

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

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