

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 on
7 fees and costs of certain litigation; providing
8 construction and applicability; amending s. 125.66,
9 F.S.; providing certain procedures for continued
10 meetings on proposed ordinances for counties;
11 providing for construction and retroactive
12 application; requiring a board of county commissioners
13 to prepare or cause to be prepared a business impact
14 estimate before the enactment of a proposed ordinance;
15 specifying requirements for the posting and content of
16 the estimate; providing construction and
17 applicability; creating s. 125.675, F.S.; requiring a
18 county to suspend enforcement of an ordinance that is
19 the subject of a certain legal action if certain
20 conditions are met; authorizing a prevailing county to
21 enforce the ordinance after a specified period, except
22 under certain circumstances; requiring courts to give
23 priority to certain cases; providing construction
24 relating to an attorney's or a party's signature;
25 requiring a court to impose sanctions under certain

26 | circumstances; providing applicability; authorizing
27 | courts to award attorney fees and costs and damages if
28 | certain conditions are met; amending s. 166.041, F.S.;
29 | providing certain procedures for continued meetings on
30 | proposed ordinances for municipalities; providing for
31 | construction and retroactive application; requiring a
32 | governing body of a municipality to prepare or cause
33 | to be prepared a business impact estimate before the
34 | enactment of a proposed ordinance; specifying
35 | requirements for the posting and content of the
36 | estimate; providing construction and applicability;
37 | creating s. 166.0411, F.S.; requiring a municipality
38 | to suspend enforcement of an ordinance that is the
39 | subject of a certain legal action if certain
40 | conditions are met; authorizing a prevailing
41 | municipality to enforce the ordinance after a
42 | specified period, except under certain circumstances;
43 | requiring courts to give priority to certain cases;
44 | providing construction relating to an attorney's or a
45 | party's signature; requiring a court to impose
46 | sanctions under certain circumstances; providing
47 | applicability; authorizing courts to award attorney
48 | fees and costs and damages if certain conditions are
49 | met; amending ss. 163.2517, 163.3181, 163.3215,
50 | 376.80, 497.270, 562.45, and 847.0134, F.S.;

51 conforming cross-references and making technical
 52 changes; providing a declaration of important state
 53 interest; providing effective dates.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Section 57.112, Florida Statutes, is amended to
 58 read:

59 57.112 Attorney fees and costs and damages; arbitrary,
 60 unreasonable, or expressly preempted local ordinances actions.-

61 (1) As used in this section, the term "attorney fees and
 62 costs" means the reasonable and necessary attorney fees and
 63 costs incurred for all preparations, motions, hearings, trials,
 64 and appeals in a proceeding.

65 (2) If a civil action is filed against a local government
 66 to challenge the adoption or enforcement of a local ordinance on
 67 the grounds that it is expressly preempted by the State
 68 Constitution or by state law, the court shall assess and award
 69 reasonable attorney fees and costs and damages to the prevailing
 70 party.

71 (3) If a civil action is filed against a local government
 72 to challenge the adoption of a local ordinance on the grounds
 73 that the ordinance is arbitrary or unreasonable, the court may
 74 assess and award reasonable attorney fees and costs and damages
 75 to a prevailing plaintiff. An award of reasonable attorney fees

76 | or costs and damages pursuant to this subsection may not exceed
 77 | \$50,000. In addition, a prevailing plaintiff may not recover any
 78 | attorney fees or costs directly incurred by or associated with
 79 | litigation to determine an award of reasonable attorney fees or
 80 | costs.

81 | (4) Attorney fees and costs and damages may not be awarded
 82 | pursuant to this section if:

83 | (a) The governing body of a local governmental entity
 84 | receives written notice that an ordinance that has been publicly
 85 | noticed or adopted is expressly preempted by the State
 86 | Constitution or state law or is arbitrary or unreasonable; and

87 | (b) The governing body of the local governmental entity
 88 | withdraws the proposed ordinance within 30 days; or, in the case
 89 | of an adopted ordinance, the governing body of a local
 90 | government notices an intent to repeal the ordinance within 30
 91 | days after ~~of~~ receipt of the notice and repeals the ordinance
 92 | within 30 days thereafter.

