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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 346 and 347

insert:

Section 5. Paragraph (a) of subsection (4) of section 163.3194, Florida Statutes, is amended to read:

163.3194 Legal status of comprehensive plan.—

(4) (a) 1. A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justiciably



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12 raised or the appropriateness and completeness of the  
13 comprehensive plan, or element or elements thereof, in relation  
14 to the governmental action or development regulation under  
15 consideration. The court may consider the relationship of the  
16 comprehensive plan, or element or elements thereof, to the  
17 governmental action taken or the development regulation involved  
18 in litigation, but private property shall not be taken without  
19 due process of law and the payment of just compensation.

20 2. A court shall award reasonable attorney fees to a local  
21 government that prevails in a challenge to a development order  
22 or a local comprehensive plan amendment, including on appeal, if  
23 such fees are incurred by the local government while defending  
24 the approval of the order or amendment.

25  
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 48

29 and insert:

30 offset the impact; amending s. 163.3194, F.S.;

31 requiring a court to award reasonable attorney fees to

32 a local government that prevails in a challenge to a

33 development order or a local comprehensive plan

34 amendment if such fees are incurred by the local

35 government while defending the approval of the order

36 or amendment; amending s. 166.033, F.S.;