

HB 1213

2016

1 A bill to be entitled

2 An act relating to conveyance of property purchased
3 for airport noise purposes; amending s. 73.013, F.S.;
4 authorizing a condemning authority to convey lands by
5 lease or otherwise if those lands are condemned for
6 specific noise mitigation or noise compatibility
7 programs at certain large hub airports; providing
8 limitations; providing an effective date.
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10 Be It Enacted by the Legislature of the State of Florida:
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12 Section 1. Paragraphs (g) and (h) of subsection (1) of
13 section 73.013, Florida Statutes, are amended, and paragraph (i)
14 is added to that subsection, 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
 30 | conveyed, by lease or otherwise, to a natural person or private
 31 | entity:

32 | (g) After public notice and competitive bidding unless
 33 | otherwise provided by general law, if the property was owned and
 34 | controlled by the condemning authority or a governmental entity
 35 | for at least 10 years after the condemning authority acquired
 36 | title to the property; ~~or~~

37 | (h) In accordance with subsection (2); or

38 | (i) If the condemning authority condemns the property
 39 | pursuant to a noise mitigation or noise compatibility program at
 40 | an airport governed by Federal Aviation Administration
 41 | requirements on the basis that the property is deemed
 42 | incompatible with residential land use under the standards
 43 | provided in Appendix A of 14 C.F.R. part 150 or on the basis of
 44 | noise mitigation measures or measures required for the safety,
 45 | utility, or efficiency of an airport identified in a Record of
 46 | Decision or other evaluation issued by the Federal Aviation
 47 | Administration in connection with an airport development
 48 | project. The condemning authority may only convey property
 49 | pursuant to this paragraph if the property is zoned so that
 50 | future uses will conform to the airport noise compatibility
 51 | standards provided in 14 C.F.R. part 150. This paragraph does
 52 | not restrict the conveyance of property for use as a park. This

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53 paragraph applies only to large hub airports identified in the
54 National Plan of Integrated Airport Systems submitted by the
55 United States Secretary of Transportation to the United States
56 Congress in accordance with 49 U.S.C. s. 47103.

57 Section 2. This act shall take effect July 1, 2016.