

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Silver

316-1779-00

1 A bill to be entitled
2 An act relating to eminent domain; amending s.
3 166.411, F.S.; authorizing municipalities to
4 exercise the power of eminent domain for public
5 school purposes; providing for repeal;
6 providing an effective date.

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

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10 Section 1. Section 166.411, Florida Statutes, is
11 amended to read:

12 166.411 Eminent domain; uses or
13 purposes.--Municipalities are authorized to exercise the power
14 of eminent domain for the following uses or purposes:

15 (1) For the proper and efficient carrying into effect
16 of any proposed scheme or plan of drainage, ditching, grading,
17 filling, or other public improvement deemed necessary or
18 expedient for the preservation of the public health, or for
19 other good reason connected in anywise with the public welfare
20 or the interests of the municipality and the people thereof;

21 (2) Over railroads, traction and streetcar lines,
22 telephone and telegraph lines, all public and private streets
23 and highways, drainage districts, bridge districts, school
24 districts, or any other public or private lands whatsoever
25 necessary to enable the accomplishment of purposes listed in
26 s. 180.06;

27 (3) For streets, lanes, alleys, and ways;

28 (4) For public parks, squares, and grounds;

29 (5) For drainage, for raising or filling in land in
30 order to promote sanitation and healthfulness, and for the
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1 taking of easements for the drainage of the land of one person
2 over and through the land of another;

3 (6) For reclaiming and filling when lands are low and
4 wet, or overflowed altogether or at times, or entirely or
5 partly;

6 (7) For the abatement of any nuisance;

7 (8) For the use of water pipes and for sewerage and
8 drainage purposes;

9 (9) For laying wires and conduits underground; ~~and~~

10 (10) For city buildings, waterworks, ponds, and other
11 municipal purposes which shall be coextensive with the powers
12 of the municipality exercising the right of eminent domain;
13 and-

14 (11) For obtaining lands to be conveyed by the
15 municipality to the school board of the school district for
16 the county within which the municipality is located, if the
17 school board requests in writing that the municipality obtain
18 such lands for conveyance to the school board and promises to
19 use the land to establish a public school thereon. Fulfilling
20 the purpose of this subsection is recognized as constituting a
21 valid municipal public purpose.

22 Section 2. Section 166.411(11), Florida Statutes, is
23 repealed January 1, 2003. Any eminent domain action that was
24 filed pursuant to section 166.411(11), Florida Statutes,
25 before January 1, 2003, shall not be affected by the repeal of
26 section 166.411(11), Florida Statutes.

27 Section 3. This act shall take effect upon becoming a
28 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1230

1. Requires the school board to "promise," rather than "use its best efforts" to use land it requests a municipality to condemn to establish a public school.
2. Provides that the eminent domain authority granted by the bill is repealed on January 1, 2003.