A bill to be entitled
An act relating to growth management; amending s. 163.3177, F.S.; requiring local governments to include a property rights element in their comprehensive plans; providing a statement of rights that a local government may use; requiring a local government to adopt a property rights element by a specified date; prohibiting a local government's property rights element from conflicting with the statutorily provided statement of rights; amending s. 163.3237, F.S.; providing that certain property owners are not required to consent to development agreement changes under certain circumstances; amending s. 171.042, F.S.; prohibiting a municipality from annexing specified areas under certain circumstances; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances; providing requirements and procedures for the right of first refusal; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing retroactive applicability; providing that the act fulfills an important state interest; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of its next proposed plan amendment or July 1, 2024. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 2. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their
successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other property owners whose property was originally subject to the development agreement, unless the amendment or cancellation directly modifies the allowable uses or entitlements of such owners' property.

Section 3. Subsection (4) is added to section 171.042, Florida Statutes, to read:

171.042 Prerequisites to annexation.—

(4) Except as otherwise provided in s. 171.205, a municipality may not annex an area within another municipal jurisdiction without the other municipality's consent.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due
advertisement for property valued by the department at greater
than $10,000. A sale may not occur at a price less than the
department's current estimate of value, except as provided in
paragraphs (a)-(d). The department may afford a right of first
refusal to the local government or other political subdivision
in the jurisdiction in which the parcel is situated, except in a
conveyance transacted under paragraph (a), paragraph (c), or
paragraph (e). Notwithstanding any provision of this section to
the contrary, before any conveyance under this subsection may be
made, except a conveyance under paragraph (a) or paragraph (c),
the department shall first afford a right of first refusal to
the previous property owner for the department's current
estimate of value of the property. The right of first refusal
must be made in writing and sent to the previous owner via
certified mail or hand delivery, effective upon receipt. The
right of first refusal must provide the previous owner with a
minimum of 30 days to exercise the right in writing and must be
sent to the originator of the offer by certified mail or hand
delivery, effective upon dispatch. If the previous owner
exercises his or her right of first refusal, the previous owner
shall have at least 90 days to close on the property.

(a) If the property has been donated to the state for
transportation purposes and a transportation facility has not
been constructed for at least 5 years, plans have not been
prepared for the construction of such facility, and the property
is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.

(d) If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a
person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—
380.06 LOCAL GOVERNMENT DEVELOPMENT ORDER.—
(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.