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1 A bill to be entitled 2 An act relating to attorney fees and costs; creating 3 s. 57.112, F.S.; defining the term "attorney fees and costs"; providing for award of attorney fees and costs 4 5 and damages in successful civil actions challenging 6 local ordinances as being preempted by the State 7 Constitution or state law; prohibiting an award of 8 attorney fees and costs under certain circumstances; 9 providing construction; providing applicability; 10 providing retroactive application; providing an effective date. 11 12 13 Be It Enacted by the Legislature of the State of Florida: 14 Section 1. Section 57.112, Florida Statutes, is created to 15 16 read: 17 57.112 Attorney fees and costs and damages; preempted 18 local actions.-19 (1) As used in this section, the term "attorney fees and 20 costs" means the reasonable and necessary attorney fees and 21 costs incurred for all preparations, motions, hearings, trials, 22 and appeals in a proceeding. 23 (2) If a civil action is filed against a local government 24 to challenge the adoption or enforcement of a local ordinance on

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the grounds that it is expressly preempted by the State

CODING: Words stricken are deletions; words underlined are additions.

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Constitution or by state law, the court shall assess and award reasonable attorney fees and costs and damages against the local government if the court determines that the subject of the ordinance was preempted.

- (3) Attorney fees and costs may not be awarded pursuant to this section if the local government withdraws or repeals an ordinance that the court determined was preempted within 21 days after the earlier of:
- (a) The local government's receipt of a written claim that the ordinance, as proposed or adopted, is preempted by the State Constitution or by state law; or
- (b) A motion being filed seeking attorney fees and costs pursuant to this section.
- (4) The provisions in this section are supplemental to all other sanctions or remedies available under law or court rule.
- (5) This section does not apply to local government ordinances relating to growth management.
- (6) This section is intended to be remedial in nature and applies retroactively to all cases pending or commenced on or after July 1, 2019.
 - Section 2. This act shall take effect July 1, 2019.