

Supreme Court of Florida

No. SC00-875

VICKI MINNAUGH, et al.,
Petitioners,

vs.

COUNTY COMMISSION OF BROWARD COUNTY, etc.,
Respondent.

[April 12, 2001]

WELLS, C.J.

We have for review a decision on the following question certified to be of great public importance:

ARE DECISIONS REGARDING SMALL-SCALE DEVELOPMENT AMENDMENTS PURSUANT TO SECTION 163.3187(1)(c), FLORIDA STATUTES, LEGISLATIVE IN NATURE AND, THEREFORE, SUBJECT TO THE FAIRLY DEBATABLE STANDARD OF REVIEW; OR QUASI-JUDICIAL, AND SUBJECT TO STRICT SCRUTINY?

Minnaugh v. County Commission of Broward County, 752 So. 2d 1263 (Fla. 4th

DCA 2000). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

The Minnaughs applied to the Broward County Commission (Commission) for a small-scale development amendment to Broward County’s comprehensive plan in an attempt to change the designation of their property from “agricultural” to “employment center.” The Commission denied the Minnaughs’ application. Thereafter, the Minnaughs filed suit against the Commission in the circuit court in Broward County seeking to reverse the Commission’s decision. The Minnaughs requested a writ of certiorari (count I), a writ of mandamus (count II), and alternatively requested declaratory and injunctive relief (count III). The circuit court dismissed counts I and II based upon the circuit court’s conclusion that the Commission’s decision was not subject to certiorari review. The circuit court ruled that it would apply the fairly-debatable standard of review to the declaratory and injunctive relief proceedings.

The Minnaughs petitioned the Fourth District for certiorari to review the circuit court’s decision. The Fourth District denied the petition, holding that the circuit court was correct in concluding that the proper method of challenging the Commission’s decision was by an action seeking declaratory or injunctive relief rather than by certiorari. See Minnaugh, 752 So. 2d at 1264. The Fourth District also concluded that small-scale development decisions are legislative in nature and that the fairly-debatable standard of review applied. See id. at 1265. The Fourth

District then certified the question. See id. at 1266.

We have answered this exact question in Coastal Development of North Florida, Inc. v. City of Jacksonville Beach, No. SC95686 (Fla. April 12, 2001), by holding that small-scale development amendment decisions made pursuant to section 163.3187(1)(c), Florida Statutes (Supp. 1996), are decisions which are legislative in nature and subject to the fairly-debatable standard of review. We adhere to the answer we gave in Coastal Development. Accordingly, we approve the decision below.

It is so ordered.

SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND
IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal -
Certified Great Public Importance

Fourth District - Case No. 4D99-0751

(Broward County)

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for Petitioners

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for Respondent

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Terrell K. Arline, Legal Director, Tallahassee, Florida; and Thomas G. Pelham,
Tallahassee, Florida,

for 1000 Friends of Florida, Inc. and The Florida Chapter of the
American Planning Association, Amicus Curiae