

1999

Session Law 99-385

Florida Senate & House of Representatives

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79-385 Doc LIST.

- ① TP (1)
- ② LOF 99-385 (43)
- ③ Passed Bill HR 591 - Hist (1)
- ④ HR 591 (108 TR - 32) (50)
- ⑤ Amendments of HR 591 (2/9/21 - Trans.) (10)
- ⑥ " " " (2/23/21 - RA) (3)
- ⑦ " " " (3/3/21 - "A") (3)

9900354

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#1205

Exercise OF Power OF
Eminent Domain ~~Issue~~ by D.P.T.

repealed 337.27(2) ch. 99-385/64

~~repealed~~ 1999

99-385

23.015 (changed)

23.071

337.27 repealed

testimony of Ken Towcimak
DOT / ROW IN 1999 SESSION
SB 940 (passed) → HB 591
99-385

HB 591 / 3rd ENG ✓ (99-385)

comp.

H ~~344~~ 99-345

579 ✓

P-8 TU 99-02 (25)

Am. 25 - 11

CS 1021 ✓

CS 1147 ✓

1437 ✓

1689 ✓

2085 ✓

S ~~182~~ - 99-203

CS/CS/SO 940 ✓

CS/CS 972 ✓

CS 1306 ✓

(SUBS) CS/SO 1314 ✓

CS 1354 ✓

1422 ✓

~~1446~~ - 99-250

~~1566~~ - 99-251

CS 1578 ✓

1920 ✓

CS 2306 ✓

~~2350~~ - 99-224

2490 ✓

HB 500 1115

227 Transp. + Eco Dev. 7/12/99 2 PP

019 Transp. 3/4/99 2 PP

529 Transp. 3/4/99 2 PP

4/1/99 SJ 637

H0579-HJ421

56-57

1/14/99

868 S. Jones 4/20/99 2 PP
(not approved)

H5 1437

515 Transp. 3/2

H1437-HJ421

4/21/99 4J 2

32

58 1306

390 - - - - 7/21 2 PP

210 Relations 4/15 2 PP

4/22/99 SJ 677 51306-5J422 43-44

CHAPTER 99-385

House Bill No. 591

An act relating to the Department of Transportation; amending s. 20.23, F.S.; expanding the role of the transportation commission; providing loan guarantees for certain businesses; amending s. 206.46, F.S.; increasing the amount that may be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund; requiring Department of Transportation and Department of Community Affairs to jointly review and submit legislation implementing the recommendations of the Transportation and Land Use Committee; creating s. 215.615, F.S.; authorizing the department and local governments to enter into an interlocal agreement to provide financing for fixed guideway projects; amending s. 316.003, F.S.; revising the definition of a motorized bicycle; amending ss. 320.08, 320.083, 320.08035, F.S.; deleting references to motorized bicycles; creating s. 316.0815, F.S.; providing the duty to yield to public transit vehicles reentering the flow of traffic; amending s. 316.1895, F.S.; authorizing local governments to request the Department of Transportation to install and maintain speed zones for federally funded Headstart programs located on roads maintained by the department; amending s. 316.302, F.S.; updating references to the current federal safety regulations; amending s. 316.3025, F.S.; updating references to the current federal safety regulations; amending s. 316.545, F.S.; providing a maximum penalty for operating a commercial motor vehicle when the registration or license plate has not been expired for more than 180 days; amending s. 320.20, F.S., relating to the disposition of motor vehicle license tax moneys; providing for an audit of the ports; amending s. 335.0415, F.S.; clarifying the jurisdiction and responsibility for operation and maintenance of roads; amending s. 335.093, F.S.; authorizing the department to designate public roads as scenic highways; amending s. 337.11, F.S.; authorizing the department to enter into contracts for construction or maintenance of roadway and bridge elements without competitive bidding under certain circumstances; deleting the provision for the owner-controlled insurance plan; amending s. 337.16, F.S.; eliminating intermediate delinquency as grounds for suspension or revocation of a contractor's certificate of qualification to bid on construction contracts in excess of a specified amount; amending s. 337.162, F.S.; providing that department appraisers are not obligated to report violations of state professional licensing laws to the Department of Business and Professional Regulation; amending s. 337.18, F.S.; deleting the schedule of contract amount categories utilized to calculate liquidated damages to be paid by a contractor; allowing the department to adjust the categories; requiring that surety bonds posted by successful bidders on department construction contracts be payable to the department; amending s. 337.185, F.S.; raising the limit for binding arbitration contract disputes; authorizing the secretary of the department to select an alternate or substitute to serve as the department member of the board for any hearing; amending the fee schedule for arbitration to cover the cost of administration

3 Twenty percent of any portion of the benefit exceeding \$1 million

Section 62. Effective January 1, 2000, subsection (1) of section 127.01, Florida Statutes, is amended to read:

127.01 Counties delegated power of eminent domain; recreational purposes, issue of necessity of taking —

(1)(a) Each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such county unless the county seeks to condemn a particular right or estate in such property.

(b) Each county is further authorized to exercise the eminent domain ~~power powers~~ granted to the Department of Transportation by s. 337.27(1) ~~and (2)~~, the transportation corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

Section 63. Effective January 1, 2000, subsection (2) of section 166.401, Florida Statutes, is amended to read:

166.401 Right of eminent domain.—

(2) Each municipality is further authorized to exercise the eminent domain ~~power powers~~ granted to the Department of Transportation in s. 337.27(1) ~~and (2)~~ and the transportation corridor protection provisions of s. 337.273.

Section 64. Effective January 1, 2000, subsection (2) of section 337.27, section 337.271, subsection (2) of section 348.0008, subsection (2) of section 348.759, and subsection (2) of section 348.957, Florida Statutes, are repealed.

Section 65. Subsections (3), (4), (5), and (6) are added to section 479.15, Florida Statutes, to read:

479.15 Harmony of regulations.—

(3) It is the express intent of the Legislature to limit the state right-of-way acquisition costs on state and federal roads in eminent domain proceedings, the provisions of ss. 479.07 and 479.155 notwithstanding. Subject to approval by the Federal Highway Administration, whenever public acquisition of land upon which is situated a lawful nonconforming sign occurs, as provided in this chapter, the sign may, at the election of its owner and the department, be relocated or reconstructed adjacent to the new right-of-way along the roadway within 100 feet of the current location, provided the nonconforming sign is not relocated on a parcel zoned residential, and provided further that such relocation shall be subject to applicable setback requirements. The sign owner shall pay all costs associated with relocating or reconstructing any sign under this subsection, and neither the state nor any local government shall reimburse the sign owner for such costs, unless part of such relocation costs are required by federal law. If no adjacent

keeping them in the county jail where they are sentenced. The money derived from the hire of such prisoners shall be paid to the county hiring out such prisoners and placed to the credit of the fine and forfeiture fund of the county.

Section 122. Section 2 of Senate Bill 182, enacted in the 1999 Regular Session of the Legislature, is amended to read:

Section 2. This act shall take effect July 1, 1999 ~~on the effective date of Senate Bill 178, relating to wireless emergency 911 telephone service, but it shall not take effect unless it is enacted by at least a three fifths vote of the membership of each house of the Legislature.~~

Section 123. This act shall take effect July 1, 1999.

Approved by the Governor June 18, 1999.

Filed in Office Secretary of State June 18, 1999.

