim brought against a local government pursuant to other
 92 applicable law involving the same ordinance, operative acts, or
 93 transactions.

94 (6)~~(5)~~ This section does not apply to local ordinances
 95 adopted pursuant to part II of chapter 163, s. 553.73, or s.
 96 633.202.

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

100 (b) The amendments to this section effective October 1,
 101 2022, are prospective in nature and apply only to ordinances
 102 adopted on or after October 1, 2022.

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

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

111 (2) (a) The regular enactment procedure shall be as
 112 follows: The board of county commissioners at any regular or
 113 special meeting may enact or amend any ordinance, except as
 114 provided in subsection (5) ~~(4)~~, if notice of intent to consider
 115 such ordinance is given at least 10 days before such meeting by
 116 publication as provided in chapter 50. A copy of such notice
 117 shall be kept available for public inspection during the regular
 118 business hours of the office of the clerk of the board of county
 119 commissioners. The notice of proposed enactment shall state the
 120 date, time, and place of the meeting; the title or titles of
 121 proposed ordinances; and the place or places within the county
 122 where such proposed ordinances may be inspected by the public.
 123 The notice shall also advise that interested parties may appear
 124 at the meeting and be heard with respect to the proposed

125 ordinance.

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

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

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

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

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

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

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

150 4. Any additional information the board determines may be
 151 useful.

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

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

- 158 1. Part II of chapter 163;
- 159 2. Section 553.73;
- 160 3. Section 633.202;
- 161 4. Sections 190.005 and 190.046;
- 162 5. Ordinances required to comply with federal or state law
 163 or regulation;
- 164 6. Ordinances related to the issuance or refinancing of
 165 debt;
- 166 7. Ordinances related to the adoption of budgets or budget
 167 amendments;
- 168 8. Ordinances required to implement a contract or an
 169 agreement, including, but not limited to, any federal, state,
 170 local, or private grant, or other financial assistance accepted
 171 by a county government; or
- 172 9. Emergency ordinances.

173 Section 3. Section 125.675, Florida Statutes, is created
 174 to read:

175 125.675 Legal challenges to certain recently enacted
 176 ordinances.—

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

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

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

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

187 (2) When the plaintiff appeals a final judgment finding
 188 that an ordinance is valid and enforceable, the county may
 189 enforce the ordinance 30 days after the entry of the order
 190 unless the plaintiff files a motion for a stay of the lower
 191 tribunal's order which is granted by the appellate court.

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

196 (4) The signature of an attorney or a party constitutes a
 197 certificate that he or she has read the pleading, motion, or
 198 other paper and that, to the best of his or her knowledge,
 199 information, and belief formed after reasonable inquiry, it is

200 not interposed for any improper purpose, such as to harass or to
201 cause unnecessary delay, or for economic advantage, competitive
202 reasons, or frivolous purposes or needless increase in the cost
203 of litigation. If a pleading, motion, or other paper is signed
204 in violation of these requirements, the court, upon its own
205 initiative, shall impose upon the person who signed it, a
206 represented party, or both, an appropriate sanction, which may
207 include an order to pay to the other party or parties the amount
208 of reasonable expenses incurred because of the filing of the
209 pleading, motion, or other paper, including reasonable attorney
210 fees.

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

213 (a) Part II of chapter 163;

214 (b) Section 553.73;

215 (c) Section 633.202;

216 (d) Sections 190.005 and 190.046;

217 (e) Ordinances required to comply with federal or state
218 law or regulation;

219 (f) Ordinances related to the issuance or refinancing of
220 debt;

221 (g) Ordinances related to the adoption of budgets or
222 budget amendments;

223 (h) Ordinances required to implement a contract or an
224 agreement, including, but not limited to, any federal, state,

225 local, or private grant, or other financial assistance accepted
 226 by a county government; or

227 (i) Emergency ordinances.

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

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

234 166.041 Procedures for adoption of ordinances and
 235 resolutions.-

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

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

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

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

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

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

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

260 4. Any additional information the governing body
 261 determines may be useful.

262 (b) This subsection may not be construed to require a
 263 municipality to procure an accountant or other financial
 264 consultant to prepare the business impact estimate required by
 265 this subsection.

