

**CITY OF GREENACRES COMPREHENSIVE PLAN**

**PROPERTY RIGHTS ELEMENT**

January 3, 2022

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## **I. INTRODUCTION**

### **A. PURPOSE OF ELEMENT**

Under current law, local governments create and adopt local comprehensive plans to control and direct land use and development within a county or municipality. First adopted in 1975 and extensively expanded in 1985, Florida's comprehensive land planning laws were significantly revised in 2011, becoming the Community Planning Act (CPA). The CPA directs how local governments create and adopt their local comprehensive plans. The CPA requires that all governmental entities in the state recognize and respect judicially acknowledged or constitutionally protected private property rights and exercise their authority without unduly restricting private property rights, leaving property owners free from actions by others that would harm their property or constitute an inordinate burden on property rights under the Harris Act. However, there was no requirement to specifically include language in a local government's comprehensive plan to address private property rights.

On April 1, 2021, the Florida House passed CS/CS/CS/HB 59 (Harris Act) with the bill subsequently passing the Florida Senate on April 8, 2021. Governor DeSantis signed the legislation into law on June 29, 2021 (Chapter 2021-195, Laws of Florida). Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a Property Rights Element into their comprehensive plan. Inclusion of the Property Rights Element is intended to protect private property rights and to ensure they are considered in local decision-making. The new law adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is required to adopt a Property Rights Element by the earlier of: (1) the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or (2) the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

## **II. GOALS, OBJECTIVES AND POLICIES**

- A. **GOAL:** Acknowledge the Florida Constitution and its protection of private property rights and ensure that private property rights are considered in local decision-making.

### **Objective 1:**

The City shall ensure that private property rights are considered in local decision-making.

### **Policy a)**

Subject to applicable federal, state and local laws including without limitation Florida Statutes and the City's Code of Ordinances, 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.
- (3) The right of the property owner to privacy and to exclude others from their property for the protection of the owner's possessions and property.
- (4) The right of a property owner to dispose of his or her property through lineal transfer, sale, or gift

Policy b)

All development applications, including comprehensive plan amendments, shall be made available for public review and an aggrieved or adversely affected person shall be provided equal opportunity for participation in all associated hearings consistent with the requirements of the City's Code of Ordinances and applicable law.