

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Raschein offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Section 380.0501, Florida Statutes, is created
7 to read:

8 380.0501 Apportionment of awards of damages for takings
9 claims within an area of critical state concern.-

10 (1) In any state court proceeding brought for inverse
11 condemnation or any other property-rights related action for
12 compensation in which the state is named as a codefendant with a
13 local government located in an area of critical state concern or
14 named as a third-party defendant by a local government located
15 in an area of critical state concern, the court shall require
16 the state and the local government to each pay half of any award

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17 of compensation, costs, attorney fees, and prejudgment interest
18 to the property owner if:

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

21 (b) The regulation restricting development or use of the
22 property was mandated or approved by the state land planning
23 agency or the Administration Commission under s. 380.05.

24 (2) The state court shall enter separate judgments for the
25 apportioned amount against the state and the local government.

26 (3) A governmental entity named as a judgment debtor in a
27 judgment entered under this section is only liable for
28 postjudgment interest on the judgment entered against it and is
29 not liable for postjudgment interest on the judgment entered
30 against the other governmental entity. This section does not
31 prohibit a court from awarding a separate judgment for costs and
32 attorney fees pursuant to the limitations set forth in this
33 section.

34 (4) If, before the effective date of this section, the
35 court has entered a judgment jointly and severally against the
36 state and a local government in a case that satisfies the
37 conditions in subsection (1), the state shall reimburse the
38 local government for 50 percent of the total amount paid by the
39 local government to satisfy the judgment.

40 (5) If a federal court grants any award of compensation,
41 costs, attorney fees, or prejudgment interest on a claim for

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42 inverse condemnation or any other property-rights related action
43 against a local government located in an area of critical state
44 concern and the claim involves a land development regulation
45 that was mandated or approved by the state land planning agency
46 or the Administration Commission under s. 380.05, the state
47 shall pay to the local government 50 percent of the total award,
48 including compensation, costs, attorney fees, and interest, paid
49 by the local government.

50 (6) Following receipt of the 2020 census data for the
51 Florida Keys, the state land planning agency is directed to
52 commission an updated hurricane evacuation model that utilizes
53 the best available data and is conducted in accordance with a
54 professionally accepted methodology to determine the clearance
55 time for permanent residents to safely evacuate in the event of
56 a hurricane.

57 (7) Notwithstanding any other provision of law, the state
58 shall not be liable under this section for a growth-limiting
59 regulation enacted solely at the discretion of the local
60 government.

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62
63 **T I T L E A M E N D M E N T**

64 Remove everything before the enacting clause and insert:
65 An act relating to takings claims within areas of critical state
66 concern; creating s. 380.0501, F.S.; providing for the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 587 (2020)

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67 | appportionment of awards of damages for takings claims within
68 | areas of critical state concern; directing the state land
69 | planning agency to update a hurricane evacuation model;
70 | providing a limitation on liability; providing an effective
71 | date.