

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; amending
6 s. 74.011, F.S.; including specified hospital
7 districts within entities authorized to avail
8 themselves of the provisions of ch. 74, F.S.,
9 to take possession and title in advance of an
10 entry of final judgment in any eminent domain
11 action; providing for expiration of the
12 amendments to s. 74.011, F.S., by section 3 of
13 the act on July 1, 2003; providing effective
14 dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 166.411, Florida Statutes, is
19 amended to read:

20 166.411 Eminent domain; uses or
21 purposes.--Municipalities are authorized to exercise the power
22 of eminent domain for the following uses or purposes:

23 (1) For the proper and efficient carrying into effect
24 of any proposed scheme or plan of drainage, ditching, grading,
25 filling, or other public improvement deemed necessary or
26 expedient for the preservation of the public health, or for
27 other good reason connected in anywise with the public welfare
28 or the interests of the municipality and the people thereof;

29 (2) Over railroads, traction and streetcar lines,
30 telephone and telegraph lines, all public and private streets
31 and highways, drainage districts, bridge districts, school

1 districts, or any other public or private lands whatsoever
2 necessary to enable the accomplishment of purposes listed in
3 s. 180.06;

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

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

6 (5) For drainage, for raising or filling in land in
7 order to promote sanitation and healthfulness, and for the
8 taking of easements for the drainage of the land of one person
9 over and through the land of another;

10 (6) For reclaiming and filling when lands are low and
11 wet, or overflowed altogether or at times, or entirely or
12 partly;

13 (7) For the abatement of any nuisance;

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

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

17 (10) For city buildings, waterworks, ponds, and other
18 municipal purposes which shall be coextensive with the powers
19 of the municipality exercising the right of eminent domain;
20 ~~and-~~

21 (11) For obtaining lands to be conveyed by the
22 municipality to the school board of the school district for
23 the county within which the municipality is located, if the
24 school board requests in writing that the municipality obtain
25 such lands for conveyance to the school board and promises to
26 use the land to establish a public school thereon. Fulfilling
27 the purpose of this subsection is recognized as constituting a
28 valid municipal public purpose.

29 Section 2. Section 166.411(11), Florida Statutes, is
30 repealed January 1, 2003. Any eminent domain action that was
31 filed pursuant to section 166.411(11), Florida Statutes,

1 before January 1, 2003, shall not be affected by the repeal of
2 section 166.411(11), Florida Statutes.

3 Section 3. (1) Effective July 1, 2000, section
4 74.011, Florida Statutes, is amended to read:

5 74.011 Scope.--In any eminent domain action, properly
6 instituted by and in the name of the state; the Department of
7 Transportation; any county, school board, hospital district
8 created by special act of the Legislature approved in 1951
9 that is located in a county with a population in excess of 1
10 million, municipality, expressway authority, regional water
11 supply authority, transportation authority, flood control
12 district, or drainage or subdrainage district; the ship canal
13 authority; any lawfully constituted housing, port, or aviation
14 authority; the Spaceport Florida Authority; or any rural
15 electric cooperative, telephone cooperative corporation, or
16 public utility corporation, the petitioner may avail itself of
17 the provisions of this chapter to take possession and title in
18 advance of the entry of final judgment.

19 (2) The amendment of section 74.011, Florida Statutes,
20 by this section shall expire on July 1, 2003, and the text of
21 said section shall revert to that in existence on June 30,
22 2000, except that any amendments to such text enacted other
23 than by this act shall be preserved and continue to operate to
24 the extent that such amendments are not dependent upon the
25 portions of said text which expire pursuant to the provisions
26 of this act. The Division of Statutory Revision of the Office
27 of Legislative Services shall include in an appropriate
28 reviser's bill any amendments to said section which are
29 necessary to give effect to the legislative intent expressed
30 in this section.

31

1 Section 4. Except as otherwise provided herein, this
2 act shall take effect upon becoming a law.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31