

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. 163.3202, F.S.; requiring local land
 11 development regulations to incorporate certain
 12 existing development orders; providing an effective
 13 date.

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

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

19 163.3177 Required and optional elements of comprehensive
 20 plan; studies and surveys.—

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

24 (i)1. In accordance with the legislative intent expressed
 25 in ss. 163.3161(10) and 187.101(3) that governmental entities

26 respect judicially acknowledged and constitutionally protected
 27 private property rights, each local government shall include in
 28 its comprehensive plan a property rights element to ensure that
 29 private property rights are considered in local decisionmaking.
 30 A local government may adopt its own property rights element or
 31 use the following statement of rights:

32
 33 The following rights shall be considered in local
 34 decisionmaking:

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

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

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

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 49 4. The right of the property owner to privacy and to
 50 exclude others from the property to protect the

51 owner's possessions and property.

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

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56 2. Each local government must adopt a property rights
57 element in its comprehensive plan by the earlier of its next
58 proposed plan amendment or July 1, 2023. If a local government
59 adopts its own property rights element, the element may not
60 conflict with the statement of rights provided in subparagraph
61 1.

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

64 163.3202 Land development regulations.—

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

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

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