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LEGISLATIVE ACTION

Senate

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House

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Senator Brandes moved the following:

1           **Senate Amendment to Amendment (155860) (with title**  
2 **amendment)**

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4           Between lines 319 and 320  
5 insert:

6           Section 7. Subsection (8) of section 163.3215, Florida  
7 Statutes, is amended to read:

8           163.3215 Standing to enforce local comprehensive plans  
9 through development orders.—

10           (8)(a) In any proceeding under subsection (3), either party  
11 is entitled to the summary procedure provided in s. 51.011, and



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12 the court shall advance the cause on the calendar, subject to  
13 paragraph (b) ~~or subsection (4)~~, the Department of Legal Affairs  
14 may intervene to represent the interests of the state.

15 (b) Upon a showing by either party by clear and convincing  
16 evidence that summary procedure is inappropriate, the court may  
17 determine that summary procedure does not apply.

18 (c) The prevailing party in a challenge to a development  
19 order filed under subsection (3) is entitled to recover  
20 reasonable attorney fees and costs incurred in challenging or  
21 defending the order, including reasonable appellate attorney  
22 fees and costs.

23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 475

27 and insert:

28 certain preexisting development orders; amending s.  
29 163.3215, F.S.; providing that either party is  
30 entitled to a certain summary procedure in certain  
31 proceedings; requiring the court to advance such cause  
32 on the calendar, subject to certain requirements;  
33 providing that the prevailing party in a certain  
34 challenge to a development order is entitled to  
35 certain attorney fees and costs; amending s.