93 | (5)-(4) The provisions in this section are supplemental to
 94 | all other sanctions or remedies available under law or court
 95 | rule. However, this section may not be construed to authorize
 96 | double recovery if an affected person prevails on a claim
 97 | brought against a local government pursuant to other applicable
 98 | law involving the same ordinance, operative acts, or
 99 | transactions.

100 | (6)-(5) This section does not apply to local ordinances

101 adopted pursuant to part II of chapter 163, s. 553.73, or s.
 102 633.202.

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

106 (b) The amendments to this section effective October 1,
 107 2023, are prospective in nature and apply only to ordinances
 108 adopted on or after October 1, 2023.

109 (c) An amendment to an ordinance enacted after October 1,
 110 2023, gives rise to a claim under this section only to the
 111 extent that the application of the amendatory language is the
 112 cause of the claim apart from the ordinance being amended.

113 Section 2. Effective upon becoming a law, present
 114 paragraphs (b) and (c) of subsection (2) of section 125.66,
 115 Florida Statutes, are redesignated as paragraphs (c) and (d),
 116 respectively, and a new paragraph (b) is added to that
 117 subsection, to read:

118 125.66 Ordinances; enactment procedure; emergency
 119 ordinances; rezoning or change of land use ordinances or
 120 resolutions.—

121 (2)

122 (b) Consideration of the proposed ordinance at a meeting
 123 properly noticed pursuant to this subsection may be continued to
 124 a subsequent meeting if, at the meeting, the date, time, and
 125 place of the subsequent meeting is publicly stated. No further

126 publication, mailing, or posted notice as required under
 127 paragraph (a) is required, except that the continued
 128 consideration must be listed in an agenda or similar
 129 communication produced for the subsequent meeting. This
 130 paragraph is remedial in nature, is intended to clarify existing
 131 law, and shall apply retroactively.

132 Section 3. Present subsections (3) through (6) of section
 133 125.66, Florida Statutes, are redesignated as subsections (4)
 134 through (7), respectively, a new subsection (3) is added to that
 135 section, and paragraph (a) of subsection (2) of that section is
 136 amended, to read:

137 125.66 Ordinances; enactment procedure; emergency
 138 ordinances; rezoning or change of land use ordinances or
 139 resolutions.—

140 (2) (a) The regular enactment procedure is ~~shall be~~ as
 141 follows: The board of county commissioners at any regular or
 142 special meeting may enact or amend any ordinance, except as
 143 provided in subsection (5) ~~(4)~~, if notice of intent to consider
 144 such ordinance is given at least 10 days before such meeting by
 145 publication as provided in chapter 50. A copy of such notice
 146 must ~~shall~~ be kept available for public inspection during the
 147 regular business hours of the office of the clerk of the board
 148 of county commissioners. The notice of proposed enactment must
 149 ~~shall~~ state the date, time, and place of the meeting; the title
 150 or titles of proposed ordinances; and the place or places within

151 the county where such proposed ordinances may be inspected by
152 the public. The notice must ~~shall~~ also advise that interested
153 parties may appear at the meeting and be heard with respect to
154 the proposed ordinance.

155 (3) (a) Before the enactment of a proposed ordinance, the
156 board of county commissioners shall prepare or cause to be
157 prepared a business impact estimate in accordance with this
158 subsection. The business impact estimate must be posted on the
159 county's website no later than the date the notice of proposed
160 enactment is published pursuant to paragraph (2) (a) and must
161 include all of the following:

162 1. A summary of the proposed ordinance, including a
163 statement of the public purpose to be served by the proposed
164 ordinance, such as serving the public health, safety, morals,
165 and welfare of the county.

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

169 a. An estimate of direct compliance costs that businesses
170 may reasonably incur if the ordinance is enacted.

171 b. Identification of any new charge or fee on businesses
172 subject to the proposed ordinance or for which businesses will
173 be financially responsible.