Florida Legislature Online Sunshine

[Bill By](#) [Bill Text](#) [Amendments](#) [Staff Analysis/Bill](#) [Vote History](#) [Citations](#)
[Hundreds](#) [Research](#)

S 940 : Eminent Domain

S 940 GENERAL BILL/CS/CS by Fiscal Policy; Comprehensive Planning, Local and Military Affairs; Comprehensive Planning, Local and Military Affairs (Compare 3RD ENG/H 0591, CS/H 1147, S 0068, S 0070, 2ND ENG/S 2350) Eminent Domain; requires presuit negotiation before action in eminent domain may be initiated under certain provisions; provides requirements for condemning authority; requires written offer of purchase & appraisal & specifies time period during which owner may respond to offer before condemnation lawsuit may be filed; allows business owner to claim business damage within specified time period; provides for nonbinding mediation, etc. Amends FS. EFFECTIVE DATE: 01/01/2000.
 02/03/99 SENATE Prefiled
 02/17/99 SENATE Referred to Comprehensive Planning, Local and Military Affairs; Fiscal Policy
 03/02/99 SENATE Introduced, referred to Comprehensive Planning, Local and Military Affairs; Fiscal Policy -SJ 00065; On Committee agenda-- Comprehensive Planning, Local and Military Affairs, 03/03/99, 10:45 am, Room-309C
 03/03/99 SENATE Comm. Action: CS by Comprehensive Planning, Local and Military Affairs -SJ 00131; CS read first time on 03/05/99 -SJ 00133
 03/04/99 SENATE Now in Fiscal Policy -SJ 00131
 03/26/99 SENATE On Committee agenda-- Fiscal Policy, 03/31/99, 9:00 am, Room-37S
 03/31/99 SENATE Comm. Action:-CS/CS by Fiscal Policy -SJ 00437; CS read first time on 04/06/99 -SJ 00440
 04/02/99 SENATE Placed on Calendar -SJ 00437
 04/07/99 SENATE Placed on Special Order Calendar -SJ 00468; Read second time -SJ 00467
 04/08/99 SENATE Read third time -SJ 00476; CS passed; YEAS 38 NAYS 0 -SJ 00476
 04/13/99 HOUSE In Messages
 04/15/99 HOUSE Received, referred to Transportation (EDC); Real Property & Probate (CJC); Transportation & Economic Development Appropriations (FRC) -HJ 00615
 04/16/99 HOUSE On Committee agenda-- Transportation (EDC), 04/19/99, 2:00 pm, 317C
 04/19/99 HOUSE Comm. Action: Favorable with 1 amendment(s) by Transportation (EDC) -HJ 00753
 04/21/99 HOUSE Now in Real Property & Probate (CJC) -HJ 00753
 04/30/99 HOUSE Died in Committee on Real Property & Probate (CJC), Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385), SB 2350 (Ch. 99-224)

 BILL TEXT: ([Top](#))

[sb0940 \(View As:HTML,As Printed\)](#)
[sb0940c1 \(View As:HTML,As Printed\)](#)
[sb0940c2 \(View As:HTML,As Printed\)](#)

H 591 : Transportation Department

H 591 GENERAL BILL/3RD ENG by Transportation (EDC); K. Smith (Compare ~~CS/H 0341~~, 1ST ENG/H 0579, CS/H 1021, CS/H 1147, 1ST ENG/H 1437, H 1689, HOUSE 2085, ~~2ND ENG/S 0182~~, CS/CS/S 0940, CS/CS/S 0972, CS/1ST ENG/S 1306, CS/S 1314, CS/S 1354, SENATE 1422, ~~2ND ENG/S 1446~~, CS/CS/2ND ENG/S 1566, CS/S 1578, SENATE 1920, CS/S 2306, ~~2ND ENG/S 2350~~, SENATE 2490)

Transportation Department; expands role of transportation commission; provides loan guarantees for certain businesses; authorizes dept. & local governments to enter into interlocal agreement to provide financing for fixed guideway projects; revises definition of motorized bicycle; clarifies jurisdiction & responsibility for operation & maintenance of roads; provides for small county road assistance program, etc. Amends FS. EFFECTIVE DATE: 07/01/1999.

02/05/99 HOUSE Prefiled

02/12/99 HOUSE Referred to Community Affairs (PRC); Finance & Taxation (FRC)

03/02/99 HOUSE Introduced, referred to Community Affairs (PRC); Finance & Taxation (FRC) -HJ 00056

03/04/99 HOUSE On Committee agenda- Community Affairs (PRC), 03/08/99, 3:30 pm, Morris Hall

03/08/99 HOUSE Comm. Action: Unanimously Favorable by Community Affairs (PRC) -HJ 00315

03/11/99 HOUSE Now in Finance & Taxation (FRC) -HJ 00315

04/21/99 HOUSE Withdrawn from Finance & Taxation (FRC) -HJ 00741; Placed on calendar, available for General Calendar

04/23/99 HOUSE Placed on Special Order Calendar; Read second time -HJ 00978; Amendment(s) adopted -HJ 00978

04/26/99 HOUSE Read third time -HJ 01110; Amendment(s) failed -HJ 01111; Amendment(s) adopted -HJ 01111; Passed as amended, YEAS 117 NAYS 0 -HJ 01112

04/26/99 SENATE In Messages

04/28/99 SENATE Received, referred to Transportation -SJ 01405, Immediately withdrawn from Transportation -SJ 01242; Substituted for CS/SB 1314 -SJ 01243, Read second time -SJ 01243, Amendment(s) adopted -SJ 01243

04/29/99 SENATE Read third time -SJ 01415; Amendment(s) adopted -SJ 01416, -SJ 01435; Passed as amended; YEAS 39 NAYS 0 -SJ 01436

04/29/99 HOUSE In returning messages

04/30/99 HOUSE Was taken up -HJ 02025; Concurred -HJ 02026; Passed as amended; YEAS 116 NAYS 0 -HJ 02060; Ordered engrossed, then enrolled -HJ 02060

06/04/99 Signed by Officers and presented to Governor

06/18/99 Approved by Governor; Chapter No. 99-385; See also CS/HB 311 (Ch. 99-345), SB 182 (Ch. 99-203), SB 1446 (Ch. 99-250), SB 2350 (Ch. 99-224)

AMENDMENTS: (Top)

H.	hb0591am364955 (View As:HTML,As Printed)	Goodlette	4/22/99	(15 pp.)
	hb0591am735741 (View As:HTML,As Printed)	Dockery et. al.	4/22/99	(2 pp.)
	hb0591am965457 (View As:HTML,As Printed)	Logan + villa lobos	4/22	(4 pp.)
	hb0591am980841 (View As:HTML,As Printed)	K Smith	4/22	(3.5 pp)
S	hb0591e2065130 (View As:HTML,As Printed)	Furman	4/27	(7 pp)
	hb0591e2090230 (View As:HTML,As Printed)	Jones	4/29	(3 pp)
	hb0591e2191642 (View As:HTML,As Printed)	Carlton	4/28	2 pp.
	hb0591e2223830 (View As:HTML,As Printed)	Jones	4/26	1
	hb0591e2224284 (View As:HTML,As Printed)	Geller	4/28	2 pp
	hb0591e2282158 (View As:HTML,As Printed)	Jones	4/27	1
	hb0591e2290836 (View As:HTML,As Printed)	SILVER	4/28	2
	hb0591e2322842 (View As:HTML,As Printed)	Webster + Casas	4/27	(52 pp)
	hb0591e2343802 (View As:HTML,As Printed)	Geller	4/28	1
	hb0591e2353086 (View As:HTML,As Printed)	FURMAN	4/27	2
	hb0591e2453732 (View As:HTML,As Printed)	Webster + Casas	4/28	113 (164 pp)
	hb0591e2560382 (View As:HTML,As Printed)	Casas	4/29	1
	hb0591e2673234 (View As:HTML,As Printed)	Horne + Casas	4/27	2
	hb0591e2870564 (View As:HTML,As Printed)	Jones	4/29	3
	hb0591e2953812 (View As:HTML,As Printed)	Webster + Casas	4/27	113
	hb0591e2962556 (View As:HTML,As Printed)	HARGRET	4/29	1

