

By Senator Perry

8-00799A-19

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3177, F.S.; requiring a local government's
4 comprehensive plan to include a property rights
5 element; providing a statement of rights that a local
6 government may use; requiring each local government to
7 adopt a property rights element by a specified date;
8 providing that a local government's property rights
9 element may not conflict with the statutorily provided
10 statement of rights; 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)-(5),
19 the comprehensive plan shall include the following elements:

20 (i) In accordance with the legislative intent expressed in
21 ss. 163.3161(10) and 187.101(3), that governmental entities must
22 respect judicially acknowledged and constitutionally protected
23 private property rights, a property rights element to ensure
24 that private property rights are considered in local
25 decisionmaking.

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

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29 The following rights shall be considered in local

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30 decisionmaking:

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

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

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

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

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

44
45 2. Each local government must adopt a property rights
46 element in its comprehensive plan by July 1, 2020. If a local
47 government adopts its own property rights element, it may not
48 conflict with the statement of rights provided in subparagraph
49 1.

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