

HB 291

2019

A bill to be entitled
An act relating to growth management; amending s.
163.3177, F.S.; requiring the comprehensive plan to
include a property rights element; providing a
statement of rights that a local government may use;
requiring local government to adopt a property rights
element by a specified date; providing that a local
government's property rights element may not conflict
with the statutorily provided statement rights;
providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (6) of
section 163.3177, Florida Statutes, to read:

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

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

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

26 ensure that private property rights are considered in local
27 decisionmaking. A local government may adopt its own property
28 rights element or use the following statement of rights:
29

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

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

35 2. The right of the property owner to the quiet enjoyment
36 of the property, to the exclusion of all others.

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

40 4. The right of the property owner to privacy and to
41 exclude others from the property to protect the owner's
42 possessions and property.

43 5. The right of a property owner to dispose of his or her
44 property through sale or gift.
45

46 2. Each local government must adopt a property rights
47 element in its comprehensive plan by July 1, 2020. If a local
48 government adopts its own property rights element, it may not
49 conflict with the statement of rights provided in subparagraph

50 1.

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51 Section 2. This act shall take effect July 1, 2019.

