

By Senator Perry

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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 sets forth principles,
8 guidelines, standards, and strategies to achieve
9 certain objectives; requiring counties and
10 municipalities to adopt within a specified period land
11 development regulations consistent with the private
12 property rights element; providing deadlines for each
13 local government to adopt a private property rights
14 element; requiring the state land planning agency to
15 approve the private property rights element adopted by
16 each local government if it is substantially in a
17 specified form; providing an effective date.

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

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

23 163.3167 Scope of act.—

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

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

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30 (b) The protection of private property rights.

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

33 163.3177 Required and optional elements of comprehensive
34 plan; studies and surveys.—

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

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

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

47 b. Encouragement of economic development.

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

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

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

56 3. Each local government shall adopt a private property
57 rights element at its next evaluation and appraisal update
58 review as required under this section or by July 2019, whichever

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59 occurs first.

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

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

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

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

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

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

86 OBJECTIVE 2: The ...(name of local government)... shall
87 bring its land development regulations into internal consistency

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88 with the private property rights element.

89 POLICY 2.1: No later than 1 year after the ... (name of
90 local government) ... adopts the private property rights element,
91 it shall review and revise its land development regulations as
92 necessary to make them consistent with that element.

93 Section 3. This act shall take effect July 1, 2017.