

By Senator Saunders

37-367-06

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Senate Joint Resolution

A joint resolution proposing an amendment to  
Section 6 of Article X of the State  
Constitution, relating to eminent domain.

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

That the following amendment to Section 6 of Article X  
of the State Constitution is agreed to and shall be submitted  
to the electors of this state for approval or rejection at the  
next general election or at an earlier special election  
specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 6. Eminent domain.--

(a) No private property shall be taken except for a  
public purpose and with full compensation therefor paid to  
each owner or secured by deposit in the registry of the court  
and available to the owner. If the primary purpose of a taking  
is for economic development or to benefit a particular class  
of identifiable individuals, the taking does not constitute a  
public purpose for which private property may be taken by  
eminent domain. However, private property may be taken, as  
authorized by law, for a convention center, sports stadium,  
sports arena, coliseum, or auditorium if the project is  
approved by a majority of the voters of each political  
subdivision where the project is located voting in a  
referendum held in conjunction with a general election. The  
primary purpose of a taking is a question of fact, and a  
determination by an entity that its primary purpose in a  
taking is not for economic development or to benefit a

1 particular class of identifiable individuals does not create a  
2 presumption with respect to the primary purpose of that  
3 taking.

4 (b) Provision may be made by law for the taking of  
5 easements, by like proceedings, for the drainage of the land  
6 of one person over or through the land of another.

7 BE IT FURTHER RESOLVED that the following statement be  
8 placed on the ballot:

9 CONSTITUTIONAL AMENDMENT

10 ARTICLE X, SECTION 6

11 EMINENT DOMAIN.--Proposing an amendment to the State  
12 Constitution to provide that a taking of private property  
13 through the exercise of eminent domain does not constitute a  
14 public purpose for which property may be taken if the primary  
15 purpose of a taking is for economic development or to benefit  
16 a particular class of identifiable individuals; to authorize  
17 the taking of private property for a convention center, sports  
18 stadium, sports arena, coliseum, or auditorium if the project  
19 is approved by a majority of the voters of the political  
20 subdivision voting in a referendum held in conjunction with a  
21 general election; to provide that the primary purpose of a  
22 taking is a question of fact; and to provide that a  
23 determination by an entity that its primary purpose in a  
24 taking is not for economic development or to benefit a  
25 particular class of identifiable individuals does not create a  
26 presumption with respect to the primary purpose of that  
27 taking.