

By Senator Flores

39-01050A-19

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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.

7  
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

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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.