

2023170e1

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 and resolutions for
11 counties; 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

2023170e1

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:

2023170e1

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

2023170e1

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, subsection (7) is
114 added to section 125.66, Florida Statutes, to read:

115 125.66 Ordinances; enactment procedure; emergency
116 ordinances; rezoning or change of land use ordinances or

2023170e1

117 resolutions.-

118 (7) Consideration of the proposed ordinance or resolution
119 at a properly noticed meeting may be continued to a subsequent
120 meeting if, at the scheduled meeting, the date, time, and place
121 of the subsequent meeting is publicly stated. No further
122 publication, mailing, or posted notice as required under this
123 section is required, except that the continued consideration
124 must be listed in an agenda or similar communication produced
125 for the subsequent meeting. This subsection is remedial in
126 nature, is intended to clarify existing law, and shall apply
127 retroactively except as to a court challenge under this section
128 that was filed by January 1, 2023.

129 Section 3. Present subsections (3) through (7) of section
130 125.66, Florida Statutes, as amended by this act, are
131 redesignated as subsections (4) through (8), respectively, a new
132 subsection (3) is added to that section, and paragraph (a) of
133 subsection (2) of that section is amended, to read:

134 125.66 Ordinances; enactment procedure; emergency
135 ordinances; rezoning or change of land use ordinances or
136 resolutions.-

137 (2) (a) The regular enactment procedure is ~~shall be~~ as
138 follows: The board of county commissioners at any regular or
139 special meeting may enact or amend any ordinance, except as
140 provided in subsection (5) ~~(4)~~, if notice of intent to consider
141 such ordinance is given at least 10 days before such meeting by
142 publication as provided in chapter 50. A copy of such notice
143 must ~~shall~~ be kept available for public inspection during the
144 regular business hours of the office of the clerk of the board
145 of county commissioners. The notice of proposed enactment must

2023170e1

146 ~~shall~~ state the date, time, and place of the meeting; the title
147 or titles of proposed ordinances; and the place or places within
148 the county where such proposed ordinances may be inspected by
149 the public. The notice must ~~shall~~ also advise that interested
150 parties may appear at the meeting and be heard with respect to
151 the proposed ordinance.

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

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

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

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

168 b. Identification of any new charge or fee on businesses
169 subject to the proposed ordinance or for which businesses will
170 be financially responsible.

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

174 3. A good faith estimate of the number of businesses likely

2023170e1

175 to be impacted by the ordinance.

176 4. Any additional information the board determines may be
177 useful.

178 (b) This subsection may not be construed to require a
179 county to procure an accountant or other financial consultant to
180 prepare the business impact estimate required by this
181 subsection.

182 (c) This subsection does not apply to:

183 1. Ordinances required for compliance with federal or state
184 law or regulation;

185 2. Ordinances relating to the issuance or refinancing of
186 debt;

187 3. Ordinances relating to the adoption of budgets or budget
188 amendments, including revenue sources necessary to fund the
189 budget;

190 4. Ordinances required to implement a contract or an
191 agreement, including, but not limited to, any federal, state,
192 local, or private grant, or other financial assistance accepted
193 by a county government;

194 5. Emergency ordinances;

195 6. Ordinances relating to procurement; or

196 7. Ordinances enacted to implement the following:

197 a. Part II of chapter 163, relating to growth policy,
198 county and municipal planning, and land development regulation,
199 including zoning, development orders, development agreements,
200 and development permits;

201 b. Sections 190.005 and 190.046;

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

203 or

2023170e1

204 d. Section 633.202, relating to the Florida Fire Prevention
205 Code.

206 Section 4. Section 125.675, Florida Statutes, is created to
207 read:

208 125.675 Legal challenges to certain recently enacted
209 ordinances.—

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

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

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

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

220 (2) When the plaintiff appeals a final judgment finding
221 that an ordinance is valid and enforceable, the county may
222 enforce the ordinance 45 days after the entry of the order
223 unless the plaintiff obtains a stay of the lower court's order.

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

228 (4) The signature of an attorney or a party constitutes a
229 certificate that he or she has read the pleading, motion, or
230 other paper and that, to the best of his or her knowledge,
231 information, and belief formed after reasonable inquiry, it is
232 not interposed for any improper purpose, such as to harass or to

2023170e1

233 cause unnecessary delay, or for economic advantage, competitive
234 reasons, or frivolous purposes or needless increase in the cost
235 of litigation. If a pleading, motion, or other paper is signed
236 in violation of these requirements, the court, upon its own
237 initiative or upon favorably ruling on a party's motion for
238 sanctions, must impose upon the person who signed it, a
239 represented party, or both, an appropriate sanction, which may
240 include an order to pay to the other party or parties the amount
241 of reasonable expenses incurred because of the filing of the
242 pleading, motion, or other paper, including reasonable attorney
243 fees.

