



In 2006, the Florida Legislature proved that it understood the public outcry caused by the Supreme Court's abandonment of property rights. Florida created a legislative commission to study the use of eminent domain and ways of reining in abuse, then passed House Bill 1567 with an overwhelming majority. The new law signed by the governor requires localities to wait 10 years before transferring land taken by eminent domain from one owner to another—effectively eliminating condemnations for private commercial development. HB 1567 also forbids the use of eminent domain to eliminate so-called blight, instead requiring municipalities to use their police powers to address individual properties that actually pose a danger to public health or safety.

Not content with mere statutory protections, the Florida Legislature also put a constitutional amendment on the November ballot so that the state's citizens could make sure that these reforms could not easily be stripped away. The new amendment, which was approved in a landslide, requires a three-fifths majority in both legislative houses to grant

exceptions to the state's prohibition against using eminent domain for private use.

Thanks to these sweeping reforms, Florida has gone from being among the worst eminent domain abuse offenders to offering some of the best protection in the nation for homes, businesses, and houses of worship that formerly could have been condemned for private development. HB 1567 and Florida's new constitutional amendment should be models for other state legislatures. They prohibit takings for private benefit while still allowing the government to condemn property for traditional public uses such as roads, bridges, and government buildings.

House Bill 1567

Sponsored by: State Representative Marco Rubio
Status: Signed into law on May 11, 2006.

House Joint Resolution 1569

Sponsored by: State Representative Marco Rubio
Status: Passed by the legislature on May 4, 2006.
Approved by voters on November 7, 2006.