



MANATEE COUNTY FLORIDA

September 16, 2021

Department of Economic Opportunity
Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399-2100

Re: Plan Amendment 21-02/Ordinance 21-26 County Initiated Creation of a Property Rights Element Pursuant to State Statute PLN2105-0099

Dear Mr. Eubanks:

Manatee County hereby submits for review one (1) proposed 2021 plan amendment to the Manatee County Comprehensive Plan. This amendment was approved for transmittal by the Manatee County Board of County Commissioners at a public hearing session held on September 16, 2021. A second public hearing shall be held within 180 days after the receipt of comments from the State Land Planning Agency.

Future Land Use Text Amendment:

Transmittal of a Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Comprehensive Planning, amending Ordinance 89-01, as amended, amending the Manatee County Comprehensive Plan, as adopted by Ordinance No. 89-01 as amended, by adding Element 13, Property Rights Element; adding Goals, Objectives, and Policies Pursuant to Section 163.3177, Florida Statutes; providing for a purpose and intent; providing findings; amending provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; providing for codification and providing for an effective date.

Attached is one copy of the Comprehensive Plan amendment and supporting documents, data and analysis, as specified under Florida Statute 163.3184(4) and transmitted in accordance with Florida Statute 163.3184(4)(h), for review by the Department of Economic Opportunity.

Manatee County requests an “Expedited Review” of this amendment by all State agencies as outlined in Florida Statute 163.3184(4). This amendment package has also been transmitted to the Florida Department of Environmental Protection, Southwest Florida Water Management District, Florida Department of Transportation, Tampa Bay Regional Council, Department of State, Bureau of Historic Preservation, Florida Fish & Wildlife Conservation Commission and Department of Agriculture and Consumer Affairs.

Board of County Commissioners
1112 Manatee Avenue West, Bradenton, FL 34205
www.mymanatee.org • Phone: (941) 745-3700 • Fax: (941) 745-3790

**JAMES
SATCER**
District 1

**REGGIE
BELLAMY**
District 2

**KEVIN
VAN OSTENBRIDGE**
District 3

**MISTY
SERVIA**
District 4

**VANESSA
BAUGH**
District 5

**CAROL
WHITMORE**
At Large

**GEORGE W.
KRUSE**
At Large

The proposed amendment is not being adopted pursuant to joint planning agreement nor is the amendment located within an area of critical state concern or Resource Planning and Management Area.

Any questions you may have concerning the proposed plan amendment by be directed to Lisa Wenzel, Planning Section Manager at the address, telephone number or e-mail listed below.

Manatee County Administration Building

Attn: Lisa Wenzel, Planning Section Manager

1112 Manatee Avenue West, 4th Floor

Bradenton, FL 34205

Telephone: 941-748-4501, ext. 6884

lisa.wenzel@mymanatee.org

Thank you for your assistance and cooperation.

Sincerely

BOARD OF COUNTY COMMISSIONERS

MANATEE COUNTY, FLORIDA



Vanessa Baugh, Chairperson

Enclosures



Land Use
September 2, 2021 - Land Use Meeting

SUBJECT

PA-21-02/ORDINANCE 21-26 - COUNTY INITIATED CREATION OF A PROPERTY RIGHTS ELEMENT PURSUANT TO STATE STATUTE - LEGISLATIVE - LISA WENZEL, PLANNING MANAGER
TRANSMITTAL OF AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN BY ADDING ELEMENT 13, PROPERTY RIGHTS ELEMENT; ADDING GOALS, OBJECTIVES, AND POLICIES PURSUANT TO SECTION 163.3177, FLORIDA STATUTES.

Category

ADVERTISED PUBLIC HEARINGS (Presentation Scheduled)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Presenter: Lisa Wenzel, Planning Section Manager, 941-748-4501 ext. 6884,
lisa.wenzel@mymanatee.org.

Contact: Bobbi Roy, Senior Planning and Zoning Technician, 941-748-4501 ext. 6878,
bobbi.roy@mymanatee.org.

Action Requested

MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, the action of the Planning Commission and finding the request to be CONSISTENT with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, I move to TRANSMIT Plan Amendment PA-21-02, as recommended by the Planning Commission.

