

By the Committee on Comprehensive Planning, Local and Military Affairs

316-248A-02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to eminent domain; repealing s.
59, ch. 99-385, Laws of Florida; abrogating the
repeal of provisions governing business damages
in eminent domain actions; amending s. 73.071,
F.S.; providing for the age required of a
standing business in order to qualify for
business damages; providing an effective date.

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

Section 1. Section 59 of chapter 99-385, Laws of Florida, is repealed.

Section 2. Subsection (3) of section 73.071, Florida Statutes, is amended to read:

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

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

(a) The value of the property sought to be appropriated;

(b) Where less than the entire property is sought to be appropriated, any damages to the remainder caused by the taking, including, when the action is by the Department of Transportation, county, municipality, board, district or other public body for the condemnation of a right-of-way, and the effect of the taking of the property involved may damage or destroy an established business of more than 4 years' standing before January 1, 2005, or the effect of the taking of the property involved may damage or destroy an established business of more than 5 years' standing on or after January 1,

1 2005, owned by the party whose lands are being so taken,
2 located upon adjoining lands owned or held by such party, the
3 probable damages to such business which the denial of the use
4 of the property so taken may reasonably cause; any person
5 claiming the right to recover such special damages shall set
6 forth in his or her written defenses the nature and extent of
7 such damages; and

8 (c) Where the appropriation is of property upon which
9 a mobile home, other than a travel trailer as defined in s.
10 320.01, is located, whether or not the owner of the mobile
11 home is an owner or lessee of the property involved, and the
12 effect of the taking of the property involved requires the
13 relocation of such mobile home, the reasonable removal or
14 relocation expenses incurred by such mobile home owner, not to
15 exceed the replacement value of such mobile home. The
16 compensation paid to a mobile home owner under this paragraph
17 shall preclude an award to a mobile home park owner for such
18 expenses of removal or relocation. Any mobile home owner
19 claiming the right to such removal or relocation expenses
20 shall set forth in his or her written defenses the nature and
21 extent of such expenses. This paragraph shall not apply to
22 any governmental authority exercising its power of eminent
23 domain when reasonable removal or relocation expenses must be
24 paid to mobile home owners under other provisions of law or
25 agency rule applicable to such exercise of power.

26 Section 3. This act shall take effect upon becoming a
27 law.

28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Abrogates the repeal of provisions governing business damages in eminent domain actions. Prescribes the age required of a standing business in order to qualify for business damages.