

By Senator Baker

20-98-06

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A bill to be entitled

An act relating to limitations on the exercise of the power of eminent domain; providing a definition; prohibiting, under certain conditions, a state agency, political subdivision, or corporation acting on behalf of a state agency or political subdivision from taking private property through the use of eminent domain; providing an effective date.

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

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

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

(2) Section 6, Article X of the State Constitution prohibits the taking of private property except for a public purpose. The following purposes do not constitute a public purpose under that constitutional provision, and a governmental entity may not exercise its power of eminent domain for the purpose of:

(a) Conferring a private benefit on a particular private party, including, but not limited to, the transfer of private property to another private use;

(b) Raising revenue for the use of the governmental entity; or

(c) Fostering economic development.

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

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SENATE SUMMARY

Limits use of the power of eminent domain by a state agency, political subdivision, or corporation acting on behalf of such agency or subdivision. Lists various purposes that do not constitute a public purpose for which the State Constitution allows the taking of private property.