

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local Administration &
2 Veterans Affairs Subcommittee
3 Representative McClain offered the following:

Amendment (with title amendment)

Remove lines 29-88 and insert:

Section 1. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan is controlling until the municipality adopts a comprehensive plan in accordance with this

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17 act. A comprehensive plan for a municipality established ~~adopted~~
18 after January 1, 2016 ~~2019~~, and all land development regulations
19 adopted to implement the comprehensive plan must incorporate
20 each development order existing before the comprehensive plan's
21 effective date, may not impair the completion of a development
22 in accordance with such existing development order, and must
23 vest the density and intensity approved by such development
24 order existing on the effective date of the comprehensive plan
25 without limitation or modification.

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

28 163.3177 Required and optional elements of comprehensive
29 plan; studies and surveys.—

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

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

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

48
49 2. The right of a property owner to use, maintain,
50 develop, and improve his or her property for personal use
51 or the use of any other person, subject to state law and
52 local ordinances.

53
54 3. The right of the property owner to privacy and to
55 exclude others from the property to protect the owner's
56 possessions and property.

57
58 4. The right of a property owner to dispose of his or her
59 property through sale or gift.

60
61 2. Each local government must adopt a property rights
62 element in its comprehensive plan by the earlier of its next
63 proposed plan amendment or July 1, 2024. If a local government
64 adopts its own property rights element, the element may not
65 conflict with the statement of rights provided in subparagraph
66 1.

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67 Section 3. Section 163.3237, Florida Statutes, is amended
68 to read:

69 163.3237 Amendment or cancellation of a development
70 agreement.—A development agreement may be amended or canceled by
71 mutual consent of the parties to the agreement or by their
72 successors in interest. A party or its designated successor in
73 interest to a development agreement and a local government may
74 amend or cancel a development agreement without securing the
75 consent of other property owners whose property was originally
76 subject to the development agreement, unless the amendment or
77 cancellation directly modifies the allowable uses or
78 entitlements of such owners' property.

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

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Remove lines 2-15 and insert:

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An act relating to growth management; amending s. 163.3167,

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F.S.; specifying requirements for certain comprehensive plans

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after a specified date and for associated land development

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regulations; amending s. 163.3177, F.S.; requiring local

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governments to include a property rights element in their

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comprehensive plans; providing a statement of rights that a

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local government may use; requiring a local government to adopt

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a property rights element by a specified date; prohibiting a

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92 | local government's property rights element from conflicting with
93 | the statutorily provided statement of rights; amending s.
94 | 163.3237, F.S.; providing that certain property owners are not
95 | required to consent to development agreement changes under
96 | certain circumstances; amending