

**RESOLUTION NO. 21-\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE CONSIDERATION OF PRIVATE PROPERTY RIGHTS IN SMALL-SCALE AMENDMENTS TO COMPLY WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature recently changed statutory provisions of Chapter 163, Florida Statutes effective on July 1, 2021 to ensure that private property rights are considered in local decision-making and requiring the adoption of a Property Rights Element in the Comprehensive Plan; and

**WHEREAS**, the purpose and overall goal for the Property Rights Element is to signify respect for judicially acknowledged and constitutionally protected private property rights, and to ensure that those rights are considered in Marion County’s decision-making concerning land use and zoning matters; and

**WHEREAS**, the Marion County Board of County Commissioners desires to update the Comprehensive Plan consistent with such statutory changes by adopting a “Property Rights Element”; and

**WHEREAS**, Florida Department of Economic Opportunity (DEO), the state’s land planning agency, has indicated the County cannot submit any large-scale amendments for their review unless the County has either previously adopted a Property Rights Protection Element amendment, or at least are submitting such Property Rights Element to DEO at the same time as any other proposed amendment; and

**WHEREAS**, the County does not transmit small-scale amendments to DEO for their review and pending the amendment of the Comprehensive Plan to add the property rights element, several small-scale amendments may be before the Board for their consideration;

**WHEREAS**, the Board desires to consider small-scale amendments prior to the amendment of the Comprehensive Plan;

**SECTION 1: RECITALS.** The above recitals are true, correct and incorporated herein by this reference.

**SECTION 2: PRIVATE PROPERTY RIGHTS.** Prior to the adoption of a private property rights element in the Comprehensive Plan, when considering any small-scale amendments, the following rights shall be considered in decision-making by the Board:

- 1) The right of a property owner to physically possess and control their interests in 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.

**SECTION 3: SEVERABILITY.** The provisions of this Resolution are severable. If any word, sentence, clause, phrase or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

**SECTION 4: CONFLICT.** All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

**SECTION 5: EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

**DULY ADOPTED** by the Board of County Commissioners of Marion County, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

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JEFF GOLD, Chairman

ATTEST:

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GREGORY C. HARRELL,  
CLERK