24-1166-06

1	A bill to be entitled
2	An act relating to eminent domain; creating the
3	"Moehle Act"; providing definitions; providing
4	for payment to a property owner by a state
5	agency, a political subdivision, or a
6	corporation acting on behalf of a state agency
7	or political subdivision which takes private
8	property by eminent domain; requiring payment
9	of just value; requiring additional payment if
10	the property value exceeds specified amounts
11	after the taking; providing for payment of
12	attorney's fees and court costs; providing an
13	effective date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. <u>Limitations on the exercise of eminent</u>
18	domain
19	(1) This section may be cited as the "Moehle Act".
20	(2) As used in this section, the term:
21	(a) "Governmental entity" means a state agency, a
22	political subdivision, or a corporation acting on behalf of a
23	state agency or political subdivision.
24	(b) "Highest appraised value" means the highest fair
25	market value found for a parcel of property by a
26	state-certified appraiser.
27	(c) "Just value" means the value of a parcel of
28	property at its present highest and best use.
29	(3) In exercising the power of eminent domain
30	otherwise conferred by law, a governmental entity that takes
31	private property for the purpose of economic development must

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1	pay the owner the just value of such property. If within 5
2	years after such a taking, the fair market value of the
3	property taken exceeds the amount paid by the governmental
4	entity to the owner, the governmental entity shall pay the
5	owner an additional amount equal to the difference between the
6	amount paid and the highest appraised value of such property
7	in such period. The governmental entity shall pay the
8	attorney's fees and court costs that are incurred by a
9	property owner to secure a payment that is required by this
10	subsection.
11	Section 2. This act shall take effect July 1, 2006.
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14	SENATE SUMMARY
15	Requires payment of just value to the property owner when
16	a state agency, a political subdivision, or a corporation acting on behalf of a state agency or political
17	subdivision takes private property by eminent domain. Requires additional payment if the value of the property
18	that is taken exceeds specified amounts after the taking. Provides for payment of attorney's fees and court costs.
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