

By Senator Evers

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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 private
7 property rights element that addresses certain
8 objectives; requiring counties and municipalities to
9 adopt land development regulations consistent with the
10 private property rights element; providing deadlines
11 for each local government to adopt a private property
12 rights element; requiring the state land planning
13 agency to approve the private property rights element
14 adopted by each local government if it substantially
15 complies with a specified form; providing an effective
16 date.

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

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20 Section 1. Subsection (9) of section 163.3167, Florida
21 Statutes, is amended to read:

22 163.3167 Scope of act.—

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

25 (a) The water supply sources necessary to meet and achieve
26 the existing and projected water use demand for the established
27 planning period, considering the applicable plan developed
28 pursuant to s. 373.709.

29 (b) The protection of private property rights.

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

32 163.3177 Required and optional elements of comprehensive

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33 plan; studies and surveys.-

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

36 (i)1. In recognition of the legitimate and often competing
37 public and private interests in land use regulations and other
38 government action, a property rights element that protects
39 private property rights. The private property rights element
40 shall set forth the principles, guidelines, standards, and
41 strategies to guide the local government's decisions and program
42 implementation with respect to the following objectives:

43 a. Consideration of the impact to private property rights
44 of all proposed development orders, plan amendments, ordinances,
45 and other government decisions.

46 b. Encouragement of economic development.

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

49 d. Consideration of the degree of harm created by
50 noncompliance with the provisions of the comprehensive plan.

51 2. Each county and each municipality within the county
52 shall, within 1 year after adopting its private property rights
53 element, adopt land development regulations consistent with this
54 paragraph.

55 3. Each local government shall adopt a private property
56 rights element at its next evaluation and appraisal update
57 review as required under this section or by July 2018, whichever
58 occurs first.

59 4. The state land planning agency shall approve each
60 private property rights element adopted by a local government if
61 it is in substantially the following form:

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62 GOAL: In all decisions, the ...(name of commission)... will
63 take into consideration the balancing of the comprehensive plan
64 provisions with protection of private property rights; the
65 encouragement of economic development; the use of alternative,
66 innovative solutions to provide equal or better protection than
67 the comprehensive plan; and the degree of harm created by
68 noncompliance with the provisions of the comprehensive plan.

69 OBJECTIVE 1: In all decisions rendered under the
70 comprehensive plan and implementing land development
71 regulations, the ...(name of local government)... shall balance
72 the protection of private property rights with the comprehensive
73 plan provisions applicable to the circumstance.

74 POLICY 1.1: The ...(name of commission)... shall render its
75 decisions in support of economic development and in deference to
76 private property rights.

77 POLICY 1.2: In all decisions, the ...(name of
78 commission)... may approve alternative, innovative solutions
79 that provide equal or better protection than the comprehensive
80 plan.

81 POLICY 1.3: If the degree of harm created by noncompliance
82 with the provisions of the comprehensive plan is minimal or may
83 be mitigated, the ...(name of local government)... may approve
84 the applicable request or application.

85 OBJECTIVE 2: The ...(name of local government)... shall
86 bring its land development regulations into internal consistency
87 with the private property rights element.

88 POLICY 2.1: No later than 1 year after the ...(name of
89 local government)... adopts the private property rights element,
90 it shall review and revise its land development regulations as

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91 necessary to make them consistent with that element.

92 Section 3. This act shall take effect July 1, 2016.