

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 a deadline by which
13 each local government must adopt a private property
14 rights element; requiring the state land planning
15 agency to approve the private property rights element
16 adopted by each local government if it is
17 substantially in a specified form; providing an
18 effective date.

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

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

24 163.3167 Scope of act.—

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

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

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30 pursuant to s. 373.709; and-

31 (b) The protection of private property rights.

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

34 163.3177 Required and optional elements of comprehensive
35 plan; studies and surveys.-

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

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

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

48 b. Encouragement of economic development.

49 c. Use of alternative, innovative solutions to provide
50 equal or better protection of private property rights than the
51 comprehensive plan.

52 d. Consideration of the degree of harm created by
53 noncompliance with the comprehensive plan.

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

58 3. Each local government shall adopt a private property

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59 rights element at its next evaluation and appraisal update
60 review as required under this section or by July 2020, whichever
61 occurs first.

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

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

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

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

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

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

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

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

95 Section 3. This act shall take effect July 1, 2018.