

CHAPTER SEVEN

PRIVATE PROPERTY

RIGHTS

ELEMENT

December 14, 2021, Ord. No. 2021-A42

Private Property Rights Element (Chapter Seven)

Overview: This Element is created pursuant to House Bill 59 (2021) as adopted by the Florida legislature (Chapter 2021-195). The legislation notes the following:

In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. (Chapter 2021-195, Laws of Florida).

Citrus County utilizes a quasi-judicial process as codified in Sections 2-51 through 2-58, of the Citrus County Code to ensure due process for citizens and applicants during public hearings, and continues to comply with statutory public notice standards. The rights of citizens, as well as applicants, regarding these decisions are and will continue to be considered as outlined in the Land Development Code, the Comprehensive Plan, the County Code of Ordinances, and Florida Statutes.

Goal #11 - Establish and utilize a Private Property Rights Element in compliance with Florida Statutes.

- Objective 11.1 Ensure that private property rights are considered in local decision-making, comply with Florida Statutes.
- Policy 11.1.1 The County will consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases or mineral rights.
- Policy 11.1.2 The County will consider the rights of a property owner to 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 including, but not limited to, this Comprehensive Plan, Land Development Code, and Code of Ordinances, as amended.
- Policy 11.1.3 The County will consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property in accordance with Florida law.
- Policy 11.1.4 The County will consider the right of a property owner to dispose of his or her property through sale or gift.