Enabling/Regulating Authority

Chapter 163, Part II, Florida Statutes
Manatee County Comprehensive Plan
Manatee County Land Development Code

Background Discussion

ITEM 1

- During the 2021, Florida Legislative Session, Ch. 2021-195, Fla. Laws, was passed providing for amendments to Section 163.3177, Florida Statute (F.S.) requiring local governments to include a property rights element in their comprehensive plan; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan.
- Although the Manatee County Comprehensive Plan currently includes consideration of private property right, the state statute now requires an element be created to specifically address private property rights and is now a required element under Chapter 163, F.S
- Manatee County has several privately-initiated and County-initiated plan amendments in various stages of the development review process. In addition, Manatee County's Evaluation and Appraisal Report is due to the Florida Department of Economic Opportunity by December 1, 2021. Therefore, it is imperative the proposed text amendment establishing the Property Rights Element be adopted in a timely manner.
- Staff recommends transmittal of the text amendments as shown in Exhibit "A" of proposed Ordinance 21-26, attached. The proposed language is from the state statute, as amended by Ch. 2021-195, Fla. Laws.
- On August 12, 2021, by a vote of 5 – 0, the Planning Commission recommended Transmittal. Mr. Rahn and Mr. Smock were absent.

Attorney Review

Other (Requires explanation in field below)

Other (if applicable)

Camilo Soto reviewed and responded by email to Matter 2021-0234,

Reviewing Attorney

Soto

Instructions to Board Records [9/16/21 QA original sent to Bobbi Roy](#)

Please forward copy of letter to bobbi.roy@mymanatee.org for timely distribution to the Florida Department of Economic Opportunity.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Board of County Commissioners: 09/16/2021

**PA-21-02 / ORDINANCE-21-26
COUNTY INITIATED
CREATION OF A PROPERTY RIGHTS ELEMENT PURSUANT TO STATE STATUTE
PLN2105-0099**

TRANSMITTAL OF AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING; AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 89-01 AS AMENDED, BY ADDING ELEMENT 13, PROPERTY RIGHTS ELEMENT; ADDING GOALS, OBJECTIVES, AND POLICIES PURSUANT TO SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR A PURPOSE AND INTENT; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

P.C.: 08/12/2021

B.O.C.C.: 09/16/2021 – Transmittal

Type of Amendment: Text

MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, the action of the Planning Commission and finding the request to be CONSISTENT with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, I move to TRANSMIT Plan Amendment PA-21-02, as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:

On August 12, 2021, by a vote of 5 – 0, the Planning Commission recommended Transmittal. Mr. Smock and Mr. Rahn were absent.

PUBLIC COMMENT AND CORRESPONDENCE:

August 12, 2021 Planning Commission

There were no public comments.

Nothing was entered into the record.

PLAN AMENDMENT SUMMARY SHEET

Name: County Initiated Text Amendment
Property Rights Element – Element 13

Case Number: PA-21-02 / Ordinance 21-26

Recommendation: Transmittal of Text Amendment

BACKGROUND

During the 2021, Florida Legislative Session, Ch. 2021-195, Fla. Laws, was passed providing for amendments to Section 163.3177, Florida Statute (F.S.) requiring local governments to include a property rights element in their comprehensive plan; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan.

Manatee County has several privately-initiated and County-initiated plan amendments in various stages of the development review process. In addition, Manatee County’s Evaluation and Appraisal Report is due to the Florida Department of Economic Opportunity by December 1, 2021. Therefore, it is imperative the proposed text amendment establishing the Property Rights Element be adopted in a timely manner.

SUMMARY

The Manatee County Comprehensive Plan is developed pursuant to the requirements of Chapter 163, F.S., the “Community Planning Act.” The Comprehensive Plan for Unincorporated Manatee County though developed in response to state law, is based on and responds to the unique past, present, and preferred future characteristics of the unincorporated area of Manatee County, and of adjacent local governments. In fact, the Manatee County Comprehensive Plan has other targeted functions, as enumerated in the goals of the various plans elements beyond those expressly defined in Chapter 163, F.S. Within the Comprehensive Plan today, Section B, Purpose, under the Introduction of the Comprehensive Plan outlines why these goals are developed, which include to:

- Improve the physical environment of the community as a setting for human and natural resource activities;
- Protect the public health, safety, and welfare;
- Ensure that long-range considerations are included in the determination of short-range actions;
- Provide for fair and equitable consideration of **private property rights** while ensuring appropriate protection of the (more broadly-defined) public interest as determined by the Board of County Commissioners of Manatee County;
- Effect political cooperation and technical coordination by bringing professional and technical knowledge to bear on governmental decisions concerning the physical development of the community; and

- Promote a healthy, stable, and vigorous local economy which can satisfy the goods and service needs of the local community, can provide opportunities for economic activity exporting goods and services outside Manatee County, and offer the community an ample range of employment opportunities.

