



26        (i)1. In accordance with the legislative intent expressed  
27 in ss. 163.3161(10) and 187.101(3), that governmental entities  
28 must respect judicially acknowledged and constitutionally  
29 protected private property rights, each local government shall  
30 include in its comprehensive plan a property rights element to  
31 ensure that private property rights are considered in local  
32 decisionmaking. A local government may adopt its own property  
33 rights element or use the following statement of rights:

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35        The following rights shall be considered in local  
36 decisionmaking:

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

40        2. The right of the property owner to the quiet enjoyment  
41 of the property, to the exclusion of all others.

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

45        4. The right of the property owner to privacy and to  
46 exclude others from the property to protect the owner's  
47 possessions and property.

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

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51           2. Each local government must adopt a property rights  
 52 element in its comprehensive plan by July 1, 2020. If a local  
 53 government adopts its own property rights element, it may not  
 54 conflict with the statement of rights provided in subparagraph  
 55 1.

56           Section 2. Subsection (3) of section 163.3167, Florida  
 57 Statutes, is amended to read:

58           163.3167 Scope of act.—

59           (3) A municipality established after the effective date of  
 60 this act shall, within 1 year after incorporation, establish a  
 61 local planning agency, pursuant to s. 163.3174, and prepare and  
 62 adopt a comprehensive plan of the type and in the manner set out  
 63 in this act within 3 years after the date of such incorporation.  
 64 A county comprehensive plan ~~is shall be deemed~~ controlling until  
 65 the municipality adopts a comprehensive plan in accordance  
 66 ~~accord~~ with this act. A comprehensive plan adopted after January  
 67 1, 2019, and all land development regulations adopted to  
 68 implement the comprehensive plan, must incorporate a development  
 69 order existing before the comprehensive plan's effective date,  
 70 may not impair the completion of a development in accordance  
 71 with such existing development order, and must vest the density  
 72 and intensity approved by such development order existing on the  
 73 effective date of the comprehensive plan without limitation or  
 74 modification.

75           Section 3. Paragraph (j) is added to subsection (2) of

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76 | section 163.3202, Florida Statutes, to read:

77 |       163.3202 Land development regulations.—

78 |       (2) Local land development regulations shall contain  
79 | specific and detailed provisions necessary or desirable to  
80 | implement the adopted comprehensive plan and shall at a minimum:

81 |       (j) Incorporate preexisting development orders identified  
82 | pursuant to s. 163.3167(3).

83 |       Section 4. This act shall take effect July 1, 2019.