1 A bill to be entitled 2 An act relating to growth management; amending s. 3 163.3177, F.S.; requiring the comprehensive plan to 4 include a property rights element; providing a 5 statement of rights that a local government may use; 6 requiring local government to adopt a property rights 7 element by a specified date; providing that a local 8 government's property rights element may not conflict 9 with the statutorily provided statement rights; 10 amending s. 163.3167, F.S.; requiring certain comprehensive plans to incorporate the terms of 11 12 existing development orders; amending s. 163.3202, F.S.; requiring local land development regulations to 13 14 incorporate certain existing development orders; providing an effective date. 15 16 17 Be It Enacted by the Legislature of the State of Florida: 18 19 Section 1. Paragraph (i) is added to subsection (6) of section 163.3177, Florida Statutes, to read: 20 21 163.3177 Required and optional elements of comprehensive 22 plan; studies and surveys.-23 In addition to the requirements of subsections (1)-24 (5), the comprehensive plan shall include the following 25 elements:

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CODING: Words stricken are deletions; words underlined are additions.

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3), that governmental entities must respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- 2. The right of the property owner to the quiet enjoyment of the property, to the exclusion of all others.
- 3. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- 4. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- 5. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by July 1, 2020. If a local government adopts its own property rights element, it may not conflict with the statement of rights provided in subparagraph 1.

Section 2. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.-

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A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan is shall be deemed controlling until the municipality adopts a comprehensive plan in accordance accord with this act. A comprehensive plan adopted after January 1, 2019, and all land development regulations adopted to implement the comprehensive plan, must incorporate a development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

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Section 3. Paragraph (j) is added to subsection (2) of

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163.3202 Land development regulations.—
(2) Local land development regulations shall contain
specific and detailed provisions necessary or desirable to
implement the adopted comprehensive plan and shall at a minimum:

section 163.3202, Florida Statutes, to read:

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(j) Incorporate preexisting development orders identified pursuant to s. 163.3167(3).

Section 4. This act shall take effect July 1, 2019.

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