



HB 0077B

2003

1 A bill to be entitled

2 An act relating to local government; amending s. 163.3167,
3 F.S.; limiting effect of judicial determinations
4 concerning certain development orders pursuant to adopted
5 land development regulations under the Local Government
6 Comprehensive Planning and Land Development Regulation
7 Act; providing an exception; providing for retroactive
8 application; providing for construction of the act in pari
9 materia with laws enacted during the 2003 Regular Session
10 or the 2003 Special Session A of the Legislature;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (13) is added to section 163.3167,
16 Florida Statutes, to read:

17 163.3167 Scope of act.--

18 (13)(a) If a local government grants a quasi-judicial
19 development order pursuant to its adopted land development
20 regulations and the order is not the subject of a pending
21 appeal, the right to commence and complete development pursuant
22 to the order may not be abrogated by a subsequent judicial
23 determination that such land development regulations, or any
24 portion thereof, are invalid because of a deficiency in the
25 approval standards. (b) This subsection does not preclude or
26 affect the timely institution of a common law writ of certiorari
27 proceeding pursuant to Rule 9.190, Florida Rules of Appellate
28 Procedure, or an original proceeding pursuant to s. 163.3215, as
29 applicable.



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30 (c) This subsection applies retroactively to any
31 development order granted prior to the effective date of this
32 act.

33 Section 2. If any law amended by this act was also amended
34 by a law enacted at the 2003 Regular Session of the Legislature
35 or at the 2003 Special Session A of the Legislature, such laws
36 shall be construed as if they had been enacted at the same
37 session of the Legislature, and full effect shall be given to
38 each if possible.

39 Section 3. This act shall take effect upon becoming a law.