

Senate Bill No. 130

An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

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

Section 1. Section 166.411, Florida Statutes, is amended to read:

166.411 Eminent domain; uses or purposes.—Municipalities are authorized to exercise the power of eminent domain for the following uses or purposes:

(1) For the proper and efficient carrying into effect of any proposed scheme or plan of drainage, ditching, grading, filling, or other public improvement deemed necessary or expedient for the preservation of the public health, or for other good reason connected in anywise with the public welfare or the interests of the municipality and the people thereof;

(2) Over railroads, traction and streetcar lines, telephone and telegraph lines, all public and private streets and highways, drainage districts, bridge districts, school districts, or any other public or private lands whatsoever necessary to enable the accomplishment of purposes listed in s. 180.06;

(3) For streets, lanes, alleys, and ways;

(4) For public parks, squares, and grounds;

(5) For drainage, for raising or filling in land in order to promote sanitation and healthfulness, and for the taking of easements for the drainage of the land of one person over and through the land of another;

(6) For reclaiming and filling when lands are low and wet, or overflowed altogether or at times, or entirely or partly;

(7) For the abatement of any nuisance;

(8) For the use of water pipes and for sewerage and drainage purposes;

(9) For laying wires and conduits underground; ~~and~~

(10) For city buildings, waterworks, ponds, and other municipal purposes which shall be coextensive with the powers of the municipality exercising the right of eminent domain; ~~and~~.

(11) For obtaining lands to be conveyed by the municipality to the school board of the school district for the county within which the municipality is located, if the school board requests in writing that the municipality obtain such lands for conveyance to the school board and promises to use the land

to establish a public school thereon. Fulfilling the purpose of this subsection is recognized as constituting a valid municipal public purpose.

Section 2. Subsection (11) of section 166.411, Florida Statutes, is repealed January 1, 2004. Any eminent domain action that was filed pursuant to that subsection before January 1, 2004, shall not be affected by this repeal.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2001.

Filed in Office Secretary of State May 30, 2001.