

By Senator Bennett

21-85-04

1 A bill to be entitled
2 An act relating to land development regulation;
3 amending s. 163.3167, F.S.; prohibiting the
4 abrogation of a local land development order
5 that has been granted under specified
6 conditions; providing retroactive
7 applicability; providing an effective date.

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

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11 Section 1. Subsection (13) is added to section
12 163.3167, Florida Statutes, to read:

13 163.3167 Scope of act.--

14 (13)(a) If a local government grants a quasi-judicial
15 development order pursuant to its adopted land development
16 regulations and the order is not the subject of a pending
17 appeal, the right to commence and complete development under
18 the order may not be abrogated by a subsequent judicial
19 determination that such land development regulations or any
20 portion thereof are invalid because of a deficiency in the
21 approval standards.

22 (b) This subsection does not preclude or affect the
23 timely institution of a common law writ of certiorari
24 proceeding pursuant to Rule 9.190, Florida Rules of Appellate
25 Procedure, or original proceedings pursuant to s. 163.3215.

26 (c) This subsection applies retroactively to any
27 development order granted before the effective date of this
28 act.

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

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SENATE SUMMARY

Prohibits the abrogation of a quasi-judicial land development order due to subsequent judicial determination that the land development regulations under which the order was granted are invalid because of a deficiency in approval standards, which prohibition applies retroactively.