Am. to Am. 452732

Florida Legislature Online Sunshine

Bill By
Hundreds

Bill Text Amendments

Staff Analysis/Bill
Research

Vote History Citations

H 591 : Transportation Department

PCB TR 99-02

H 591 GENERAL BILL/3RD ENG by Transportation (EDC); K. Smith (Compare CS/1ST ENG/H 0311, 1ST ENG/H 0579, CS/H 1021, CS/H 1147, 1ST ENG/H 1437, H 1689, HOUSE 2085, 2ND ENG/S 0182, CS/CS/S 0940, CS/CS/S 0972, CS/1ST ENG/S 1306, CS/S 1314, CS/S 1354, SENATE 1422, 2ND ENG/S 1446, CS/CS/2ND ENG/S 1566, CS/S 1578, SENATE 1920, CS/S 2306, 2ND ENG/S 2350, SENATE 2490)

Transportation Department; expands role of transportation commission; provides loan guarantees for certain businesses; authorizes dept. & local governments to enter into interlocal agreement to provide financing for fixed guideway projects; revises definition of motorized bicycle; clarifies jurisdiction & responsibility for operation & maintenance of roads; provides for small county road assistance program, etc. Amends FS. EFFECTIVE DATE: 07/01/1999.

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04/23/99 HOUSE Placed on Special Order Calendar; Read second time -HJ 00978; Amendment(s) adopted -HJ 00978

04/26/99 HOUSE Read third time -HJ 01110; Amendment(s) failed -HJ 01111; Amendment(s) adopted -HJ 01111; Passed as amended; YEAS 117 NAYS 0 -HJ 01112 (1110 - 1112)

04/26/99 SENATE In Messages

04/28/99 SENATE Received, referred to Transportation -SJ 01405; Immediately withdrawn from Transportation -SJ 01242; Substituted for CS/SB 1314 -SJ 01243; Read second time -SJ 01243; Amendment(s) adopted -SJ 01243 (1242 - 1275)

04/29/99 SENATE Read third time -SJ 01415; Amendment(s) adopted -SJ 01416, -SJ 01435; Passed as amended; YEAS 39 NAYS 0 -SJ 01436

04/29/99 HOUSE In returning messages *1415-1417, 1434-1436*

04/30/99 HOUSE Was taken up -HJ 02025; Concurred -HJ 02026; Passed as amended; YEAS 116 NAYS 0 -HJ 02060; Ordered engrossed, then enrolled -HJ 02060

06/04/99 Signed by Officers and presented to Governor

06/18/99 Approved by Governor; Chapter No. 99-385; See also CS/HB 311 (Ch. 99-345), SB 182 (Ch. 99-203), SB 1446 (Ch. 99-250), SB 2350 (Ch. 99-224)

BILL TEXT: [\(Top\)](#)



The Florida Senate

Interim Project Report 98-11

October 1998

Committee on Community Affairs

Senator John McKay, Chairman

RECENT ISSUES IN EMINENT DOMAIN LAW: PROPOSED EXPANSION OF THE STATUTORY ENTITLEMENT TO BUSINESS DAMAGES

SUMMARY

Acquisition of property by condemning authorities may result in damages to a business owner. In 1998, legislation was proposed to expand the entitlement to business damages. However, transportation resources are limited and such changes would increase the cost of right of way acquisitions.

If the Legislature chooses to expand access to business damages, some of the increase in project costs could be offset by implementing measures designed to expedite the acquisition process and reduce associated costs.

This report provides a general overview of Florida's constitutional and statutory provisions relating to eminent domain, reviews the recently proposed increase in entitlements to business damages, and outlines measures that could be implemented to offset the impact of paying more business damages.

BACKGROUND

Eminent domain is the power of the state to take private property for public use. Under both the federal and state constitutions that power is restricted. The Fifth Amendment to the U.S. Constitution provides that private property may not be taken for public use without just compensation. Article X, s (6)(a), of the State Constitution, prohibits the government from taking property through the exercise of eminent domain without the payment of full compensation.

The payment of compensation for intangible losses and incidental or consequential damages, however, is not required by the constitution, but is granted or withheld simply as a matter of legislative grace. *Tampa-Hillsborough County Expressway Authority v K.E. Morris Alignment Service, Inc*, 444 So 2d 926, 928 (Fla 1983). The statutes authorizing these damages

must be strictly construed and any ambiguity in these statutes must be construed against the claim of damages, with damages to be awarded only when an award appears clearly consistent with legislative intent *Id.*, at 929.

The Current Eminent Domain Process

Chapters 73 and 74, F.S., provide for eminent domain and proceedings supplemental to eminent domain, respectively. Chapter 73, F.S., specifies the requirements for filing a petition for eminent domain and issuance of a summons or other notification to property owners by the clerk of the court.

Pursuant to s 73.032, F.S., the petitioner may make an offer of judgment no sooner than 120 days after the defendant has filed an answer and no later than 20 days prior to trial. A defendant may make an offer to have judgment entered against the defendant for payment of compensation by the petitioner only for an amount that is under \$100,000, and the offer may be served on the petitioner no sooner than 120 days after the defendant has filed an answer and no later than 20 days prior to trial. At the time an offer of judgment is made by the petitioner, the petitioner must identify and make available to the defendant the construction plans, if any, for the project on which the offer is based.

Prior to instituting litigation, the condemning authority must notify the fee owners of their statutory rights concerning attorney's fees and costs (s. 73.0511, F.S.).

Pursuant to s 73.071, F.S., eminent domain trials are argued before a twelve person jury and have preference over other civil actions. The jury is to determine the amount of compensation for the property to be acquired. The amount of compensation is to be determined as of the date of trial, or the date upon which title passes, whichever shall occur first. The jury is to determine solely the amount of compensation to

be paid, with compensation to include, in part, the following:

1. The value of the property sought to be appropriated; and
2. Where less than the entire property is sought to be appropriated,
 - (a) any damages to the remainder caused by the taking; these are known as severance damages;
 - (b) when the effect of the taking of the property involved may damage or destroy an established business of more than 5 years' standing, owned by the party whose lands are being so taken, located upon adjoining lands owned or held by such party, severance damages include the probable business damages.

Inverse Condemnation / Diminution of Access

When a governmental action causes a substantial loss of access to real property without a taking of the property, there is a right to compensation through an inverse condemnation action *Palm Beach County v Tessler*, 538 So.2d 846, 849 (Fla 1989). However, the fact that a portion or even all of the access to an abutting road is destroyed does not constitute a taking unless, in light of the remaining access to the property, the property owner's right of access was substantially diminished. Damages recoverable are limited to the reduction in the value of the property which was caused by the loss of access.

Business damages are controlled by s. 73 071, F.S. This statute does not authorize compensation for business damages under such circumstances; business damages are compensable only when there is a partial taking of land *Weaver Oil Co v. City of Tallahassee*, 647 So.2d 819, 822 (Fla. 1994). Thus, when a governmental action reduces access but the reduction in access is not substantial, there is no taking of access. Additionally, even if the reduction in access does rise to the level of a taking, if the governmental action did not involve a taking of a part of the property on which the business is located, there can be no business damages.

