



# Property Rights Element



## 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.