174 c. An estimate of the county's regulatory costs, including
175 an estimate of revenues from any new charges or fees that will

176 | be imposed on businesses to cover such costs.

177 | 3. A good faith estimate of the number of businesses

178 | likely to be impacted by the ordinance.

179 | 4. Any additional information the board determines may be

180 | useful.

181 | (b) This subsection may not be construed to require a

182 | county to procure an accountant or other financial consultant to

183 | prepare the business impact estimate required by this

184 | subsection.

185 | (c) This subsection does not apply to:

186 | 1. Ordinances required for compliance with federal or

187 | state law or regulation;

188 | 2. Ordinances relating to the issuance or refinancing of

189 | debt;

190 | 3. Ordinances relating to the adoption of budgets or

191 | budget amendments, including revenue sources necessary to fund

192 | the budget;

193 | 4. Ordinances required to implement a contract or an

194 | agreement, including, but not limited to, any federal, state,

195 | local, or private grant, or other financial assistance accepted

196 | by a county government;

197 | 5. Emergency ordinances;

198 | 6. Ordinances relating to procurement; or

199 | 7. Ordinances enacted to implement the following:

200 | a. Part II of chapter 163, relating to growth policy,

201 county and municipal planning, and land development regulation,
 202 including zoning, development orders, development agreements,
 203 and development permits;

204 b. Sections 190.005 and 190.046;

205 c. Section 553.73, relating to the Florida Building Code;

206 or

207 d. Section 633.202, relating to the Florida Fire
 208 Prevention Code.

209 Section 4. Section 125.675, Florida Statutes, is created
 210 to read:

211 125.675 Legal challenges to certain recently enacted
 212 ordinances.—

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

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

219 (b) The plaintiff requests suspension in the initial
 220 complaint or petition, citing this section; and

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

223 (2) When the plaintiff appeals a final judgment finding
 224 that an ordinance is valid and enforceable, the county may
 225 enforce the ordinance 45 days after the entry of the order

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226 unless the plaintiff obtains a stay of the lower court's order.

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

231 (4) The signature of an attorney or a party constitutes a
232 certificate that he or she has read the pleading, motion, or
233 other paper and that, to the best of his or her knowledge,
234 information, and belief formed after reasonable inquiry, it is
235 not interposed for any improper purpose, such as to harass or to
236 cause unnecessary delay, or for economic advantage, competitive
237 reasons, or frivolous purposes or needless increase in the cost
238 of litigation. If a pleading, motion, or other paper is signed
239 in violation of these requirements, the court, upon its own
240 initiative or upon favorably ruling on a party's motion for
241 sanctions, must impose upon the person who signed it, a
242 represented party, or both, an appropriate sanction, which may
243 include an order to pay to the other party or parties the amount
244 of reasonable expenses incurred because of the filing of the
245 pleading, motion, or other paper, including reasonable attorney
246 fees.

247 (5) This section does not apply to:

248 (a) Ordinances required for compliance with federal or
249 state law or regulation;

250 (b) Ordinances relating to the issuance or refinancing of

251 debt;

252 (c) Ordinances relating to the adoption of budgets or
 253 budget amendments, including revenue sources necessary to fund
 254 the budget;

255 (d) Ordinances required to implement a contract or an
 256 agreement, including, but not limited to, any federal, state,
 257 local, or private grant, or other financial assistance accepted
 258 by a county government;

259 (e) Emergency ordinances;

260 (f) Ordinances relating to procurement; or

261 (g) Ordinances enacted to implement the following:

262 1. Part II of chapter 163, relating to growth policy,
 263 county and municipal planning, and land development regulation,
 264 including zoning, development orders, development agreements,
 265 and development permits;

266 2. Sections 190.005 and 190.046;

267 3. Section 553.73, relating to the Florida Building Code;

268 or

269 4. Section 633.202, relating to the Florida Fire
 270 Prevention Code.

