

## CHAPTER 127

## RIGHT OF EMINENT DOMAIN TO COUNTIES

- 127.01 Counties delegated power of eminent domain; recreational purposes, issue of necessity of taking.
- 127.02 County commissioners may authorize acquirement of property by eminent domain.

**127.01 Counties delegated power of eminent domain; recreational purposes, issue of necessity of taking.—**

(1)(a) Each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such county unless the county seeks to condemn a particular right or estate in such property.

(b) Each county is further authorized to exercise the eminent domain powers granted to the Department of Transportation by s. 337.27(1) and (2), the transportation

corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

(2) However, no county has the right to condemn any lands outside its own county boundaries for parks, playgrounds, recreational centers, or other recreational purposes. In eminent domain proceedings, a county's burden of showing reasonable necessity for parks, playgrounds, recreational centers, or other types of recreational purposes shall be the same as the burden in other types of eminent domain proceedings.

**History.**—s. 1, ch. 7338, 1917; RGS 1503; CGL 2281; s. 1, ch. 22802, 1945; s. 18, ch. 63-559; s. 5, ch. 73-299; s. 1, ch. 84-319; s. 17, ch. 85-80; s. 4, ch. 88-168; s. 1, ch. 91-141.

**127.02 County commissioners may authorize acquirement of property by eminent domain.—**The board of county commissioners may, by resolution, authorize the acquirement by eminent domain of property, real or personal, for any county use or purpose designated in such resolution.

**History.**—s. 2, ch. 7338, 1917; RGS 1504; CGL 2282.