

1 A bill to be entitled
 2 An act relating to local government; amending s. 163.3167, F.S.;
 3 limiting effect of judicial determinations concerning certain
 4 development orders pursuant to adopted land development
 5 regulations under the Local Government Comprehensive Planning
 6 and Land Development Regulation Act; providing an exception;
 7 providing for retroactive application; amending s. 163.3171,
 8 F.S.; providing exclusive planning authority for certain
 9 municipalities in highly populated urban counties; providing
 10 requirements for exercise of such authority; providing an
 11 effective date.

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

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 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 development order
 19 pursuant to its adopted land development regulations and the
 20 order is not the subject of a pending appeal and the timeframe
 21 for filing an appeal has expired, the development order is not
 22 invalidated if there is a subsequent judicial determination that
 23 said land development regulations, or any portion thereof that
 24 is relevant to the development order, are invalid because of a
 25 deficiency in the approval standards.

26 (b) This subsection does not preclude or affect the timely
 27 institution of any other remedy available at law or equity,
 28 including a common law writ of certiorari proceeding pursuant to

29 Rule 9.190, Florida Rules of Appellate Procedure, or an original
 30 proceeding pursuant to s. 163.3215, as applicable.

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

33 Section 2. Subsection (2) of section 163.3171, Florida
 34 Statutes, is amended, and subsection (5) is added to said
 35 section, to read:

36 163.3171 Areas of authority under this act.--

37 (2) A county shall exercise authority under this act for
 38 the total unincorporated area under its jurisdiction or in such
 39 unincorporated areas as are not included in any joint agreement
 40 with municipalities established under the provisions of
 41 subsection (1). ~~In the case of chartered counties, the county~~
 42 ~~may exercise such authority over municipalities or districts~~
 43 ~~within its boundaries as is provided for in its charter.~~

44 (5) In recognition of the need for municipalities in
 45 highly populated urban counties to address their planning issues
 46 on an individual basis, municipalities within counties having a
 47 population of greater than 1.5 million people shall exercise
 48 exclusive planning authority, including, but not limited to,
 49 zoning, comprehensive planning, and the issuance of development
 50 orders for the area under its municipal jurisdiction; except
 51 that a county that operates under a home rule charter adopted
 52 pursuant to s. 24, Art. VIII of the Constitution of 1885, as
 53 preserved by s. 6(e), Art. VIII of the Constitution of 1968
 54 shall exercise planning authority in accordance with its
 55 charter. A municipality that has exclusive planning authority
 56 pursuant to this subsection may, by resolution of its governing

57 | body, delegate planning authority for the area under its
58 | municipal jurisdiction to the county in which it is located. A
59 | county that does not exercise planning authority within a
60 | municipality pursuant to this section may, upon the request of
61 | the municipality, provide written comments concerning a proposed
62 | land use within the jurisdiction of that municipality or provide
63 | planning assistance to that municipality. Municipalities whose
64 | land use planning authority becomes exclusive pursuant to this
65 | subsection may amend their comprehensive plans one additional
66 | time in 2004 or 2005, without regard to the twice a year
67 | restriction in s. 163.3187(1), to provide for amendments that
68 | municipality determines to be necessary or appropriate for the
69 | transition. Development orders issued by a county for property
70 | within a municipality, prior to the effective date of this act,
71 | shall remain valid for the effective period of the development
72 | order, unless an application for an amendment to the development
73 | order is approved by the municipality in accordance with the
74 | procedures of the municipality for amending development orders.
75 | This subsection shall not affect the authority of a charter
76 | county to adopt and enforce countywide impact fees to the extent
77 | that the charter county had such authority prior to the
78 | effective date of this subsection. Upon this subsection becoming
79 | effective, the level of service for county facilities within
80 | municipalities that obtain exclusive jurisdiction pursuant to
81 | this section shall be the level of service that was applied by
82 | the county on April 1, 2004. Any increase in the level of
83 | service for county facilities within municipalities that obtain
84 | exclusive jurisdiction pursuant to this subsection shall require

85 | the approval of the affected municipality, as evidenced by the
86 | municipality adopting the increased level of service for the
87 | county facilities into the municipality's comprehensive plan.
88 | Counties with populations of less than 1.5 million may exercise
89 | such authority over municipalities or districts within their
90 | boundaries as is provided for in their charters. This subsection
91 | applies notwithstanding any other law.

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