

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

---

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Grant, J. offered the following:

**Amendment (with title amendment)**

Between lines 344 and 345, insert:

6 Section 3. Subsections (2), (3), and (4), paragraph (b) of  
 7 subsection (5), paragraphs (a), (b), and (c) of subsection (6),  
 8 subsections (8), (10), (11), (12), and (13), paragraph (a) of  
 9 subsection (15), paragraph (a) of subsection (16), and  
 10 subsections (17), (18), (19), (20), (21), (24), (25), (26),  
 11 (28), and (30) of section 70.51, Florida Statutes, are amended  
 12 to read:

13 70.51 Land use and environmental dispute resolution.—

14 (2) As used in this section, the term:

15 (a) "Comprehensive plan amendment" means a governmental  
 16 action subject to s. 163.3181(4).

Amendment No.

17        (b)-(a) "Development order" means any order, or notice of  
18 proposed state or regional governmental agency action, which is  
19 or will have the effect of granting, denying, or granting with  
20 conditions an application for a development permit, and includes  
21 the rezoning of a specific parcel. ~~Actions by the state or a~~  
22 ~~local government on comprehensive plan amendments are not~~  
23 ~~development orders.~~

24        (c)-(b) "Development permit" means any building permit,  
25 zoning permit, subdivision approval, certification, special  
26 exception, variance, or any other similar action of local  
27 government, as well as any permit authorized to be issued under  
28 state law by state, regional, or local government which has the  
29 effect of authorizing the development of real property  
30 including, but not limited to, programs implementing chapters  
31 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403.

32        (d) "Enforcement action" means any civil or administrative  
33 action by a governmental entity intended to enforce any law,  
34 ordinance, regulation, rule, or policy related to the  
35 development or use of real property. The term includes, but is  
36 not limited to, any action taken under chapter 162, such as a  
37 notice of violation, order, or placement of a lien, or the  
38 service of a notice of violation or an order to correct a  
39 condition, or an equivalent action, by a state agency.

40        (e)-(f) "Governmental entity" includes an agency of the  
41 state, a regional or a local government created by the State

Amendment No.

42 Constitution or by general or special act, any county or  
43 municipality, or any other entity that independently exercises  
44 governmental authority. The term does not include the United  
45 States or any of its agencies.

46 (f)~~(g)~~ "Land" or "real property" means land and includes  
47 any appurtenances and improvements to the land, including any  
48 other relevant real property in which the owner had a relevant  
49 interest.

50 (g)~~(d)~~ "Owner" means a person with a legal or equitable  
51 interest in real property who filed an application for a  
52 development permit for the property at the state, regional, or  
53 local level and who received a development order, who filed a  
54 comprehensive plan amendment, or who holds legal title to or who  
55 has a legal or equitable interest in real property that is  
56 subject, or is otherwise a person subject to, to an enforcement  
57 action of a governmental entity.

58 (h)~~(e)~~ "~~Proposed~~ Use of the property" means the proposal  
59 filed by the owner to develop his or her real property or the  
60 actual use of the property giving rise to an enforcement action.

61 (i)~~(e)~~ "Special magistrate" means a person selected by the  
62 parties to perform the duties prescribed in this section. The  
63 special magistrate must be a resident of the state and possess  
64 experience and expertise in mediation and at least one of the  
65 following disciplines and a working familiarity with the others:  
66 land use and environmental permitting, land planning, land

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

67 economics, local and state government organization and powers,  
68 and the law governing the same. A special magistrate is not  
69 required to be a certified mediator.

70 (3) Any owner who believes that a development order,  
71 either separately or in conjunction with other development  
72 orders, a comprehensive plan amendment, or an enforcement action  
73 of a governmental entity~~7~~ is unreasonable or unfairly burdens  
74 the use of the owner's real property~~7~~ may apply within 30 days  
75 after receipt of the order or notice of the governmental action  
76 for relief under this section.

77 (4) To initiate a proceeding under this section, an owner  
78 must file a request for relief with the elected or appointed  
79 head of the governmental entity that issued the development  
80 order or orders, denied the comprehensive plan amendment, or  
81 ~~that~~ initiated the enforcement action. Filing may be by  
82 electronic mail to the official email address of the head of the  
83 governmental entity, by hand delivery to such person, or by  
84 United States mail to such person at his or her official  
85 address. Formal service of process is not required for such  
86 filing. The process shall be considered initiated as of the date  
87 the petition is filed with the head of the governmental entity  
88 pursuant to this subsection. The head of the governmental entity  
89 may not charge the owner for the request for relief and must  
90 forward the request for relief to the special magistrate who is

Amendment No.

