

1                   A bill to be entitled  
2           An act relating to compensation; amending s.  
3           373.139, F.S.; prohibiting disbursement of  
4           water management district funds for certain  
5           purposes; providing a statement of public  
6           purpose; authorizing the South Florida Water  
7           Management District to acquire certain property  
8           by eminent domain for certain purposes;  
9           amending s.73.071, F.S.; providing criteria for  
10          compensation by the jury with respect to  
11          certain property to be acquired; providing an  
12          effective date.

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

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16           Section 1. Paragraphs (a) and (b) of subsection (3) of  
17 section 73.071, Florida Statutes, are amended to read:

18           73.071 Jury trial; compensation; severance damages.--

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

21           (a) The value of the property sought to be  
22 appropriated. Where the income approach to value is used to  
23 value the property sought to be acquired, and when the highest  
24 and best use of the property sought to be acquired is in  
25 agriculture as defined in s. 570.02(1), income from  
26 agriculture is attributable to real estate for purposes of  
27 compensation under this paragraph and paragraph (b) of this  
28 subsection.

29           (b) Where less than the entire property is sought to  
30 be appropriated, any damages to the remainder caused by the  
31 taking, including, when the action is by the Department of

1 Transportation, county, municipality, board, district or other  
2 public body for the condemnation of a right-of-way, and the  
3 effect of the taking of the property involved may damage or  
4 destroy an established business of more than 5 years'  
5 standing, owned by the party whose lands are being so taken,  
6 located upon adjoining lands owned or held by such party, the  
7 probable damages to such business which the denial of the use  
8 of the property so taken may reasonably cause; any person  
9 claiming the right to recover such special damages shall set  
10 forth in his or her written defenses the nature and extent of  
11 such damages. ~~and~~

12 Section 2. Subsections (8) and (9) are added to  
13 section 373.139, Florida Statutes, to read:

14 373.139 Acquisition of real property.--

15 (8) A district may not disburse district funds or  
16 assets to the Federal Government, or any department or agency  
17 thereof, in any agreement or other arrangement, to take  
18 property or any interest therein by eminent domain, pursuant  
19 to federal law, if such agreement or other arrangement  
20 diminishes or deprives a person or entity of any right,  
21 privilege, or compensation that they would otherwise have if  
22 the property or interest was taken by eminent domain under the  
23 laws of this state. Any affected person or entity shall have  
24 standing to enforce this prohibition by bringing an action in  
25 circuit court in the county in which the affected property is  
26 located.

27 (9) The Legislature declares that the Kissimmee River,  
28 Florida Project as identified in the Project Cooperation  
29 Agreement between the Department of the Army and the South  
30 Florida Water Management District, dated March 22, 1994, is in  
31 the public interest and for a public purpose. This project is

1 necessary for the public health and welfare. The acquisition  
2 of real property, including by eminent domain, for this  
3 objective constitutes a public purpose for which it is in the  
4 public interest to expend public funds. The governing board of  
5 the district is empowered and authorized to acquire fee title  
6 or easements by eminent domain for the limited purpose of  
7 implementing the Kissimmee River, Florida Project.

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

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