DOT v. Fortune Federal

Section 337.27(2), F S , allows the Department of Transportation (DOT) to acquire an entire parcel of land if, by doing so, the acquisition costs to the department is equal to or less than the cost of acquiring

a portion of the property. Enacted in 1984, this provision

“ shall be construed as a specific recognition by the Legislature that this means of limiting the rising costs to the state of property acquisition is a public purpose and that, without this limitation, the viability of many public projects will be threatened ”

In 1988, this provision was upheld by the Florida Supreme Court. *Department of Transportation v. Fortune Federal Savings and Loan Association*, 532 So.2d 1267 (Fla 1988). This same authority has been extended to counties and cities (ss. 127 01(1)(b) and 166.401.(2), F.S., respectively).

Attorney's Fees

Section 73.091, F.S , provides that the condemning authority must pay all attorney fees and reasonable costs incurred in the defense of the property owner, including appraisal fees, and accountant fees when business damages are applicable. Where the petitioner and the property owner are unable to agree on fees, the court determines the fees to be paid. The court must be guided by the amount the defendant would ordinarily have been expected to pay for the services if the petitioner were not responsible for the cost.

Prior to an offer by the petitioner, the defendant's attorney fees, as well as appraisal fees and other reasonable costs incurred in the defense, are set by the court if not resolved by the parties. When assessing attorney's fees the court must consider: the fee, or rate of fee, customarily charged for comparable services, the amount of money involved, the difficulty of the case; the skill employed by the attorney; and, the attorney's time and labor.

Section 73 092, F S , provides that if an offer is refused and the defendant chooses to go to trial, attorney's fees after the offer of judgment are based “solely on the benefits achieved for the client.” The term “benefits” means the difference, exclusive of interest, between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hires an attorney. If an attorney is hired before a written offer is made, benefits must be measured from the first written offer after the attorney is hired. The section further provides that attorney's fees based on benefits achieved are to be awarded according to the following schedule:

1. Thirty-three percent of any benefit up to \$250,000, plus
2. Twenty-five percent of any portion of the benefit between \$250,000 and \$1 million, plus
3. Twenty percent of any portion of the benefit exceeding \$1 million.

Business Damages & "Non-Public Bodies"

Numerous statutory provisions grant both public and private entities the authority to condemn property for a variety of purposes. However, business damages are controlled by s 73.071, F.S., which provides that damages are compensable only when "public bodies" take property. Privately owned utilities are not "public bodies." *Sasnett v. Tampa Electric Co.*, 513 So 2d 157 (Fla 2nd DCA 1987).

Costs in Eminent Domain Proceedings

In Fiscal Year 1997-98, DOT spent \$355 million in acquiring right of way for construction projects (See TABLE 1.) (This figure does not include department legal and "expert" contract services.) Seventy-two percent of this was spent on land, a decrease from 83% in FY 1992-93. During the same period, there has been a corresponding increase in the percent paid for landowner fees. The percentage for business damages has remained relatively constant over this six year period.

TABLE 1

	Expenditure	% of Total
Land	\$ 254.4 m	72%
Business Damages	18.8 m	5%
Miscellaneous	18.3 m	5%
Landowner Fees	63.5 m	18%
Attorney Fees	\$ 34.8 m (55%)	
Appraisal Fees	9.3 m (15%)	
Other Costs	19.4 m (30%)	
	=====	
	\$ 355.0 m	

Source: DOT, 9/98

Comparable information for cities and counties is not available.

TABLE 2 shows the historic benefit impact of DOT property acquisition and business damage payments.

DOT officials state that the difference between the department's estimate and the final judgment is result, in part, of cost avoidance considerations in settlement agreements. The present structure rewards any challenge to an initial offer. Settlements includes an amount less than the cost to litigate. In FY 1997-98, 58 percent of the parcels acquired by DOT were negotiated purchases.

TABLE 2

Agency Reports	Compensation	Average	# of Cases
<i>Property (@ parcel)</i>			1000
DOT Estimate	\$ 203.9 m	\$ 81,564	
Owner Estimate	\$ 561.3 m	\$ 224,535	
Final Judgment	357.4 m	142,961	
<i>Business Damages</i>			122
DOT Estimate	\$ 7.6 m	\$ 24,897	
Owner Estimate	123.2 m	403,829	
Final Payment	32.7 m	107,209	

Source: DOT, 2/98

Business Damages & Other States

Florida is one of 9 states that have a statutory right to business damages in eminent domain actions. [AK., CA., GA., LA., MD., MI., ND, & VT] Of those nine, only six maintain records of expenditures. According to an analysis compiled by DOT, Florida "appears to be the most liberal in business damage payments by a considerable margin." In addition, the analysis notes that Florida is one of five states that pay both business damages and landowner attorney fees, and "is exceeded by only one state (Michigan) in the percentage of land value expended for these purposes."

PROPOSED EXPANSION OF ENTITLEMENTS TO BUSINESS DAMAGES

In the 1998 Legislative Session, a number of proposals were considered to increase the entitlement to business damages. TABLE 3 presents each major proposal, with a justification and rebuttal, and includes suggested limitations to the proposals to either reduce the anticipated fiscal impact or streamline the process.

TABLE 3: PROPOSED EXPANSION OF STATUTORY ENTITLEMENTS TO BUSINESS DAMAGES				
	PROPOSAL	JUSTIFICATION	REBUTTAL	PROPOSED LIMITATIONS
①	Require condemning authorities to make a written offer for business damages before a suit is filed to condemn the property <i>[This proposal was paired with a written offer requirement for land purchases and related severance damages.]</i>	Expedites the process In addition, DOT is required by federal law when using federal funds to make a written offer before litigating. It is also their policy on any right of way acquisition.	Information is not made available to allow the condemning authority to make an accurate appraisal of business	1- Require businesses, subject to penalties, provide access to appraisals and necessary business records before an offer is made; OR 2- Require business owner to make the initial claim for business damages; the condemning authority would then review the necessary records to substantiate the claim. Both options would require compensation for attorneys.
②	Allow business damages to be payable in whole takings	<i>" .. it is a matter of fundamental fairness, especially to lessees "</i>	Businesses can relocate to a similar site - current practice and federal law for federally funded project provides compensation for moving expenses *	- Limit damages to total of fair market value and reasonable moving expenses; - Require mitigation be used when cost effective; - Award actual business damages after the fact, as opposed to speculative damages.
③	Repeal s 337 27(2), F.S , which allows condemners to convert a partial taking into a total taking if the total cost will be equal to or less than the cost of acquiring a portion of the property and paying damages	- Corrects the "inequity" in the government's ability to avoid paying business damages by taking all of the property. - Removes the incentive for taking property it does not need	<i>"This is a means of limiting the rising costs to the state of property acquisition for a public purpose. Without this limitation, the viability of many public projects will be threatened "</i>	None proposed
④	Allow compensation for business damages when access is substantially diminished.	Property owners can be compensated in limited circumstances for inverse takings, why not business damages?	Access may need to be limited for safety reasons and to improve the traffic flow	- Require mitigation strategies be implemented before award of business damages. - Allow exclusions for health and safety concerns.
⑤	Allow business damages when access is diminished during construction	Business profits decline when access is limited during construction	The temporary decline is offset by the road improvements.	Require mitigation strategies be implemented; Allow exclusions for health and safety concerns.
⑥	Allow business damages for those businesses of 3 years standing instead of the current 5 years .	All businesses are subject to adverse impacts - not just more established ones.	Local plans provide new businesses at least 5 years warning of construction.	Restrict business damages to businesses in operation before right of way acquisition is identified
⑦	Exclude utilities from these proposed changes	Utilities are currently exempt from paying business damages	There is no apparent policy reason for excluding utilities	None

*Indicates that DOT is currently required to provide or has a current policy to provide, or indicates that some local governments have a policy to provide

Impact of Proposals on Condemning Authorities

Expanding the opportunities for businesses to obtain business damages will increase right of way acquisition costs by condemning authorities in three ways

- amounts expended for business damages would increase;
- landowner costs, which are reimbursed by the condemning authorities, would increase, as business damage issues are usually litigated and frequently involve expert testimony; and
- condemning authorities will incur additional legal costs in defending against new claims for business damages

At this time, DOT and local governments are unable to estimate the collective impact of these proposals

MEASURES TO REDUCE THE COSTS OF RIGHT OF WAY ACQUISITIONS

During the debate of business damage issues, it was suggested that the right of way acquisition process could be expedited and costs of the overall process could be reduced by implementing a number of reforms. [See TABLE 4] Discussions of the current DOT pre-litigation process and current laws relating to offsetting benefits provide helpful background information for these reforms

Current DOT Pre-Litigation Process

Section 337.271, F.S., requires DOT to negotiate with the property owner in good faith and to attempt to arrive at an agreed amount of compensation for the property in lieu of litigation. At the inception of the negotiation, DOT must notify the owner of the acquisition sought, provide specified information about the project and inform the property owner of their statutory rights in the process.

