

1 A bill to be entitled
 2 An act relating to takings claims within areas of
 3 critical state concern; creating s. 380.0501, F.S.;
 4 providing for the apportionment of awards of damages
 5 for takings claims within areas of critical state
 6 concern; providing an effective date.

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

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 10 Section 1. Section 380.0501, Florida Statutes, is created
 11 to read:

12 380.0501 Apportionment of awards of damages for takings
 13 claims within an area of critical state concern.-

14 (1) In any proceeding brought pursuant to chapter 70, any
 15 claim for inverse condemnation, or any other property-rights
 16 related action for compensation in which the state is named as a
 17 codefendant with a local government located in an area of
 18 critical state concern or named as a third-party defendant by a
 19 local government located in an area of critical state concern,
 20 the court shall require the state and the local government to
 21 equally pay any award of compensation, costs, attorney fees, and
 22 prejudgment interest to the property owner if:

23 (a) The court has found liability against both the state
 24 and the local government;

25 (b) The regulation restricting development or use of the

26 property was mandated or approved by the state land planning
27 agency or the Administration Commission under s. 380.05; or

28 (c) The regulation restricting development or use of the
29 property adopted by the local government was necessary for the
30 local government to comply with the principles for guiding
31 development established for the area or other obligations under
32 the area of critical state concern designation.

33 (2) Notwithstanding s. 11.066 or s. 7, chapter 2006-223,
34 Laws of Florida, the court shall enter separate judgments for
35 the apportioned amount against the state and local government.

36 (3) A governmental entity named as a judgment debtor in a
37 judgment entered under this section is only liable for
38 postjudgment interest on the judgment entered against it and is
39 not liable for postjudgment interest on the judgment entered
40 against the other governmental entity. This section does not
41 prohibit a court from awarding a separate judgment for attorney
42 fees and costs pursuant to the limitations set forth in this
43 section.

44 Section 2. This act shall take effect July 1, 2019.