

## Bad Bill Alert: HB 359 would punish citizens who challenge comprehensive plan amendments

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Residents against the Rural Lifestyle amendment protest ahead of the Martin County Commission meeting Tuesday, Sept. 13, 2022, in Stuart.

As the paving of Florida continues and often haphazard growth leapfrogs across the landscape, a proposed new law would supercharge sprawl by punishing citizens who dare question it.

[House Bill 359](#), titled "Local Government Comprehensive Plans," was filed this week by Rep. Wyman Duggan, a Republican from Jacksonville. The bill stipulates that anyone who loses a legal challenge to a comprehensive plan — or comprehensive plan amendment — must pay the winner's attorney fees and costs.

Current law allows the winning party to recover court costs in cases filed by citizens who allege a development order violates a comprehensive plan. But Duggan's bill represents a significant shift.

Consider Martin County, where commissioners last year [approved a controversial "rural lifestyles" amendment](#) to the county's vaunted comprehensive plan, permitting higher-density development on land typically designated for agricultural use.

If HB 359 passes, it means any citizen who challenges that amendment in court and loses is on the hook for the "prevailing party's" court costs.

You can understand why that prospect might dissuade citizens filing such a challenge. And that, of course, is exactly what Florida's great growth machine wants.

Duggan's bill seeks to strip power from citizens and undermine the spirit of Florida's comprehensive planning laws. If passed it represents a victory for sprawl over judicious planning — and common sense.