Although the Manatee County Comprehensive Plan currently includes consideration of private property right, as shown above, the state statute now requires an element be created to specifically address private property rights and is now a required element under Chapter 163, F.S.

REQUEST

This text amendment includes the creation of Element 13, Property Rights Element, within the Manatee County Comprehensive Plan to ensure private property rights are considered in the decision-making governed by the Comprehensive Plan, as detailed in state statute.

The amendment is consistent with Section 163.3177, FS, required and optional elements of comprehensive plan; studies and surveys, amended by House Bill 59, requiring that governmental entities respect judicially acknowledged and constitutionally protected private property rights by having each local government include a property rights element within its comprehensive plan.

The statute provides a statement of rights to include within the element. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in statute.

CONCLUSION

Staff recommends transmittal of the text amendments as shown below and in Exhibit “A” of proposed Ordinance 21-26, attached. The proposed language is from the state statute, as amended by Ch. 2021-195, Fla. Laws.

ELEMENT 13

PROPERTY RIGHTS ELEMENT

GOAL 13.1

Respect judicially acknowledged and constitutionally protected private property rights.

Objective 13.1.1 Private Property Rights.

Ensure private property rights are considered in the local decision-making process.

Policy 13.1.1.1 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, the following shall be considered in the decision-making governed by this Comprehensive Plan:

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.

Implementation Mechanism:

- (a) Review Land Development Regulations for compliance with this Element.

Attachments:

1. Consistency with State Comprehensive Plan
2. Chapter 2021-195, Fla. Laws
3. DEO Notice of Legislative Change Concerning Property Rights
4. Newspaper Advertising
5. Draft Ordinance with Exhibit “A” – Element 13 – Property Rights Element
6. Transmittal Letter for Chairperson Signature

Consistency with State Comprehensive Plan

The proposed amendment is consistent with
Florida Statutes 163 Part II

163.3184 Process for adoption of comprehensive plan or plan amendment states “in compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan; studies and surveys
This plan amendment request is in compliance with the requirement for a Property Rights Element and maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan
The Manatee County’s Evaluation and Appraisal report is due to DEO by December of 2021

163.3245 Sector plans
There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas
There are no Rural Land Stewardship areas established at this time.

The proposed amendment is consistent with the following goal(s) and policy(ies)
of the State Comprehensive Plan:

187.101(3)

CHAPTER 2021-195

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 59

An act relating to growth management; amending s. 163.3167, F.S.; specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; amending s. 163.3177, F.S.; requiring local governments to include a property rights element in their comprehensive plans; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; amending s. 163.3237, F.S.; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; providing an exception; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances; providing requirements and procedures for the right of first refusal; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing retroactive applicability; providing a declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan is controlling until the municipality adopts a comprehensive plan in accordance with this act. A comprehensive plan for a newly incorporated municipality which becomes effective ~~adopted~~ after January 1, 2016 ~~2019~~, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

Section 2. Paragraph (i) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(i)1. 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. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

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.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 3. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, unless the amendment or

cancellation directly modifies the allowable uses or entitlements of such owners' property.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e). Notwithstanding any provision of this section to the contrary, before any conveyance under this subsection may be made, except a conveyance under paragraph (a) or paragraph (c), the department shall first afford a right of first refusal to the previous property owner for the department's current estimate of value of the property. The right of first refusal must be made in writing and sent to the previous owner via certified mail or hand delivery, effective upon receipt. The right of first refusal must provide the previous owner with a minimum of 30 days to exercise the right in writing and must be sent to the originator of the offer by certified mail or hand delivery, effective upon dispatch. If the previous owner exercises his or her right of first refusal, the previous owner has a minimum of 90 days to close on the property. The right of first refusal set forth in this subsection may not be required for the disposal of property acquired more than 10 years before the date of disposition by the department.

(a) If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement

housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.

