

HB 1309

2017

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3167, F.S.; requiring local governments to address
4 the protection of private property rights in their
5 comprehensive plans; amending s. 163.3177, F.S.;
6 requiring the comprehensive plan to include a private
7 property rights element that sets forth principles,
8 guidelines, standards, and strategies to achieve
9 certain objectives; requiring counties and
10 municipalities within a specified period to adopt or
11 amend land development regulations consistent with the
12 private property rights element; providing deadlines
13 for each local government to adopt a private property
14 rights element; requiring the state land planning
15 agency to approve the private property rights element
16 adopted by each local government if it is
17 substantially in a specified form; providing an
18 effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (9) of section 163.3167, Florida
23 Statutes, is amended to read:

24 163.3167 Scope of act.—

25 (9) Each local government shall address in its

26 | comprehensive plan, as enumerated in this chapter:r

27 | (a) The water supply sources necessary to meet and achieve
 28 | the existing and projected water use demand for the established
 29 | planning period, considering the applicable plan developed
 30 | pursuant to s. 373.709.

31 | (b) The protection of private property rights.

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)-
 37 | (5), the comprehensive plan shall include the following
 38 | elements:

39 | (i)1. In recognition of the legitimate and often competing
 40 | public and private interests in land use regulations and other
 41 | government action, a property rights element that protects
 42 | private property rights. The private property rights element
 43 | must set forth principles, guidelines, standards, and strategies
 44 | to guide the local government's decisions and program
 45 | implementation with respect to the following objectives:

46 | a. Consideration of the impact to private property rights
 47 | of all proposed development orders, plan amendments, ordinances,
 48 | and other proposed government decisions.

49 | b. Encouragement of economic development.

50 | c. Use of alternative and innovative solutions to provide

51 equal or better protection than the comprehensive plan.

52 d. Consideration of the degree of harm created by
53 noncompliance with provisions of the comprehensive plan.

54 2. Each county and each municipality within the county
55 shall, within 1 year after adopting its private property rights
56 element, adopt or amend land development regulations consistent
57 with this paragraph.

58 3. Each local government shall adopt a private property
59 rights element at its next evaluation and appraisal update
60 review as required under this section or by July 2019, whichever
61 occurs first.

62 4. The state land planning agency shall approve each
63 private property rights element adopted by a local government if
64 it is in substantially the following form:

65 GOAL: In all decisions, the ...(name of commission)...
66 shall balance the comprehensive plan provisions with: protection
67 of private property rights; the encouragement of economic
68 development; the use of alternative and innovative solutions to
69 provide equal or better protection than the comprehensive plan;
70 and the degree of harm created by noncompliance.

71 OBJECTIVE 1: In all decisions rendered under the
72 comprehensive plan and in implementing land development
73 regulations, the ...(name of local government)... shall balance
74 the protection of private property rights with the comprehensive
75 plan provisions as applicable to the circumstance.

76 POLICY 1.1: The ...(name of commission)... shall render its
 77 decisions in support of economic development and in deference to
 78 private property rights.

79 POLICY 1.2: In all decisions, the ...(name of
 80 commission)... may approve alternative and innovative solutions
 81 that provide protection equal to or better than the
 82 comprehensive plan.

83 POLICY 1.3: If the degree of harm created by noncompliance
 84 with the provisions of the comprehensive plan is minimal or may
 85 be mitigated, the ...(name of local government)... may approve
 86 the applicable request or application.

87 OBJECTIVE 2: The ...(name of local government)... shall
 88 bring its land development regulations into internal consistency
 89 with the private property rights element.

90 POLICY 2.1: No later than 1 year after the ...(name of
 91 local government)... adopts the private property rights element,
 92 it shall review and revise its land development regulations as
 93 necessary to make them consistent with that element.

94 Section 3. This act shall take effect July 1, 2017.

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