

By the Committee on Community Affairs; and Senator Perry

578-03524-19

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1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 163.3167, F.S.; requiring certain comprehensive plans
 4 to recognize the terms of existing development orders;
 5 amending s. 163.3177, F.S.; requiring a local
 6 government's comprehensive plan to include a property
 7 rights element; providing a statement of rights that a
 8 local government may use; requiring each local
 9 government to adopt a property rights element by a
 10 specified date; providing that a local government's
 11 property rights element may not conflict with the
 12 statutorily provided statement of rights; amending s.
 13 163.3202, F.S.; requiring local land development
 14 regulations to provide for certain existing
 15 development orders; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (3) of section 163.3167, Florida
 20 Statutes, is amended to read:

21 163.3167 Scope of act.—

22 (3) A municipality established after the effective date of
 23 this act shall, within 1 year after incorporation, establish a
 24 local planning agency, pursuant to s. 163.3174, and prepare and
 25 adopt a comprehensive plan of the type and in the manner set out
 26 in this act within 3 years after the date of such incorporation.
 27 A county comprehensive plan ~~is shall be deemed~~ controlling until
 28 the municipality adopts a comprehensive plan in accordance
 29 ~~accord~~ with this act. A comprehensive plan that is effective

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30 after January 1, 2019, pursuant to this part, and all land
31 development regulations adopted to implement such a plan, must
32 recognize a development order in existence as of the
33 comprehensive plan's effective date, may not impair a party's
34 ability to complete development in accordance with the
35 development order, and, notwithstanding whether future
36 amendments to the development order are sought, must vest the
37 density and intensity approved by such a development order.

38 Section 2. Paragraph (i) is added to subsection (6) of
39 section 163.3177, Florida Statutes, to read:

40 163.3177 Required and optional elements of comprehensive
41 plan; studies and surveys.—

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

44 (i) In accordance with the legislative intent expressed in
45 ss. 163.3161(10) and 187.101(3), that governmental entities must
46 respect judicially acknowledged and constitutionally protected
47 private property rights, a property rights element to ensure
48 that private property rights are considered in local
49 decisionmaking.

50 1. A local government may adopt its own property rights
51 element or use the following statement of rights:

52
53 The following rights shall be considered in local
54 decisionmaking:

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

58 2. The right of the property owner to the quiet enjoyment

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59 of the property, to the exclusion of all others.

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

63 4. The right of the property owner to privacy and to
64 exclude others from the property to protect the owner's
65 possessions and property.

66 5. The right of a property owner to dispose of his or her
67 property through sale or gift.

68
69 2. Each local government must adopt a property rights
70 element in its comprehensive plan by July 1, 2020. If a local
71 government adopts its own property rights element, it may not
72 conflict with the statement of rights provided in subparagraph
73 1.

74 Section 3. Paragraph (j) is added to subsection (2) of
75 section 163.3202, Florida Statutes, to read:

76 163.3202 Land development regulations.—

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

80 (j) Provide for existing development orders identified
81 pursuant to s. 163.3167(3).

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