

HB 143

2004  
CS

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to local government; amending s. 163.3167,  
8 F.S.; limiting effect of judicial determinations  
9 concerning certain development orders pursuant to adopted  
10 land development regulations under the Local Government  
11 Comprehensive Planning and Land Development Regulation  
12 Act; providing an exception; providing for retroactive  
13 application; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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

19 163.3167 Scope of act.--

20 (13)(a) If a local government grants a development order  
21 pursuant to its adopted land development regulations and the  
22 order is not the subject of a pending appeal and the timeframe  
23 for filing an appeal has expired, the development order is not

HB 143

2004  
CS

24 invalidated if there is a subsequent judicial determination that  
25 said land development regulations, or any portion thereof that  
26 is relevant to the development order, are invalid because of a  
27 deficiency in the approval standards.

28 (b) This subsection does not preclude or affect the timely  
29 institution of any other remedy available at law or equity,  
30 including a common law writ of certiorari proceeding pursuant to  
31 Rule 9.190, Florida Rules of Appellate Procedure, or an original  
32 proceeding pursuant to s. 163.3215, as applicable.

33 (c) This subsection applies retroactively to any  
34 development order granted on or after January 1, 2002.

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