

Bill No. CS for CS for CS for SB 502

Amendment No. Barcode 855844

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 37, between lines 16 & 17,

and insert:

Section 28. Section 59 of chapter 99-385, Laws of Florida, is repealed.

Section 29. 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

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1 effect of the taking of the property involved may damage or
 2 destroy an established business of more than 4 years' standing
 3 before January 1, 2005, or the effect of the taking of the
 4 property involved may damage or destroy an established
 5 business of more than 5 years' standing on or after January 1,
 6 2005, owned by the party whose lands are being so taken,
 7 located upon adjoining lands owned or held by such party, the
 8 probable damages to such business which the denial of the use
 9 of the property so taken may reasonably cause; any person
 10 claiming the right to recover such special damages shall set
 11 forth in his or her written defenses the nature and extent of
 12 such damages; and

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2, line 28, after the semicolon

4

5 and insert:

6 repealing s. 59, ch. 99-385, Laws of Florida;

7 abrogating the repeal of provisions governing

8 business damages in eminent domain actions;

9 amending s. 73.071, F.S.; providing for the age

10 required of a standing business in order to

11 qualify for business damages;

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