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

273 Section 5. Effective upon becoming a law, paragraph (d) is
 274 added to subsection (3) of section 166.041, Florida Statutes,
 275 and paragraph (a) of that subsection is amended, to read:

276 166.041 Procedures for adoption of ordinances and
 277 resolutions.—

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

289 (d) Consideration of the proposed ordinance at a meeting
 290 properly noticed pursuant to this subsection may be continued to
 291 a subsequent meeting if, at the meeting, the date, time, and
 292 place of the subsequent meeting is publicly stated. No further
 293 publication, mailing, or posted notice as required under this
 294 subsection is required, except that the continued consideration
 295 must be listed in an agenda or similar communication produced
 296 for the subsequent meeting. This paragraph is remedial in
 297 nature, is intended to clarify existing law, and shall apply
 298 retroactively.

299 Section 6. Present subsections (4) through (8) of section
 300 166.041, Florida Statutes, are redesignated as subsections (5)

301 through (9), respectively, and a new subsection (4) is added to
 302 that section, to read:

303 166.041 Procedures for adoption of ordinances and
 304 resolutions.—

305 (4) (a) Before the enactment of a proposed ordinance, the
 306 governing body of a municipality shall prepare or cause to be
 307 prepared a business impact estimate in accordance with this
 308 subsection. The business impact estimate must be posted on the
 309 municipality's website no later than the date the notice of
 310 proposed enactment is published pursuant to paragraph (3) (a) and
 311 must include all of the following:

312 1. A summary of the proposed ordinance, including a
 313 statement of the public purpose to be served by the proposed
 314 ordinance, such as serving the public health, safety, morals,
 315 and welfare of the municipality.

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

319 a. An estimate of direct compliance costs that businesses
 320 may reasonably incur if the ordinance is enacted;

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

324 c. An estimate of the municipality's regulatory costs,
 325 including an estimate of revenues from any new charges or fees

326 that will be imposed on businesses to cover such costs.

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

329 4. Any additional information the governing body
330 determines may be useful.

331 (b) This subsection may not be construed to require a
332 municipality to procure an accountant or other financial
333 consultant to prepare the business impact estimate required by
334 this subsection.

335 (c) This subsection does not apply to:

336 1. Ordinances required for compliance with federal or
337 state law or regulation;

338 2. Ordinances relating to the issuance or refinancing of
339 debt;

340 3. Ordinances relating to the adoption of budgets or
341 budget amendments, including revenue sources necessary to fund
342 the budget;

343 4. Ordinances required to implement a contract or an
344 agreement, including, but not limited to, any federal, state,
345 local, or private grant, or other financial assistance accepted
346 by a municipal government;

347 5. Emergency ordinances;

348 6. Ordinances relating to procurement; or

349 7. Ordinances enacted to implement the following:

350 a. Part II of chapter 163, relating to growth policy,

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351 county and municipal planning, and land development regulation,
352 including zoning, development orders, development agreements,
353 and development permits;

354 b. Sections 190.005 and 190.046;

355 c. Section 553.73, relating to the Florida Building Code;

356 or

357 d. Section 633.202, relating to the Florida Fire
358 Prevention Code.

359 Section 7. Section 166.0411, Florida Statutes, is created
360 to read:

361 166.0411 Legal challenges to certain recently enacted
362 ordinances.—

363 (1) A municipality must suspend enforcement of an
364 ordinance that is the subject of an action challenging the
365 ordinance's validity on the grounds that it is expressly
366 preempted by the State Constitution or by state law or is
367 arbitrary or unreasonable if:

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

370 (b) The plaintiff requests suspension in the initial
371 complaint or petition, citing this section; and

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

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

376 enforce the ordinance 45 days after the entry of the order
377 unless the plaintiff obtains a stay of the lower court's order.

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

382 (4) The signature of an attorney or a party constitutes a
383 certificate that he or she has read the pleading, motion, or
384 other paper and that, to the best of his or her knowledge,
385 information, and belief formed after reasonable inquiry, it is
386 not interposed for any improper purpose, such as to harass or to
387 cause unnecessary delay, or for economic advantage, competitive
388 reasons, or frivolous purposes or needless increase in the cost
389 of litigation. If a pleading, motion, or other paper is signed
390 in violation of these requirements, the court, upon its own
391 initiative or upon favorably ruling on a party's motion for
392 sanctions, must impose upon the person who signed it, a
393 represented party, or both, an appropriate sanction, which may
394 include an order to pay to the other party or parties the amount
395 of reasonable expenses incurred because of the filing of the
396 pleading, motion, or other paper, including reasonable attorney
397 fees.

