



FLORIDA DEPARTMENT *of*  
ECONOMIC OPPORTUNITY

## Notice of Legislative Change Concerning Property Rights

Dear Local Government Partners:

The Bureau of Community Planning and Growth would like to provide you with an update on legislation that recently became law. 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.

[House Bill 59](#), which became law on June 29, 2021, adds [Section 163.3177\(6\)\(i\), Florida Statutes](#). Effective **July 1, 2021**, each local government is now required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to [Section 163.3191, Florida Statutes](#).

Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the comprehensive plan does not already include the required property rights element.

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The Bureau of Community Planning and Growth is available to provide you with assistance. For any questions that you have regarding this matter, please contact Ray Eubanks, Plan Processing Administrator, by telephone at 850- 717-8483 or email at [Ray.Eubanks@DEO.MyFlorida.com](mailto:Ray.Eubanks@DEO.MyFlorida.com).

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**Donna Gordon**

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**Subject:** FW: Additional Guidance Regarding Chapter 2021-195, Laws of Florida

**From:** Florida Department of Economic Opportunity <[comprehensiveplans@deo.myflorida.com](mailto:comprehensiveplans@deo.myflorida.com)>

**Sent:** Thursday, August 5, 2021 5:00 PM

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**Subject:** Additional Guidance Regarding Chapter 2021-195, Laws of Florida

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## **Additional Guidance Regarding Chapter 2021-195, Laws of Florida**

Good afternoon,

The Department is providing more clarity regarding Chapter 2021-195, Laws of Florida. Please continue reading below for guidance.

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021:

*Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is **initiated** after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes (emphasis added).*

Following the release of our prior guidance, the Department has received public input requesting further clarification regarding the term “initiated.”

“Initiated” is not a “term of art” with a readily discernible definition within the land use regulatory scheme and was not defined within the legislation. In that vein, the Department will consider a proposed plan amendment to be “initiated” on the date:

- The amendment is first considered at a public hearing, as outlined in Section 163.3174(4), Florida Statutes, held by the local planning agency; or
- The local government planning authority deems complete a submitted application for a change to the comprehensive plan.

If prior to July 2, 2021, either of these events has occurred, the local planning agency may complete the adoption process for that comprehensive plan amendment package in accordance with the process set forth in Chapter 163, Florida Statutes.

We hope this information will be helpful. If you require additional information or clarity, please let us know.



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