

By the Committee on Community Affairs; and Senator Perry

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1 A bill to be entitled  
2 An act relating to growth management; amending s.  
3 163.3168, F.S.; requiring the Department of Economic  
4 Opportunity to give a preference to certain counties  
5 and municipalities when selecting applications for  
6 funding for technical assistance; amending s.  
7 163.3177, F.S.; requiring a comprehensive plan to  
8 include a property rights element; providing a  
9 statement of rights that a local government may use;  
10 requiring a local government to adopt a property  
11 rights element by a specified date; providing that a  
12 local government's property rights element may not  
13 conflict with the statutorily provided statement of  
14 rights; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Present subsection (4) of section 163.3168,  
19 Florida Statutes, is redesignated as subsection (5), and a new  
20 subsection (4) is added to that section, to read:

21 163.3168 Planning innovations and technical assistance.—

22 (4) When selecting applications for funding for technical  
23 assistance, the state land planning agency shall give a  
24 preference to a county that has a population of 200,000 or less,  
25 and to a municipality located within such a county, for  
26 assistance in determining whether the area in and around a  
27 proposed multiuse corridor interchange as described in s.  
28 338.2278 contains appropriate land uses and natural resource  
29 protections and for aid in developing or amending a local

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30 government's comprehensive plan to provide for such uses,  
31 protections, and intended benefits as provided in s. 338.2278.

32 Section 2. Paragraph (i) is added to subsection (6) of  
33 section 163.3177, Florida Statutes, to read:

34 163.3177 Required and optional elements of comprehensive  
35 plan; studies and surveys.—

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

38 (i)1. In accordance with the legislative intent expressed  
39 in ss. 163.3161(10) and 187.101(3) that governmental entities  
40 respect judicially acknowledged and constitutionally protected  
41 private property rights, each local government shall include in  
42 its comprehensive plan a property rights element to ensure that  
43 private property rights are considered in local decisionmaking.  
44 A local government may adopt its own property rights element or  
45 use the following statement of rights:

46  
47 The following rights shall be considered in local  
48 decisionmaking:

49  
50 1. The right of a property owner to physically possess  
51 and control his or her interests in the property,  
52 including easements, leases, or mineral rights.

53  
54 2. The right of the property owner to the quiet  
55 enjoyment of the property, to the exclusion of all  
56 others.

57  
58 3. The right of a property owner to use, maintain,

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59       develop, and improve his or her property for personal  
60       use or the use of any other person, subject to state  
61       law and local ordinances.

62  
63       4. The right of the property owner to privacy and to  
64       exclude others from the property to protect the  
65       owner's possessions and property.

66  
67       5. The right of a property owner to dispose of his or  
68       her property through sale or gift.

69  
70       2. Each local government must adopt a property rights  
71       element in its comprehensive plan by the earlier of its next  
72       proposed plan amendment or July 1, 2023. If a local government  
73       adopts its own property rights element, the element may not  
74       conflict with the statement of rights provided in subparagraph  
75       1.

76       Section 3. This act shall take effect July 1, 2020.