

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Edwards offered the following:

**Amendment**

5 Remove lines 95-121 and insert:

6 (1) If governmental entities impose conditions on private  
 7 property which are unrelated and disproportionate to the harm  
 8 caused by the use requested by the property owner, such  
 9 conditions may rise to a level constituting an unconstitutional  
 10 exaction in contradiction of the State Constitution and United  
 11 States Constitution unless the relevant governmental entity can  
 12 demonstrate that the conditions imposed have an essential nexus  
 13 to a legitimate public purpose and rough proportionality to the  
 14 harm of the proposed use that the governmental entity is seeking  
 15 to avoid, minimize, or mitigate. Where unconstitutional  
 16 exactions exist in Florida, a cause of action for damages is  
 17 created.

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18 (2) As used in this section, the term:

19 (a) "Governmental entity" has the same meaning as provided  
20 in s. 70.001(3)(c).

21 (b) "Property owner" has the same meaning as provided in  
22 s. 70.001(3)(f).

23 (c) "Real property" has the same meaning as provided in s.  
24 70.001(3)(g).

25 (d) "Unconstitutional exaction" means a condition imposed  
26 by a governmental entity on a property owner's proposed use of  
27 real property that lacks an essential nexus to a legitimate  
28 public purpose and is not roughly proportionate to the harm the  
29 governmental entity seeks to avoid, minimize, or mitigate.

30 (3) In addition to other remedies available in law or  
31 equity, a property owner may bring an action in a court of  
32 competent jurisdiction under this section to recover damages  
33 caused by an unconstitutional exaction.

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