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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/24/2019	.	
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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.;