(d) If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.



FLORIDA DEPARTMENT *of*
ECONOMIC OPPORTUNITY

Notice of Legislative Change Concerning Property Rights

Dear Local Government Partners:

The Bureau of Community Planning and Growth would like to provide you with an update on legislation that recently became law. Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a property rights element into their comprehensive plan. Inclusion of the property rights element is intended to protect private property rights and to ensure they are considered in local decision-making.

[House Bill 59](#), which became law on June 29, 2021, adds [Section 163.3177\(6\)\(i\), Florida Statutes](#). Effective **July 1, 2021**, each local government is now required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to [Section 163.3191, Florida Statutes](#).

Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the comprehensive plan does not already include the required property rights element.

The Bureau of Community Planning and Growth is available to provide you with assistance. For any questions that you have regarding this matter, please contact Ray Eubanks, Plan Processing Administrator, by telephone at 850- 717-8483 or email at Ray.Eubanks@DEO.MyFlorida.com.

PA-21-02 / ORDINANCE NO. 21-26
**COUNTY INITIATED COMPREHENSIVE PLAN AMENDMENT – CREATION OF A
PROPERTY RIGHTS ELEMENT PURSUANT TO STATE STATUTE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING; AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 89-01 AS AMENDED, BY ADDING ELEMENT 13, PROPERTY RIGHTS ELEMENT; ADDING GOALS, OBJECTIVES, AND POLICIES PURSUANT TO SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee (the County) to prepare and enforce comprehensive plans for the development of the County; and,

WHEREAS, the Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2020) as amended, empowers and requires the County (a) to plan for the County’s future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the County; and,

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and,

WHEREAS, Ch. 2021-195, 2021 Fla. Laws, amends Section 163.3177, Florida Statutes, in accordance with the legislative intent expressed in sections 163.3161(10) and 187.101(3), Florida Statutes, requiring local governments codify consideration for private property rights in comprehensive plan-governed decision-making, by amending such comprehensive plans to add a Property Rights Element; and

WHEREAS, this ordinance is part of County-initiated Application PA-21-02 (the Application), and it proposes the text amendment to the Comprehensive Plan adding Element 13, Property Rights Element, consistent with Florida Statutes; and

WHEREAS, at a duly noticed public hearing held on August 12, 2021, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered the Application and passed a motion recommending transmittal of the Application to the Board of County Commissioners; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing September 16, 2021, to consider the Application and the transmittal of the proposed Comprehensive Plan amendment to the Department of Economic Opportunity (DEO), as the state land planning agency, in accordance with the Act; and,

WHEREAS, the DEO's by letter dated [REDACTED], 2021, identified no comments related to important state resources and facilities within the DEO's authorized scope of review that would be adversely impacted by adoption of this ordinance; and

WHEREAS, the Florida Department of Agriculture and Consumer Services by letter dated [REDACTED], 2021, has no comments regarding any potential adverse impacts to important state resources or facilities related to agriculture, aquaculture, or forestry resources by adoption of this ordinance; and

WHEREAS, the Florida Department of Education by letter dated [REDACTED], 2021, identified no potential for adoption of this ordinance to significantly adversely impact public school facilities; and

WHEREAS, the Florida Department of Environmental Protection, by correspondence dated [REDACTED], 2021, transmitted its review comments regarding the Comprehensive Plan Amendment proposed by this ordinance and determined no provision of this ordinance, if adopted, would adversely impact important state resources, specifically air and water pollution, wetlands and other surface waters of the state, federal and state-owned lands and interests in lands including state parks, greenways and trails, conservation easements, solid waste, and water and waste water treatment; and

WHEREAS, the Florida Fish and Wildlife Commission by letter dated [REDACTED], 2021, identified no comments related to fish and wildlife or listed species and their habitat with regard to adoption of this ordinance; and

WHEREAS, the Florida Department of Transportation by letter dated [REDACTED], 2021, transmitted its review comments regarding adoption of this ordinance, as to transportation resources and facilities of state importance; and

WHEREAS, the Southwest Florida Water Management District, by letter dated [REDACTED], 2021, provided comments stating no adverse impact on regional water supply resources by adoption of this ordinance; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council (TBRPC) prepared a report regarding the Comprehensive Plan Amendment proposed by this ordinance and had their report affirmed at the meeting of [REDACTED], 2021; and

