

1                                   A bill to be entitled  
 2           An act relating to attorney fees and costs in property  
 3           rights disputes; creating s. 57.106, F.S.; defining  
 4           terms; authorizing courts to award reasonable attorney  
 5           fees and costs to a prevailing defendant in certain  
 6           civil actions under specified circumstances; providing  
 7           applicability; providing an effective date.

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

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11           Section 1.   Section 57.106, Florida Statutes, is created to  
 12   read:

13           57.106 Recovery of attorney fees and costs in certain  
 14   disputes regarding property rights.-

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

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

18           (b) "Property rights" means zoning, future land use  
 19   designations, easement rights, ingress and egress rights,  
 20   environmental resource and impact permits, and those rights  
 21   incident to land bordering upon navigable waters as described in  
 22   s. 253.141.

23           (2) In a civil action brought against the owner of a  
 24   parcel of real property to resolve a dispute concerning property  
 25   rights, the court may award reasonable attorney fees and costs

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26 | to the prevailing defendant if the improvements made to the  
27 | property by the defendant property owner were made in  
28 | substantial compliance with, or in reliance on, environmental or  
29 | regulatory approvals or permits issued by a political  
30 | subdivision of the state or a state agency.

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

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