

By Senator Bennett

21-01721-10

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1 A bill to be entitled
2 An act relating to growth management; specifying
3 continuing validity and effect of certain exemptions,
4 2-year extensions, local comprehensive plan
5 amendments, and land development regulations granted
6 or adopted prior to a certain judicial declaration of
7 invalidity; specifying prospective operation of a
8 certain judicial declaration of invalidity; providing
9 for retroactive operation; providing an effective
10 date.

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

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14 Section 1. (1) Notwithstanding any final declaration by a
15 court of this state that chapter 2009-96, Laws of Florida, or
16 any portion of such law is invalid, if, prior to a such final
17 judicial declaration of invalidity:

18 (a) An exemption is granted for any project or portion of a
19 project for which a development application has been approved or
20 for which a complete application or rescission request is
21 pending and the application or rescission process is continuing
22 in good faith within a development that is located within an
23 area that qualifies for an exemption under s. 380.06, Florida
24 Statutes, as amended by chapter 2009-96, Laws of Florida, such
25 exemption shall be valid and continue in effect.

26 (b) Any 2-year extension is granted pursuant to section 14
27 of chapter 2009-96, Laws of Florida, such extension shall remain
28 valid.

29 (c) Any amendment to a local comprehensive plan is

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30 transmitted for state review pursuant to s. 163.3184, Florida
31 Statutes, as amended by chapter 2009-96, Laws of Florida, or any
32 land development regulation is adopted to authorize and
33 implement a transportation concurrency exception area pursuant
34 to s. 163.3180, Florida Statutes, as amended by chapter 2009-96,
35 Laws of Florida, such amendment or land development regulation
36 shall not be affected by such final judicial declaration of
37 invalidity.

38 (2) Any such declaration of invalidity shall operate only
39 prospectively from the date of the declaration as to the
40 provisions of subsection (1).

41 Section 2. This act shall take effect upon becoming a law,
42 and shall operate retroactively to June 1, 2009.