

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
 11 comprehensive plans to recognize the terms of existing
 12 development orders; amending s. 163.3202, F.S.;
 13 requiring local land development regulations to
 14 provide for certain existing development orders;
 15 providing an effective date.

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
 20 section 163.3177, Florida Statutes, to read:

21 163.3177 Required and optional elements of comprehensive
 22 plan; studies and surveys.—

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

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

34
 35 The following rights shall be considered in local
 36 decisionmaking:

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

40 2. The right of the property owner to the quiet enjoyment
 41 of the property, to the exclusion of all others.

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

45 4. The right of the property owner to privacy and to
 46 exclude others from the property to protect the owner's
 47 possessions and property.

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

50

51 2. Each local government must adopt a property rights
 52 element in its comprehensive plan by July 1, 2020. If a local
 53 government adopts its own property rights element, it may not
 54 conflict with the statement of rights provided in subparagraph
 55 1.

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

58 163.3167 Scope of act.—

59 (3) A municipality established after the effective date of
 60 this act shall, within 1 year after incorporation, establish a
 61 local planning agency, pursuant to s. 163.3174, and prepare and
 62 adopt a comprehensive plan of the type and in the manner set out
 63 in this act within 3 years after the date of such incorporation.
 64 A county comprehensive plan is ~~shall be deemed~~ controlling until
 65 the municipality adopts a comprehensive plan in accordance
 66 ~~accord~~ with this act. A comprehensive plan that is effective
 67 after January 1, 2019, pursuant to this part, and all land
 68 development regulations adopted to implement such plan, must
 69 recognize a development order in existence as of the
 70 comprehensive plan's effective date, may not impair a party's
 71 ability to complete a development in accordance with the
 72 development order, and, notwithstanding whether future
 73 amendments to the development order are sought, must vest the
 74 density and intensity approved by such a development order.

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

CS/HB 291

2019

76 | section 163.3202, Florida Statutes, to read:

77 | 163.3202 Land development regulations.—

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

81 | (j) Provide for preexisting development orders identified
82 | pursuant to s. 163.3167(3).

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