WHEREAS, the TBRPC report identified no adverse effects on regional resources or facilities as identified in *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region 2005* and no extra-jurisdictional impacts were identified that would be inconsistent with the comprehensive plan of any affected local government; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2020), on [REDACTED], 2021, the Board of County Commissioners held a public hearing, with due public notice having been provided, to consider the adoption of said proposed Comprehensive Plan amendment; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission, the DEO's comment, and all applicable state or local review agencies; and

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-21-02 would be in the public interest; and

WHEREAS, the Board of County Commissioners, based upon the foregoing findings has determined that the requirements for amending the Comprehensive Plan in Section C.2.3.3, Introduction of the Comprehensive Plan have been satisfied; and

WHEREAS, all applicable requirements of general law and local law have been followed and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2020), and the Plan Format and Administrative Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

Section 1. Purpose and Intent: This ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in the Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The findings set forth in the "Whereas" clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this ordinance.

Section 3. Text Amendment Creating New Element 13: The Manatee County Comprehensive Plan is hereby amended adding new Element 13, the Property Rights Element, adding new Goals, Objectives, and Policies as described in Exhibit "A," attached hereto and made a part hereof by reference.

Section 4. Severability: If any section, sentence, clause, or other provision of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. Codification: The publisher of the County’s Comprehensive Plan, the Municipal Code Corporation, is directed to incorporate the text within Exhibit “A,” as referenced in Section 3 of this ordinance into the Comprehensive Plan.

Section 6. Effective Date: The effective date of this ordinance, if this ordinance is not timely challenged, shall be 31 days after the DEO notifies Manatee County that the adopted plan amendment package for PA-21-02 is complete. If timely challenged, this amendment shall become effective on the date the DEO or the Administration Commission enters a final order determining this ordinance be in compliance. No development orders, development permits, or land uses dependent on this ordinance may be issued or commenced before it has become effective.

PASSED AND DULY ADOPTED with a quorum present and voting this _____ day of _____, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Vanessa Baugh, Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: _____
Deputy Clerk

EXHIBIT “A”

ELEMENT 13

PROPERTY RIGHTS ELEMENT

GOAL 13.1

Respect judicially acknowledged and constitutionally protected private property rights.

Objective 13.1.1 Private Property Rights.

Ensure private property rights are considered in the local decision-making process.

Policy 13.1.1.1 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, the following shall be considered in the decision-making governed by this Comprehensive Plan:

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.

Implementation Mechanism:

- (a) Review Land Development Regulations for compliance with this Element.



MANATEE COUNTY FLORIDA

September 16, 2021

Department of Economic Opportunity
Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399-2100

Re: Plan Amendment 21-02/Ordinance 21-26 County Initiated Creation of a Property Rights Element Pursuant to State Statute PLN2105-0099

Dear Mr. Eubanks:

Manatee County hereby submits for review one (1) proposed 2021 plan amendment to the Manatee County Comprehensive Plan. This amendment was approved for transmittal by the Manatee County Board of County Commissioners at a public hearing session held on September 16, 2021. A second public hearing shall be held within 180 days after the receipt of comments from the State Land Planning Agency.

Future Land Use Text Amendment:

Transmittal of a Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Comprehensive Planning, amending Ordinance 89-01, as amended, amending the Manatee County Comprehensive Plan, as adopted by Ordinance No. 89-01 as amended, by adding Element 13, Property Rights Element; adding Goals, Objectives, and Policies Pursuant to Section 163.3177, Florida Statutes; providing for a purpose and intent; providing findings; amending provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; providing for codification and providing for an effective date.

Attached is one copy of the Comprehensive Plan amendment and supporting documents, data and analysis, as specified under Florida Statute 163.3184(4) and transmitted in accordance with Florida Statute 163.3184(4)(h), for review by the Department of Economic Opportunity.

Manatee County requests an “Expedited Review” of this amendment by all State agencies as outlined in Florida Statute 163.3184(4). This amendment package has also been transmitted to the Florida Department of Environmental Protection, Southwest Florida Water Management District, Florida Department of Transportation, Tampa Bay Regional Council, Department of State, Bureau of Historic Preservation, Florida Fish & Wildlife Conservation Commission and Department of Agriculture and Consumer Affairs.