91 mutually agreed upon by the owner and the governmental entity  
92 within 10 days after receipt of the request.

93 (5) The governmental entity with whom a request has been  
94 filed shall also serve a copy of the request for relief by  
95 United States mail or by hand delivery to:

96 (b) Any substantially affected party who submitted oral or  
97 written testimony, sworn or unsworn, of a substantive nature  
98 which stated with particularity objections to or support for any  
99 development order, comprehensive plan amendment, ~~at issue~~ or  
100 enforcement action at issue. Notice under this paragraph is  
101 required only if that party indicated a desire to receive notice  
102 of any subsequent special magistrate proceedings occurring on  
103 the development order, comprehensive plan amendment, or  
104 enforcement action. Each governmental entity must maintain in  
105 its files relating to each particular development order,  
106 comprehensive plan amendment, or enforcement action ~~orders~~ a  
107 mailing list of persons who have presented oral or written  
108 testimony and who have requested notice.

109 (6) The request for relief must contain:

110 (a) A brief statement of the owner's ~~proposed~~ use of the  
111 property.

112 (b) A summary of the development order or comprehensive  
113 plan amendment or a description of the enforcement action. A  
114 copy of the development order or comprehensive plan amendment or

Amendment No.

115 the documentation of an enforcement action at issue must be  
116 attached to the request.

117 (c) A brief statement of the impact of the development  
118 order, denial of the comprehensive plan amendment, or  
119 enforcement action on the ability of the owner to achieve the  
120 ~~proposed~~ use of the property.

121 (8) The special magistrate has the sole authority to  
122 determine whether a request for relief is complete and was  
123 timely filed and may conduct a hearing on whether the request  
124 for relief should be dismissed for failing to include the  
125 information required in subsection (6). If the special  
126 magistrate dismisses the case, the special magistrate shall  
127 allow the owner to amend the request and refile. Failure to file  
128 an adequate amended request within the time specified shall  
129 result in a dismissal with prejudice as to this proceeding. A  
130 property owner who is successful in a suit to require a  
131 governmental entity to participate in a proceeding under this  
132 section shall be awarded attorney fees and costs.

133 (10) (a) Before initiating a special magistrate proceeding  
134 to review a local development order, comprehensive plan  
135 amendment, or local enforcement action, the owner must exhaust  
136 all nonjudicial local government administrative appeals if the  
137 appeals take no longer than 4 months. Once nonjudicial local  
138 administrative appeals are exhausted and the development order,   
139 comprehensive plan amendment, or enforcement action is final, or

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

140 within 4 months after issuance of the development order, denial  
141 of the comprehensive plan amendment, or notice of the  
142 enforcement action if the owner has pursued local administrative  
143 appeals even if the appeals have not been concluded, the owner  
144 may initiate a proceeding under this section. Initiation of a  
145 proceeding tolls the rendition or effectiveness of the  
146 development order, denial of the comprehensive plan amendment,  
147 ~~time for seeking judicial review of a local government~~  
148 ~~development order~~ or enforcement action until the special  
149 magistrate's recommendation is acted upon by the local  
150 government. Election by the owner to file for judicial review of  
151 a local government development order, comprehensive plan  
152 amendment, or enforcement action before ~~prior to~~ initiating a  
153 proceeding under this section waives any right to a special  
154 magistrate proceeding.

155 (b) If an owner requests special magistrate relief from a  
156 development order, comprehensive plan amendment, or enforcement  
157 action issued by a state or regional agency, the time for  
158 challenging agency action under ss. 120.569 and 120.57 is tolled  
159 until the agency acts upon the recommendation of the special  
160 magistrate or the proceeding is terminated by the owner. If an  
161 owner chooses to bring a proceeding under ss. 120.569 and 120.57  
162 before initiating a special magistrate proceeding, then the  
163 owner waives any right to a special magistrate proceeding unless  
164 all parties consent to proceeding to mediation.

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

165 (11) The initial party to the proceeding is the  
166 governmental entity that issues the development order or  
167 comprehensive plan amendment to the owner or that is taking the  
168 enforcement action. In those instances when the development  
169 order, comprehensive plan amendment, or enforcement action is  
170 the culmination of a process involving more than one  
171 governmental entity or when a complete resolution of all  
172 relevant issues would require the active participation of more  
173 than one governmental entity, the special magistrate may, upon  
174 application of a party, join those governmental entities as  
175 parties to the proceeding if it will assist in effecting the  
176 purposes of this section, and those governmental entities so  
177 joined shall actively participate in the procedure.

