



## PRIORITIZE COMMUNITY NEEDS

# Do Not Create a Backdoor for Special Interests in the Bert Harris Act

The Florida League of Cities calls on the Florida Legislature to oppose substantive changes to the Bert J. Harris Jr. Property Rights Protection Act.

### KEY POINTS

- **Protect residents, not special interests.** Special interest groups are attempting to manipulate the Bert J. Harris Jr. Property Rights Protection Act to bring about universal policy change for personal gain, leaving taxpayers to pay the bill. The Legislature should prioritize what communities need, not what special interests want.
- **The process is deliberate by design.** Bert Harris claims purposefully follow a well-detailed process to ensure each claim meets the standards set forth in Florida law and does not adversely affect the property rights of other property owners. A variance is designed to be an exception to the rule with just cause, not become the rule itself.
- **Universal application of a variance has unintended consequences.** If you apply a variance to all similarly situated properties, you run the risk of increased strain on supporting infrastructure, exacerbating environmental concerns and creating a knock-on effect on adjacent properties.
- **Changes to current law will hinder development.** The Bert Harris Act currently provides a timeline for potential claims. This timeline allows cities to work with affected parties before commencing with a growth or redevelopment project contained in a community's comprehensive plan. Changes to that timeline could dramatically impact the ability of a community to forge ahead with smart growth.

The Bert J. Harris Act of 1995 was created to give landowners an avenue for seeking compensation when a local government takes action that impacts the real or potential use of their property. Claims are usually related to a reduction in fair market value or potential market value. A "variance" is sometimes granted in lieu of compensation. This negotiated pass, in essence, exempts the property owner from complying with the local action that resulted in the claim or sets up a set of special rules for the impacted property. The Act is both detailed and fair. It allows local governments to negotiate directly with property owners filing a claim and calls on the judicial system to consider the unique conditions of each claim. While Bert Harris claims are frequent, many are negotiated locally without going to trial, which saves taxpayer dollars and proves that the system in place is working.



**Changing the intent of the Bert J. Harris Act is shortsighted and dangerous. Prioritize community needs.**

For more information, contact David Cruz at (850) 701-3676 or [dcruz@flcities.com](mailto:dcruz@flcities.com).