

HB 0143

2004

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 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 under 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.

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

Section 2. This act shall take effect upon becoming a law.