178 (12) Within 21 days after the date of notice provided  
179 under subsection (5) ~~receipt of the request for relief~~, any  
180 owner of land contiguous to the owner's property and any  
181 substantially affected person who submitted oral or written  
182 testimony, sworn or unsworn, of a substantive nature which  
183 stated with particularity objections to or support for the  
184 development order, comprehensive plan amendment, or enforcement  
185 action at issue may make a written request to participate in the  
186 hearing by transmitting such request to the official who signed  
187 the notice proceeding. Those persons may be permitted to  
188 participate in the hearing but shall not be granted party or  
189 intervenor status. The participation of such persons is limited

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM



Amendment No.

190 to addressing issues raised regarding alternatives, variances,  
191 and other types of adjustment to the development order,  
192 comprehensive plan amendment, or enforcement action which may  
193 impact their substantial interests, including denial of the  
194 development order or comprehensive plan amendment or application  
195 of an enforcement action.

196 (13) Each party must make efforts to assure that those  
197 persons qualified by training or experience necessary to address  
198 issues raised by the request or by the special magistrate and  
199 further qualified to address alternatives, variances, and other  
200 types of modifications to the development order, comprehensive  
201 plan amendment, or enforcement action are present at the  
202 hearing.

203 (15) (a) The special magistrate shall hold a hearing within  
204 60 ~~45~~ days after his or her receipt of the request for relief  
205 unless a different date is agreed to by all the parties. The  
206 hearing must be held in the county in which the property is  
207 located.

208 (16) (a) Five days after the date on which the special  
209 magistrate is selected, or 21 days after the date on which the  
210 petition is served ~~Fifteen days following the filing of a~~  
211 ~~request for relief, whichever is earlier,~~ the governmental  
212 entity that issued the development order or comprehensive plan  
213 amendment or that is taking the enforcement action shall file a  
214 response to the request for relief with the special magistrate

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

215 together with a copy to the owner. The response must set forth  
216 in reasonable detail the position of the governmental entity  
217 regarding the matters alleged by the owner. The response must  
218 include a brief statement explaining the public purpose of the  
219 regulations on which the development order, comprehensive plan  
220 amendment, or enforcement action is based.

221 (17) In all respects, the hearing must be informal and  
222 open to the public and does not require the use of an attorney.  
223 The hearing must operate at the direction and under the  
224 supervision of the special magistrate. The object of the hearing  
225 is to focus attention on the impact of the governmental action  
226 giving rise to the request for relief and to explore  
227 alternatives to the development order, comprehensive plan  
228 amendment, or enforcement action and other regulatory efforts by  
229 the governmental entities in order to recommend relief, when  
230 appropriate, to the owner.

231 (a) The first responsibility of the special magistrate is  
232 to facilitate a resolution of the conflict between the owner and  
233 governmental entities to the end that some modification of the  
234 owner's ~~proposed~~ use of the property or adjustment in the  
235 development order, comprehensive plan amendment, or enforcement  
236 action or regulatory efforts by one or more of the governmental  
237 parties may be reached. Accordingly, the special magistrate  
238 shall act as a facilitator or mediator between the parties in an  
239 effort to effect a mutually acceptable solution. The parties

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

240 shall be represented at the mediation by persons with authority  
241 to bind their respective parties to a solution, or by persons  
242 with authority to recommend a solution directly to the persons  
243 with authority to bind their respective parties to a solution.  
244 The mediation shall be conducted according to ss. 44.401-44.406.

245 (b) If an acceptable solution is not reached by the  
246 parties after the special magistrate's attempt at mediation, the  
247 special magistrate shall consider the facts and circumstances  
248 set forth in the request for relief and any responses and any  
249 other information produced at the hearing in order to determine  
250 whether the action by the governmental entity or entities is  
251 unreasonable or unfairly burdens the real property.

252 (c) In conducting the hearing, the special magistrate may  
253 hear from all parties and witnesses that are necessary to an  
254 understanding of the matter. The special magistrate shall weigh  
255 all information offered at the hearing.

