

1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 163.3167, F.S.; requiring local governments to address
 4 the protection of private property rights in their
 5 comprehensive plans; amending s. 163.3177, F.S.;
 6 requiring the comprehensive plan to include a property
 7 rights element that addresses certain objectives;
 8 requiring counties and municipalities to adopt land
 9 development regulations consistent with the private
 10 property rights element; providing deadlines for each
 11 local government to adopt a private property rights
 12 element; requiring the state land planning agency to
 13 approve the private property rights element adopted by
 14 each local government if it substantially complies
 15 with a specified form; providing an effective date.

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

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 19 Section 1. Subsection (9) of section 163.3167, Florida
 20 Statutes, is amended to read:

21 163.3167 Scope of act.—

22 (9) Each local government shall address in its
 23 comprehensive plan, as enumerated in this chapter:7

24 (a) The water supply sources necessary to meet and achieve
 25 the existing and projected water use demand for the established
 26 planning period, considering the applicable plan developed

27 pursuant to s. 373.709.

28 (b) The protection of private property rights.

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

31 163.3177 Required and optional elements of comprehensive
32 plan; studies and surveys.—

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

36 (i)1. In recognition of the legitimate and often competing
37 public and private interests in land use regulations and other
38 government action, a property rights element that protects
39 private property rights. The private property rights element
40 shall set forth the principles, guidelines, standards, and
41 strategies to guide the local government's decisions and program
42 implementation with respect to the following objectives:

43 a. Consideration of the impact to private property rights
44 of all proposed development orders, plan amendments, ordinances,
45 and other government decisions.

46 b. Encouragement of economic development.

47 c. Use of alternative, innovative solutions to provide
48 equal or better protection than the comprehensive plan.

49 d. Consideration of the degree of harm created by
50 noncompliance with the provisions of the comprehensive plan.

51 2. Each county and each municipality within the county
52 shall, within 1 year after adopting its private property rights

53 element, adopt land development regulations consistent with this
54 paragraph.

55 3. Each local government shall adopt a private property
56 rights element at its next evaluation and appraisal update
57 review as required under this section or by July 2018, whichever
58 occurs first.

59 4. The state land planning agency shall approve each
60 private property rights element adopted by a local government if
61 it is in substantially the following form:

62 GOAL: In all decisions, the [name of commission] will take
63 into consideration the balancing of the comprehensive plan
64 provisions with protection of private property rights; the
65 encouragement of economic development; the use of alternative,
66 innovative solutions to provide equal or better protection than
67 the comprehensive plan; and the degree of harm created by
68 noncompliance with the provisions of the comprehensive plan.

69 OBJECTIVE 1: In all decisions rendered under the
70 comprehensive plan and implementing land development
71 regulations, the [name of local government] shall balance the
72 protection of private property rights with the comprehensive
73 plan provisions applicable to the circumstance.

74 POLICY 1.1: The [name of commission] shall render its
75 decisions in support of economic development and in deference to
76 private property rights.

77 POLICY 1.2: In all decisions, the [name of commission] may
78 approve alternative, innovative solutions that provide equal or

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79 better protection than the comprehensive plan.

80 POLICY 1.3: If the degree of harm created by noncompliance
81 with the provisions of the comprehensive plan is minimal or may
82 be mitigated, the [name of local government] may approve the
83 applicable request or application.

84 OBJECTIVE 2: The [name of local government] shall bring its
85 land development regulations into internal consistency with the
86 private property rights element.

87 POLICY 2.1: No later than 1 year after the [name of local
88 government] adopts the private property rights element, it shall
89 review and revise its land development regulations as necessary
90 to make them consistent with that element.

91 Section 3. This act shall take effect July 1, 2016.