Board of County Commissioners
1112 Manatee Avenue West, Bradenton, FL 34205
www.mymanatee.org • Phone: (941) 745-3700 • Fax: (941) 745-3790

**JAMES
SATCHER**
District 1

**REGGIE
BELLAMY**
District 2

**KEVIN
VAN OSTENBRIDGE**
District 3

**MISTY
SERVIA**
District 4

**VANESSA
BAUGH**
District 5

**CAROL
WHITMORE**
At Large

**GEORGE W.
KRUSE**
At Large

The proposed amendment is not being adopted pursuant to joint planning agreement nor is the amendment located within an area of critical state concern or Resource Planning and Management Area.

Any questions you may have concerning the proposed plan amendment by be directed to Lisa Wenzel, Planning Section Manager at the address, telephone number or e-mail listed below.

Manatee County Administration Building

Attn: Lisa Wenzel, Planning Section Manager

1112 Manatee Avenue West, 4th Floor

Bradenton, FL 34205

Telephone: 941-748-4501, ext. 6884

lisa.wenzel@mymanatee.org

Thank you for your assistance and cooperation.

Sincerely

BOARD OF COUNTY COMMISSIONERS

MANATEE COUNTY, FLORIDA

Vanessa Baugh, Chairperson

Enclosures



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
33903	125387	BRD/ 9-1-21/ BCC PA	BCC PA	\$175.00	3	10.18 in

Attention: Bobbi Roy
 Manatee County Planning Department
 PO BOX 1000
 BRADENTON, FL 34206

Bobbi Roy
 September 8, 2021
 107-0006301

Copy of ad content
 is on the next page

THE STATE OF TEXAS COUNTY OF DALLAS

Before the undersigned authority personally appeared Ryan Dixon, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice, was published in said newspaper in the issue(s) of:

No. of Insertions: 1
 Beginning Issue of: 09/01/2021
 Ending Issue of: 09/01/2021

THE STATE OF FLORIDA COUNTY OF MANATEE

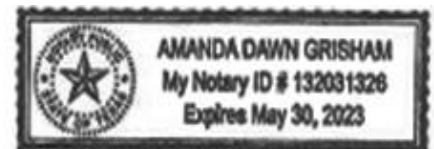
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Ryan Dixon

Sworn to and subscribed before me this 8th day of September in the year of 2021

Amanda Grisham

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

NOTICE OF LAND USE CHANGE

Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County – Notice to Real Property Owners and General Public.

The Manatee County Board of County Commissioners will hold a public hearing to consider the transmittal of the following amendments to the Manatee County Comprehensive Plan. The amendments pertain to the unincorporated areas of Manatee County. At the conclusion of the public hearing the Board of County Commissioners shall determine whether in interest, in transit with modifications or not transmit the amendments to the Manatee County Comprehensive Plan.

Date: September 26, 2023
Time: 1:30 p.m., or some thereafter as soon as may be heard
Place: Manatee County Government Administration Center
1122 Manatee Ave. West, Patricia H. Glass Chambers (1st Floor)

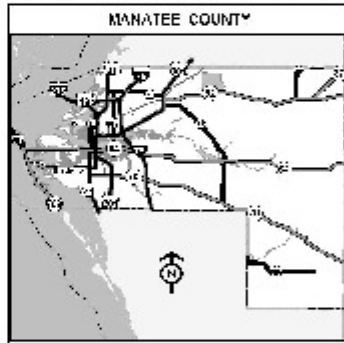
Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

PA-21-02 / ORDINANCE NO. 21-08 COUNTY UTILITIES COMPREHENSIVE PLAN AMENDMENT – CREATION OF A PROPERTY RIGHTS ELEMENT PURSUANT TO STATE STATUTE 189.377

Transmittal of an Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Comprehensive Planning, amending the Manatee County Comprehensive Plan, as adopted by Ordinance No. 26-01 as amended, by adding Element 16, Property Rights Element; adding goals, objectives, and policies, pursuant to Section 189.3777, Florida Statutes; providing for a purpose and intent; providing findings; amending provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; providing for codification; and providing for an effective date.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution R-20-026. Copies of this Resolution may be obtained from the Building and Development Services Department (see address below).