244 (5) This section does not apply to:

245 (a) Ordinances required for compliance with federal or
246 state law or regulation;

247 (b) Ordinances relating to the issuance or refinancing of
248 debt;

249 (c) Ordinances relating to the adoption of budgets or
250 budget amendments, including revenue sources necessary to fund
251 the budget;

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

256 (e) Emergency ordinances;

257 (f) Ordinances relating to procurement; or

258 (g) Ordinances enacted to implement the following:

259 1. Part II of chapter 163, relating to growth policy,
260 county and municipal planning, and land development regulation,
261 including zoning, development orders, development agreements,

2023170e1

262 and development permits;
263 2. Sections 190.005 and 190.046;
264 3. Section 553.73, relating to the Florida Building Code;
265 or
266 4. Section 633.202, relating to the Florida Fire Prevention
267 Code.

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

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

273 166.041 Procedures for adoption of ordinances and
274 resolutions.—

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

286 (d) Consideration of the proposed ordinance at a meeting
287 properly noticed pursuant to this subsection may be continued to
288 a subsequent meeting if, at the meeting, the date, time, and
289 place of the subsequent meeting is publicly stated. No further
290 publication, mailing, or posted notice as required under this

2023170e1

291 subsection is required, except that the continued consideration
292 must be listed in an agenda or similar communication produced
293 for the subsequent meeting. This paragraph is remedial in
294 nature, is intended to clarify existing law, and shall apply
295 retroactively except as to a court challenge under this section
296 that was filed by January 1, 2023.

297 Section 6. Present subsections (4) through (8) of section
298 166.041, Florida Statutes, are redesignated as subsections (5)
299 through (9), respectively, and a new subsection (4) is added to
300 that section, to read:

301 166.041 Procedures for adoption of ordinances and
302 resolutions.—

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

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

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

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

319 b. Identification of any new charge or fee on businesses

2023170e1

320 subject to the proposed ordinance, or for which businesses will
321 be financially responsible; and

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

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

327 4. Any additional information the governing body determines
328 may be useful.

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

333 (c) This subsection does not apply to:

334 1. Ordinances required for compliance with federal or state
335 law or regulation;

336 2. Ordinances relating to the issuance or refinancing of
337 debt;

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

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

345 5. Emergency ordinances;

346 6. Ordinances relating to procurement; or

347 7. Ordinances enacted to implement the following:

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

2023170e1

349 county and municipal planning, and land development regulation,
350 including zoning, development orders, development agreements,
351 and development permits;

352 b. Sections 190.005 and 190.046;

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

354 or

355 d. Section 633.202, relating to the Florida Fire Prevention
356 Code.

357 Section 7. Section 166.0411, Florida Statutes, is created
358 to read:

359 166.0411 Legal challenges to certain recently enacted
360 ordinances.—

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

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

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

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

372 (2) When the plaintiff appeals a final judgment finding
373 that an ordinance is valid and enforceable, the municipality may
374 enforce the ordinance 45 days after the entry of the order
375 unless the plaintiff obtains a stay of the lower court's order.

376 (3) The court shall give cases in which the enforcement of
377 an ordinance is suspended under this section priority over other

2023170e1

378 pending cases and shall render a preliminary or final decision
379 on the validity of the ordinance as expeditiously as possible.

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

396 (5) This section does not apply to:

397 (a) Ordinances required for compliance with federal or
398 state law or regulation;

399 (b) Ordinances relating to the issuance or refinancing of
400 debt;

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

404 (d) Ordinances required to implement a contract or an
405 agreement, including, but not limited to, any federal, state,
406 local, or private grant, or other financial assistance accepted

2023170e1

407 by a municipal government;
408 (e) Emergency ordinances;
409 (f) Ordinances relating to procurement; or
410 (g) Ordinances enacted to implement the following:
411 1. Part II of chapter 163, relating to growth policy,
412 county and municipal planning, and land development regulation,
413 including zoning, development orders, development agreements,
414 and development permits;
415 2. Sections 190.005 and 190.046;
416 3. Section 553.73, relating to the Florida Building Code;
417 or
418 4. Section 633.202, relating to the Florida Fire Prevention
419 Code.
420 (6) The court may award attorney fees and costs and damages
421 as provided in s. 57.112.

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

424 163.2517 Designation of urban infill and redevelopment
425 area.—

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

432 Section 9. Paragraph (a) of subsection (3) of section
433 163.3181, Florida Statutes, is amended to read:

434 163.3181 Public participation in the comprehensive planning
435 process; intent; alternative dispute resolution.—

2023170e1

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

444 (a) Before ~~Prior to~~ the date of a public hearing on the
445 decision on whether to proceed with the proposed project, the
446 local government shall publish public notice of its intent to
447 decide the issue according to the notice procedures described by
448 s. 125.66(5)(b)2. ~~s. 125.66(4)(b)2.~~ for a county or s.
449 166.041(3)(c)2.b. for a municipality.

