

1 condition of that property or structures, growth, or debris on
2 that property.

3 Section 2. Section 163.375, Florida Statutes, is
4 amended to read:

5 163.375 Eminent domain.--

6 (1)(a) Notwithstanding any other provision of law, any
7 county or municipality, or any community redevelopment agency
8 pursuant to specific approval of the governing body of the
9 county or municipality which established the agency, as
10 provided by any county or municipal ordinance may ~~has the~~
11 ~~right to~~ acquire by condemnation any interest in real
12 property, including a fee simple title thereto, which it deems
13 necessary for, or in connection with, community redevelopment
14 and related activities under this part. Any county or
15 municipality, or any community redevelopment agency pursuant
16 to specific approval by the governing body of the county or
17 municipality which established the agency, as provided by any
18 county or municipal ordinance may exercise the power of
19 eminent domain in the manner provided in chapters 73 and 74
20 and acts amendatory thereof or supplementary thereto, or it
21 may exercise the power of eminent domain in the manner now or
22 which may be hereafter provided by any other statutory
23 provision for the exercise of the power of eminent domain.

24 When otherwise authorized under this subsection, property
25 devoted to a public use or property in unincorporated enclaves
26 surrounded by the boundaries of a community redevelopment area
27 may be acquired when it is determined necessary by the agency
28 to accomplish the community redevelopment plan. ~~Property~~
29 ~~already devoted to a public use may be acquired in like~~
30 ~~manner.~~ However, ~~no~~ real property belonging to the United
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1 States, the state, or any political subdivision of the state
2 may not be acquired without its consent.

3 (b) In exercising the power of eminent domain or
4 condemnation conferred by paragraph (a), a county,
5 municipality, or community redevelopment agency may not take
6 private property:

7 1. For the sole purpose of increasing its own tax base
8 or the tax base of another governmental entity; or

9 2. Absent a determination by resolution of the
10 governing body that designated the community redevelopment
11 area, that the taking is necessary to remediate a danger to
12 the health and safety of the public, which danger is a result
13 of the condition of that property or the structures, growth,
14 or debris on or around that property. The resolution must be
15 adopted no earlier than 10 years before the day that any such
16 eminent domain or condemnation proceedings is initiated in
17 court.

18 (2) In any proceeding to assess the propriety of
19 taking property, or any interest therein, through the exercise
20 of eminent domain or condemnation under this section or to fix
21 or assess compensation for damages for any such ~~the~~ taking of
22 ~~property, or any interest therein, through the exercise of the~~
23 ~~power of eminent domain or condemnation,~~ evidence or testimony
24 bearing upon the following is ~~matters shall be~~ admissible and
25 shall be considered in assessing such propriety or in fixing
26 such compensation or damages ~~in addition to evidence or~~
27 ~~testimony otherwise admissible:~~

28 (a) Any use, condition, occupancy, or operation of
29 such property, which is unlawful or violative of, or subject
30 to elimination, abatement, prohibition, or correction under,
31 any law, ordinance, or regulatory measure of the state,

1 county, municipality, or other political subdivision, or any
2 agency thereof, in which such property is located, as being
3 unsafe, substandard, unsanitary, or otherwise contrary to the
4 public health, safety, morals, or welfare.

5 (b) The effect on the value of such property of any
6 such use, condition, occupancy, or operation or of the
7 elimination, abatement, prohibition, or correction of any such
8 use, condition, occupancy, or operation.

9 (3) The ~~foregoing~~ testimony or ~~and~~ evidence described
10 in subsection (2) shall be considered in addition to evidence
11 or testimony otherwise admissible and is admissible
12 notwithstanding that no action has been taken by any public
13 body or public officer toward the abatement, prohibition,
14 elimination, or correction of any such use, condition,
15 occupancy, or operation. Testimony or evidence that any
16 public body or public officer charged with the duty or
17 authority so to do has rendered, made, or issued any judgment,
18 decree, determination, or order for the abatement,
19 prohibition, elimination, or correction of any such use,
20 condition, occupancy, or operation ~~is shall be~~ admissible and
21 constitutes shall be prima facie evidence of the existence and
22 character of such use, condition, or operation.

23 Section 3. This act shall take effect July 1, 2006.

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26 SENATE SUMMARY

27 Limits exercise of the power of eminent domain. Prohibits
28 a state agency, political subdivision, or corporation
29 acting on behalf of a state agency or political
30 subdivision from taking private property through the use
31 of eminent domain for specified purposes. Narrows the
exercise of eminent-domain authority by a county,
municipality, or community redevelopment agency under the
Community Redevelopment Act of 1969. Provides for
evidence in proceedings relating to the exercise of
eminent domain under that act.