



TO: Nick C. Mimms, P.E., ICMA-CM, City Manager

FROM: Jennifer Hofmeister-Drew, AICP, LCAM

RE: Comprehensive Plan Amendment (Text Amendment) –
Property Rights Element

MEETING DATE: November 15, 2021

STAFF REPORT

**Comprehensive Plan Amendment (Text Amendment)
Property Rights Element**

At the September 7, 2021, City Commission meeting, the Commission voted to approve the transmittal to the Florida Department of Economic Opportunity (DEO) for review of the Comprehensive Plan Text Amendment to create a new Property Rights Element within the City of Fort Pierce Comprehensive Plan. The proposed Comprehensive Plan Amendment was drafted in accordance with the provisions of SB 59 (Fla. Stat. § 163.3177(6)(i)), which passed during the 2021 Florida Legislative Session, signed into law by Governor DeSantis, and incorporated into Florida's Community Planning Act. The new legislation mandated each local government to adopt a Property Rights Element into their comprehensive plan. The list of these provisions that must be addressed and have been included in the City's new Property Rights Element include the following four (4) rights:

1. The right of a property owner to physically possess and control their interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve their 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 their property through sale or gift.

The Technical Review Committee had no objections to the proposed Comprehensive Plan Amendment. At a special meeting held on August 23, 2021, the Planning Board, acting as the Local Planning Agency, recommended approval of the proposed Amendment. Lastly, on October 15, 2021, the Florida DEO completed an expedited review of the proposed Text Amendment and no comments on the proposed amendment (see Attachment 1). Therefore, staff is recommending APPROVAL of the proposed Comprehensive Amendment.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

October 15, 2021

The Honorable Linda Hudson
Mayor, City of Fort Pierce
100 N U.S. Highway 1
Fort Pierce, Florida 34950

Dear Mayor Hudson:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Fort Pierce (Amendment No. 21-03ESR) received on September 16, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

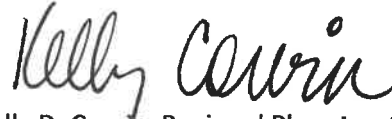
- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Paul Lim, Planning Analyst, by telephone at (850) 717-8511 or by email at Paul.Lim@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink that reads "Kelly Corvin". The signature is written in a cursive style with a large, looped "K" and "C".

Kelly D. Corvin, Regional Planning Administrator
Bureau of Community Planning and Growth

KDC/pl

Enclosure(s): Procedures for Adoption

cc: Rebecca Guerra, Assistant Planning Director, City of Fort Pierce
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://floridajobs.secure.force.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

Attachment 1

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.