

HJR 1569

2006
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CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 House Joint Resolution

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

9
10 Be It Resolved by the Legislature of the State of Florida:

11
12 That the following amendment to Section 6 of Article X of
13 the State Constitution is agreed to and shall be submitted to
14 the electors of this state for approval or rejection at the next
15 general election or at an earlier special election specifically
16 authorized by law for that purpose:

17 ARTICLE X

18 MISCELLANEOUS

19 SECTION 6. Eminent domain.--

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

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

27 (c) If a petition is filed on or after January 2, 2007, to
28 initiate eminent domain proceedings regarding a parcel of real
29 property in this state, ownership or control of property
30 acquired pursuant to such petition shall not be conveyed by the
31 condemning authority or any other entity to a natural person or
32 private entity, except that ownership or control of property
33 acquired pursuant to such petition may be conveyed to:

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

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

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

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

48 (5) A natural person or private entity that occupies,
49 pursuant to a lease, an incidental part of a public property or
50 a public facility for the purpose of providing goods or services
51 to the public;

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52 | (6) 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 | (7) 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 any of paragraphs (c)(1)-
 60 | (5), and that natural person or private entity retains ownership
 61 | and control of the property for at least 5 years after acquiring
 62 | title, the property may subsequently be transferred to another
 63 | natural person or private entity without restriction.

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

66 | CONSTITUTIONAL AMENDMENT

67 | ARTICLE X, SECTION 6

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

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

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

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

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80 (3) A natural person or private entity that is a public or
81 private utility for use in providing electricity services or
82 systems, natural or manufactured gas services or systems, water
83 and wastewater services or systems, stormwater or runoff
84 services or systems, sewer services or systems, pipeline
85 facilities, telephone services or systems, or similar services
86 or systems;

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

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

93 (6) A natural person or private entity if the property was
94 owned and controlled by the condemning authority or a
95 governmental entity for at least 5 years after the condemning
96 authority acquired title to the property; or

97 (7) A natural person or private entity in accordance with
98 subsection (b).

99 (b) If ownership of property is conveyed to a natural
100 person or private entity pursuant to any of paragraphs (a) (1) -
101 (5), and that natural person or private entity retains ownership
102 and control of the property for at least 5 years after acquiring
103 title, the property may subsequently be transferred to another
104 natural person or private entity without restriction.