

By Senator Sobel

33-01306-13

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1                   A bill to be entitled  
2       An act relating to eminent domain; amending s. 73.013,  
3       F.S.; providing an exception to restrictions on  
4       eminent domain; permitting the conveyance of property  
5       by a condemning authority under certain circumstances  
6       when the property is condemned pursuant to a noise  
7       mitigation or noise compatibility program at an  
8       airport governed by Federal Aviation Administration  
9       requirements; providing an effective date.

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

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13       Section 1. Subsection (1) of section 73.013, Florida  
14 Statutes, is amended to read:

15       73.013 Conveyance of property taken by eminent domain;  
16 preservation of government entity communications services  
17 eminent domain limitation; exception to restrictions on power of  
18 eminent domain.—

19       (1) Notwithstanding any other provision of law, including  
20 any charter provision, ordinance, statute, or special law, if  
21 the state, any political subdivision as defined in s. 1.01(8),  
22 or any other entity to which the power of eminent domain is  
23 delegated files a petition of condemnation on or after the  
24 effective date of this section regarding a parcel of real  
25 property in this state, ownership or control of property  
26 acquired pursuant to such petition may not be conveyed by the  
27 condemning authority or any other entity to a natural person or  
28 private entity, by lease or otherwise, except that ownership or  
29 control of property acquired pursuant to such petition may be

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30 conveyed, by lease or otherwise, to a natural person or private  
31 entity:

32 (a) For use in providing common carrier services or  
33 systems;

34 (b)1. For use as a road or other right-of-way or means that  
35 is open to the public for transportation, whether at no charge  
36 or by toll;

37 2. For use in the provision of transportation-related  
38 services, business opportunities, and products pursuant to s.  
39 338.234, on a toll road;

40 (c) That is a public or private utility for use in  
41 providing electricity services or systems, natural or  
42 manufactured gas services or systems, water and wastewater  
43 services or systems, stormwater or runoff services or systems,  
44 sewer services or systems, pipeline facilities, telephone  
45 services or systems, or similar services or systems;

46 (d) For use in providing public infrastructure;

47 (e) That occupies, pursuant to a lease, an incidental part  
48 of a public property or a public facility for the purpose of  
49 providing goods or services to the public;

50 (f) Without restriction, after public notice and  
51 competitive bidding unless otherwise provided by general law, if  
52 less than 10 years have elapsed since the condemning authority  
53 acquired title to the property and the following conditions are  
54 met:

55 1. The condemning authority or governmental entity holding  
56 title to the property documents that the property is no longer  
57 needed for the use or purpose for which it was acquired by the  
58 condemning authority or for which it was transferred to the

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59 current titleholder; and

60 2. The owner from whom the property was taken by eminent  
61 domain is given the opportunity to repurchase the property at  
62 the price that he or she received from the condemning authority;

63 (g) After public notice and competitive bidding unless  
64 otherwise provided by general law, if the property was owned and  
65 controlled by the condemning authority or a governmental entity  
66 for at least 10 years after the condemning authority acquired  
67 title to the property; ~~or~~

68 (h) In accordance with subsection (2); or

69 (i) Without restriction, if the condemning authority  
70 condemns the property pursuant to a noise mitigation or noise  
71 compatibility program at an airport governed by Federal Aviation  
72 Administration requirements on the basis that the property is  
73 deemed incompatible with residential land use under the  
74 standards provided in 14 C.F.R. part 150.

75 Section 2. This act shall take effect upon becoming a law.