

By the Committee on General Provisions and Commissioner Corr

A proposal to revise

ARTICLE X, s. 6, Fla. Const.; providing  
conditions under which private property is  
assumed to be taken for a public purpose.

It is proposed by the Florida Constitution Revision Commission  
that:

Section 1. Section 6 of Article X of the Florida  
Constitution is revised by amending that section to read:

ARTICLE X

MISCELLANEOUS

SECTION 6. Eminent domain.--

(a) No private property shall be taken physically or otherwise except for a public purpose and with full compensation therefor determined by jury trial and paid to each owner or secured by deposit in the registry of the court and available to the owner. Government regulation or action that so diminishes or denies the use of private property as to cause a significant loss of value without denying substantially all beneficial use thereof constitutes a taking of private property under this section. An owner may bring an action in court claiming full compensation for such taking after exhaustion of administrative remedies or twelve months after written notice of the owner's claim to the government from which compensation is sought, whichever occurs sooner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.