Within 120 days after receipt of the notice, the property owner may submit a complete appraisal report related to the parcel to be acquired and, if business damages are to be claimed, submit a complete estimate of those damages. If the property owner submits the appraisal report, and business damages report if relevant, within 30 days of the date on which DOT receives the report(s), it is to provide to the property

owner all appraisal reports and business expense estimates prepared for DOT related to the property. Under these circumstances, DOT is also to make a written offer of purchase to the property owner and the business owner, if any, which includes the value of the land and improvements taken and any business or severance damages. After exchanging appraisal and business damages reports, the parties may jointly agree to nonbinding mediation.

DOT is required to pay all reasonable costs, including reasonable attorney's fees, incurred on behalf of a property owner who proceeds to pre-litigation negotiation settlement pursuant to the provisions of this section.

According to DOT officials, the current prelitigation process is successful when the property owner submits to the process and, in the case of claims for business damages, provides all relevant data to develop a realistic business damage estimate. However, the property owner frequently elects to avoid the process, under the advisement of legal counsel, and pursues compensation through litigation. There is no statutory requirement that the property owner submit to the prelitigation process.

Offset of Severance Damages to Benefits

Currently, s. 73 071(4), F.S., requires that, in limited cases, when property is condemned the enhancement in value of the remaining adjoining property should be offset against any severance damage to the remaining property. However, applying this requirement has been problematic. The courts have limited the offset to benefits peculiar to a particular owner, as opposed to general benefits that would be enjoyed by the owner in common with other property owners. *Mainer v Canal Authority of State*, 467 So 2d 989 (Fla. 1985). For example, the courts have ruled that appreciation in value to property as the result of increased traffic flow is a general benefit, which cannot be offset.

Federal law allows for benefits or enhancements to remaining property to be offset against both severance damages and compensation for property taken.

Research compiled by DOT reveals that of the 9 states that award business damages, 5 require the benefit to the property be considered in the calculation of business damages.

TABLE 4: MEASURES TO REDUCE THE COSTS OF RIGHT OF WAY ACQUISITIONS		
	PROPOSAL	EXPECTED OUTCOME
①	<p>Establish a mandatory pre-litigation settlement process for all condemning authorities with the following characteristics:</p> <ul style="list-style-type: none"> ○ require, subject to penalties, the exchange of construction plans, appraisals, and necessary or relevant business records before initiating litigation, thus allowing all parties to quickly and accurately estimate all costs associated with the right-of-way acquisition; ○ allow property owners to appeal the mediated settlement in court; however, recovery of fees and costs should be denied unless the claimant is awarded damages beyond the condemning authority's offer ○ include the notice provisions as specified in s. 337.271, F.S., for DOT's pre-litigation negotiation requirement ○ require the court to assess reasonable and customary attorney's fees to compensate the defendant's attorneys. 	This may expedite the process and reduce costs and fees.
②	<p>Establish an appraisal process using an impartial, court-appointed panel of property appraisers, engineers, accountants, and economists (Subject to federal guidelines for federally funded projects.) If dissatisfied with the outcome, the property owner could appeal, with the state liable for costs and fees if the award exceeds a specified threshold above the court's appraisal.</p>	This would lower the costs of using competing appraisals and associated costs
③	<p>Change the formula or method of determining attorney's and expert fees to encourage prelitigation settlements.</p>	This would remove present incentives which discourage the property owner from presuit discussions, exchanges of information, and settlements with condemning authorities.
④	<p>In whole or partial takings, require that any special or general benefits to the remaining property (including adjacent property owned by the same person owning the condemned property) be considered in the calculation of severance or business damages</p> <p>These benefits could be calculated by comparing the fair market value of the property prior to the taking to the fair market value after the taking, with the benefit offsetting the damages</p>	This recognizes the economic benefits that businesses realize from improvements to public transportation and other public works projects
⑤	<p>Allow recovery of fees and costs only if the claimant actually is awarded damages beyond the condemning authority's offer</p>	This would discourage pursuit of frivolous challenges to offers made in good faith.
⑥	<p>Allow recovery of fees and costs for appeals only if claimant wins the appeal.</p>	This would discourage frivolous appeals
⑦	<p>Reduce the number of jurors in eminent domain cases from 12 to 6</p>	This may expedite the process and result in less court costs and fees

METHODOLOGY

Staff reviewed related legislation submitted in the 1998 Legislative Session.

Staff also interviewed legislative staff with experience on the issue, DOT officials, representatives from the Florida Association of Counties and League of Cities, local government attorneys, and members of the public with business interests in eminent domain law

RECOMMENDATIONS

If the Legislature chooses to expand access to business damages, we recommend measures be implemented to expedite the acquisition process and reduce associated landowner fees.

COMMITTEE(S) INVOLVED IN REPORT *(Contact first committee for more information.)*

Committee on Community Affairs, 430 Senate Office Building, Tallahassee, FL 32399-1100, (850) 487-5167 SunCom 277-5167

MEMBER OVERSIGHT

Senators McKay and Brown-Waite

704-114AX-02

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Goodlette offered the following:

Anendment (with title amendment)

14 On page 50, lines 16 & 17,
15 remove from the bill: all of said lines

17 insert:

18 Section 56. Effective January 1, 2000, section 73.015,
19 Florida Statutes, is created to read:

20 73.015 Presuit negotiation.--

21 (1) Effective July 1, 2000, before an eminent domain
22 proceeding is brought under this chapter or chapter 74, the
23 condemning authority must attempt to negotiate in good faith
24 with the fee owner of the parcel to be acquired, must provide
25 the fee owner with a written offer and, if requested, a copy
26 of the appraisal upon which the offer is based, and must
27 attempt to reach an agreement regarding the amount of
28 compensation to be paid for the parcel.

29 (a) At the inception of negotiation for acquisition,
30 the condemning authority must notify the fee owner of the
31 following:

704-114AX-02

Bill No. HB 591

Amendment No. ____ (for drafter's use only)

1 for any county purpose. The absolute fee simple title to all
2 property so taken and acquired shall vest in such county
3 unless the county seeks to condemn a particular right or
4 estate in such property.

5 (b) Each county is further authorized to exercise the
6 eminent domain power ~~powers~~ granted to the Department of
7 Transportation by s. 337.27(1) ~~and (2)~~, the transportation
8 corridor protection provisions of s. 337.273, and the right of
9 entry onto property pursuant to s. 337.274.

10 Section 62. Effective January 1, 2000, subsection (2)
11 of section 166.401, Florida Statutes, is amended to read:

12 166.401 Right of eminent domain.--

13 (2) Each municipality is further authorized to
14 exercise the eminent domain power ~~powers~~ granted to the
15 Department of Transportation in s. 337.27(1) ~~and (2)~~ and the
16 transportation corridor protection provisions of s. 337.273.

