

By the Committee on Community Affairs; and Senator Sobel

578-02869-16

20161480c1

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 ownership or control of specified property to a
6 natural person or private entity under certain
7 circumstances; defining the term "large hub airport";
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
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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 acquires the property in fee simple by inverse condemnation as a
70 result of large hub airport noise mitigation, or a noise
71 compatibility program, at an airport governed by Federal
72 Aviation Administration requirements on the basis of noise
73 mitigation measures, or on the basis of measures required for
74 the safety, utility, or efficiency of the airport identified in
75 a Record of Decision or any other evaluation issued by the
76 Federal Aviation Administration in connection with an airport
77 development project. As used in this section, the term "large
78 hub airport" means an airport identified in the national plan of
79 integrated airport systems prepared in accordance with 49 U.S.C.
80 s. 47103. The condemning authority may convey ownership or
81 control of the property to a natural person or private entity
82 under this paragraph only if the property is zoned so that
83 future uses conform to the airport noise compatibility standards
84 provided in 14 C.F.R. part 150, Appendix A.

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