

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 incorporate the terms of
 12 existing development orders; amending s. 163.3202,
 13 F.S.; requiring local land development regulations to
 14 incorporate certain existing development orders;
 15 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. 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:

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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.

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51 2. Each local government must adopt a property rights
 52 element in its comprehensive plan by the earlier of its next
 53 proposed plan amendment or July 1, 2022. If a local government
 54 adopts its own property rights element, it may not conflict with
 55 the statement of rights provided in subparagraph 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 adopted after January
 67 1, 2019, and all land development regulations adopted to
 68 implement the comprehensive plan, must incorporate a development
 69 order existing before the comprehensive plan's effective date,
 70 may not impair the completion of a development in accordance
 71 with such existing development order, and must vest the density
 72 and intensity approved by such development order existing on the
 73 effective date of the comprehensive plan without limitation or
 74 modification.

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

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) Incorporate preexisting development orders identified
82 | pursuant to s. 163.3167(3).

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