256 (18) The circumstances to be examined in determining  
257 whether the development order, comprehensive plan amendment, or  
258 enforcement action, or the development order, comprehensive plan  
259 amendment, or enforcement action in conjunction with regulatory  
260 efforts of other governmental parties, is unreasonable or  
261 unfairly burdens use of the property may include, but are not  
262 limited to:

263 (a) The history of the real property, including when it  
264 was purchased, how much was purchased, where it is located, the

Amendment No.

265 nature of the title, the composition of the property, and how it  
266 was initially used.

267 (b) The history or development and use of the real  
268 property, including what was developed on the property and by  
269 whom, if it was subdivided and how and to whom it was sold,  
270 whether plats were filed or recorded, and whether infrastructure  
271 and other public services or improvements may have been  
272 dedicated to the public.

273 (c) The history of environmental protection and land use  
274 controls and other regulations, including how and when the land  
275 was classified, how use was proscribed, and what changes in  
276 classifications occurred.

277 (d) The present nature and extent of the real property,  
278 including its natural and altered characteristics.

279 (e) The reasonable expectations of the owner at the time  
280 of acquisition, or immediately before ~~prior to~~ the  
281 implementation of the regulation at issue, whichever is later,  
282 under the regulations then in effect and under common law.

283 (f) The public purpose sought to be achieved by the  
284 development order, comprehensive plan amendment, or enforcement  
285 action, including the nature and magnitude of the problem  
286 addressed by the underlying regulations on which the development  
287 order, comprehensive plan amendment, or enforcement action is  
288 based; whether the development order, comprehensive plan  
289 amendment, or enforcement action is necessary to the achievement

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

290 of the public purpose; and whether there are alternative  
291 development orders, comprehensive plan amendments, or  
292 enforcement action conditions that would achieve the public  
293 purpose and allow for reduced restrictions on the use of the  
294 property.

295 (g) Uses authorized for and restrictions placed on similar  
296 property.

297 (h) Whether the governmental entity attempted to resolve  
298 the dispute in good faith, including, but not limited to,  
299 adhering to the deadlines provided in this section.

300 (i) ~~(h)~~ Any other information determined relevant by the  
301 special magistrate.

302 (19) Within 14 days after the conclusion of the hearing,  
303 or when the parties propose a settlement agreement for entry by  
304 the special magistrate pursuant to subsection (22), the special  
305 magistrate shall prepare and file with all parties a written  
306 recommendation.

307 (a) If the special magistrate finds and concludes that the  
308 development order at issue, or the development order,  
309 comprehensive plan amendment, or enforcement action in  
310 combination with the actions or regulations of other  
311 governmental entities, is not unreasonable or does not unfairly  
312 burden the use of the owner's property, the special magistrate  
313 must recommend that the development order, comprehensive plan  
314 amendment, or enforcement action remain undisturbed and the

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

315 proceeding shall end, subject to the owner's retention of all  
316 other available remedies.

317 (b) If the special magistrate finds and concludes that the  
318 development order, comprehensive plan amendment, or enforcement  
319 action, or the development order, comprehensive plan amendment,  
320 or enforcement action in combination with the actions or  
321 regulations of other governmental entities, is unreasonable or  
322 unfairly burdens use of the owner's property, the special  
323 magistrate, with the owner's consent to proceed, may recommend  
324 one or more alternatives that protect the public interest served  
325 by the development order, comprehensive plan amendment, or  
326 enforcement action and regulations at issue but allow for  
327 reduced restraints on the use of the owner's real property,  
328 including, but not limited to:

329 1. An adjustment of land development or permit standards  
330 or other provisions controlling the development or use of land.

331 2. Increases or modifications in the density, intensity,  
332 or use of areas of development.

333 3. The transfer of development rights.

334 4. Land swaps or exchanges.

335 5. Mitigation, including payments in lieu of onsite  
336 mitigation.

337 6. Location on the least sensitive portion of the  
338 property.

Amendment No.

339 7. Conditioning the amount of development or use  
340 permitted.

341 8. A requirement that issues be addressed on a more  
342 comprehensive basis than a single ~~proposed~~ use or development.

343 9. Rehearing or reconsideration and issuance of the  
344 development order, comprehensive plan amendment, or enforcement  
345 action with or without modifications or additional stipulations,  
346 or a variance, special exception, or other extraordinary relief,  
347 including withdrawal of the enforcement action.

348 10. Purchase of the real property, or an interest therein,  
349 by an appropriate governmental entity.

