

By Senator Argenziano

3-93-06

1 A bill to be entitled

2 An act relating to limitations on the use of

3 the power of eminent domain; providing a

4 definition; prohibiting, under certain

5 conditions, a state agency, political

6 subdivision, or corporation acting on behalf of

7 a state agency or political subdivision from

8 taking private property through the use of

9 eminent domain; providing exemptions from the

10 prohibition; providing an effective date.

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

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14 Section 1. Limitations on the exercise of the power of

15 eminent domain.--

16 (1) As used in this section, the term "governmental

17 entity" means a state agency, a political subdivision, or a

18 corporation acting on behalf of a state agency or political

19 subdivision.

20 (2) Section 6, Article X of the State Constitution

21 prohibits the taking of private property except for a public

22 purpose. The following purposes do not constitute a public

23 purpose under that constitutional provision, and a

24 governmental entity may not exercise its power of eminent

25 domain for the purpose of:

26 (a) Conferring a private benefit on a particular

27 private party, including, but not limited to, the transfer of

28 private property for another private use or the transfer of

29 private property for a public use that is merely a pretext for

30 conferring a private benefit on a particular private party.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 (b) Raising revenue for the use of the governmental
2 entity.

3 (c) Fostering economic development, unless the purpose
4 is community redevelopment as authorized by s. 163.375,
5 Florida Statutes.

6 (3) The prohibition in subsection (2) applies to the
7 use of eminent domain under the authority conferred by state
8 or local law. However, subsection (2) does not limit the
9 authority conferred by state law to a governmental entity for
10 taking private property through the use of eminent domain for
11 the purpose of the successful completion or safe operation of
12 a public infrastructure project, including, but not limited
13 to:

14 (a) A transportation project, including a railroad,
15 port, airport, road, or highway.

16 (b) A water supply, wastewater, flood control, or
17 drainage project.

18 (c) A project involving the operations of a common
19 carrier or energy transporter, or the provision of utility
20 services.

21 (d) A convention center, sports stadium, sports arena,
22 coliseum, or auditorium project approved by voters at a
23 referendum held in conjunction with a general election.

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

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27 SENATE SUMMARY

28 Prohibits a governmental entity from taking private
29 property through the use of eminent domain if the taking
30 confers a private benefit on a private party, is for the
31 purpose of economic development not otherwise authorized
 by law, or is for the purpose of raising revenue.
 Provides certain exceptions for a public infrastructure
 project. (See bill for details.)