

# PROPERTY RIGHTS ELEMENT DATA AND ANALYSIS

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Section 70.002, F.S. Property Owner Bill of Rights. Each county property appraiser office shall provide on its website a Property Owner Bill of Rights. The purpose of the bill of rights is to identify certain existing rights afforded to property owners but is not a comprehensive guide. The Property Owner Bill of Rights does not create a civil cause of action. The Property Owner Bill of Rights must state:

## PROPERTY OWNER BILL OF RIGHTS

This Bill of Rights does not represent all of your rights under Florida law regarding your property and should not be viewed as a comprehensive guide to property rights. This document does not create a civil cause of action and neither expands nor limits any rights or remedies provided under any other law. This document does not replace the need to seek legal advice in matters relating to property law. Laws relating to your rights are found in the State Constitution, Florida Statutes, local ordinances, and court decisions. Your rights and protections include:

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
5. The right to due process.
6. The right to just compensation for property taken for a public purpose.
7. The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property

## **BACKGROUND FOR PUBLIC RIGHTS ELEMENT IN THE STATE OF FLORIDA**

The purpose of the Property Rights Element is to consider property rights in local government decision making and respect the rights of citizens to participate in decisions that affect their lives and property in accordance with the requirements of the Florida Statutes.

Local government rules generally create value in property and bring stability to real estate markets. Rules that benefit the public also protect property rights. However, a local government's process for regulating land greatly impacts real estate markets and property rights. Transparency, predictability, and reliability are three (3) strategies for implementing land use policies in a way that benefits the public and respects property rights. The Private Property Rights Element provides a policy framework in support of these strategies.

## TOWN OF PALM BEACH COMPREHENSIVE PLAN PROPERTY RIGHTS ELEMENT

Effective June 29, 2021, the State of Florida amended the requirements for comprehensive plan elements in ss. 163.3177(6), Florida Statutes, (F.S.), to require a Property Rights Element. The statutory requirement stipulated that the Property Rights Element must be adopted by the earlier of the adoption of the next proposed plan amendment initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of the Comprehensive Plan pursuant to s. 163.3191, F.S. In accordance with the legislative intent expressed in ss. 163.3161(10), F.S. and 187.101(3), F.S., governmental entities must respect judicially acknowledged and constitutionally protected private property rights. As such, the Property Rights Element is intended to ensure that private property rights are considered in local decision-making.

Citizens rely on local government plans: In general, residents choose to live in a community based upon factors that local governments provide, such as the quality of housing, the condition of streets and parks, the proximity to daily needs, and community safety. Businesses locate in a community for its resources, for such assets as consumers and the labor force but also public infrastructure and the environment. Businesses rely on local government plans to ensure these resources will be available. Lastly, real estate investors study local government regulations to make financial plans and accurately evaluate investment opportunities. For investments in real estate to have low risk, local governments need to protect and improve the quality of a community over time.

Land values reflect how desirable a community is in many ways. Regulating land use and protecting property rights are not conflicting goals. Rather, local government rules generally create value in property and bring stability to real estate markets. Rules that benefit the public also protect property rights. A local government's process for regulating land greatly impacts real estate markets and property rights.

Specific to the Town of Palm Beach, the Florida Mining Atlas identifies two (2) potentially valuable mineral resources in Palm Beach, those being coquina and sand. However, the exclusive residential nature of the Town and subsequent high real estate values preclude any mining of these resources, either presently or in the future.

Transparency, predictability, and reliability are three (3) strategies for implementing land use regulations in a way that benefits the public and respects property rights.

1. *Transparency* means people can see and participate in processes for developing rules.
2. *Predictability* means a local government follows rules that are clear and unambiguous. **Purchasers or** real estate investors should be able to read rules and know whether local government will permit a development proposal. Residents should be able to read rules and then know what kind of development will occur in their community.
3. *Reliability* means a local government follows through on its commitments. Cities and counties should make realistic plans and should follow them. Local governments should only change their plans after thorough consideration leads to strong support. When a

government is reliable, people can make long-term investments in the community, which is one (1) key to a successful local economy.

### **PATH FORWARD**

Following the adoption of the Property Rights Element in 2022, the Element was reviewed pursuant to the Evaluation and Appraisal Review for the updated 2024 Comprehensive Plan. Minor adjustments were made to remove mineral rights from consideration as mining is not permitted in the Town. Additionally, this Element has incorporated the Strategic Priorities related to the citizenry contained within the Town of Palm Beach Strategic Plan. Those objectives and policies have been incorporated into the Goals, Objectives, and Policies of the Property Rights Element. As such, this Element has been amended to recognize that the Town should foster a collaborative town government among elected officials, Town staff, volunteers, residents, and businesses to work together to respond positively and proactively to the needs of residents, businesses, and visitors. In order to do such, communication to residents and businesses should be enhanced to create an informed community about emerging topics within the Town, County, and State. A comprehensive formal communications program should be created to provide appropriate resources to address information expectations for community residents and Town employees. Additionally, a more formal two (2) way communication program between the Town and its residents and businesses should be created. Lastly, the Town should enhance the relationships among Town employees and residents and businesses.