17 Section 63. Effective January 1, 2000, subsection (2)
18 of section 337.27, section 337.271, subsection (2) of section
19 348.0008, subsection (2) of section 348.759, and subsection
20 (2) of section 348.957, Florida Statutes, are repealed.

21 Section 64. Except as otherwise provided herein, this
22 act shall take effect July 1, 1999.

23
24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 2, line 4,
28 remove from the title of the bill: all of said line

29
30 and insert in lieu thereof:

31 system; amending s. 73.015, F.S.; requiring

By the Committee on Comprehensive Planning, Local and Military
Affairs

316-599E-99

1 A bill to be entitled
2 An act relating to eminent domain; creating s.
3 73.015, F.S.; requiring presuit negotiation
4 before an action in eminent domain may be
5 initiated under ch. 73, F.S., or ch. 74, F.S.;
6 providing requirements for the condemning
7 authority; requiring the condemning authority
8 to give specified notices; requiring a written
9 offer of purchase and appraisal and specifying
10 the time period during which the owner may
11 respond to the offer before a condemnation
12 lawsuit may be filed; providing procedures;
13 allowing a business owner to claim business
14 damage within a specified time period;
15 providing circumstances under which the court
16 must strike a business-damage defense;
17 providing procedures for business-damage
18 claims; providing for nonbinding mediation;
19 requiring the condemning authority to pay
20 reasonable costs and attorney's fees of a
21 property owner; allowing the property owner to
22 file a complaint in circuit court to recover
23 attorney's fees and costs, if the parties
24 cannot agree on the amount; providing that
25 certain evidence is inadmissible in specified
26 proceedings; amending s. 73.092, F.S.; deleting
27 provisions relating to attorney's fees for
28 business-damage claims; amending ss. 127.01,
29 166.401, F.S.; restricting the exercise by
30 counties and municipalities of specified
31 eminent domain powers granted to the Department

1 of Transportation; repealing ss. 337.27(2),
2 337.271, 348.0008(2), ~~348.759(2)~~, 348.957(2),
3 F.S., relating to limiting the acquisition cost
4 of lands and property acquired through eminent
5 domain proceedings by the Department of
6 Transportation, the Orlando-Orange County
7 Expressway Authority, or the Seminole County
8 Expressway Authority, or under the Florida
9 Expressway Authority Act, and relating to the
10 notice that the Department of Transportation
11 must give to a fee owner at the inception of
12 negotiations to acquire land; amending s.
13 479.15, F.S.; preempting certain county and
14 municipal regulation of outdoor advertising
15 signs located adjacent to the state highway
16 system; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 73.015, Florida Statutes, is
21 created to read:

22 73.015 Presuit negotiation.--

23 (1) Before an eminent domain action is brought under
24 this chapter or chapter 74, the condemning authority must
25 attempt to negotiate in good faith with the fee owner of the
26 parcel to be acquired, must provide the owner with a written
27 offer and a copy of the appraisal upon which the offer is
28 based, and must attempt to reach an agreement regarding the
29 amount of compensation to be paid for the parcel.

30
31

1 (a) At the inception of negotiation for acquisition,
2 the condemning authority must notify the fee owner of the
3 following:
4 1. That all or a portion of his or her property is
5 necessary for an authorized project;
6 2. The nature of the project for which the parcel is
7 considered necessary, and the parcel designation of the
8 property to be acquired;
9 3. That the condemning authority will provide
10 right-of-way maps or construction plans that depict the
11 proposed taking within 15 days after receipt of a request by
12 the owner for such maps;
13 4. The fee owner's statutory rights under ss. 73.091
14 and 73.092; and
15 5. The fee owner's rights and responsibilities under
16 paragraphs (b) and (c) and subsection (4).
17 (b) The condemning authority must provide a written
18 offer of purchase to the fee owner. The owner must be given at
19 least 30 days to respond to the offer before the condemning
20 authority files a condemnation lawsuit for the parcel
21 identified in the offer.
22 (c) The notice, written offer, and written appraisal
23 upon which the offer is based must be sent by certified mail,
24 return receipt requested, to the fee owner's last known
25 address listed on the county ad valorem tax roll.
26 Alternatively, the notice, written offer, and written
27 appraisal may be personally delivered to the fee owner of the
28 property. If there is more than one owner of a property,
29 notice to one owner constitutes notice to all owners of the
30 property. The return of the notice as undeliverable by the
31 postal authorities constitutes compliance with this provision.

1 The condemning authority is not required to give notice or a
2 written offer to a person who acquires title to the property
3 after the notice required by this section has been given.

4 (d) Notwithstanding this subsection, with respect to
5 lands acquired under s. 259.041, the condemning authority is
6 not required to give the fee owner the current appraisal
7 before executing an option contract.

8 (2) Before an eminent domain action is brought under
9 this chapter or chapter 74 by the Department of Transportation
10 or by a county, municipality, board, district, or other public
11 body for the condemnation of right-of-way, the condemning
12 authority must make a good-faith effort to notify the property
13 owners, including lessees, who operate a business located on
14 the property to be acquired of their statutory rights under s.
15 73.091 and of the items listed in subparagraphs (1)(a)1.-3.
16 The notice must be sent by certified mail, return receipt
17 requested, or by personal delivery to any person in possession
18 of the premises. If a diligent search fails to locate a
19 business owner, the notice must be published in a newspaper at
20 least once each week for two consecutive weeks in the county
21 where the property is located. However, if the property is
22 located in a municipality and a newspaper is published there,
23 the notice must be published in such a newspaper. Notice to
24 one owner of a multiple ownership business constitutes notice
25 to all business owners of that business. The condemning
26 authority is not required to give notice to a business owner
27 who acquires an interest in the business after the notice
28 required by this section has been given. Once notice has been
29 made to business owners under this subsection, the condemning
30 authority may file a condemnation action pursuant to chapter
31 73 or chapter 74 for the property identified in the notice.

1 (a) If the business owner intends to claim business
2 damage under s. 73.071(3)(b), he or she must, within 120 days
3 after either receipt of the notice or the date of final
4 publication of notice as required by this subsection, or at a
5 later time mutually agreed to by the condemning authority and
6 the business owner, submit to the condemning authority a
7 good-faith written offer to settle any claims of business
8 damage to the property. The written offer must be sent to the
9 condemning authority by certified mail, return receipt
10 requested. Absent a showing of a good-faith justification for
11 the failure to submit a business-damage offer within 120 days,
12 the court must strike the business owner's claim for business
13 damages in any condemnation lawsuit. If the court finds that
14 the business owner has acted in good faith, the court shall
15 grant the business owner 120 days within which to submit a
16 business-damage offer, which the condemning authority must
17 respond to within 90 days.

18 1. The business-damage claim must include an
19 explanation of the nature, extent, and monetary amount of such
20 damage and must be prepared by either the owner or a certified
21 public accountant. The business owner shall also provide to
22 the condemning authority copies of the owner's business
23 records that substantiate the good-faith offer to settle
24 claims of business damage. If additional information is needed
25 beyond data that may be obtained from business records
26 existing at the time of the offer, the business owner and
27 condemning authority may agree on a schedule for the
28 submission of such data. Business records that are not
29 provided to the condemning authority under this section may
30 not be used by the business owner either individually or in
31 conjunction with other business records to establish or prove

1 business damage, nor may they be used to establish an award of
2 attorney's fees.

3 2. As used in this paragraph, the term "business
4 records" includes, but is not limited to, copies of federal
5 income tax returns, federal income tax withholding statements,
6 federal miscellaneous income tax statements, state sales tax
7 returns, balance sheets, profit and loss statements, state
8 corporate income tax returns for the 5 years preceding
9 notification which are attributable to the business operation
10 on the property to be acquired, and other records that
11 substantiate the business-damage claim.

