

City of
Gainesville

**Property Rights Element
Comprehensive Plan Amendment**

**Department of Sustainable
Juan Castillo
2/3/2022**



Request: Add a Property Rights Element into the Comprehensive Plan in accordance with new State requirements.

Florida Senate - 2021

CS for CS for SB 496

590-02867-21

2021496c2

59 its comprehensive plan a property rights element to ensure that
60 private property rights are considered in local decisionmaking.
61 A local government may adopt its own property rights element or
62 use the following statement of rights:

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64 The following rights shall be considered in local
65 decisionmaking:

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

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71 2. The right of a property owner to use, maintain,
72 develop, and improve his or her property for personal
73 use or the use of any other person, subject to state
74 law and local ordinances.

75
76 3. The right of the property owner to privacy and to
77 exclude others from the property to protect the
78 owner's possessions and property.

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80 4. The right of a property owner to dispose of his or
81 her property through sale or gift.

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83 2. Each local government must adopt a property rights
84 element in its comprehensive plan by the earlier of its adoption
85 of its next proposed plan amendment that is initiated after July
86 1, 2021, or the next scheduled evaluation and appraisal of its
87 comprehensive plan pursuant to s. 163.3191. If a local

This petition is a proposal to adopt language into the City's Comprehensive Plan to meet the Florida Statute for State Property Rights. The Bill became law on June 29th, 2021.

PROPERTY RIGHTS ELEMENT

Outcome: The City of Gainesville will respect constitutionally-protected and judicially-acknowledged private property rights and will consider private property rights as part of the local decision-making process.

Strategy: The following rights shall be considered in local decision making:

- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b. 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.
- c. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d. The right of a property owner to dispose of his or her property through sale or gift.

PROPERTY RIGHTS ELEMENT

Goal <Local government name> will **making planning and development make** decisions with respect for property rights and with respect for people’s rights to participate in decisions that affect their lives and property.

Objective 1 <Local government name> will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1 <Local government name> will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2 <Local government name> will consider in its decision-making 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.

Policy 1.3 <Local government name> will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 1.4 <Local government name> will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 2 People have the right to participate in planning and development decisions that affect their lives and property. <Local government name> decision-making will be transparent so that all people may participate in decisions that affect their lives and property. Policies 2.1 through 2.4 provide minimum standards for some planning and development decisions. Land development regulations may provide for additional processes and standards.

Policy 2.1 Decisions for which <local government name> must follow policies 2.2 through 2.4. <Local government name> must follow the procedures in policies 2.2 through 2.4 when <local government name>: amends this comprehensive plan; changes the zoning designation of



1000 Friends of Florida

Model Property Rights Element

Developed in Compliance with the Requirements of

Fla. Stat. § 163.3177(6)(i)1
(2021)

RECOMMENDATION

Staff recommends the suggestion of one of the Property Rights Element languages as shown in Exhibit A and B of the associated report.

Thank You