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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2019	.	
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The Committee on Infrastructure and Security (Perry) recommended the following:

1 **Senate Amendment to Amendment (611290) (with title**
2 **amendment)**

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4 Between lines 86 and 87
5 insert:

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

8 163.3167 Scope of act.—

9 (3) A municipality established after the effective date of
10 this act shall, within 1 year after incorporation, establish a



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11 local planning agency, pursuant to s. 163.3174, and prepare and
12 adopt a comprehensive plan of the type and in the manner set out
13 in this act within 3 years after the date of such incorporation.
14 A county comprehensive plan is shall be deemed controlling until
15 the municipality adopts a comprehensive plan in accordance
16 accord with this act. A comprehensive plan that is effective
17 after January 1, 2019, pursuant to this part, and all land
18 development regulations adopted to implement such a plan, must
19 recognize a development order in existence as of the
20 comprehensive plan's effective date; may not impair a party's
21 ability to complete development in accordance with the
22 development order; and, notwithstanding whether future
23 amendments to the development order are sought, must vest the
24 density and intensity approved by such a development order.

25 Section 4. Paragraph (i) is added to subsection (6) of
26 section 163.3177, Florida Statutes, to read:

27 163.3177 Required and optional elements of comprehensive
28 plan; studies and surveys.-

29 (6) In addition to the requirements of subsections (1)-(5),
30 the comprehensive plan shall include the following elements:

31 (i) In accordance with the legislative intent expressed in
32 ss. 163.3161(10) and 187.101(3) that governmental entities must
33 respect judicially acknowledged and constitutionally protected
34 private property rights, a property rights element to ensure
35 that private property rights are considered in local
36 decisionmaking.

37 1. A local government may adopt its own property rights
38 element or use the following statement of rights:
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40 The following rights shall be considered in local
41 decisionmaking:

42 1. The right of a property owner to physically possess and
43 control his or her interests in the property, including
44 easements, leases, or mineral rights.

45 2. The right of the property owner to the quiet enjoyment
46 of his or her property, to the exclusion of all others.

47 3. The right of a property owner to use, maintain, develop,
48 or improve his or her property for personal use or the use of
49 any other person, subject to state law and local ordinances.

50 4. The right of the property owner to privacy and to
51 exclude others from the property to protect his or her
52 possessions and property.

53 5. The right of a property owner to dispose of his or her
54 property by sale or gift.

55
56 2. Each local government must adopt a property rights
57 element in its comprehensive plan by July 1, 2020. If a local
58 government adopts its own property rights element, that element
59 may not conflict with the statement of rights provided in
60 subparagraph 1.

61 Section 5. Paragraph (j) is added to subsection (2) of
62 section 163.3202, Florida Statutes, to read:

63 163.3202 Land development regulations.—

64 (2) Local land development regulations shall contain
65 specific and detailed provisions necessary or desirable to
66 implement the adopted comprehensive plan and shall at a minimum:

67 (j) Provide for existing development orders identified
68 pursuant to s. 163.3167(3).



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

And the title is amended as follows:

Between lines 402 and 403

insert:

163.3167, F.S.; requiring certain comprehensive plans to recognize the terms of existing development orders; amending s. 163.3177, F.S.; requiring a local government's comprehensive plan to include a property rights element; providing a statement of rights that a local government may use; requiring each local government to adopt a property rights element by a specified date; providing that a local government's property rights element may not conflict with the statutorily provided statement of rights; amending s. 163.3202, F.S.; requiring local land development regulations to provide for certain existing development orders; amending s.