

By the Committee on Comprehensive Planning; and Senator
Bennett

316-2032-04

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A bill to be entitled
An act relating to land development regulation;
amending s. 163.3167, F.S.; prohibiting the
abrogation of a local land development order
under specified conditions; providing
retroactive applicability; 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 and the time for filing an appeal has expired, 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 original proceedings pursuant to s. 163.3215.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 162

The committee substitute already provides that development orders affected by its provisions may not be the subject of a pending appeal and, therefore, adds language to clarify that the time for filing an appeal must have expired.