

By Senator Perry

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3177, F.S.; requiring a comprehensive plan to
4 include a property rights element; providing a
5 statement of rights that a local government may use;
6 requiring a local government to adopt a property
7 rights element by a specified date; providing that a
8 local government's property rights element may not
9 conflict with the statutorily provided statement of
10 rights; providing an effective date.

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

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

16 163.3177 Required and optional elements of comprehensive
17 plan; studies and surveys.—

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

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

28
29 The following rights shall be considered in local

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30 decisionmaking:

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

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36 2. The right of the property owner to the quiet
37 enjoyment of the property, to the exclusion of all
38 others.

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

44
45 4. The right of the property owner to privacy and to
46 exclude others from the property to protect the
47 owner's possessions and property.

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

51
52 2. Each local government must adopt a property rights
53 element in its comprehensive plan by the earlier of its next
54 proposed plan amendment or July 1, 2023. If a local government
55 adopts its own property rights element, the element may not
56 conflict with the statement of rights provided in subparagraph

57 1.

58 Section 2. This act shall take effect July 1, 2020.