

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 award of attorney fees and costs
 5 and damages in successful civil actions challenging
 6 local 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 providing an effective date.

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

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 14 Section 1. Section 57.112, Florida Statutes, is created to
 15 read:

16 57.112 Attorney fees and costs and damages; preempted
 17 local actions.—

18 (1) As used in this section, the term "attorney fees and
 19 costs" means the reasonable and necessary attorney fees and
 20 costs incurred for all preparations, motions, hearings, trials,
 21 and appeals in a proceeding.

22 (2) If a civil action is filed against a local government
 23 to challenge the adoption or enforcement of a local ordinance on
 24 the grounds that it is expressly preempted by the State
 25 Constitution or by state law, the court shall assess and award

26 reasonable attorney fees and costs and damages against the local
27 government if the court determines that the subject of the
28 ordinance was preempted.

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

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

35 (b) The governing body of the local government entity
36 withdraws the ordinance from consideration or repeals the
37 ordinance within 21 days after receiving the written notice.

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

40 (5) Except for s. 553.79(20), this section does not apply
41 to local government ordinances relating to growth management.

42 (6) This section is intended to be prospective in nature
43 and shall apply only to cases commenced on or after July 1,
44 2019.

45 Section 2. This act shall take effect July 1, 2019.