

By Senator Polsky

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1                   A bill to be entitled  
2           An act relating to challenges to development orders;  
3           amending s. 163.3215, F.S.; requiring a prevailing  
4           party to show that the challenge to a development  
5           order was frivolous before the prevailing party is  
6           entitled to recover reasonable attorney fees and  
7           costs; prohibiting a prevailing party in a challenge  
8           to a comprehensive plan from an award of reasonable  
9           attorney fees and costs; providing that intervenors  
10          are not entitled to recover reasonable attorney fees  
11          and costs and may not recover certain attorney fees  
12          and costs; providing applicability; providing an  
13          effective date.

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

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17           Section 1. Paragraph (c) of subsection (8) of section  
18           163.3215, Florida Statutes, is amended to read:

19           163.3215 Standing to enforce local comprehensive plans  
20           through development orders.—

21           (8)

22           (c) 1. Upon a showing that the challenge to the development  
23           order was frivolous, the prevailing party in a challenge to a  
24           development order filed under subsection (3) is entitled to  
25           recover reasonable attorney fees and costs incurred in  
26           challenging or defending the order, including reasonable  
27           appellate attorney fees and costs.

28           2. The prevailing party in a challenge to a comprehensive  
29           plan amendment is not entitled to an award of reasonable

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30 attorney fees and costs under this paragraph.

31 3. An intervenor is not entitled to recover reasonable  
32 attorney fees and costs under this paragraph and may not recover  
33 attorney fees and costs from an aggrieved or adversely affected  
34 party.

35 Section 2. The amendments made by this act to s. 163.3215  
36 do not apply retroactively to any challenge brought before the  
37 enactment of chapter 2019-165, Laws of Florida.

38 Section 3. This act shall take effect July 1, 2023.