

Insights

Florida Senate Bill No. 540 Brings Changes to Comprehensive Plan Challenges and Cost Recovery for Developers

Article

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On May 24, 2023, Governor DeSantis approved Florida Senate Bill No. 540. The bill, which will go into effect on July 1, 2023, provides that the prevailing party in a challenge to a comprehensive plan amendment is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

Florida State Senator Nick DiCeglie, one of the bill's sponsors, explained the bill's intent: "[h]aving the skin in the game for these prevailing attorney fees is essentially the spirit of this bill."

The change is likely to discourage warrantless or speculative comprehensive plan amendment challenges, which can significantly impact project timing and make it difficult for developers to assess risk.

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