

ORDINANCE NO. 2021-53

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN TEXT; AMENDING THE BROWARD COUNTY COMPREHENSIVE PLAN TEXT RELATED TO THE PROPERTY RIGHTS ELEMENT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Broward County adopted the Broward County Comprehensive Plan on April 25, 2017 (the Plan);

WHEREAS, the Department of Economic Opportunity has found the Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Plan text regarding the Property Rights Element;

WHEREAS, the Environmental Protection and Growth Management Department, as the local planning agency for the Broward County Comprehensive Plan, held its hearing on the proposed amendment on October 25, 2021, with due public notice;

WHEREAS, the Board of County Commissioners held an adoption public hearing on December 14, 2021, at 10:00 a.m., at which public comment was accepted and considered; and

WHEREAS, the Board of County Commissioners, after due consideration of all matters, hereby finds that the following amendment to the Plan is consistent with the State Plan, Regional Plan, and the Plan; complies with the requirements of the Community Planning Act; and is in the best interests of the health, safety, and welfare of the residents of Broward County,

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1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3 Section 1. The Plan is hereby amended by Amendment 21-T6, which is an
4 amendment related to the Property Rights Element, as set forth in Exhibit "A," attached
5 hereto and incorporated herein.

6 Section 2. Severability.

7 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
8 portion shall be stricken, and such striking shall not affect the validity of the remainder of
9 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
10 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
11 circumstance(s), such determination shall not affect the applicability hereof to any other
12 individual, group, entity, property, or circumstance.

13 Section 3. Effective Date.

14 This Ordinance is effective as of the date provided by law.

15
16 ENACTED December 14, 2021

17 FILED WITH THE DEPARTMENT OF STATE December 17, 2021

18 EFFECTIVE December 17, 2021

19 Approved as to form and legal sufficiency:
20 Andrew J. Meyers, County Attorney

21 By /s/ Maite Azcoitia 11/15/2021

22 Maite Azcoitia (date)

23 Deputy County Attorney

24 MA/gmb
11/15/2021

21- T6 Property Rights Element.Ord
File #80041

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BROWARD COUNTY COMPREHENSIVE PLAN

At a Glance



Property Rights Element

The Property Rights Element states how private property rights considerations factor into local government decision-making processes.

Policy History

1995 Florida Legislature adopts Chapter 70, Relief from Burdens on Real Property Rights, Florida Statutes known as the "Bert J. Harris, Jr., Private Property Rights Protection Act".

2021 Florida Legislature amends Chapter 163.3177, Florida Statutes to require each local government to include a Property Rights Element to ensure that private property rights are considered in local decision-making.

Focus Areas

- ➔ Property Rights and Local Decision-making
- ➔ Scope and Applicability

Legal Authority



Section 163.3177(6)(i), Florida Statutes: Each local government shall include in its comprehensive plan a Property Rights Element to ensure that private property rights are considered in local decision-making.

The Property Rights Element includes a Goal, Objective, and Policies that support the Focus Areas.

Goal, Objectives & Policies

GOAL PROPERTY RIGHTS

Broward County shall recognize, and respect judicially acknowledged or constitutionally protected private property rights.

OBJECTIVE PPR 1.1 - Property Rights and Local Decision-making

A property owner has various rights to property that shall be considered by Broward County when making decisions.

Policy 1.1.1. A person who owns property within Broward County has rights to:

- a. Physically possess and control his or her interests in the property, including easements, leases, or mineral rights;
- b. 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. Privacy and to exclude others from the property to protect the owner's possessions and property;
- d. Dispose of his or her property through sale or gift.