

By Senator Evers

2-00167A-14

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3167, F.S.; requiring local governments to address
4 the protection of private property rights in their
5 comprehensive plans; amending s. 163.3177, F.S.;
6 requiring the comprehensive plan to include a property
7 rights element that addresses certain objectives;
8 requiring counties and municipalities to adopt land
9 development regulations consistent with the property
10 rights element; 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. Subsection (9) of section 163.3167, Florida
15 Statutes, is amended to read:

16 163.3167 Scope of act.—

17 (9) Each local government shall address in its
18 comprehensive plan, as enumerated in this chapter:7

19 (a) The water supply sources necessary to meet and achieve
20 the existing and projected water use demand for the established
21 planning period, considering the applicable plan developed
22 pursuant to s. 373.709; and

23 (b) The protection of private property rights.

24 Section 2. Paragraph (i) is added to subsection (6) of
25 section 163.3177, Florida Statutes, to read:

26 163.3177 Required and optional elements of comprehensive
27 plan; studies and surveys.—

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

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30 (i) A property rights element that protects private
31 property rights, in recognition of the legitimate and often
32 competing public and private interests in land use regulations
33 and other government action.

34 1. The property rights element shall set forth the
35 principles, guidelines, standards, and strategies to guide the
36 local government's decisions and program implementation with
37 respect to the following objectives:

38 a. Consideration of the impact to private property rights
39 of all proposed development orders, plan amendments, ordinances,
40 and other government decisions.

41 b. Encouragement of economic development.

42 c. Use of alternative, innovative solutions to provide
43 equal or better protection than the comprehensive plan.

44 d. Consideration of the degree of harm created by
45 noncompliance with the comprehensive plan's provisions.

46 2. Each county and each municipality within the county
47 shall, within 1 year after adopting its property rights element,
48 adopt land development regulations consistent with this
49 paragraph.

50 Section 3. This act shall take effect July 1, 2014.