Please Email Comments To: [Manatee County Building and Development Services Department](mailto:ManateeCountyBuildingandDevelopmentServicesDepartment@fla.gov)
Attn: Agenda Coordinator
1122 Manatee Ave. West, 4th Floor
Bradenton, FL 34208
manatee.com/buildingdevelopment.srv

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4881, Ext. 6878, between 8:00 AM and 5:00 PM.

Accessibility with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discriminative policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Carina DeMillo at 941-782-6764 ext. 8308 or carina.demillo@manateeclearing.org; TDD ONLY 748-6602 and text 688 sounds, or FAX 748-3790.

According to Section 268.0706, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

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Date: September 16, 2021
Time: 1:30 p.m., or soon thereafter as same may be heard
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West; Patricia M. Glass Chambers (1st Floor)

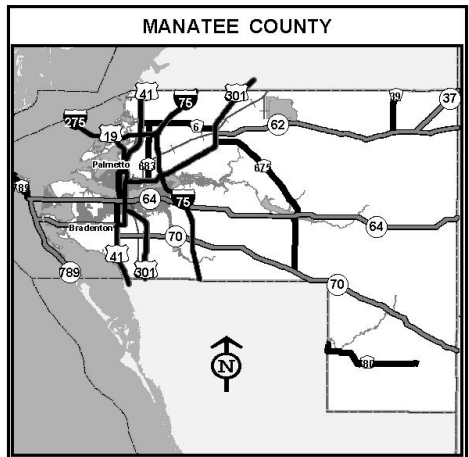
Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

PA-21-02 / ORDINANCE NO. 21-26 COUNTY INITIATED COMPREHENSIVE PLAN AMENDMENT – CREATION OF A PROPERTY RIGHTS ELEMENT PURSUANT TO STATE STATUTE PLN2001-0044

Transmittal of an Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Comprehensive Planning, amending the Manatee County Comprehensive Plan, as adopted by Ordinance No. 89-01 as amended; by adding Element 13, Property Rights Element; adding goals, objectives, and policies, pursuant to Section 163.3177, Florida Statutes; providing for a purpose and intent; providing findings; amending provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; providing for codification; and providing for an effective date.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution R-20-065. Copies of this Resolution may be obtained from the Building and Development Services Department (see address below).



Please Send Comments To: Manatee County Building and Development Services Department
Attn: Agenda Coordinator
1112 Manatee Ave. West, 4th Floor
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling **748-4501, Ext. 6878**, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Carmine DeMilio at 941-792-8784 ext. 8303 or carmine.demilio@mymanatee.org; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Manatee Co. Planning Dept/Lg *
1112 Manatee AVE W
FL 4TH
Bradenton FL 34205-7804

STATE OF FLORIDA, COUNTY OF Sarasota

The Herald-Tribune, a newspaper printed and published in the city of Sarasota, and of general circulation in the Counties of Sarasota, Manatee, and Charlotte, State of Florida and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

09/01/2021

and that the fees charged are legal.
Sworn to and subscribed before on 09/01/2021

Legal Clerk

Notary, State of WI, County of Brown

My commision expires

Bobbi Roy

September 8, 2021
107-0006301

Publication Cost: \$275.00

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

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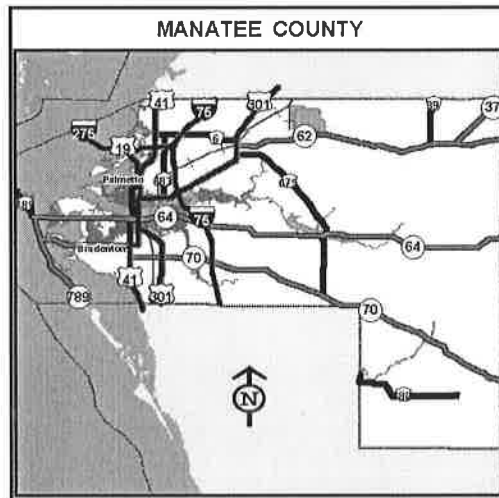
Date: September 16, 2021
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Place: Manatee County Government Administrative Center
1112 Manatee Ave. West; Patricia M. Glass Chambers (1st Floor)

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PA-21-02 / ORDINANCE NO. 21-26

COUNTY INITIATED COMPREHENSIVE PLAN AMENDMENT – CREATION OF A PROPERTY RIGHTS ELEMENT PURSUANT TO STATE STATUTE PLN2001-0044

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