

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2021-334

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: June 8, 2021

Committee(s) of Reference: LUZ

Date of Analysis: June 10, 2021

Type of Action: Comprehensive Plan amendment

Bill Summary: The bill amends the City's 2030 Comprehensive Plan by creating a new Property Rights Element as required by state law and authorizing its transmittal to the state for comments. The element states that the City will recognize and respect judicially acknowledged and constitutionally protected property right in accordance with the Community Planning Act established in Chapter 163, Florida Statutes.

Background Information: The Florida Legislature passed HB 59 in this year's session that requires local governments to adopt a property rights element to their comprehensive plans. The element, which this bill authorizes to be transmitted to Tallahassee for state review, has 1 goal (stated above), 1 objective (local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive), and 2 policies:

- 1.1.1 The City will ensure that private property rights are considered in local decision making.
- 1.1.2 The following rights shall be considered in local decision making:
 - 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
 - 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
 - 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
 - 4. The right of a property owner to dispose of his or her property through sale or gift.

Policy Impact Area: Comprehensive planning

Fiscal Impact: No direct cost

Analyst: Clements