

By Representatives Alexander, Putnam, Feeney, Albright, Stansel, J. Miller, Kilmer, Russell, Tullis, Bense, Dockery, Peaden, Argenio, Fasano, Sembler, Bainter, Kelly, Harrington, Minton, Futch, K. Smith and Byrd

1 A bill to be entitled
2 An act relating to private property rights
3 protection; amending s. 70.001, F.S., the "Bert
4 J. Harris, Jr., Private Property Rights
5 Protection Act"; including action by a
6 governmental entity that changes the density,
7 intensity, or use of areas of development below
8 the equivalent of one residence per five acres
9 as an "inordinate burden" that qualifies the
10 property owner for relief under the act;
11 providing an effective date.

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

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15 Section 1. Paragraphs (d) and (e) of subsection (3) of
16 section 70.001, Florida Statutes, are amended to read:

17 70.001 Private property rights protection.--

18 (3) For purposes of this section:

19 (d) The term "action of a governmental entity" means a
20 specific action of a governmental entity which affects real
21 property, including action on an application or permit. The
22 term also includes any action by a governmental entity which
23 decreases or modifies the density, intensity, or use of areas
24 of development below the equivalent of one residence for every
25 five acres.

26 (e) The terms "inordinate burden" or "inordinately
27 burdened" mean that an action of one or more governmental
28 entities has directly restricted or limited the use of real
29 property such that the property owner is permanently unable to
30 attain the reasonable, investment-backed expectation for the
31 existing use of the real property or a vested right to a

1 specific use of the real property with respect to the real
2 property as a whole, or that the property owner is left with
3 existing or vested uses that are unreasonable such that the
4 property owner bears permanently a disproportionate share of a
5 burden imposed for the good of the public, which in fairness
6 should be borne by the public at large. Any action by a
7 governmental entity which decreases or modifies the density,
8 intensity, or use of areas of development below the equivalent
9 of one residence for every five acres qualifies as an
10 inordinate burden.The terms "inordinate burden" or
11 "inordinately burdened" do not include temporary impacts to
12 real property; impacts to real property occasioned by
13 governmental abatement, prohibition, prevention, or
14 remediation of a public nuisance at common law or a noxious
15 use of private property; or impacts to real property caused by
16 an action of a governmental entity taken to grant relief to a
17 property owner under this section.

18 Section 2. This act shall take effect July 1, 2000.

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21 HOUSE SUMMARY

22 Includes action by a governmental entity that changes the
23 density, intensity, or use of areas of development below
24 the equivalent of one residence per five acres as an
25 "inordinate burden" that qualifies the property owner for
relief under the "Bert J. Harris, Jr., Private Property
Rights Protection Act."

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