

Committee on Judiciary

CS/HB 179 — Eminent Domain Proceedings

by Civil Justice Subcommittee; and Rep. Young and others (CS/SB 322 by Judiciary Committee and Senator Brandes)

This bill (Chapter 2013-23, L.O.F.) entitles a person whose property is taken through a quick taking to interest earned on a deposit made to secure a judgment of taking. A quick taking occurs when a governmental entity takes physical possession of property prior to a final judgment in an eminent domain case. Public entities that take possession and title before an entry of final judgment must file a declaration of taking with a good faith estimate of the value of the property. If the court determines that the governmental entity is entitled to take possession of the property before the final judgment is entered, the court must issue an order requiring the entity to deposit money in an amount that will fully secure and compensate the defendant. These monies are deposited into the court registry. The clerk is authorized to invest the deposit to earn the highest interest rate possible.

Previously, the clerk distributed 90 percent of any interest earned automatically to the governmental entity. The other 10 percent was retained by the clerk. This bill requires a clerk of court to allocate 90 percent of the earned interest according to ultimate ownership in the deposit.

These provisions were approved by the Governor and take effect July 1, 2013.

Vote: Senate 40-0; House 116-0