



412730

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/21/2015	.	
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	.	
	.	

The Committee on Appropriations (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 182 - 202

and insert:

(4).

(4) The court may award attorney fees and costs to the prevailing party; however, if the court determines that the exaction which is the subject of the claim lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use, the court



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11 shall award attorney fees and costs to the property owner.

12 (5) To ensure that courts may assess damages for claims
13 filed under this section in accordance with s. 13, Art. X of the
14 State Constitution, the state, for itself and its agencies or
15 political subdivisions, waives sovereign immunity for causes of
16 action based upon the application of this section. Such waiver
17 is limited only to actions brought under this section.

18 (6) This section applies to any prohibited exaction imposed

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete lines 19 - 21

23 and insert:

24 authorizing the award