350 (c) If the parties reach a proposed settlement agreement  
351 at any time before the special magistrate enters a  
352 recommendation, which agreement may remain subject to approval  
353 by the governmental entity, the parties may request that the  
354 special magistrate transmit the settlement agreement to the  
355 governmental entity as the special magistrate's findings and  
356 recommendation for consideration and approval by the  
357 governmental entity, and the special magistrate need not include  
358 the findings or conclusions set forth in paragraph (a) or  
359 paragraph (b) ~~This subsection does not prohibit the owner and~~  
360 ~~governmental entity from entering into an agreement as to the~~  
361 ~~permissible use of the property prior to the special magistrate~~  
362 ~~entering a recommendation. An agreement for a permissible use~~  
363 ~~must be incorporated in the special magistrate's recommendation.~~

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

364       (d) This section provides legislative authority for the  
365 governmental entity or tribunal to rehear and reconsider its  
366 prior action on a development order, comprehensive plan  
367 amendment, or enforcement action pursuant to, and in  
368 consideration of, a special magistrate's recommendation  
369 regardless of whether existing statutes, rules, ordinances, or  
370 regulations provide for such a procedure. Any such rehearing or  
371 reconsideration shall be at a public hearing noticed and  
372 otherwise conducted in the same manner as the original hearing.  
373 The tribunal shall treat the special magistrate's findings, or a  
374 settlement agreement, as evidence for modification of its prior  
375 development order, comprehensive plan amendment, or enforcement  
376 action, and shall provide an opportunity for any person who  
377 participated in the original hearing or the special magistrate's  
378 proceeding to provide additional evidence and testimony. The  
379 tribunal's action on the special magistrate's recommendation  
380 shall then become the final order on the development order,  
381 comprehensive plan amendment, or enforcement action.

382       (20) The special magistrate's recommendation and findings  
383 are ~~is~~ a public record under chapter 119. However, actions or  
384 statements of all participants to the special magistrate  
385 mediation ~~proceeding~~ are evidence of an offer to compromise and  
386 inadmissible in any proceeding, judicial or administrative.

387       (21) Within 45 days after receipt of the special  
388 magistrate's recommendation, the governmental entity responsible



Amendment No.

389 for the development order, comprehensive plan amendment, or  
390 enforcement action and other governmental entities participating  
391 in the proceeding must consult among themselves and each  
392 governmental entity must:

393 (a) Accept or modify the recommendation of the special  
394 magistrate, including any proposed settlement agreement, as  
395 submitted and proceed to implement it by development agreement,  
396 when appropriate, by rehearing or reconsidering the development  
397 order or enforcement action, or by other method, in the ordinary  
398 course and consistent with the rules and procedures of that  
399 governmental entity. However, the decision of the governmental  
400 entity to accept the recommendation of the special magistrate  
401 with respect to rehearing or reconsidering the prior development  
402 order or enforcement action or granting a modification,  
403 variance, or special exception to the application of statutes,  
404 rules, regulations, or ordinances as they would otherwise apply  
405 to the subject property does not require an owner to duplicate  
406 previous processes in which the owner has participated in order  
407 to effectuate the granting of the modification, variance, or  
408 special exception;

409 ~~(b) Modify the recommendation as submitted by the special~~  
410 ~~magistrate and proceed to implement it by development agreement,~~  
411 ~~when appropriate, or by other method, in the ordinary course and~~  
412 ~~consistent with the rules and procedures of that governmental~~  
413 ~~entity; or~~

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

414 ~~(b)-(e)~~ Reject the recommendation as submitted by the  
415 special magistrate. Failure to act within 45 days is a rejection  
416 unless the period is extended by agreement of the owner and  
417 issuer of the development order, comprehensive plan amendment,  
418 or enforcement action.

419 (24) The procedure created by this section is not itself,  
420 nor does it create, a judicial cause of action. Once the  
421 governmental entity acts on the special magistrate's  
422 recommendation, the owner may pursue whatever administrative or  
423 judicial remedies are applicable ~~elect to file suit in a court~~  
424 ~~of competent jurisdiction.~~ Invoking the procedures of this  
425 section is not a condition precedent to filing a civil action.

