

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 owned and controlled by the condemning authority or a
 50 governmental entity for at least 5 years after the condemning
 51 authority acquired title to the property; or

52 (7) A natural person or private entity in accordance with
 53 subsection (d).

81 facilities, telephone services or systems, or similar services
82 or systems;

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

85 (5) A natural person or private entity that occupies,
86 pursuant to a lease, an incidental part of a public property or
87 a public facility for the purpose of providing goods or services
88 to the public;

89 (6) A natural person or private entity if the property was
90 owned and controlled by the condemning authority or a
91 governmental entity for at least 5 years after the condemning
92 authority acquired title to the property; or

93 (7) A natural person or private entity in accordance with
94 subsection (b).

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