

By Senator Berman

31-00413-20

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1                   A bill to be entitled  
2           An act relating to development orders; amending s.  
3           163.3215, F.S.; deleting an entitlement for a  
4           prevailing party to recover reasonable attorney fees  
5           and costs incurred in challenging or defending a  
6           certain development order; providing an effective  
7           date.

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

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11           Section 1. Subsection (8) of section 163.3215, Florida  
12   Statutes, is amended to read:

13           163.3215 Standing to enforce local comprehensive plans  
14   through development orders.—

15           (8) (a) In any proceeding under subsection (3), either party  
16   is entitled to the summary procedure provided in s. 51.011, and  
17   the court shall advance the cause on the calendar, subject to  
18   paragraph (b).

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

22           ~~(c) The prevailing party in a challenge to a development~~  
23   ~~order filed under subsection (3) is entitled to recover~~  
24   ~~reasonable attorney fees and costs incurred in challenging or~~  
25   ~~defending the order, including reasonable appellate attorney~~  
26   ~~fees and costs.~~

27           Section 2. This act shall take effect July 1, 2020.