

A bill to be entitled

An act relating to limitations on the exercise of the power of eminent domain; limiting the circumstances under which a state agency, political subdivision, or corporation acting on behalf of a state agency or political subdivision may use eminent domain to take private property that is used as a residence and convert it to commercial or industrial use; requiring that the owner of the property be compensated for relocation costs or that the resident of the property be provided with housing assistance and job training; limiting the percentage of private property which may be taken within a zip code if such property is used as a residence by an elderly person or a person whose income is at or below the federal poverty level; requiring that a contract to redevelop private property taken by a governmental entity be awarded to a minority business; providing an effective date.

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

Section 1. Limitations on the exercise of the power of eminent domain.--

(1) As used in this section, the term "governmental entity" means a state agency, a political subdivision, or a corporation acting on behalf of a state agency or political subdivision.

(2) A governmental entity, in exercising the power of

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29 eminent domain otherwise conferred by law, may not take private  
30 property that is being used as a residence and convert that  
31 property to private commercial or industrial use, including, but  
32 not limited to, an office or a retail business, unless:

33 (a) The property is the residence of its owner and the  
34 governmental entity pays the owner as compensation for  
35 relocation costs an amount that is 15 percent more than the  
36 average price that was paid in the preceding year for homes  
37 purchased within the zip code where the property is located.

38 (b) The property is not the residence of its owner and the  
39 governmental entity provides, or arranges for another  
40 governmental entity having expertise in providing housing or  
41 financing housing to provide, to each person using the property  
42 as a residence assistance in:

43 1. Buying a home, including a grant, loan, or other  
44 financial assistance and counseling in financial planning.

45 2. Developing labor skills or finding employment.

46 (3) No more than 5 percent of the private property within  
47 a zip code which is taken by a governmental entity under  
48 subsection (2) may, at the time of the taking:

49 (a) Be used as a residence by a person who is 60 years of  
50 age or older.

51 (b) Be owned by a person whose income is at or below the  
52 federal poverty level.

53 (4) Each contract to redevelop property taken by a  
54 governmental entity under subsection (2) for a commercial or  
55 industrial use must be awarded, pursuant to a procurement  
56 process, to a small business, at least 51 percent of which is

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57 | owned by a minority individual or a woman.

58 |       Section 2. This act shall take effect July 1, 2006.