

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Local, Federal & Veterans  
2 Affairs Subcommittee

3 Representative Sabatini offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 57.112, Florida Statutes, is created to  
8 read:

9 57.112 Attorney fees and costs and damages; preempted local  
10 actions.

11 (1) As used in this section, the term "attorney fees and  
12 costs" means the reasonable and necessary attorney fees and  
13 costs incurred for all preparations, motions, hearings, trials,  
14 and appeals in a proceeding.

15 (2) If a civil action is filed against a local government  
16 to challenge the adoption or enforcement of a local ordinance on

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17 the grounds that it is expressly preempted by the State  
18 Constitution or by state law, the court shall assess and award  
19 reasonable attorney fees and costs and damages against the local  
20 government if the court determines that the subject of the  
21 ordinance was preempted.

22 (3) Attorney fees and costs may not be awarded pursuant to  
23 this section if the local government withdraws or repeals an  
24 ordinance that the court determined was preempted within 21 days  
25 after the earlier of:

26 (a) The local government's receipt of a written claim that  
27 the ordinance, as proposed or adopted, is preempted by the State  
28 Constitution or by state law; or

29 (b) A motion being filed seeking attorney fees and costs  
30 pursuant to this section.

31 (4) The provisions in this section are supplemental to all  
32 other sanctions or remedies available under law or court rule.

33 (5) This section does not apply to local government  
34 ordinances relating to growth management.

35 (6) This section is intended to be remedial in nature and  
36 applies retroactively to all cases pending or commenced on or  
37 after July 1, 2019.

38 Section 2. This act shall take effect July 1, 2019.

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41 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 829 (2019)

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42           Remove everything before the enacting clause and insert:  
43   An act relating to attorney fees and costs; creating s. 57.112,  
44   F.S.; providing a definition; providing for award of attorney  
45   fees and costs and damages in successful civil actions  
46   challenging local ordinances as being preempted by the State  
47   Constitution or state law; prohibiting an award of attorney fees  
48   and costs under certain circumstances; providing construction;  
49   providing applicability; providing retroactive application;  
50   providing an effective date.