



578214

LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/27/2011 10:27 AM

Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete lines 289 - 301

and insert:

(11) A cause of action may not be commenced under this section if the claim is presented more than 1 year after a law or regulation is first applied by the governmental entity to the property at issue. For purposes of determining when this 1-year claim period accrues:

(a)1. A law or regulation is first applied upon enactment and notice as provided for in this subparagraph if the impact of the law or regulation on the real property is clear and unequivocal in its terms and notice is provided by mail to the



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14 affected property owner or registered agent at the address
15 referenced in the jurisdiction's most current ad valorem tax
16 records. The fact that the law or regulation could be modified,
17 varied, or altered under any other process or procedure does not
18 preclude the impact of the law or regulation on a property from
19 being clear or unequivocal pursuant to this subparagraph. Any
20 notice under this subparagraph shall be provided after the
21 enactment of the law or regulation and shall inform the property
22 owner or registered agent that the law or regulation may impact
23 the property owner's existing property rights and that the
24 property owner may have only 1 year from receipt of the notice
25 to pursue any rights established under this section.

26 2. Otherwise, the law or regulation is first applied to the
27 property when there is a formal denial of a written request for
28 development or variance.

29 (b) If an owner seeks relief from the governmental action
30 through lawfully available administrative or judicial
31 proceedings, the time for bringing an action under this section
32 is tolled until the conclusion of such proceedings.

33 (13) In accordance with s. 13, Art. X of the State
34 Constitution, the state, for itself and for its agencies or
35 political subdivisions, waives sovereign immunity for causes of
36 action based upon the application of any law, regulation, or
37 ordinance subject to this section, but only to the extent
38 specified in this section. ~~This section does not affect the~~
39 ~~sovereign immunity of government.~~

40
41 ===== T I T L E A M E N D M E N T =====

42 And the title is amended as follows:



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43 Delete lines 26 - 29
44 and insert:
45 made by the act; revising the time in which an action
46 must be commenced to challenge a restriction on the
47 use of real property; waiving sovereign immunity for
48 certain actions to challenge a restriction on the use
49 of real property;