



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 3228, **Version:** 1

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### **Subject:**

Comprehensive Plan text amendment to include a Property Rights Element as required by House Bill 59, requiring all local governments to create a Property Rights Element.

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Local Planning Agency consider a text amendment to the Comprehensive Plan to add a Property Rights Element, and to change the Table of Contents to include this Element.

### **Summary Explanation and Background:**

This request is for a text amendment to create a Property Rights Element to the Comprehensive Plan adding Goals, Objectives, and Policies with regards to the local decision making process as it pertains to the rights of property owners.

This request is a result of House Bill 59, which became law on June 29, 2021, adding 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).

The Property Rights Element creates a decision making policy with regards to the right of property owners to physically control, maintain, improve, protect, and sell properties.

### **Clerk to the Board Instructions:**

None.