

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:

9  
 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 state court proceeding brought for inverse  
 15       condemnation or any other property-rights related action for  
 16       compensation in which the state is named as a codefendant with a  
 17       local government located in an area of critical state concern or  
 18       named as a third-party defendant by a local government located  
 19       in an area of critical state concern, the court shall require  
 20       the state and the local government to each pay half of any award  
 21       of compensation, costs, attorney fees, and prejudgment interest  
 22       to the property owner if:

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

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.

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

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

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

44 (5) If a federal court grants any award of compensation,  
45 costs, attorney fees, or prejudgment interest on a claim for  
46 inverse condemnation or any other property-rights related action  
47 against a local government located in an area of critical state  
48 concern and the claim involves a land development regulation  
49 that was mandated or approved by the state land planning agency  
50 or the Administration Commission under s. 380.05, the state

HB 587

2020

51 | shall pay to the local government 50 percent of the total award,  
52 | including compensation, costs, attorney fees, and interest, paid  
53 | by the local government.

54 |       Section 2. This act shall take effect upon becoming a law.