

By Senator Wright

14-00528-21

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1 A bill to be entitled
2 An act relating to military installations; amending s.
3 73.013, F.S.; authorizing the conveyance to a natural
4 person or private entity certain property taken by
5 eminent domain if it is used in buffering military
6 installations against encroachment; providing an
7 effective date.

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

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

13 73.013 Conveyance of property taken by eminent domain;
14 preservation of government entity communications services
15 eminent domain limitation; exception to restrictions on power of
16 eminent domain.—

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

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

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

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

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

44 (d) For use in providing public infrastructure;

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

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

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

58 2. The owner from whom the property was taken by eminent

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59 domain is given the opportunity to repurchase the property at
60 the price that he or she received from the condemning authority;

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

66 (h) For use in buffering military installations against
67 encroachment, but only for property identified on the most
68 recent annual list of base buffering encroachment lands as set
69 forth in s. 288.980; or

70 (i) ~~(h)~~ In accordance with subsection (2).

71 Section 2. This act shall take effect July 1, 2021.