398 (5) This section does not apply to:

399 (a) Ordinances required for compliance with federal or
400 state law or regulation;

401 (b) Ordinances relating to the issuance or refinancing of
 402 debt;

403 (c) Ordinances relating to the adoption of budgets or
 404 budget amendments, including revenue sources necessary to fund
 405 the budget;

406 (d) Ordinances required to implement a contract or an
 407 agreement, including, but not limited to, any federal, state,
 408 local, or private grant, or other financial assistance accepted
 409 by a municipal government;

410 (e) Emergency ordinances;

411 (f) Ordinances relating to procurement; or

412 (g) Ordinances enacted to implement the following:

413 1. Part II of chapter 163, relating to growth policy,
 414 county and municipal planning, and land development regulation,
 415 including zoning, development orders, development agreements,
 416 and development permits;

417 2. Sections 190.005 and 190.046;

418 3. Section 553.73, relating to the Florida Building Code;

419 or

420 4. Section 633.202, relating to the Florida Fire
 421 Prevention Code.

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

424 Section 8. Subsection (5) of section 163.2517, Florida
 425 Statutes, is amended to read:

426 163.2517 Designation of urban infill and redevelopment
 427 area.—

428 (5) After the preparation of an urban infill and
 429 redevelopment plan or designation of an existing plan, the local
 430 government shall adopt the plan by ordinance. Notice for the
 431 public hearing on the ordinance must be in the form established
 432 in s. 166.041(3)(c)2. for municipalities, and s. 125.66(5)(b)2.
 433 ~~s. 125.66(4)(b)2.~~ for counties.

434 Section 9. Paragraph (a) of subsection (3) of section
 435 163.3181, Florida Statutes, is amended to read:

436 163.3181 Public participation in the comprehensive
 437 planning process; intent; alternative dispute resolution.—

438 (3) A local government considering undertaking a publicly
 439 financed capital improvement project may elect to use the
 440 procedures set forth in this subsection for the purpose of
 441 allowing public participation in the decision and resolution of
 442 disputes. For purposes of this subsection, a publicly financed
 443 capital improvement project is a physical structure or
 444 structures, the funding for construction, operation, and
 445 maintenance of which is financed entirely from public funds.

446 (a) Before ~~Prior to~~ the date of a public hearing on the
 447 decision on whether to proceed with the proposed project, the
 448 local government shall publish public notice of its intent to
 449 decide the issue according to the notice procedures described by
 450 s. 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ for a county or s.

451 166.041(3)(c)2.b. for a municipality.

452 Section 10. Paragraph (a) of subsection (4) of section
453 163.3215, Florida Statutes, is amended to read:

454 163.3215 Standing to enforce local comprehensive plans
455 through development orders.—

456 (4) If a local government elects to adopt or has adopted
457 an ordinance establishing, at a minimum, the requirements listed
458 in this subsection, the sole method by which an aggrieved and
459 adversely affected party may challenge any decision of local
460 government granting or denying an application for a development
461 order, as defined in s. 163.3164, which materially alters the
462 use or density or intensity of use on a particular piece of
463 property, on the basis that it is not consistent with the
464 comprehensive plan adopted under this part, is by an appeal
465 filed by a petition for writ of certiorari filed in circuit
466 court no later than 30 days following rendition of a development
467 order or other written decision of the local government, or when
468 all local administrative appeals, if any, are exhausted,
469 whichever occurs later. An action for injunctive or other relief
470 may be joined with the petition for certiorari. Principles of
471 judicial or administrative res judicata and collateral estoppel
472 apply to these proceedings. Minimum components of the local
473 process are as follows:

474 (a) The local process must make provision for notice of an
475 application for a development order that materially alters the

476 use or density or intensity of use on a particular piece of
 477 property, including notice by publication or mailed notice
 478 consistent with the provisions of ss. 125.66(5)(b)2. and 3. and
 479 166.041(3)(c)2.b. and c. ~~ss. 125.66(4)(b)2. and 3. and~~
 480 ~~166.041(3)(c)2.b. and c.~~, and must require prominent posting at
 481 the job site. The notice must be given within 10 days after the
 482 filing of an application for a development order; however,
 483 notice under this subsection is not required for an application
 484 for a building permit or any other official action of local
 485 government which does not materially alter the use or density or
 486 intensity of use on a particular piece of property. The notice
 487 must clearly delineate that an aggrieved or adversely affected
 488 person has the right to request a quasi-judicial hearing before
 489 the local government for which the application is made, must
 490 explain the conditions precedent to the appeal of any
 491 development order ultimately rendered upon the application, and
 492 must specify the location where written procedures can be
 493 obtained that describe the process, including how to initiate
 494 the quasi-judicial process, the timeframes for initiating the
 495 process, and the location of the hearing. The process may
 496 include an opportunity for an alternative dispute resolution.

497 Section 11. Paragraph (c) of subsection (1) of section
 498 376.80, Florida Statutes, is amended to read:

499 376.80 Brownfield program administration process.—

500 (1) The following general procedures apply to brownfield

501 designations:

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

504 1. Notification to department following adoption.—A local
505 government with jurisdiction over the brownfield area must
506 notify the department, and, if applicable, the local pollution
507 control program under s. 403.182, of its decision to designate a
508 brownfield area for rehabilitation for the purposes of ss.
509 376.77–376.86. The notification must include a resolution
510 adopted by the local government body. The local government shall
511 notify the department, and, if applicable, the local pollution
512 control program under s. 403.182, of the designation within 30
513 days after adoption of the resolution.

514 2. Resolution adoption.—The brownfield area designation
515 must be carried out by a resolution adopted by the
516 jurisdictional local government, which includes a map adequate
517 to clearly delineate exactly which parcels are to be included in
518 the brownfield area or alternatively a less-detailed map
519 accompanied by a detailed legal description of the brownfield
520 area. For municipalities, the governing body shall adopt the
521 resolution in accordance with the procedures outlined in s.
522 166.041, except that the procedures for the public hearings on
523 the proposed resolution must be in the form established in s.
524 166.041(3)(c)2. For counties, the governing body shall adopt the
525 resolution in accordance with the procedures outlined in s.

526 | 125.66, except that the procedures for the public hearings on
 527 | the proposed resolution must ~~shall~~ be in the form established in
 528 | s. 125.66(5)(b) ~~s. 125.66(4)(b)~~.

529 | 3. Right to be removed from proposed brownfield area.—If a
 530 | property owner within the area proposed for designation by the
 531 | local government requests in writing to have his or her property
 532 | removed from the proposed designation, the local government must
 533 | ~~shall~~ grant the request.

534 | 4. Notice and public hearing requirements for designation
 535 | of a proposed brownfield area outside a redevelopment area or by
 536 | a nongovernmental entity. Compliance with the following
 537 | provisions is required before designation of a proposed
 538 | brownfield area under paragraph (2)(a) or paragraph (2)(c):

539 | a. At least one of the required public hearings must ~~shall~~
 540 | be conducted as closely as is reasonably practicable to the area
 541 | to be designated to provide an opportunity for public input on
 542 | the size of the area, the objectives for rehabilitation, job
 543 | opportunities and economic developments anticipated,
 544 | neighborhood residents' considerations, and other relevant local
 545 | concerns.

546 | b. Notice of a public hearing must be made in a newspaper
 547 | of general circulation in the area, must be made in ethnic
 548 | newspapers or local community bulletins, must be posted in the
 549 | affected area, and must be announced at a scheduled meeting of
 550 | the local governing body before the actual public hearing.

