

2023170er

1  
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

2023170er

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:

2023170er

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

2023170er

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

2023170er

117 resolutions.—

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

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

133 125.66 Ordinances; enactment procedure; emergency  
134 ordinances; rezoning or change of land use ordinances or  
135 resolutions.—

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

2023170er

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

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

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

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

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

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

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

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

2023170er

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

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

181 (c) This subsection does not apply to:

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

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

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

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

193 5. Emergency ordinances;

194 6. Ordinances relating to procurement; or

195 7. Ordinances enacted to implement the following:

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

200 b. Sections 190.005 and 190.046;

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

202 or

203 d. Section 633.202, relating to the Florida Fire Prevention

2023170er

204 Code.

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

207 125.675 Legal challenges to certain recently enacted  
208 ordinances.-

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

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

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

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

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

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

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



2023170er

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

243 (5) This section does not apply to:

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

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

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

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

255 (e) Emergency ordinances;

256 (f) Ordinances relating to procurement; or

257 (g) Ordinances enacted to implement the following:

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

2023170er

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

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

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

272           166.041 Procedures for adoption of ordinances and  
273       resolutions.—

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

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

2023170er

291 consideration must be listed in an agenda or similar  
292 communication produced for the subsequent meeting. This  
293 paragraph is remedial in nature, is intended to clarify existing  
294 law, and shall apply retroactively.

295 Section 6. Present subsections (4) through (8) of section  
296 166.041, Florida Statutes, are redesignated as subsections (5)  
297 through (9), respectively, and a new subsection (4) is added to  
298 that section, to read:

299 166.041 Procedures for adoption of ordinances and  
300 resolutions.—

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

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

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

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

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

2023170er

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

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

325 4. Any additional information the governing body determines  
326 may be useful.

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

331 (c) This subsection does not apply to:

332 1. Ordinances required for compliance with federal or state  
333 law or regulation;

334 2. Ordinances relating to the issuance or refinancing of  
335 debt;

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

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

343 5. Emergency ordinances;

344 6. Ordinances relating to procurement; or

345 7. Ordinances enacted to implement the following:

346 a. Part II of chapter 163, relating to growth policy,  
347 county and municipal planning, and land development regulation,  
348 including zoning, development orders, development agreements,

2023170er

349 and development permits;

350 b. Sections 190.005 and 190.046;

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

352 or

353 d. Section 633.202, relating to the Florida Fire Prevention  
354 Code.

355 Section 7. Section 166.0411, Florida Statutes, is created  
356 to read:

357 166.0411 Legal challenges to certain recently enacted  
358 ordinances.—

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

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

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

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

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

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

2023170er

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

394       (5) This section does not apply to:

395       (a) Ordinances required for compliance with federal or  
396 state law or regulation;

397       (b) Ordinances relating to the issuance or refinancing of  
398 debt;

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

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

406       (e) Emergency ordinances;

2023170er

407       (f) Ordinances relating to procurement; or  
408       (g) Ordinances enacted to implement the following:  
409       1. Part II of chapter 163, relating to growth policy,  
410 county and municipal planning, and land development regulation,  
411 including zoning, development orders, development agreements,  
412 and development permits;  
413       2. Sections 190.005 and 190.046;  
414       3. Section 553.73, relating to the Florida Building Code;  
415 or  
416       4. Section 633.202, relating to the Florida Fire Prevention  
417 Code.

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

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

422       163.2517 Designation of urban infill and redevelopment  
423 area.—

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

430       Section 9. Paragraph (a) of subsection (3) of section  
431 163.3181, Florida Statutes, is amended to read:

432       163.3181 Public participation in the comprehensive planning  
433 process; intent; alternative dispute resolution.—

434       (3) A local government considering undertaking a publicly  
435 financed capital improvement project may elect to use the

2023170er

436 procedures set forth in this subsection for the purpose of  
437 allowing public participation in the decision and resolution of  
438 disputes. For purposes of this subsection, a publicly financed  
439 capital improvement project is a physical structure or  
440 structures, the funding for construction, operation, and  
441 maintenance of which is financed entirely from public funds.

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

448 Section 10. Paragraph (a) of subsection (4) of section  
449 163.3215, Florida Statutes, is amended to read:

450 163.3215 Standing to enforce local comprehensive plans  
451 through development orders.—

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



2023170er

465 whichever occurs later. An action for injunctive or other relief  
466 may be joined with the petition for certiorari. Principles of  
467 judicial or administrative res judicata and collateral estoppel  
468 apply to these proceedings. Minimum components of the local  
469 process are as follows:

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

493 Section 11. Paragraph (c) of subsection (1) of section

2023170er

494 376.80, Florida Statutes, is amended to read:

495 376.80 Brownfield program administration process.—

496 (1) The following general procedures apply to brownfield  
497 designations:

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

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

510 2. Resolution adoption.—The brownfield area designation  
511 must be carried out by a resolution adopted by the  
512 jurisdictional local government, which includes a map adequate  
513 to clearly delineate exactly which parcels are to be included in  
514 the brownfield area or alternatively a less-detailed map  
515 accompanied by a detailed legal description of the brownfield  
516 area. For municipalities, the governing body shall adopt the  
517 resolution in accordance with the procedures outlined in s.  
518 166.041, except that the procedures for the public hearings on  
519 the proposed resolution must be in the form established in s.  
520 166.041(3)(c)2. For counties, the governing body shall adopt the  
521 resolution in accordance with the procedures outlined in s.  
522 125.66, except that the procedures for the public hearings on

2023170er

523 the proposed resolution must ~~shall~~ be in the form established in  
524 s. 125.66(5)(b) ~~s. 125.66(4)(b)~~.

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

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

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

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

547 Section 12. Paragraph (a) of subsection (3) of section  
548 497.270, Florida Statutes, is amended to read:

549 497.270 Minimum acreage; sale or disposition of cemetery  
550 lands.—

551 (3)(a) If the property to be sold, conveyed, or disposed of

2023170er

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

565 Section 13. Paragraph (a) of subsection (2) of section  
566 562.45, Florida Statutes, is amended to read:

567 562.45 Penalties for violating Beverage Law; local  
568 ordinances; prohibiting regulation of certain activities or  
569 business transactions; requiring nondiscriminatory treatment;  
570 providing exceptions.—

571 (2) (a) Nothing contained in the Beverage Law may ~~shall~~ be  
572 construed to affect or impair the power or right of any county  
573 or incorporated municipality of the state to enact ordinances  
574 regulating the hours of business and location of place of  
575 business, and prescribing sanitary regulations therefor, of any  
576 licensee under the Beverage Law within the county or corporate  
577 limits of such municipality. However, except for premises  
578 licensed on or before July 1, 1999, and except for locations  
579 ~~that are~~ licensed as restaurants, which derive at least 51  
580 percent of their gross revenues from the sale of food and

2023170er

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

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

598 847.0134 Prohibition of adult entertainment establishment  
599 that displays, sells, or distributes materials harmful to minors  
600 within 2,500 feet of a school.—

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

2023170er

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

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

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