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

- 268 1. Part II of chapter 163;
- 269 2. Section 553.73;
- 270 3. Section 633.202;
- 271 4. Sections 190.005 and 190.046;
- 272 5. Ordinances required to comply with federal or state law
 273 or regulation;
- 274 6. Ordinances related to the issuance or refinancing of

275 debt;

276 7. Ordinances related to the adoption of budgets or budget
 277 amendments;

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

282 9. Emergency ordinances.

283 Section 5. Section 166.0411, Florida Statutes, is created
 284 to read:

285 166.0411 Legal challenges to certain recently enacted
 286 ordinances.—

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

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

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

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

298 (2) When the plaintiff appeals a final judgment finding
 299 that an ordinance is valid and enforceable, the municipality may

300 enforce the ordinance 30 days after the entry of the order
301 unless the plaintiff files a motion for a stay of the lower
302 tribunal's order which is granted by the appellate court.

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

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

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

324 (a) Part II of chapter 163;

- 325 (b) Section 553.73;
- 326 (c) Section 633.202;
- 327 (d) Sections 190.005 and 190.046;
- 328 (e) Ordinances required to comply with federal or state
- 329 law or regulation;
- 330 (f) Ordinances related to the issuance or refinancing of
- 331 debt;
- 332 (g) Ordinances related to the adoption of budgets or
- 333 budget amendments;
- 334 (h) Ordinances required to implement a contract or an
- 335 agreement, including, but not limited to, any federal, state,
- 336 local, or private grant, or other financial assistance accepted
- 337 by a municipal government; or
- 338 (i) Emergency ordinances.
- 339 (6) The court may award attorney fees and costs and
- 340 damages as provided in s. 57.112.

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

343 163.2517 Designation of urban infill and redevelopment
 344 area.—

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

350 ~~s. 125.66(4)(b)2.~~ for counties.

351 Section 7. Paragraph (a) of subsection (3) of section
352 163.3181, Florida Statutes, is amended to read:

353 163.3181 Public participation in the comprehensive
354 planning process; intent; alternative dispute resolution.—

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

363 (a) Prior to the date of a public hearing on the decision
364 on whether to proceed with the proposed project, the local
365 government shall publish public notice of its intent to decide
366 the issue according to the notice procedures described by s.
367 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ for a county or s.
368 166.041(3)(c)2.b. for a municipality.

369 Section 8. Paragraph (a) of subsection (4) of section
370 163.3215, Florida Statutes, is amended to read:

371 163.3215 Standing to enforce local comprehensive plans
372 through development orders.—

373 (4) If a local government elects to adopt or has adopted
374 an ordinance establishing, at a minimum, the requirements listed

375 in this subsection, the sole method by which an aggrieved and
 376 adversely affected party may challenge any decision of local
 377 government granting or denying an application for a development
 378 order, as defined in s. 163.3164, which materially alters the
 379 use or density or intensity of use on a particular piece of
 380 property, on the basis that it is not consistent with the
 381 comprehensive plan adopted under this part, is by an appeal
 382 filed by a petition for writ of certiorari filed in circuit
 383 court no later than 30 days following rendition of a development
 384 order or other written decision of the local government, or when
 385 all local administrative appeals, if any, are exhausted,
 386 whichever occurs later. An action for injunctive or other relief
 387 may be joined with the petition for certiorari. Principles of
 388 judicial or administrative res judicata and collateral estoppel
 389 apply to these proceedings. Minimum components of the local
 390 process are as follows:

391 (a) The local process must make provision for notice of an
 392 application for a development order that materially alters the
 393 use or density or intensity of use on a particular piece of
 394 property, including notice by publication or mailed notice
 395 consistent with the provisions of ss. 125.66(5) (b)2. and 3. and
 396 166.041(3) (c)2.b. and c. ~~ss. 125.66(4) (b)2. and 3. and~~
 397 ~~166.041(3) (c)2.b. and c.~~, and must require prominent posting at
 398 the job site. The notice must be given within 10 days after the
 399 filing of an application for a development order; however,

400 notice under this subsection is not required for an application
 401 for a building permit or any other official action of local
 402 government which does not materially alter the use or density or
 403 intensity of use on a particular piece of property. The notice
 404 must clearly delineate that an aggrieved or adversely affected
 405 person has the right to request a quasi-judicial hearing before
 406 the local government for which the application is made, must
 407 explain the conditions precedent to the appeal of any
 408 development order ultimately rendered upon the application, and
 409 must specify the location where written procedures can be
 410 obtained that describe the process, including how to initiate
 411 the quasi-judicial process, the timeframes for initiating the
 412 process, and the location of the hearing. The process may
 413 include an opportunity for an alternative dispute resolution.