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551 Section 12. Paragraph (a) of subsection (3) of section
 552 497.270, Florida Statutes, is amended to read:

553 497.270 Minimum acreage; sale or disposition of cemetery
 554 lands.—

555 (3)(a) If the property to be sold, conveyed, or disposed
 556 of under subsection (2) has been or is being used for the
 557 permanent interment of human remains, the applicant for approval
 558 of such sale, conveyance, or disposition must ~~shall~~ cause to be
 559 published, at least once a week for 4 consecutive weeks, a
 560 notice meeting the standards of publication set forth in s.
 561 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ The notice must ~~shall~~ describe
 562 the property in question and the proposed noncemetery use and
 563 must ~~shall~~ advise substantially affected persons that they may
 564 file a written request for a hearing pursuant to chapter 120,
 565 within 14 days after the date of last publication of the notice,
 566 with the department if they object to granting the applicant's
 567 request to sell, convey, or dispose of the subject property for
 568 noncemetery uses.

569 Section 13. Paragraph (a) of subsection (2) of section
 570 562.45, Florida Statutes, is amended to read:

571 562.45 Penalties for violating Beverage Law; local
 572 ordinances; prohibiting regulation of certain activities or
 573 business transactions; requiring nondiscriminatory treatment;
 574 providing exceptions.—

575 (2)(a) Nothing contained in the Beverage Law may ~~shall~~ be

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576 construed to affect or impair the power or right of any county
577 or incorporated municipality of the state to enact ordinances
578 regulating the hours of business and location of place of
579 business, and prescribing sanitary regulations therefor, of any
580 licensee under the Beverage Law within the county or corporate
581 limits of such municipality. However, except for premises
582 licensed on or before July 1, 1999, and except for locations
583 ~~that are~~ licensed as restaurants, which derive at least 51
584 percent of their gross revenues from the sale of food and
585 nonalcoholic beverages, pursuant to chapter 509, a location for
586 on-premises consumption of alcoholic beverages may not be
587 located within 500 feet of the real property that comprises a
588 public or private elementary school, middle school, or secondary
589 school unless the county or municipality approves the location
590 as promoting the public health, safety, and general welfare of
591 the community under proceedings as provided in s. 125.66(5) ~~s.~~
592 ~~125.66(4)~~, for counties, and s. 166.041(3)(c), for
593 municipalities. This restriction may ~~shall~~ not, however, be
594 construed to prohibit the issuance of temporary permits to
595 certain nonprofit organizations as provided for in s. 561.422.
596 The division may not issue a change in the series of a license
597 or approve a change of a licensee's location unless the licensee
598 provides documentation of proper zoning from the appropriate
599 county or municipal zoning authorities.

600 Section 14. Subsection (1) of section 847.0134, Florida

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601 Statutes, is amended to read:

602 847.0134 Prohibition of adult entertainment establishment
603 that displays, sells, or distributes materials harmful to minors
604 within 2,500 feet of a school.—

605 (1) Except for those establishments that are legally
606 operating or have been granted a permit from a local government
607 to operate as adult entertainment establishments on or before
608 July 1, 2001, an adult entertainment establishment that sells,
609 rents, loans, distributes, transmits, shows, or exhibits any
610 obscene material, as described in s. 847.0133, or presents live
611 entertainment or a motion picture, slide, or other exhibit that,
612 in whole or in part, depicts nudity, sexual conduct, sexual
613 excitement, sexual battery, sexual bestiality, or
614 sadomasochistic abuse and that is harmful to minors, as
615 described in s. 847.001, may not be located within 2,500 feet of
616 the real property that comprises a public or private elementary
617 school, middle school, or secondary school unless the county or
618 municipality approves the location under proceedings as provided
619 in s. 125.66(5) ~~s. 125.66(4)~~ for counties or s. 166.041(3)(c)
620 for municipalities.

621 Section 15. The Legislature finds and declares that this
622 act fulfills an important state interest.

623 Section 16. Except as otherwise expressly provided in this
624 act and except for this section, which shall take effect upon
625 becoming a law, this act shall take effect October 1, 2023.