

By the Committees on Judiciary; Comprehensive Planning; and  
Senator Bennett

308-2270-04

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

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

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14           Section 1. Subsection (13) is added to section  
15 163.3167, Florida Statutes, to read:

16           163.3167 Scope of act.--

17           (13)(a) If a local government grants a development  
18 order pursuant to its adopted land development regulations and  
19 the order is not the subject of a pending appeal and the  
20 timeframe for filing an appeal has expired, the development  
21 order may not be invalidated by a subsequent judicial  
22 determination that such land development regulations, or any  
23 portion thereof that is relevant to the development order, are  
24 invalid because of a deficiency in the approval standards.

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

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

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

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6                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7                           COMMITTEE SUBSTITUTE FOR  
8                           CS Senate Bill 162

9           The Committee Substitute for Committee Substitute for SB 162  
10 differs as follows from the underlying committee substitute:

- 11           - Expressly provide that it does not affect the  
12           availability of any other remedy at law or equity that an  
13           adversely affected person may have to challenge a  
14           development order; and  
15           - Applies retroactively to development orders issued on or  
16           after January 1, 20