

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) The Legislature declares that the Kissimmee River,  
16 Florida Project as identified in the Project Cooperation  
17 Agreement between the Department of the Army and the South  
18 Florida Water Management District, dated March 22, 1994, and  
19 the C-111 Project as identified in the Central and Southern  
20 Florida Flood Control Project Real Estate Design Memorandum  
21 Canal 111, South Dade County, Florida are in the public  
22 interest, for a public purpose and are necessary for the  
23 public health and welfare. Through July 1, 2000 the Governing  
24 board of the District is empowered and authorized to acquire  
25 fee title or easement by eminent domain for the limited  
26 purpose of implementing the Kissimmee River, Florida Project  
27 and the C-111 Project, more fully described above, and the  
28 acquisition of real property, including by eminent domain, for  
29 these objectives constitutes a public purpose for which it is  
30 in the public interest to expend public funds.

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1           (9) Through July 1, 2000, the South Florida Water  
2 Management District may disburse state or district funds to  
3 any agency or department of the federal government in any  
4 agreement or arrangement to take property or any interest  
5 therein by eminent domain, pursuant to federal law, unless  
6 such arrangement diminishes or deprives a person or entity of  
7 any right, privilege, or compensation that they would  
8 otherwise have if the property or interest was taken by  
9 eminent domain under Florida law. this subsection shall not  
10 apply to federal grant funds received by the state or  
11 district.

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

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