

By Senator Sobel

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1 A bill to be entitled

2 An act relating to the conveyance of property taken by  
3 eminent domain; amending s. 73.013, F.S.; authorizing  
4 a condemning authority to convey, without restriction,  
5 lands condemned for specific noise mitigation or noise  
6 compatibility programs at certain large hub airports  
7 to a person or private entity; providing an effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (1) of section 73.013, Florida  
13 Statutes, is amended to read:

14 73.013 Conveyance of property taken by eminent domain;  
15 preservation of government entity communications services  
16 eminent domain limitation; exception to restrictions on power of  
17 eminent domain.—

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

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

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

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

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

45 (d) For use in providing public infrastructure;

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

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

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

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

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

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

68 (i) Without restriction, if the condemning authority  
69 condemns the property pursuant to a noise mitigation or noise  
70 compatibility program at an airport governed by Federal Aviation  
71 Administration requirements. The decision to condemn must be  
72 made on the basis that the property is deemed incompatible with  
73 residential land use under the standards provided in 14 C.F.R.  
74 part 150, Appendix A, or on the basis of noise mitigation  
75 measures or measures required for the safety, utility, or  
76 efficiency of an airport identified in a Record of Decision or  
77 other evaluation issued by the Federal Aviation Administration  
78 in connection with an airport development project. This  
79 paragraph applies only to large hub airports identified in the  
80 National Plan of Integrated Airport Systems prepared in  
81 accordance with 49 U.S.C. s. 47103.

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