



HB 0005C

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

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

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

163.3167 Scope of act.--

(13)(a) If a local government grants a quasi-judicial  
 development order pursuant to its adopted land development  
 regulations and the order is not the subject of a pending  
 appeal, the right to commence and complete development pursuant  
 to the order may not be abrogated by a subsequent judicial  
 determination that such land development regulations, or any  
 portion thereof, are invalid because of a deficiency in the  
 approval standards. (b) This subsection does not preclude or  
 affect the timely institution of a common law writ of certiorari  
 proceeding pursuant to Rule 9.190, Florida Rules of Appellate  
 Procedure, or an original proceeding pursuant to s. 163.3215, as  
 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, the 2003 Special  
35 Session A, or the 2003 Special Session B of the Legislature,  
36 such laws shall be construed as if they had been enacted at the  
37 same session of the Legislature, and full effect shall be given  
38 to each if possible.

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