

Chapter 19

Property Rights Element

A. Introduction

House Bill 59 (2021), which became law on June 29, 2021, amended the provisions of Section 163.3177(6)i, Florida Statutes, to require local governments to protect judicially acknowledged and constitutionally protected private property rights. In the fulfillment of this requirement, each local government is required to include in its comprehensive plan, a property rights element to ensure that private property rights are considered in local decision-making. In lieu of adopting its own property rights element, the local government may adopt the statement of rights provided in the aforementioned house bill 59 (2021). Volusia County has elected to adopt the statutory statement of rights.

B. Statement of Rights

Volusia County respects judicially acknowledged and constitutionally protected private property rights. The following statement of rights is hereby adopted into the Volusia County Comprehensive plan and shall be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right 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.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.