

By the Committees on Rules; and Community Affairs; and Senators Trumbull and Perry

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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 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

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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:

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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

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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 section  
104 is intended to be prospective in nature and applies ~~shall apply~~  
105 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

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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

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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

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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 likely  
178 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 state  
187 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 budget  
191 amendments, including revenue sources necessary to fund the  
192 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;

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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 Prevention  
208 Code.

209 Section 4. Section 125.675, Florida Statutes, is created to  
210 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 complaint  
222 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  
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



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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:

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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 Prevention  
270 Code.

271 (6) The court may award attorney fees and costs and damages  
272 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

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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

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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 likely  
328 to be impacted by the ordinance.

329 4. Any additional information the governing body determines  
330 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 state  
337 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 budget  
341 amendments, including revenue sources necessary to fund the  
342 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

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349 7. Ordinances enacted to implement the following:

350 a. Part II of chapter 163, relating to growth policy,  
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 Prevention  
358 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 ordinance  
364 that is the subject of an action challenging the ordinance's  
365 validity on the grounds that it is expressly preempted by the  
366 State Constitution or by state law or is arbitrary or  
367 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.

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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

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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 Prevention  
421 Code.

422 (6) The court may award attorney fees and costs and damages  
423 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:

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436 163.3181 Public participation in the comprehensive planning  
437 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 an  
457 ordinance establishing, at a minimum, the requirements listed in  
458 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



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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

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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

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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.

551 Section 12. Paragraph (a) of subsection (3) of section

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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 of  
556 under subsection (2) has been or is being used for the permanent  
557 interment of human remains, the applicant for approval of such  
558 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  
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

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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  
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

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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.