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Insights

Governor DeSantis Signs Bill Reducing Burdens on Real Property Rights

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On June 29, 2021, Governor DeSantis signed an amendment to the Bert Harris Act, CS/CS for HB 421 & HB 1101, making it easier for property owners to challenge local government regulation that burdens, restricts, or limits their property. The bill is scheduled to go into effect October 1, 2021.

This new bill specifically amends the Bert Harris Act to:

- Reduce the timeframe for a claimant to notify the government;
- Specify that written settlement offers are presumed to protect the public interest;
- Allow the claimant to have a judge, rather than a jury, determine damages;
- Allow a prevailing claimant to recover attorney fees and costs from the time the claimant files notice; and
- Provide that a property owner may pursue the claim even if the property owner subsequently relinquishes title to the subject real property before the claim's resolution.

It is important to note that certain of the amendments apply only to claims made in response to actions taken by governmental entities on or after July 1, 2021.

For more information, please see our prior article outlining the broader impacts of this legislation.

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