12 (b) Within 90 days after receipt of the good-faith
13 business-damage offer and accompanying business records, the
14 condemning authority must, by certified mail, accept or reject
15 the business owner's offer or make a counteroffer.

16 (3) At any time in the presuit negotiation process,
17 the parties may agree to submit the compensation or
18 business-damage claims to nonbinding mediation. The parties
19 shall agree upon a mediator certified under s. 44.102.

20 (4) Upon submission of an invoice that complies with
21 the requirements of this subsection, the condemning authority
22 shall pay all reasonable costs, including reasonable
23 attorney's fees and reasonable mediation costs, incurred on
24 behalf of a fee or business property owner under this section
25 for presuit negotiations. In order to qualify for reasonable
26 attorney's fees and costs for presuit negotiations, the fee or
27 business owner must have complied with the requirements of
28 this section and must be entitled to compensation from the
29 condemning authority under this chapter. The invoice must
30 include complete time records and a detailed statement of
31 services performed and time spent performing the services.

1 (a) The attorney's fees must be calculated on the
2 basis of criteria set forth in s. 73.092(1), except for
3 attorney's fees associated with business-damage claims, which
4 must be calculated in accordance with s. 73.092(2), (3), (4),
5 and (5). The acceptance or rejection of the business owner's
6 offer or the counter offer by the condemning authority as
7 required by paragraph (2)(b) constitutes the relevant written
8 offer for purposes of calculating the benefit under s.
9 73.092(1).

10 (b) Reasonable appraisal fees or accountant's fees as
11 authorized by this section must not exceed the general or
12 customary hourly rate for such fees in the community.

13 (c) If the parties cannot agree on the amount of costs
14 and attorney's fees to be paid by the condemning authority,
15 the property owner may file a complaint in the circuit court
16 in the county in which the property is located to recover
17 attorney's fees and costs.

18 (5) Evidence of negotiations, or of any written or
19 oral statements used in mediation, conducted by the parties
20 under this section is inadmissible in any subsequent
21 proceeding, except in a proceeding to determine reasonable
22 costs and attorney's fees.

23 Section 2. Section 73.092, Florida Statutes, is
24 amended to read:

25 73.092 Attorney's fees.--

26 (1) Except as otherwise provided in this section and
27 s. 73.015, the court, in eminent domain proceedings, shall
28 award attorney's fees based solely on the benefits achieved
29 for the client.

30 (a) As used in this section, the term "benefits" means
31 the difference, exclusive of interest, between the final

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SENATE SUMMARY

Requires presuit negotiation before an action in eminent domain may be initiated under ch. 73, F.S., or ch. 74, F.S. Provides requirements for the condemning authority. Requires the condemning authority to give specified notices. Provides that, before a condemnation lawsuit may be filed, a written offer of purchase must be tendered, and the owner has 30 days in which to respond to the offer. Provides procedures. Allows a business owner to submit, within a specified time period, a claim for business damages. Prescribes circumstances under which the court must strike a business-damage defense. Provides procedures for business-damage claims. Provides for nonbinding mediation. Requires the condemning authority to pay reasonable costs and attorney's fees and reasonable mediation costs of a property owner under specified conditions. Allows the property owner to file a complaint in circuit court to recover costs and attorney's fees, if the parties cannot agree on the amount. Provides that certain evidence is inadmissible in specified proceedings. Deletes current provisions relating to attorney's fees for business-damage claims. Restricts the exercise by counties and municipalities of specified eminent domain powers granted to the Department of Transportation. Repeals ss. 337.27(2), 337.271, 348.0008(2), 348.759(2), and 348.957(2), F.S., relating to limiting the acquisition cost of lands and property acquired through eminent domain proceedings by the Department of Transportation or by various expressway authorities, and relating to the notice that the Department of Transportation must give to a fee owner at the inception of negotiations to acquire land. Preempts the regulation of outdoor advertising along the state highway system to the state.

By the Committee on Comprehensive Planning, Local and Military Affairs

316-599E-99

1 A bill to be entitled
 2 An act relating to eminent domain; creating s.
 3 73.015, F.S.; requiring presuit negotiation
 4 before an action in eminent domain may be
 5 initiated under ch. 73, F.S., or ch. 74, F.S.;
 6 providing requirements for the condemning
 7 authority; requiring the condemning authority
 8 to give specified notices; requiring a written
 9 offer of purchase and appraisal and specifying
 10 the time period during which the owner may
 11 respond to the offer before a condemnation
 12 lawsuit may be filed; providing procedures;
 13 allowing a business owner to claim business
 14 damage within a specified time period;
 15 providing circumstances under which the court
 16 must strike a business-damage defense;
 17 providing procedures for business-damage
 18 claims; providing for nonbinding mediation;
 19 requiring the condemning authority to pay
 20 reasonable costs and attorney's fees of a
 21 property owner; allowing the property owner to
 22 file a complaint in circuit court to recover
 23 attorney's fees and costs, if the parties
 24 cannot agree on the amount; providing that
 25 certain evidence is inadmissible in specified
 26 proceedings; amending s. 73.092, F.S.; deleting
 27 provisions relating to attorney's fees for
 28 business-damage claims; amending ss. 127.01,
 29 166.401, F.S.; restricting the exercise by
 30 counties and municipalities of specified
 31 eminent domain powers granted to the Department

1 | corridor protection provisions of s. 337.273, and the right of
2 | entry onto property pursuant to s. 337.274.

3 | Section 4. Subsection (2) of section 166.401, Florida
4 | Statutes, is amended to read:

5 | 166.401 Right of eminent domain.--

6 | (2) Each municipality is further authorized to
7 | exercise the eminent domain ~~power~~ powers granted to the
8 | Department of Transportation in s. 337.27(1) ~~and (2)~~ and the
9 | transportation corridor protection provisions of s. 337.273.

10 | Section 5. Subsection (2) of section 337.27, Florida
11 | Statutes, section 337.271, Florida Statutes, subsection (2) of
12 | section 348.0008, Florida Statutes, subsection (2) of section
13 | 348.759, Florida Statutes, and subsection (2) of section
14 | 348.957, Florida Statutes, are repealed.

15 | Section 6. Subsection (3) is added to section 479.15,
16 | Florida Statutes, to read:

17 | 479.15 Harmony of regulations.--

18 | (3) It is the express intent of the Legislature to
19 | limit the state right-of-way acquisition costs in eminent
20 | domain proceedings by preempting county and municipal
21 | regulation of outdoor advertising signs located adjacent to
22 | any part of the state highway system when the state is making
23 | improvement to such highways, the provisions of ss. 479.07 and
24 | 479.155 notwithstanding. Subject to approval by the Federal
25 | Highway Administration, whenever public acquisition of land
26 | upon which is situated a lawful nonconforming sign occurs, the
27 | sign may, at the election of its owner, be relocated or
28 | reconstructed adjacent to the new right-of-way at the same
29 | station along the roadway, and any administrative rule or
30 | local ordinance to the contrary is preempted.

31 | Section 7. This act shall take effect January 1, 2000.

