

By Senator Bennett

21-1603-06

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A bill to be entitled

An act relating to eminent domain proceedings;
amending s. 73.091, F.S.; limiting the amount
of fees that a court may require a condemning
authority to pay for expert witnesses assisting
in the defense of an eminent domain proceeding;
providing an effective date.

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

Section 1. Subsection (1) of section 73.091, Florida
Statutes, is amended to read:

73.091 Costs of the proceedings.--

(1) The petitioner shall pay attorney's fees as
provided in s. 73.092 as well as all reasonable costs incurred
in the defense of the proceedings in the circuit court,
including, but not limited to, reasonable appraisal fees and,
when business damages are compensable, a reasonable
accountant's fee, to be assessed by that court. No prejudgment
interest shall be paid on costs or attorney's fees. If the
amount of compensation awarded or agreed to for the taking is
\$250,000 or less, the total fees awarded for experts assisting
in such a defense may not be less than \$5,000 or more than 20
percent of the amount of compensation. If the amount of the
compensation awarded or agreed to for the taking exceeds
\$250,000, the total fees awarded for experts may not exceed
\$50,000 plus 25 percent of the amount by which such
compensation exceeds \$250,000.

Section 2. This act shall take effect July 1, 2006.

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SENATE SUMMARY

Limits the amount of fees that a court may require a
condemning authority to pay for expert witnesses in
defending an eminent domain proceeding.