

On behalf of the citizens of Florida, on Friday, September 13, 2019 1000 Friends of Florida filed a legal challenge on the grounds that House Bill 7103 – amended and passed in the final hours of the 2019 Florida Legislative Session and signed into law by Gov. DeSantis – violates provisions in the Constitution of the State of Florida related to “single subject” and “due process.”

At the heart of the matter for 1000 Friends of Florida is a provision in the new law that amends Section 163.3215(8)(c) Florida Statutes to provide that any citizen who challenges a development order as inconsistent with a comprehensive plan and loses will be forced to pay the prevailing side’s attorney fees, including those of the local government and perhaps the developer – a sum that could easily climb into the tens or hundreds of thousands of dollars.

1000 Friends President Paul Owens explains that it is important to note that the amendment stripping citizens of their rights was never introduced in committee, never analyzed by legislative staff, never subjected to public testimony, and never debated by legislators.

“1000 Friends does not believe a majority of Representatives and Senators would have supported the amendment if they recognized its devastating impact on Floridians and their hard-won right to shape the future in their communities,” says Owens. 1000 Friends thus remains hopeful that the 2020 Legislature will in good faith remedy this oversight, as discussed below.

HB 7103 strikes a mortal blow to managing growth in Florida:

“HB 7103 represents both an egregious attack on the right of Florida’s citizens to have a say in how their communities develop and a fundamental violation of significant provisions of Florida’s Constitution,” explains 1000 Friends Planning and Policy Director Jane West. She describes it as a “mortal blow” to managing growth in a state that now welcomes close to 1,000 new residents a day. “Florida’s lands, waters, quality of life and economy all will suffer as a result of HB 7103, and the costs will be borne by current and future generations of Floridians.”

With the adoption of HB 7103, citizens won’t dare mount these challenges in the face of such a chilling provision related to attorney fees. In fact, citizens in Pasco County and around the state have already dropped existing challenges out of concern about the prohibitive financial risks created by HB 7103. Others have decided not to challenge illegal development. Florida law already gives judges the authority to require citizens who file frivolous consistency challenges to pay attorney fees, so HB 7103 instead targets citizens with legitimate concerns.

“Passage of this act is an attack on the rights of each and every one of Florida’s 21 million citizens,” says 1000 Friends former Legal Director Richard Grosso.

<https://www.1000friendsofflorida.org/hb7103challenge/>