

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/HB 701 — Property Rights**

by Economic Affairs Committee; Community and Military Affairs Subcommittee; Rep. Eisnaugle and others (CS/SB 998 by Judiciary Committee; and Senators Simmons, Hays, Thrasher, Wise, Bennett, Alexander, Dean, Gaetz, Evers, Haridopolos, and Siplin)

The bill amends the Bert Harris Act to make the following changes to Florida's statutory protections on real property rights. The bill:

- Specifies that a temporary impact on development that is in effect for longer than one year may, depending upon the circumstances, constitute an “inordinate burden;”
- Clarifies that circumstances leading to the time elapsed between enactment of the law or regulation and its first application to the property are relevant to determining whether the investment-backed expectations were inordinately burdened;
- Changes the required notification periods from 180 days to 150 days.
- Changes the term “ripeness decision” to “statement of allowable uses” and revises language specifying when the prerequisites for judicial review are met for property owners;
- Clarifies that the one-year statute of limitations begins to run when:
  - a law or regulation is first applied upon enactment and notice mailed to the property owner, or
  - there is a formal denial of a written request for development or variance; and
- Specifies that sovereign immunity is waived for purposes of the Bert Harris Act.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 39-0; House 98-15*