

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

21 (i)1. In accordance with the legislative intent expressed
 22 in ss. 163.3161(10) and 187.101(3) that governmental entities
 23 respect judicially acknowledged and constitutionally protected
 24 private property rights, each local government shall include in
 25 its comprehensive plan a property rights element to ensure that

26 private property rights are considered in local decisionmaking.
27 A local government may adopt its own property rights element or
28 use the following statement of rights:

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30 The following rights shall be considered in local
31 decisionmaking:

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

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37 2. The right of the property owner to the quiet
38 enjoyment of the property, to the exclusion of all
39 others.

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

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

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50 5. The right of a property owner to dispose of his or

51 her property through sale or gift.

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53 2. Each local government must adopt a property rights
54 element in its comprehensive plan by the earlier of its next
55 proposed plan amendment or July 1, 2023. If a local government
56 adopts its own property rights element, the element may not
57 conflict with the statement of rights provided in subparagraph
58 1.

59 Section 2. This act shall take effect July 1, 2020.