

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Berman offered the following:

2
3 **Amendment**

4 Remove lines 5112-5126 and insert:

5 1. In challenges filed by an affected person, the local
6 government's determination shall be sustained unless it is shown
7 by a preponderance of the evidence that the amendment is not in
8 compliance with the requirements of this act.

9 2.a. In challenges filed by the state land planning
10 agency, the local government's determination that the
11 comprehensive plan or plan amendment is in compliance is
12 presumed to be correct, and the local government's determination
13 shall be sustained unless it is shown by a preponderance of the
14 evidence that the comprehensive plan or plan amendment is not in
15 compliance.

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16 b. In challenges filed by the state land planning agency,
17 the local government's determination that elements of its plan
18 are related to and consistent with each other shall be sustained
19 unless it is shown by a preponderance of the evidence that the
20 amendment is not in compliance with the requirements of this
21 act.

22
23 Remove lines 5961-5982 and insert:

24 (5) (a) Any affected person may file a petition with the
25 Division of Administrative Hearings pursuant to ss. 120.569 and
26 120.57 to request a hearing to challenge the compliance of a
27 small scale development amendment with this act within 30 days
28 following the local government's adoption of the amendment and,
29 shall serve a copy of the petition on the local government, ~~and~~
30 ~~shall furnish a copy to the state land planning agency.~~ An
31 administrative law judge shall hold a hearing in the affected
32 jurisdiction not less than 30 days nor more than 60 days
33 following the filing of a petition and the assignment of an
34 administrative law judge. The parties to a hearing held pursuant
35 to this subsection shall be the petitioner, the local
36 government, and any intervenor. In the proceeding, the local
37 government's determination that the small scale development
38 amendment is in compliance is presumed to be correct. The local
39 government's determination shall be sustained unless it is shown
40 by a preponderance of the evidence that the amendment is not in
41 compliance with the requirements of this act. ~~In any proceeding~~
42 ~~initiated pursuant to this subsection,~~ The state land planning

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43 agency may intervene in any proceeding initiated pursuant to
44 this section.