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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) of section 57.112, Florida
Statutes, is amended to read:

57.112 Attorney fees and costs and damages; preempted local
actions.—

(5) This section does not apply to local ordinances adopted
pursuant to ~~part II of chapter 163~~, s. 553.73~~7~~, or s. 633.202.

Section 2. Subsection (3) of section 163.3167, Florida



12 Statutes, is amended, and subsection (11) is added to that
13 section, to read:

14 163.3167 Scope of act.—

15 (3) A municipality established after the effective date of
16 this act shall, within 1 year after incorporation, establish a
17 local planning agency, pursuant to s. 163.3174, and prepare and
18 adopt a comprehensive plan of the type and in the manner set out
19 in this act within 3 years after the date of such incorporation.
20 A county comprehensive plan is controlling until the
21 municipality adopts a comprehensive plan in accordance with this
22 act. A comprehensive plan effective ~~adopted~~ after January 1,
23 2019, and all land development regulations adopted to implement
24 the comprehensive plan must incorporate each development order
25 existing before the comprehensive plan's effective date, may not
26 impair the completion of a development in accordance with such
27 existing development order, and must vest the density and
28 intensity approved by such development order existing on the
29 effective date of the comprehensive plan without limitation or
30 modification.

31 (11) A county charter provision or comprehensive plan goal,
32 objective, or policy adopted after January 1, 2020, may not be
33 imposed as a limitation on lands located within a municipality
34 unless the municipality, through a referendum or locally adopted
35 ordinance, adopts and imposes the provision, goal, objective, or
36 policy on the lands located within the municipal jurisdiction. A
37 county charter provision or comprehensive plan goal, objective,
38 or policy may not limit a municipality from deciding the land
39 uses, density, and intensity allowed on lands annexed into a
40 municipality as long as the municipality is in compliance with



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41 subsection (3).

42 Section 3. Present subsection (4) of section 163.3168,
43 Florida Statutes, is renumbered as subsection (5), and a new
44 subsection (4) is added to that section, to read:

45 163.3168 Planning innovations and technical assistance.—

46 (4) When selecting applications for funding for technical
47 assistance, the state land planning agency shall give a
48 preference to a county that has a population of 200,000 or less,
49 and to a municipality located within such a county, for
50 assistance in determining whether the area in and around a
51 proposed multiuse corridor interchange as described in s.
52 338.2278 contains appropriate land uses and natural resource
53 protections and for aid in developing or amending a local
54 government's comprehensive plan to provide for such uses,
55 protections, and intended benefits as provided in s. 338.2278.

56 Section 4. Paragraph (i) is added to subsection (6) of
57 section 163.3177, Florida Statutes, to read:

58 163.3177 Required and optional elements of comprehensive
59 plan; studies and surveys.—

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

62 (i)1. In accordance with the legislative intent expressed
63 in ss. 163.3161(10) and 187.101(3) that governmental entities
64 respect judicially acknowledged and constitutionally protected
65 private property rights, each local government shall include in
66 its comprehensive plan a property rights element to ensure that
67 private property rights are considered in local decisionmaking.
68 A local government may adopt its own property rights element or
69 use the following statement of rights:



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The following rights shall be considered in local decisionmaking:

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

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

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of its next proposed plan amendment or July 1, 2023. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 5. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development



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99 agreement.—A development agreement may be amended or canceled by
100 mutual consent of the parties to the agreement or by their
101 successors in interest. A party or its designated successor in
102 interest to a development agreement and a local government may
103 amend or cancel a development agreement without securing the
104 consent of other parcel owners whose property was originally
105 subject to the development agreement, unless the amendment or
106 cancellation directly modifies the allowable uses or
107 entitlements of such owners' property.

108 Section 6. Subsection (2) of section 337.401, Florida
109 Statutes, is amended to read:

110 337.401 Use of right-of-way for utilities subject to
111 regulation; permit; fees.—

112 (2) The authority may grant to any person who is a resident
113 of this state, or to any corporation which is organized under
114 the laws of this state or licensed to do business within this
115 state, the use of a right-of-way for the utility in accordance
116 with such rules or regulations as the authority may adopt. No
117 utility shall be installed, located, or relocated unless
118 authorized by a written permit issued by the authority. However,
119 for public roads or publicly owned rail corridors under the
120 jurisdiction of the department, a utility relocation schedule
121 and relocation agreement may be executed in lieu of a written
122 permit. The permit shall require the permitholder to be
123 responsible for any damage resulting from the issuance of such
124 permit. The authority may initiate injunctive proceedings as
125 provided in s. 120.69 to enforce provisions of this subsection
126 or any rule or order issued or entered into pursuant thereto. A
127 permit application required by an authority under this



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128 subsection by a county or municipality having jurisdiction and
129 control of the right-of-way of any public road must be processed
130 and acted upon in accordance with the timeframes provided in
131 subparagraphs (7) (d) 7., 8., and 9.

132 Section 7. Paragraph (d) of subsection (4) of section
133 380.06, Florida Statutes, is amended to read:

134 380.06 Developments of regional impact.—

135 (4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

136 (d) Any agreement entered into by the state land planning
137 agency, the developer, and the local government with respect to
138 an approved development of regional impact previously classified
139 as essentially built out, or any other official determination
140 that an approved development of regional impact is essentially
141 built out, remains valid unless it expired on or before April 6,
142 2018, and may be amended pursuant to the processes adopted by
143 the local government for amending development orders. Any such
144 agreement or amendment may authorize the developer to exchange
145 approved land uses, subject to demonstrating that the exchange
146 will not increase impacts to public facilities. This paragraph
147 applies to all such agreements and amendments effective on or
148 after April 6, 2018.

149 Section 8. This act shall take effect July 1, 2020.

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

152 And the title is amended as follows:

153 Delete everything before the enacting clause
154 and insert:

155 A bill to be entitled
156 An act relating to growth management; amending s.



157 57.112, F.S.; deleting a provision that prohibits
158 specified attorney fees and costs from applying to
159 local ordinances adopted pursuant to the growth policy
160 act; amending s. 163.3167, F.S.; specifying
161 requirements for certain comprehensive plans effective
162 after a specified date and for associated land
163 development regulations; prohibiting country charter
164 provisions and comprehensive plan goals, objectives,
165 and policies adopted after a specified date from
166 imposing limitations on lands unless certain
167 conditions are met; providing retroactive
168 applicability; prohibiting county charter provisions
169 and comprehensive plan goals, objectives, and policies
170 from limiting a municipality from deciding land uses,
171 density, and intensity allowed on certain lands;
172 amending s. 163.3168, F.S.; requiring the Department
173 of Economic Opportunity to give a preference to
174 certain counties and municipalities when selecting
175 applications for funding for specified technical
176 assistance; amending s. 163.3177, F.S.; requiring
177 local governments to include a property rights element
178 in their comprehensive plans; providing a statement of
179 rights that a local government may use; requiring a
180 local government to adopt a property rights element by
181 a specified date; prohibiting a local government's
182 property rights element from conflicting with the
183 statutorily provided statement of rights; amending s.
184 163.3237, F.S.; providing that certain property owners
185 are not required to consent to development agreement



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186 changes under certain circumstances; amending s.
187 337.401, F.S.; specifying timeframes for processing a
188 permit application for a utility's use of a right-of-
189 way; amending s. 380.06, F.S.; authorizing certain
190 developments of regional impact agreements to be
191 amended under certain circumstances; providing
192 retroactive applicability; providing an effective
193 date.