

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
 4 costs"; providing for the award of attorney fees and
 5 costs and damages in civil actions challenging local
 6 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 specifying that municipalities and counties may
 11 continue to enforce or extend certain ordinances,
 12 regulations, resolutions, rules, moratoriums, or
 13 policies until certain actions are taken; providing an
 14 effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Section 57.112, Florida Statutes, is created to
 19 read:

20 57.112 Attorney fees and costs and damages; preempted
 21 local actions.—

22 (1) As used in this section, the term "attorney fees and
 23 costs" means the reasonable and necessary attorney fees and
 24 costs incurred for all preparations, motions, hearings, trials,
 25 and appeals in a proceeding.

26 (2) If a civil action is filed against a local government
 27 to challenge the adoption or enforcement of a local ordinance on
 28 the grounds that it is expressly preempted by the State
 29 Constitution or by state law, the court shall assess and award
 30 reasonable attorney fees and costs and damages to the prevailing
 31 party.

32 (3) Attorney fees and costs may not be awarded pursuant to
 33 this section if:

34 (a) The governing body of a local governmental entity
 35 receives written notice that an ordinance that has been publicly
 36 noticed or adopted is expressly preempted by the State
 37 Constitution or state law; and

38 (b) The governing body of the local governmental entity
 39 withdraws the proposed ordinance within 30 days; or, in the case
 40 of an adopted ordinance, the governing body of a local
 41 government notices an intent to repeal the ordinance within 30
 42 days of receipt of the notice and repeals the ordinance within
 43 30 days thereafter.

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

46 (5) This section does not apply to local ordinances
 47 adopted pursuant to part II of chapter 163, s. 553.73, or s.
 48 633.202.

49 (6) This section is intended to be prospective in nature
 50 and shall apply only to cases commenced on or after July 1,

51 2019.

52 Section 2. A municipality or county may continue to
53 enforce or extend an ordinance, regulation, resolution, rule,
54 moratorium, or policy adopted before February 1, 2019, relating
55 to the land application of Class B biosolids until the
56 ordinance, regulation, resolution, rule, moratorium, or policy
57 is repealed by the municipality or county or until the effective
58 date of the rules adopted by the Department of Environmental
59 Protection, whichever occurs first.

60 Section 3. This act shall take effect July 1, 2019.