

1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 163.3177, F.S.; requiring the comprehensive plan to
 4 include a property rights element; providing a
 5 statement of rights that a local government may use;
 6 requiring local government to adopt a property rights
 7 element by a specified date; providing that a local
 8 government's property rights element may not conflict
 9 with the statutorily provided statement rights;
 10 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. Paragraph (i) is added to subsection (6) of
 15 section 163.3177, Florida Statutes, to read:

16 163.3177 Required and optional elements of comprehensive
 17 plan; studies and surveys.—

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

21 (i)1. In accordance with the legislative intent expressed
 22 in ss. 163.3161(10) and 187.101(3), that governmental entities
 23 must respect judicially acknowledged and constitutionally
 24 protected private property rights, each local government shall
 25 include in its comprehensive plan a property rights element to

26 ensure that private property rights are considered in local
 27 decisionmaking. A local government may adopt its own property
 28 rights element or use the following statement of rights:

30 The following rights shall be considered in local
 31 decisionmaking:

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

35 2. The right of the property owner to the quiet enjoyment
 36 of the property, to the exclusion of all others.

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

40 4. The right of the property owner to privacy and to
 41 exclude others from the property to protect the owner's
 42 possessions and property.

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

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 46 2. Each local government must adopt a property rights
 47 element in its comprehensive plan by July 1, 2020. If a local
 48 government adopts its own property rights element, it may not
 49 conflict with the statement of rights provided in subparagraph
 50 1.

51 | Section 2. This act shall take effect July 1, 2019. |