

Private Property Rights Bill

1 Bill: Private Property Rights # _____

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4 An Act,

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6 Relating to public policy, **due process**, and private real
7 property; to strongly reject United Nations Agenda 21 and its
8 ancillary programs; to prohibit the State of Florida and all of
9 its political subdivisions from adopting and developing
10 environmental and developmental policies that, without due
11 process, would infringe or restrict the sovereignty of the State
12 of Florida and private property rights of the owner of private
13 property.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

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17 Section 1. (a) As used in this Act, - "political
18 subdivision" means all state, county, incorporated city or town,
19 unincorporated city or town, public local entity, public-private
20 partnership, and any other public entity of the state, a county,
21 or city.

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23 (b) The State of Florida and all its political
24 subdivisions may not adopt or implement policy recommendations
25 that deliberately or inadvertently infringe or restrict private
26 property rights, **without due process**, as may be required by
27 policy recommendations originating in, or traceable to "Agenda
28 21", adopted by the United Nations in 1992 at its Conference on
29 Environment and Development or any other international or
30 ancillary plan of action that contravenes the Constitution of the
31 United States or the Constitution of the State of Florida.

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33 (c) Since the United Nations has accredited and
enlisted numerous non-governmental and inter-governmental

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1 organizations to assist in the implementation of its policies
2 relative to Agenda 21 around the world and in the United States,
3 the State of Florida and all of its political subdivisions may
4 not enter into any agreement, expend any sum of money, receive
5 any funds, receive any grants, or receive any contracting
6 services, or giving financial aid to or from those United Nations
7 non-governmental and inter-governmental organizations as defined
8 in Agenda 21 or any of its ancillary programs.

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10 (d) As of the date of the enactment of this
11 Statute, any enactment, passage, approval or implementation of an
12 Agenda 21 policy or program shall be **null and void**.

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14 (e) This Statute shall be retroactive to -

15 (i) The date of United Nations passage
16 (approval) of Agenda 21 and its ancillary programs in 1992; and /
17 or -

18 (ii) The date of United Nations passage
19 (approval) of any pre - Agenda 21 programs prior to 1992.

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22 Section 2. (a) The owner of private property aggrieved
23 by a violation of this Statute shall have a private right to file
24 a civil cause of action against the government entity [***check FL**
25 **Tort Claims Act*** & qualified immunity in this circuit**] that
26 moves to take, limit, demise, and / or diminish any portion or
27 all of his private property through the enactment of an unlawful
28 Agenda 21 policy or program. Any civil action shall be filed in
29 the local Circuit Court in the County in which the alleged
30 violation occurred.

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1 (b) Actions to prevent implementation of any
2 Agenda 21 _____, to obtain injunctive relief, to restrain
3 the taking of any private property or actions to seek civil
4 damages for an unlawful taking of any portion of private property
5 or actions for return of any private property, shall be governed
6 by the rules of civil procedure and the appellate rules unless
7 provided in this chapter.

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9 (c) In each instance of an alleged violation
10 of this Statute, it shall be an irrebuttable presumption that
11 monetary damages have been incurred to the property and by the
12 owner and an irrebuttable presumption that the amount of the
13 monetary damages are, at a minimum, \$15,001, USD.

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17 Section 3. (a) **Attorney fees** shall be awarded by the
18 court to the owner of private property who **prevails** in any action
19 as defined in section 2 of this Statute.

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21 (b) As used in this section, the term
22 "**prevailing**" means the difference, exclusive of interest, between
23 the final judgment or settlement and the last written offer made
24 by the condemning authority before the defendant hires an
25 attorney. If no written offer is made by the condemning authority
26 before the defendant hires an attorney, benefits must be measured
27 from the first written offer after the attorney is hired.

28 [*****73.092 FI Statute lays out atty fees based on benefits - change to "prevailing owner"
29 and possible use rest of 73.092 (eminent domain statute)]

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1 (c) The award of costs to the prevailing
2 owner of private property shall be conducted according to Fl.
3 Rev. Stat. 73.091.

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5 (d) When the action is at issue, and only
6 upon notice and hearing to set the cause for trial, the court
7 shall impanel a jury of 12 persons as soon as practical
8 considering the reasonable necessities of the court and of the
9 parties, and giving preference to the trial under this Statute
10 over other civil actions, and submit the issue of compensation to
11 them for determination, which issue shall be tried in the same
12 manner as other issues of fact are tried in the circuit courts
13 [see eminent domain statute on damages - 73.071]

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15 (e) The issue of whether the government
16 entity acted intentionally to deprive the owner of property his
17 full use***etc shall be put to the jury and a verdict of
18 intentionality shall result in an award by the court of double or
19 treble damages.

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21 (f) The jury shall view the subject property
22 upon demand by any party or by order of the court.

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24 (g) If the jury cannot agree on a verdict
25 the court shall discharge them, impanel a new jury, and proceed
26 with the trial.

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28 Section X. This act shall become effective on
29 _____ following its passage and approval by the
30 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Florida Senate

Speaker of the Florida House of Representatives

