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LEGISLATIVE ACTION

Senate

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House

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Between lines 147 and 148

insert:

Section 3. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and



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11 adopt a comprehensive plan of the type and in the manner set out
12 in this act within 3 years after the date of such incorporation.
13 A county comprehensive plan is shall be deemed controlling until
14 the municipality adopts a comprehensive plan in accordance
15 accord with this act. A comprehensive plan that is effective
16 after January 1, 2019, pursuant to this part, and all land
17 development regulations adopted to implement such a plan, must
18 recognize a development order in existence as of the
19 comprehensive plan's effective date, may not impair a party's
20 ability to complete development in accordance with the
21 development order, and, notwithstanding whether future
22 amendments to the development order are sought, must vest the
23 density and intensity approved by such a development order.

24 Section 4. 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:

30 (i) In accordance with the legislative intent expressed in
31 ss. 163.3161(10) and 187.101(3), that governmental entities must
32 respect judicially acknowledged and constitutionally protected
33 private property rights, a property rights element to ensure
34 that private property rights are considered in local
35 decisionmaking.

36 1. A local government may adopt its own property rights
37 element or use the following statement of rights:

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39 The following rights shall be considered in local



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40 decisionmaking:

41 1. The right of a property owner to physically possess and
42 control his or her interests in the property, including
43 easements, leases, or mineral rights.

44 2. The right of the property owner to the quiet enjoyment
45 of the property, to the exclusion of all others.

46 3. The right of a property owner to use, maintain, develop,
47 and improve his or her property for personal use or the use of
48 any other person, subject to state law and local ordinances.

49 4. The right of the property owner to privacy and to
50 exclude others from the property to protect the owner's
51 possessions and property.

52 5. The right of a property owner to dispose of his or her
53 property through sale or gift.

54
55 2. Each local government must adopt a property rights
56 element in its comprehensive plan by July 1, 2020. If a local
57 government adopts its own property rights element, such property
58 rights element may not conflict with the statement of rights
59 provided pursuant to subparagraph 1.

60 Section 5. Paragraph (j) is added to subsection (2) of
61 section 163.3202, Florida Statutes, to read:

62 163.3202 Land development regulations.—

63 (2) Local land development regulations shall contain
64 specific and detailed provisions necessary or desirable to
65 implement the adopted comprehensive plan and shall at a minimum:

66 (j) Provide for existing development orders identified
67 pursuant to s. 163.3167(3).

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69 ===== T I T L E A M E N D M E N T =====

70 And the title is amended as follows:

71 Between lines 14 and 15

72 insert:

73 163.3167, F.S.; requiring certain comprehensive plans
74 to recognize the terms of existing development orders;
75 amending s. 163.3177, F.S.; requiring a local
76 government's comprehensive plan to include a property
77 rights element; providing a statement of rights that a
78 local government may use; requiring each local
79 government to adopt a property rights element by a
80 specified date; providing that a local government's
81 property rights element may not conflict with the
82 statutorily provided statement of rights; amending s.
83 163.3202, F.S.; requiring local land development
84 regulations to provide for certain existing
85 development orders; amending s.