

By Senator Silver

38-35-01

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 future 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. Subsection (11) of section 166.411, Florida  
23 Statutes, is repealed January 1, 2004. Any eminent domain  
24 action that was filed pursuant to that subsection before  
25 January 1, 2004, shall not be affected by this repeal.

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

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SENATE SUMMARY

Authorizes a municipality to exercise eminent domain powers to obtain and convey lands to a school board for the purpose of establishing a school. Provides for the future repeal of the power granted.