

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WITHDRAWN	_____	(Y/N)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		

1 Committee/Subcommittee hearing bill: Local Administration,
 2 Federal Affairs & Special Districts Subcommittee
 3 Representative Yarkosky offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 57.106, Florida Statutes, is created to
 8 read:

9 57.106 Recovery of attorney fees and costs in certain
 10 disputes regarding property rights.-

11 (1) For the purposes of this section, the term:

12 (a) "Improvement" means an act done to increase the value
 13 or benefit of real property.

14 (b) "Property rights" means zoning, future land use
 15 designations, easement rights, ingress and egress rights,
 16 environmental resource and impact permits, and those rights

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17 incident to land bordering upon navigable waters as described in
18 s. 253.141.

19 (2) In a civil action brought against the owner of a
20 parcel of real property to resolve a dispute concerning property
21 rights, the court may award reasonable attorney fees and costs
22 to the prevailing defendant if the improvements made to the
23 property by the defendant property owner were made in
24 substantial compliance with, or in reliance on, environmental or
25 regulatory approvals or permits issued by a political
26 subdivision of the state or a state agency.

27 (3) This section does not apply if the environmental or
28 regulatory approval or permit was issued due to a material
29 mistake of fact or law or was not issued in compliance with law.

30 Section 2. This act shall take effect upon becoming a law.

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

34 Remove everything before the enacting clause and insert:
35 An act relating to attorney fees and costs in property rights
36 disputes; creating s. 57.106, F.S.; defining terms; requiring
37 courts to award reasonable attorney fees and costs to a
38 prevailing defendant in certain civil actions under specified
39 circumstances; providing an exception; providing an effective
40 date.