

By Senator Laurent

17-1938-98

1 A bill to be entitled
2 An act relating to eminent domain; amending s.
3 73.071, F.S.; providing criteria for the jury
4 to determine compensation for specified
5 agricultural property; providing an effective
6 date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (3) of section 73.071, Florida
11 Statutes, is amended to read:

12 73.071 Jury trial; compensation; severance damages.--

13 (3) The jury shall determine solely the amount of
14 compensation to be paid, which compensation shall include:

15 (a) The value of the property sought to be
16 appropriated. When the income approach to value is considered
17 to value the property sought to be acquired and the highest
18 and best use of the property sought to be acquired is in
19 agriculture as defined in s. 570.02(1), income from
20 agriculture is attributable to real estate for purposes of
21 compensation under this paragraph and paragraph (b);

22 (b) Where less than the entire property is sought to
23 be appropriated, any damages to the remainder caused by the
24 taking, including, when the action is by the Department of
25 Transportation, county, municipality, board, district or other
26 public body for the condemnation of a right-of-way, and the
27 effect of the taking of the property involved may damage or
28 destroy an established business of more than 5 years'
29 standing, owned by the party whose lands are being so taken,
30 located upon adjoining lands owned or held by such party, the
31 probable damages to such business which the denial of the use

1 of the property so taken may reasonably cause; any person
2 claiming the right to recover such special damages shall set
3 forth in his or her written defenses the nature and extent of
4 such damages; and

5 (c) Where the appropriation is of property upon which
6 a mobile home, other than a travel trailer as defined in s.
7 320.01, is located, whether or not the owner of the mobile
8 home is an owner or lessee of the property involved, and the
9 effect of the taking of the property involved requires the
10 relocation of such mobile home, the reasonable removal or
11 relocation expenses incurred by such mobile home owner, not to
12 exceed the replacement value of such mobile home. The
13 compensation paid to a mobile home owner under this paragraph
14 shall preclude an award to a mobile home park owner for such
15 expenses of removal or relocation. Any mobile home owner
16 claiming the right to such removal or relocation expenses
17 shall set forth in his or her written defenses the nature and
18 extent of such expenses. This paragraph shall not apply to
19 any governmental authority exercising its power of eminent
20 domain when reasonable removal or relocation expenses must be
21 paid to mobile home owners under other provisions of law or
22 agency rule applicable to such exercise of power.

23 Section 2. This act shall take effect upon becoming a
24 law.

25 *****

26
27 SENATE SUMMARY

28 Provides criteria for the jury to determine compensation
29 for specified agricultural property in eminent domain
30 proceedings.

31