

By Senator Dawson

29-1100A-06

1 A bill to be entitled
2 An act relating to limitations on the exercise
3 of the power of eminent domain; requiring a
4 finding of blight prior to use of the power of
5 eminent domain by a state agency, political
6 subdivision, or corporation acting on behalf of
7 a state agency or political subdivision;
8 limiting the circumstances under which a state
9 agency, political subdivision, or corporation
10 acting on behalf of a state agency or political
11 subdivision may use eminent domain to take
12 private property that is used as a residence or
13 business and convert it to another private
14 residential, commercial, or industrial use;
15 requiring that the owner of residential
16 property be compensated for relocation costs or
17 that the resident of such property be provided
18 with housing assistance and job training;
19 prohibiting such taking if the property that
20 would be converted is in use by a business that
21 has previously relocated due to an eminent
22 domain proceeding; requiring that property upon
23 which a small business is operating may not be
24 taken and converted for use as another business
25 in the same line of work; requiring that
26 residential or business property may not be
27 taken for the purpose of conversion to another
28 private use that involves the use of public
29 funds for economic development or
30 redevelopment; limiting the percentage of
31 private property which may be taken within a

1 zip code if such property is used as a
2 residence by an elderly person or a person
3 whose income is at or below the federal poverty
4 level; requiring that a contract to redevelop
5 private property taken by a governmental entity
6 be awarded to a minority business; providing an
7 effective date.

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

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

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

17 (2) A governmental entity, in exercising the power of
18 eminent domain otherwise conferred by law may not take private
19 property without first showing that such property is blighted.
20 As used in this subsection, the term "blighted" means the
21 property is dangerous to the health and safety of the public
22 as a result of the condition of the property or structures
23 upon it, or of growth or debris on the property.

24 (3) A governmental entity, in exercising the power of
25 eminent domain otherwise conferred by law, may not take
26 private property that is being used as a residence or a
27 business and convert that property to another private
28 residential, commercial, or industrial use, including, but not
29 limited to, an office or a retail business, unless:

30 (a) If the property is the residence of its owner, the
31 governmental entity pays the owner as compensation for

1 relocation costs an amount that is 125 percent more than the
2 median price for comparable homes based on a currently valid
3 comparable market analysis and property appraisal.

4 (b) If the property is the residence of a person that
5 is not the owner, the governmental entity provides, or
6 arranges for another governmental entity having expertise in
7 providing housing or financing housing to provide, to each
8 person using the property as a residence assistance in:

9 1. Buying a home, including provision of a grant,
10 loan, or other financial assistance and counseling in
11 financial planning; and

12 2. Developing labor skills or finding employment in
13 the area where such person relocates due to the taking.

14 (c) If the property is a business, that same business
15 has not been previously relocated as a result of an eminent
16 domain proceeding by a government entity.

17 (d) If the property is a small business, the other use
18 to which the property is converted is not another business
19 engaged in the same line of work as that small business. As
20 used in this paragraph, the term "small business" has the same
21 meaning as in s. 288.703, Florida Statutes.

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23 Public funds granted, loaned, or otherwise provided by a
24 federal or state program to support economic development or
25 redevelopment, including, but not limited to, community
26 development block grants, may not be used to develop the other
27 private residential, commercial, or industrial use.

28 (4) No more than 5 percent of the private property
29 within a zip code which is taken by a governmental entity
30 under subsection (2) may, at the time of the taking:

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1 (a) Be used as a residence by a person who is 55 years
2 of age or older.

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

5 (5) Each contract to redevelop property taken by a
6 governmental entity under subsection (2) for another
7 residential, commercial, or industrial use must be awarded,
8 pursuant to a procurement process, to a small business at
9 least 51 percent of which is owned by a minority individual or
10 a woman.

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

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14 SENATE SUMMARY

15 Limits the exercise of the power of eminent domain by a
16 state agency, political subdivision, or corporation
17 acting on behalf of a state agency or political
18 subdivision. Requires a finding of blight prior to a
19 taking. Prohibits a taking that converts private property
20 that is used as a residence or business to a residential,
21 commercial, or industrial use unless various conditions
22 are met, such as providing additional financial
23 compensation and relocation assistance, avoiding takings
24 that unduly affect existing businesses, minimizing the
25 effects on elderly or impoverished persons, providing for
26 the appropriate expenditure of public economic
27 development or redevelopment funds, or awarding
28 redevelopment contracts to minority-owned businesses.
29 (See bill for details.)
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