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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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The Committee on Judiciary (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 17 - 61

and insert:

Section 1. Paragraph (c) of subsection (3) of section 163.3184, Florida Statutes, is amended, and paragraph (g) is added to subsection (5) of that section, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—



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12 (c)1. The local government shall hold its second public
13 hearing, which shall be a hearing on whether to adopt one or
14 more comprehensive plan amendments pursuant to subsection (11).
15 If the local government fails, within 180 days after receipt of
16 agency comments, to hold the second public hearing, the
17 amendment is ~~amendments shall be~~ deemed withdrawn unless
18 extended by agreement with notice to the state land planning
19 agency and any affected person that provided comments on the
20 amendment. If the amendment is not adopted at the second public
21 hearing, the amendment must be formally adopted by the local
22 government within 180 days after the second public hearing or
23 the amendment is deemed withdrawn ~~The 180-day limitation does~~
24 ~~not apply to amendments processed pursuant to s. 380.06.~~

25 2. All comprehensive plan amendments adopted by the
26 governing body, along with the supporting data and analysis,
27 shall be transmitted within 10 working days after the second
28 public hearing to the state land planning agency and any other
29 agency or local government that provided timely comments under
30 subparagraph (b)2.

31 3. The state land planning agency shall notify the local
32 government of any deficiencies within 5 working days after
33 receipt of an amendment package. For purposes of completeness,
34 an amendment shall be deemed complete if it contains a full,
35 executed copy of the adoption ordinance or ordinances; in the
36 case of a text amendment, a full copy of the amended language in
37 legislative format with new words inserted in the text
38 underlined, and words deleted stricken with hyphens; in the case
39 of a future land use map amendment, a copy of the future land
40 use map clearly depicting the parcel, its existing future land



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41 use designation, and its adopted designation; and a copy of any
42 data and analyses the local government deems appropriate.

43 4. An amendment adopted under this paragraph does not
44 become effective until 31 days after the state land planning
45 agency notifies the local government that the plan amendment
46 package is complete. If timely challenged, an amendment does not
47 become effective until the state land planning agency or the
48 Administration Commission enters a final order determining the
49 adopted amendment to be in compliance.

50 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
51 AMENDMENTS.—

52 (g) The prevailing party in a challenge filed under this
53 subsection is entitled to recover attorney fees and costs in
54 challenging or defending a plan or plan amendment, including
55 reasonable appellate attorney fees and costs.

56 Section 2. The amendment made by section 1 of this act to
57 s. 163.3184(3)(c), Florida Statutes, is remedial in nature, is
58 intended to clarify existing law, and applies retroactively to
59 January 1, 2022.

60 Section 3. Paragraph (a) of subsection (5) of section
61 163.3187, Florida Statutes, is amended to read:

62 163.3187 Process for adoption of small scale comprehensive
63 plan amendment.—

64 (5) (a) Any affected person may file a petition with the
65 Division of Administrative Hearings pursuant to ss. 120.569 and
66 120.57 to request a hearing to challenge the compliance of a
67 small scale development amendment with this act within 30 days
68 following the local government's adoption of the amendment and
69 shall serve a copy of the petition on the local government. An



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70 administrative law judge shall hold a hearing in the affected
71 jurisdiction not less than 30 days nor more than 60 days
72 following the filing of a petition and the assignment of an
73 administrative law judge. The parties to a hearing held pursuant
74 to this subsection shall be the petitioner, the local
75 government, and any intervenor. In the proceeding, the plan
76 amendment shall be determined to be in compliance if the local
77 government's determination that the small scale development
78 amendment is in compliance is fairly debatable. The state land
79 planning agency may not intervene in any proceeding initiated
80 pursuant to this section. The prevailing party in a challenge
81 filed under this paragraph is entitled to recover attorney fees
82 and costs in challenging or defending the order, including
83 reasonable appellate attorney fees and costs.

84 Section 4. Present subsection (6) of section 163.3202,
85 Florida Statutes, is redesignated as subsection (7), and a new
86 subsection (6) is added to that section to read:

87 163.3202 Land development regulations.—

88 (6) Land development regulations relating to any
89 characteristic of development other than use, or intensity or
90 density of use, do not apply to Florida College System
91 institutions as defined in s. 1000.21(3).

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete lines 3 - 12

96 and insert:

97 plans; amending s. 163.3184, F.S.; revising the review
98 process for adoption of comprehensive plan amendments;



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99 providing that the prevailing party in a challenge to
100 a plan or plan amendment is entitled to recover
101 attorney fees and costs; providing construction;
102 providing retroactive applicability; amending s.
103 163.3187, F.S.; providing that the prevailing party in
104 a challenge to the compliance of a small scale
105 development order is entitled to recover attorney fees
106 and costs; amending s. 163.3202, F.S.; providing
107 applicability; amending s. 163.3215, F.S.;