426 (25) Regardless of the action the governmental entity  
427 takes on the special magistrate's findings and recommendation, a  
428 recommendation that the development order, comprehensive plan  
429 amendment, or enforcement action, or the development order,  
430 comprehensive plan amendment, or enforcement action in  
431 combination with other governmental regulatory actions, is  
432 unreasonable or unfairly burdens use of the owner's real  
433 property may serve as an indication of sufficient hardship to  
434 support waivers of or modification, variances, or special  
435 exceptions to the application of statutes, rules, regulations,  
436 or ordinances to the subject property, whether as a part of the  
437 implementation of the recommendation, in a subsequent  
438 application, or in an administrative or judicial challenge to

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

439 the action of the governmental entity. However, the special  
440 magistrate's findings and recommendations are not preclusive to  
441 any issue or defense in any subsequent administrative or  
442 judicial proceeding.

443 (26) A special magistrate's findings and recommendation  
444 under this section constitutes data in support of, and a support  
445 document for, a comprehensive plan or comprehensive plan  
446 amendment, but is not, in and of itself, dispositive of a  
447 determination of compliance with chapter 163.

448 (28) Each governmental entity may establish procedural  
449 guidelines to govern the conduct of proceedings authorized by  
450 this section, which must include, but are not limited to,  
451 payment of special magistrate fees and expenses, including the  
452 costs of providing notice and effecting service of the request  
453 for relief under this section, which shall be borne equally by  
454 the governmental entities and the owner. Such guidelines may not  
455 modify the requirements and relief provided by this section in  
456 any way.

457 (30) In order to encourage the resolution of disputes, and  
458 regardless of whether the parties are engaged in pending  
459 litigation presently before a court or administrative agency, a  
460 governmental entity may conduct meetings following the  
461 procedures in s. 286.011(8) at any time after the governmental  
462 entity responds in writing to a request for relief to discuss  
463 settlement strategies, but shall not take action on a proposed

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

464 ~~settlement agreement except at a noticed public meeting This~~  
465 ~~section applies only to development orders issued, modified, or~~  
466 ~~amended, or to enforcement actions issued, on or after October~~  
467 ~~1, 1995.~~

468 Section 4. Subsection (4) of section 163.3181, Florida  
469 Statutes, is amended to read:

470 163.3181 Public participation in the comprehensive  
471 planning process; intent; alternative dispute resolution.-

472 (4) If a local government denies an owner's request for an  
473 amendment to the comprehensive plan which is applicable to the  
474 property of the owner, the owner may initiate a dispute  
475 resolution proceeding under s. 70.51 ~~the local government must~~  
476 ~~afford an opportunity to the owner for informal mediation or~~  
477 ~~other alternative dispute resolution. The costs of the mediation~~  
478 ~~or other alternative dispute resolution shall be borne equally~~  
479 ~~by the local government and the owner. If the owner requests~~  
480 ~~mediation, the time for bringing a judicial action is tolled~~  
481 ~~until the completion of the mediation or 120 days, whichever is~~  
482 ~~earlier.~~

483  
484 -----  
485 **T I T L E A M E N D M E N T**

486 Remove line 17 and insert:  
487 declare prohibited exactions invalid; amending s. 70.51,  
488 F.S.; providing and revising definitions; providing for

Amendment No.

489 resolution of disputes concerning comprehensive plan  
490 amendments under the Florida Land Use and Environmental  
491 Dispute Resolution Act; revising requirements for  
492 initiating a proceeding under the act; providing for an  
493 award of attorney fees and costs to property owners who  
494 successfully bring actions to compel a governmental entity  
495 to participate in certain proceedings; revising provisions  
496 concerning tolling of certain administrative proceedings;  
497 revising the time periods for a governmental entity to  
498 respond to a request for relief; requiring mediations to be  
499 conducted according to specified provisions; requiring the  
500 governmental entity's conduct in dispute resolution to be  
501 considered in determining whether regulatory efforts were  
502 unreasonable or unfairly burdened use of the property;  
503 revising the deadline for a magistrate to prepare and file  
504 a written recommendation; revising provisions concerning  
505 settlement agreements; specifying that a governmental  
506 entity has authority to rehear and reconsider certain  
507 actions pursuant to a special magistrate's recommendation;  
508 providing requirements for such rehearing and  
509 reconsideration; revising provisions concerning other  
510 remedies that may be pursued by a property owner; providing  
511 requirements for guidelines adopted by governmental  
512 entities for dispute resolution proceedings; specifying  
513 that certain settlement discussions are confidential;

512513 - h0519-line344.docx

Published On: 1/15/2020 6:44:42 PM

Amendment No.

514 requiring that actions on proposed settlements be taken at  
515 open meetings; deleting obsolete language; amending s.  
516 163.3181, F.S.; conforming provisions to changes made by  
517 the act; amending s.