

By Representatives Burroughs and Putnam

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House Joint Resolution

A joint resolution proposing the creation of
Section 17 of Article X of the State
Constitution, relating to property rights.

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

That the creation of the following Section 17 of
Article X of the State Constitution is agreed to and shall be
submitted to the electors of this state for approval or
rejection at the next general election or at an earlier
special election specifically authorized for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 17. Property rights.--

(a) When any action or regulation by the state, its
agencies, or its political subdivisions restricts, for the
public good, the use of part or all of private real property
thereby causing a loss in the fair-market value of the
property which in fairness should be borne by the public, full
compensation must be paid to the owner of the real property.

(b) All these issues must be determined by jury trial
in circuit court without prior resort to administrative
remedies.

(c) This section applies to actions taken and
regulations enacted after the effective date of this section
as well as to the application after the effective date of this
section of regulations enacted on or before the effective date
of this section without abrogating any other remedy lawfully
available.

1 (d) This section does not apply to any governmental
2 action or regulation that restricts a use of real property
3 which is a nuisance under the common law.

4 BE IT FURTHER RESOLVED that the following statement be
5 placed on the ballot:

6 CONSTITUTIONAL AMENDMENT

7 ARTICLE X, SECTION 17

8 PROPERTY RIGHTS: COMPENSATION FOR UNFAIR VALUE LOSS
9 CAUSED BY GOVERNMENTAL USE RESTRICTIONS ON REAL
10 PROPERTY.--Proposing an amendment to the State Constitution
11 which requires that, when government restricts the use of
12 private real property, other than nuisance property, and
13 causes a loss in fair-market value which in fairness should be
14 borne by the public, full compensation must be paid to the
15 owner pursuant to a jury trial without prior resort to
16 administrative remedies, and which applies to future actions
17 and regulations and to the future application of existing
18 regulations.