414 Section 9. Paragraph (c) of subsection (1) of section
 415 376.80, Florida Statutes, is amended to read:

416 376.80 Brownfield program administration process.—

417 (1) The following general procedures apply to brownfield
 418 designations:

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

421 1. Notification to department following adoption.—A local
 422 government with jurisdiction over the brownfield area must
 423 notify the department, and, if applicable, the local pollution
 424 control program under s. 403.182, of its decision to designate a

425 brownfield area for rehabilitation for the purposes of ss.
426 376.77-376.86. The notification must include a resolution
427 adopted by the local government body. The local government shall
428 notify the department, and, if applicable, the local pollution
429 control program under s. 403.182, of the designation within 30
430 days after adoption of the resolution.

431 2. Resolution adoption.—The brownfield area designation
432 must be carried out by a resolution adopted by the
433 jurisdictional local government, which includes a map adequate
434 to clearly delineate exactly which parcels are to be included in
435 the brownfield area or alternatively a less-detailed map
436 accompanied by a detailed legal description of the brownfield
437 area. For municipalities, the governing body shall adopt the
438 resolution in accordance with the procedures outlined in s.
439 166.041, except that the procedures for the public hearings on
440 the proposed resolution must be in the form established in s.
441 166.041(3)(c)2. For counties, the governing body shall adopt the
442 resolution in accordance with the procedures outlined in s.
443 125.66, except that the procedures for the public hearings on
444 the proposed resolution shall be in the form established in s.
445 125.66(5)(b) ~~s. 125.66(4)(b)~~.

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

450 shall grant the request.

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

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

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

468 Section 10. Paragraph (a) of subsection (3) of section
 469 497.270, Florida Statutes, is amended to read:

470 497.270 Minimum acreage; sale or disposition of cemetery
 471 lands.—

472 (3) (a) If the property to be sold, conveyed, or disposed
 473 of under subsection (2) has been or is being used for the
 474 permanent interment of human remains, the applicant for approval

475 of such sale, conveyance, or disposition shall cause to be
476 published, at least once a week for 4 consecutive weeks, a
477 notice meeting the standards of publication set forth in s.
478 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ The notice shall describe the
479 property in question and the proposed noncemetery use and shall
480 advise substantially affected persons that they may file a
481 written request for a hearing pursuant to chapter 120, within 14
482 days after the date of last publication of the notice, with the
483 department if they object to granting the applicant's request to
484 sell, convey, or dispose of the subject property for noncemetery
485 uses.

486 Section 11. Paragraph (a) of subsection (2) of section
487 562.45, Florida Statutes, is amended to read:

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

492 (2)(a) Nothing contained in the Beverage Law shall be
493 construed to affect or impair the power or right of any county
494 or incorporated municipality of the state to enact ordinances
495 regulating the hours of business and location of place of
496 business, and prescribing sanitary regulations therefor, of any
497 licensee under the Beverage Law within the county or corporate
498 limits of such municipality. However, except for premises
499 licensed on or before July 1, 1999, and except for locations

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

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

519 847.0134 Prohibition of adult entertainment establishment
520 that displays, sells, or distributes materials harmful to minors
521 within 2,500 feet of a school.—

522 (1) Except for those establishments that are legally
523 operating or have been granted a permit from a local government
524 to operate as adult entertainment establishments on or before

525 July 1, 2001, an adult entertainment establishment that sells,
526 rents, loans, distributes, transmits, shows, or exhibits any
527 obscene material, as described in s. 847.0133, or presents live
528 entertainment or a motion picture, slide, or other exhibit that,
529 in whole or in part, depicts nudity, sexual conduct, sexual
530 excitement, sexual battery, sexual bestiality, or
531 sadomasochistic abuse and that is harmful to minors, as
532 described in s. 847.001, may not be located within 2,500 feet of
533 the real property that comprises a public or private elementary
534 school, middle school, or secondary school unless the county or
535 municipality approves the location under proceedings as provided
536 in s. 125.66(5) ~~s. 125.66(4)~~ for counties or s. 166.041(3)(c)
537 for municipalities.

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

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