

House Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

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

That the following amendment to Section 6 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 6. Eminent domain.--

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) If a petition is filed on or after January 2, 2007, to initiate eminent domain proceedings regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition shall not be conveyed by the condemning authority or any other entity to a natural person or

28 private entity, except that ownership or control of property
 29 acquired pursuant to such petition may be conveyed to:

30 (1) A natural person or private entity for use in
 31 providing common carrier services or systems;

32 (2) A natural person or private entity for use as a road
 33 or other right-of-way or means open to the public for
 34 transportation, whether at no charge or by toll;

35 (3) A natural person or private entity that is a public or
 36 private utility for use in providing electricity services or
 37 systems, natural or manufactured gas services or systems, water
 38 and wastewater services or systems, stormwater or runoff
 39 services or systems, sewer services or systems, pipeline
 40 facilities, telephone services or systems, or similar services
 41 or systems;

42 (4) A natural person or private entity for use in
 43 providing public infrastructure;

44 (5) A natural person or private entity that occupies,
 45 pursuant to a lease, an incidental part of a public property or
 46 a public facility for the purpose of providing goods or services
 47 to the public;

48 (6) A natural person or private entity if the property was
 49 taken to eliminate an existing threat to public health or public
 50 safety that is likely to continue absent the exercise of eminent
 51 domain, as provided by general law;

52 (7) A natural person or private entity if the property was
 53 owned and controlled by the condemning authority or a
 54 governmental entity for at least 5 years after the condemning
 55 authority acquired title to the property; or

56 (8) A natural person or private entity in accordance with
 57 subsection (d).

58 (d) If ownership of property is conveyed to a natural
 59 person or private entity pursuant to paragraph (c)(1), (2), (3),
 60 (4), (5), or (6), and that natural person or private entity
 61 retains ownership and control of the property for at least 5
 62 years after acquiring title, the property may subsequently be
 63 transferred to another natural person or private entity without
 64 restriction.

65 BE IT FURTHER RESOLVED that the following statement be
 66 placed on the ballot:

67 CONSTITUTIONAL AMENDMENT

68 ARTICLE X, SECTION 6

69 EMINENT DOMAIN.--Proposing an amendment to the State
 70 Constitution to prohibit the transfer of ownership or control of
 71 private real property taken by eminent domain pursuant to a
 72 petition filed on or after January 2, 2007, to any natural
 73 person or private entity, except that:

74 (a) Ownership or control of such property may be conveyed
 75 to:

76 (1) A natural person or private entity for use in
 77 providing common carrier services or systems;

78 (2) A natural person or private entity for use as a road
 79 or other right-of-way or means open to the public for
 80 transportation, whether at no charge or by toll;

81 (3) A natural person or private entity that is a public or
 82 private utility for use in providing electricity services or
 83 systems, natural or manufactured gas services or systems, water

84 and wastewater services or systems, stormwater or runoff
 85 services or systems, sewer services or systems, pipeline
 86 facilities, telephone services or systems, or similar services
 87 or systems;

88 (4) A natural person or private entity for use in
 89 providing public infrastructure;

90 (5) A natural person or private entity that occupies,
 91 pursuant to a lease, an incidental part of a public property or
 92 a public facility for the purpose of providing goods or services
 93 to the public;

94 (6) A natural person or private entity if the property was
 95 taken to eliminate an existing threat to public health or public
 96 safety as provided by general law;

97 (7) A natural person or private entity if the property was
 98 owned and controlled by the condemning authority or a
 99 governmental entity for at least 5 years after the condemning
 100 authority acquired title to the property; or

101 (8) A natural person or private entity in accordance with
 102 subsection (b).

103 (b) If ownership of property is conveyed to a natural
 104 person or private entity pursuant to paragraph (a) (1), (2), (3),
 105 (4), (5), or (6), and that natural person or private entity
 106 retains ownership and control of the property for at least 5
 107 years after acquiring title, the property may subsequently be
 108 transferred to another natural person or private entity without
 109 restriction.