

By the Committee on Agriculture and Representatives  
Putnam, Thrasher, Valdes, Harrington, Minton, Sembler,  
Bronson, Mackey, Dockery, Maygarden, Peaden, Byrd, Kelly,  
Feeney, Bainter and Spratt

1                                   A bill to be entitled  
2           An act relating to property rights; amending s.  
3           70.001, F.S.; expanding the applicability of  
4           the Bert J. Harris, Jr., Private Property  
5           Rights Protection Act; amending s. 73.071,  
6           F.S.; providing criteria for compensation by  
7           the jury with respect to certain property to be  
8           acquired; providing an effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Subsection (12) of section 70.001, Florida  
13   Statutes, is amended to read:

14           70.001 Private property rights protection.--

15           (12) No cause of action exists under this section as  
16   to the application of any law enacted on or before May 11,  
17   1990 ~~1995~~, or as to the application of any rule, regulation,  
18   or ordinance adopted, or formally noticed for adoption, on or  
19   before that date. A subsequent amendment to any such law,  
20   rule, regulation, or ordinance gives rise to a cause of action  
21   under this section only to the extent that the application of  
22   the amendatory language imposes an inordinate burden apart  
23   from the law, rule, regulation, or ordinance being amended.

24           Section 2. Paragraphs (a) and (b) of subsection (3) of  
25   section 73.071, Florida Statutes, are amended to read:

26           73.071 Jury trial; compensation; severance damages.--

27           (3) The jury shall determine solely the amount of  
28   compensation to be paid, which compensation shall include:

29           (a) The value of the property sought to be  
30   appropriated. When the use of the property sought to be  
31   acquired is an agricultural operation as defined in s.

1 570.02(1), income from farming is attributable to real  
2 estate.~~†~~

3 (b) Where less than the entire property is sought to  
4 be appropriated, any damages to the remainder caused by the  
5 taking, including, when the action is by the Department of  
6 Transportation, county, municipality, board, district or other  
7 public body for the condemnation of a right-of-way, and the  
8 effect of the taking of the property involved may damage or  
9 destroy an established business of more than 5 years'  
10 standing, owned by the party whose lands are being so taken,  
11 located upon adjoining lands owned or held by such party, the  
12 probable damages to such business which the denial of the use  
13 of the property so taken may reasonably cause; any person  
14 claiming the right to recover such special damages shall set  
15 forth in his or her written defenses the nature and extent of  
16 such damages.~~†~~~~and~~

17 Section 3. This act shall take effect July 1 of the  
18 year in which enacted.

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