450 Section 10. Paragraph (a) of subsection (4) of section
451 163.3215, Florida Statutes, is amended to read:

452 163.3215 Standing to enforce local comprehensive plans
453 through development orders.—

454 (4) If a local government elects to adopt or has adopted an
455 ordinance establishing, at a minimum, the requirements listed in
456 this subsection, the sole method by which an aggrieved and
457 adversely affected party may challenge any decision of local
458 government granting or denying an application for a development
459 order, as defined in s. 163.3164, which materially alters the
460 use or density or intensity of use on a particular piece of
461 property, on the basis that it is not consistent with the
462 comprehensive plan adopted under this part, is by an appeal
463 filed by a petition for writ of certiorari filed in circuit
464 court no later than 30 days following rendition of a development

2023170e1

465 order or other written decision of the local government, or when
466 all local administrative appeals, if any, are exhausted,
467 whichever occurs later. An action for injunctive or other relief
468 may be joined with the petition for certiorari. Principles of
469 judicial or administrative res judicata and collateral estoppel
470 apply to these proceedings. Minimum components of the local
471 process are as follows:

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

2023170e1

494 include an opportunity for an alternative dispute resolution.

495 Section 11. Paragraph (c) of subsection (1) of section
496 376.80, Florida Statutes, is amended to read:

497 376.80 Brownfield program administration process.—

498 (1) The following general procedures apply to brownfield
499 designations:

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

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

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

2023170e1

523 resolution in accordance with the procedures outlined in s.
524 125.66, except that the procedures for the public hearings on
525 the proposed resolution must ~~shall~~ be in the form established in
526 s. 125.66(5)(b) ~~s. 125.66(4)(b)~~.

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

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

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

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

549 Section 12. Paragraph (a) of subsection (3) of section
550 497.270, Florida Statutes, is amended to read:

551 497.270 Minimum acreage; sale or disposition of cemetery

2023170e1

552 lands.—

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

567 Section 13. Paragraph (a) of subsection (2) of section
568 562.45, Florida Statutes, is amended to read:

569 562.45 Penalties for violating Beverage Law; local
570 ordinances; prohibiting regulation of certain activities or
571 business transactions; requiring nondiscriminatory treatment;
572 providing exceptions.—

573 (2) (a) Nothing contained in the Beverage Law may ~~shall~~ be
574 construed to affect or impair the power or right of any county
575 or incorporated municipality of the state to enact ordinances
576 regulating the hours of business and location of place of
577 business, and prescribing sanitary regulations therefor, of any
578 licensee under the Beverage Law within the county or corporate
579 limits of such municipality. However, except for premises
580 licensed on or before July 1, 1999, and except for locations

2023170e1

581 ~~that are~~ licensed as restaurants, which derive at least 51
582 percent of their gross revenues from the sale of food and
583 nonalcoholic beverages, pursuant to chapter 509, a location for
584 on-premises consumption of alcoholic beverages may not be
585 located within 500 feet of the real property that comprises a
586 public or private elementary school, middle school, or secondary
587 school unless the county or municipality approves the location
588 as promoting the public health, safety, and general welfare of
589 the community under proceedings as provided in s. 125.66(5) ~~s.~~
590 ~~125.66(4)~~, for counties, and s. 166.041(3)(c), for
591 municipalities. This restriction may ~~shall~~ not, however, be
592 construed to prohibit the issuance of temporary permits to
593 certain nonprofit organizations as provided for in s. 561.422.
594 The division may not issue a change in the series of a license
595 or approve a change of a licensee's location unless the licensee
596 provides documentation of proper zoning from the appropriate
597 county or municipal zoning authorities.

598 Section 14. Subsection (1) of section 847.0134, Florida
599 Statutes, is amended to read:

600 847.0134 Prohibition of adult entertainment establishment
601 that displays, sells, or distributes materials harmful to minors
602 within 2,500 feet of a school.—

603 (1) Except for those establishments that are legally
604 operating or have been granted a permit from a local government
605 to operate as adult entertainment establishments on or before
606 July 1, 2001, an adult entertainment establishment that sells,
607 rents, loans, distributes, transmits, shows, or exhibits any
608 obscene material, as described in s. 847.0133, or presents live
609 entertainment or a motion picture, slide, or other exhibit that,

2023170e1

610 in whole or in part, depicts nudity, sexual conduct, sexual
611 excitement, sexual battery, sexual bestiality, or
612 sadomasochistic abuse and that is harmful to minors, as
613 described in s. 847.001, may not be located within 2,500 feet of
614 the real property that comprises a public or private elementary
615 school, middle school, or secondary school unless the county or
616 municipality approves the location under proceedings as provided
617 in s. 125.66(5) ~~s. 125.66(4)~~ for counties or s. 166.041(3)(c)
618 for municipalities.

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

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