



# PRIVATE PROPERTY RIGHTS

LIVE



## GOALS, OBJECTIVES, AND POLICIES

GOAL PPR 1

PRIVATE PROPERTY RIGHTS

WORK



PLAY



GROW





# PRIVATE PROPERTY RIGHTS ELEMENT

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## What is the PRIVATE PROPERTY RIGHTS Element?

Property owners in Florida have strong property rights protection through the U.S. Constitution, the Florida Constitution, and the Bert J. Harris Act. However, effective June 29, 2021, the State of Florida amended the requirements for comprehensive plan elements in ss. 163.3177(6) to require a property rights element to ensure that private property rights are considered in local decisionmaking.

Local government rules generally create value in property and bring stability to real estate markets. Rules that benefit the public also protect property rights. However, a local government's process for regulating land greatly impacts real estate markets and property rights. Transparency, predictability, and reliability are three strategies for implementing land use rules in a way that benefits people and respects property rights. The Private Property Rights Element provides a policy framework in support of these strategies.

## PRIVATE PROPERTY RIGHTS GOALS

### GOAL PPR 1

### PRIVATE PROPERTY RIGHTS

CONSIDER PRIVATE PROPERTY RIGHTS IN PLANNING AND DEVELOPMENT DECISIONS, AND RESPECT THE RIGHTS OF CITIZENS TO PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY.



## GOAL PPR 1 PRIVATE PROPERTY RIGHTS

**CONSIDER PRIVATE PROPERTY RIGHTS IN PLANNING AND DEVELOPMENT DECISIONS, AND RESPECT THE RIGHTS OF CITIZENS TO PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA STATUTES.**

**Performance Measures:** Success in addressing Objectives and Policies of **GOAL PPR 1** shall be measured utilizing the following performance indicators:

- 🌈 Provision of legal notice consistent with the Florida Statute requirements for planning and development decisions.

### Objective PPR 1.1 Private Property Rights

Respect judicially acknowledged and constitutionally protected private property rights in local decision-making.

#### Policy PPR 1.1.1

Consider the right of a private property owner to

- 🌈 Physically possess and control interests in their own property, including easements, leases, or mineral rights.
- 🌈 Use, maintain, develop, and improve property for their own personal use or for the use of any other person, subject to state law and local ordinances.
- 🌈 Maintain privacy and exclude others from the property to protect the owner's possessions and property.
- 🌈 Dispose of their own property through sale or gift.

### Objective PPR 1.2 Transparency, Reliability, and Predictability in Decision-making

Decision-making shall be transparent, reliable and predictable, based on adherence to adopted local regulations, in order to promote sound, long-term investments in the community.

#### Policy PPR 1.2.1

Continue to make available all development applications, including comprehensive plan amendments for public review and provide an affected party an equal opportunity for participation in all associated hearings.

#### Policy PPR 1.2.2

Continue to allow any affected person that will suffer an adverse effect to an interest protected or furthered by this comprehensive plan to participate in and be a party to a hearing on a local government decision.