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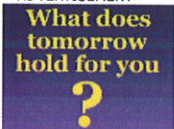
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Vote for No. 8 and preserve property rights

By Andrew Brigham
MY VIEW

By Election Day, politicians will have expended extraordinary efforts to make sure voters remember their faces as the best candidates. However, as Floridians consider their vote on Amendment 8, which would restrict the use of eminent domain for private-to-private transfers, there are other faces that should be remembered.

Eminent domain became the talk at the dinner table and around the water cooler after the U.S. Supreme Court ruling in *Kelo v. City of New London*. People realized government's use of eminent domain was forcing owners to give up their properties for use by other private entities, on the pretense that such a taking furthered the community's economic development.

Though private-property ownership is protected as a constitutional right, the only way to protect this right is to limit the government's power of eminent domain.

When considering Amendment 8, one face to remember is that of Tom Scholl, a self-made coal industry entrepreneur and owner of Keystone Coal. For eight years, Scholl endured many

setbacks as he attempted to secure property along the St. Johns River in Jacksonville. He made every attempt possible to lease an alternative site from the Jacksonville Port Authority. Finally, he purchased a property that Jaxport has passed up twice before.

Despite the fact that Keystone had purchased the 60-acre parcel, Jaxport negotiated a lease with Drummond Coal, a competitor. Does this seem fair? Then it filed for eminent domain based on its mission to be "an economic engine." Moreover, Jaxport officials indicated their desire that all property along the St. Johns River be in public, not private, ownership. Without constitutional limitation, Jaxport has the power of eminent domain to make that possible.

Tom Scholl is fighting Jaxport's lawsuit to take away his property, and it will be up to Florida's courts to interpret the constitution to protect property owners from takings in the name of "economic development."

However, Floridians will also have a chance to clarify constitutional intent by voting for Amendment 8, which is endorsed by Gov. Jeb Bush and the Legislature. Amendment 8 will require a three-fifths vote of the Legislature before eminent domain is used by state or local government to force a private-to-private transfer of private property.

Voters should remember the face of Tom Scholl and others whose private-property rights have been trampled as they vote on this important amendment.

Andrew Brigham is an attorney in the Jacksonville offices of Brigham Moore, a statewide eminent-domain firm that represents only private-property owners in matters of regulatory takings. Contact him at abrigham@brighammoore.com.

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