



335852

LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/27/2011 10:25 AM

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Senator Simmons moved the following:

**Senate Amendment**

Delete lines 68 - 89

and insert:

(e) The terms "inordinate burden" and ~~of~~ "inordinately burdened":

1. Mean that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses



335852

14 that are unreasonable such that the property owner bears  
15 permanently a disproportionate share of a burden imposed for the  
16 food of the public, which in fairness should be borne by the  
17 public at large. ~~The terms "inordinate burden" or "inordinately~~  
18 ~~burdened"~~

19 2. Do not include temporary impacts to real property;  
20 impacts to real property occasioned by governmental abatement,  
21 prohibition, prevention, or remediation of a public nuisance at  
22 common law or a noxious use of private property; or impacts to  
23 real property caused by an action of a governmental entity taken  
24 to grant relief to a property owner under this section. However,  
25 a temporary impact on development, as defined in s. 380.04,  
26 which is in effect for longer than 1 year may, depending upon  
27 the circumstances, constitute an inordinate burden as provided  
28 in this paragraph.

29  
30 In determining whether reasonable, investment-backed  
31 expectations are inordinately burdened, consideration may be  
32 given to the factual circumstances leading to the time elapsed  
33 between enactment of the law or regulation and its first  
34 application to the subject property.