A bill to be entitled
An act relating to growth management; amending s.
163.3177, F.S.; requiring the comprehensive plan to
include a property rights element; providing a
statement of rights that a local government may use;
requiring 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 rights;
amending s. 163.3202, F.S.; requiring local land
development regulations to incorporate certain
existing development orders; providing an effective
date.

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

Section 1. Paragraph (i) is added to subsection (6) of
section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive
plan; studies and surveys.—
(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following
elements:
(i)1. In accordance with the legislative intent expressed
in ss. 163.3161(10) and 187.101(3) that governmental entities
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 the earlier of its next proposed plan amendment or July 1, 2023. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

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

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

Section 3. This act shall take effect July 1, 2020.