

Amendment #8

Official Title: Eminent Domain

Official Ballot Summary:

Proposing an amendment to the State Constitution to prohibit the transfer of private property taken by eminent domain to a natural person or private entity, providing that the Legislature may by general law passed by a three-fifths vote of the membership of each house of the Legislature permit exceptions allowing the transfer of such private property; and providing that this prohibition on the transfer of private property taken by eminent domain is applicable if the petition of taking that initiated the condemnation proceeding was filed on or after January 2, 2007.

Amendment Type:

Legislative/Joint Resolution, this amendment was placed on the ballot by the Florida Legislature during the 2006 Legislative Session. It was required to pass both the Senate and House by a 60% vote to be eligible for the ballot.

Sponsor: Florida Legislature
HJR 1569 (2006 Session)
Sponsor: Rep. Marco Rubio
(R-Miami)

Known Proponents:

- Coalition for Property Rights (CPR)
- Florida Association of Realtors
- Florida Chamber of Commerce
- Florida Farm Bureau
- Florida Fruit & Vegetable Association (FFVA)
- National Federation of Independent Businesses
- Property Rights Coalition (PRC)

Known Opponents:

Unknown

Were Paid Signature Gatherers Used to Place This on the Ballot?

N/A - Amendment was placed on the ballot via the Legislature. It was required to pass both the Senate and House by a 60% vote.

Arguments:

FOR

The decision as to whether a taking for economic development purposes is permissible in Florida lies squarely in the judiciary and will remain so unless the Constitution or statutes are amended to restrict such takings. Unless the Florida Constitution is amended, the question of whether a city or a county may take property for purposes of economic development will remain unanswered.

AGAINST

A constitutional amendment is not needed to address any eminent domain issues. This proposed constitutional amendment would place strict limits on the circumstances under which private property taken by eminent domain may be transferred to another party.

What Your Vote Means

YES

If approved by voters, Amendment #8 would require that private property taken by eminent domain must be retained for 10 years before it may be transferred to another private entity. The Legislature may provide exceptions to this limitation if passed by a 3/5 votes of the membership of each house.

NO

If Amendment #8 is not approved by voters, additional limits will not be placed on eminent domain. It would remain in its current form as stated in the Florida Constitution, Section 6, Article X, "prohibits takings of private property unless the taking is for a "public purpose" and the property owner is paid "full compensation."

Financial Impact:

There is not a direct financial impact on taxpayers, state or local government.

Note: The Financial Impact Estimating Conference is not required to adopt and prepare official financial impact statements to accompany proposed constitutional amendments which are placed on the ballot by the Florida Legislature.



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