Kelly	Minton	Roberts	Sublette
Kilmer	Morrison	Rojas	Trovillion
Kosmas	Murman	Russell	Tullis
Kyle	Ogles	Ryan	Turnbull
Lacasa	Patterson	Sanderson	Valdes
Lawson	Peaden	Sembler	Villalobos
Levine	Posey	Smith, C	Wallace
Logan	Prieguez	Smith, K	Warner
Lynn	Pruitt	Sobel	Wasserman Schultz
Maygarden	Putnam	Spratt	Waters
Melvin	Rayson	Stafford	Wiles
Merchant	Reddick	Stansel	Wilson
Miller, J	Ritchie	Starks	Wise
Miller, L.	Ritter	Suarez	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

HB 591—A bill to be entitled An act relating to the Department of Transportation, amending ss 20.23, 206.46, 288.9607, 337.29, 337.407, 338.22, 338.221, 338.223, 338.225, 338.227, 338.228, 338.229, 338.231, 338.232, 338.239, 339.08, 339.175, 339.241, 341.3333, 348.0005, 348.0009, 348.248, 348.948, 349.05, and 479.01, F.S.; correcting cross references; repealing s. 234.112, F.S., relating to school bus stops; repealing s. 335.165, F.S., relating to welcome stations, repealing section 137 of chapter 96-320, Laws of Florida, relating to certain uncollectible debts owned by a local government for utility relocation cost reimbursements; repealing s. 339.091, F.S., relating to a declaration of legislative intent, repealing s. 339.145, F.S., relating to certain expenditures in the Working Capital Trust Fund; repealing s. 339.147, F.S., relating to certain audits by the Auditor General; amending ss 311.09, 331.303, 331.305, 331.308, 331.331, 334.03, 335.074, 335.182, 335.188, 336.044, 337.015, 337.139, 339.2405, 341.051, 341.352, 343.64, 343.74, 378.411, 427.012, 427.013, and 951.05, F.S.; deleting obsolete language, and, where appropriate, replacing such language with updated text, reenacting ss 336.01, 338.222, 339.135(7)(e), and 341.321(1), F.S., relating to designation of county road system, acquisition or construction or operation of turnpike projects, amendment of the adopted work program, and legislative findings and intent regarding development of high-speed rail transportation system; providing an effective date

—was read the second time by title

Representative(s) K. Smith offered the following:

Amendment 1 (with title amendment)—On page 2, line 8,

Insert:

Section 1 Paragraph (b) of subsection (2) and paragraphs (a), (d), and (m) of subsection (3) of section 20.23, Florida Statutes, 1998 Supplement, are amended to read.

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency

(2)

(b) The commission shall have the primary functions to.

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies Except as specifically provided in s

339.135(4)(c)2, (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors

(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. The central office monitoring function shall be based on a plan that clearly specifies what areas will be monitored, activities and criteria used to measure compliance, and a feedback process that assures monitoring findings are reported and deficiencies corrected. The secretary is responsible for ensuring that the central office monitoring function is implemented by October 1, 1999, and that it functions properly thereafter. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of.

- a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures,
- b. Performing statewide activities which it is more cost-effective to perform in a central location;
- c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and
- d. Performing other activities of a statewide nature

2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

- a. The Office of Administration,
- b. The Office of Policy Planning,
- c. The Office of Design;
- d. The Office of Highway Operations ~~Office of Construction~~;
- e. The Office of Right-of-Way,
- f. The Office of Toll Operations; and
- g. The Office of Information Systems.

3. Other offices may be established in accordance with s. 20.04(7)(6). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority

(m) The secretary shall appoint a state public transportation administrator who shall report to the Assistant Secretary for Transportation Policy. The state public transportation administrator's responsibilities shall include, but are not limited to, the administration of statewide transit, rail, seaport, intermodal development, and aviation programs. This position shall be classified at a level equal to a deputy

Lagoon Bridge as part of the expressway and bridge system; revising power of the authority to borrow money to conform to new provisions authorizing the issuance of certain bonds; amending s. 348.944, F.S., authorizing the authority to issue its own bonds and providing requirements therefor, creating s. 348.9495, F.S.; providing exemption from taxation; amending s. 338.251, F.S.; providing that funds repaid by the authority to the Toll Facilities Revolving Trust Fund are to be loaned back to the authority for specified purposes; amending s. 373.4137, F.S., revising language with respect to mitigation requirements; amending s. 479.01, F.S.; revising definitions; amending s. 479.07, F.S.; revising language with respect to sign permits; amending s. 479.16, F.S.; revising language with respect to signs for which permits are not required; repealing ss. 341.3201-341.386, F.S.; eliminating the Florida High-Speed Rail Transportation Act.

Rep. K. Smith moved the adoption of the amendment

Representative(s) K. Smith offered the following.

Amendment 1 to Amendment 1—On page 2, line 30,

after the period insert: *Major transportation policy initiatives or revisions shall be submitted to the commission for review*

Rep. K. Smith moved the adoption of the amendment to the amendment, which was adopted

The question recurred on the adoption of Amendment 1, as amended, which was adopted

Representative(s) Goodlette offered the following:

Amendment 2 (with title amendment)—On page 50, lines 16 & 17, remove from the bill: all of said lines

insert:

Section 56 Effective January 1, 2000, section 73.015, Florida Statutes, is created to read:

73.015 Presuit negotiation —

(1) Effective July 1, 2000, before an eminent domain proceeding is brought under this chapter or chapter 74, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based, and must attempt to reach an agreement regarding the amount of compensation to be paid for the parcel.

(a) At the inception of negotiation for acquisition, the condemning authority must notify the fee owner of the following

1. That all or a portion of his or her property is necessary for a project.

2. The nature of the project for which the parcel is considered necessary, and the parcel designation of the property to be acquired.

3. That, within 15 business days after receipt of a request by the fee owner, the condemning authority will provide a copy of the appraisal report upon which the offer to the fee owner is based, copies, to the extent prepared, of the right-of-way maps or other documents that depict the proposed taking; and copies, to the extent prepared, of the construction plans that depict project improvements to be constructed on the property taken and improvements to be constructed adjacent to the remaining property, including, but not limited to, plan, profile, cross-section, drainage, and pavement marking sheets, and driveway connection detail. The condemning authority shall provide any additional plan sheets within 15 days of request.

4. The fee owner's statutory rights under ss. 73.091 and 73.092

5. The fee owner's rights and responsibilities under paragraphs (b) and (c) and subsection (4)

(b) The condemning authority must provide a written offer of compensation to the fee owner as to the value of the property sought to be appropriated and, where less than the entire property is sought to be

appropriated, any damages to the remainder caused by the taking. The owner must be given at least 30 days after either receipt of the notice or the date the notice is returned as undeliverable by the postal authorities to respond to the offer, before the condemning authority files a condemnation proceeding for the parcel identified in the offer.

(c) The notice and written offer must be sent by certified mail, return receipt requested, to the fee owner's last known address listed on the county ad valorem tax roll. Alternatively, the notice and written offer may be personally delivered to the fee owner of the property. If there is more than one owner of a property, notice to one owner constitutes notice to all owners of the property. The return of the notice as undeliverable by the postal authorities constitutes compliance with this provision. The condemning authority is not required to give notice or a written offer to a person who acquires title to the property after the notice required by this section has been given.

(d) Notwithstanding this subsection, with respect to lands acquired under s. 259.041, the condemning authority is not required to give the fee owner the current appraisal before executing an option contract.

(2) Effective July 1, 2000, before an eminent domain proceeding is brought under this chapter or chapter 74 by the Department of Transportation or by a county, municipality, board, district, or other public body for the condemnation of right-of-way, the condemning authority must make a good-faith effort to notify the business owners, including lessees, who operate a business located on the property to be acquired.

(a) The condemning authority must notify the business owner of the following

1. That all or a portion of his or her property is necessary for a project.

2. The nature of the project for which the parcel is considered necessary, and the parcel designation of the property to be acquired

3. That, within 15 business days after receipt of a request by the business owner, the condemning authority will provide a copy of the appraisal report upon which the offer to the fee owner is based, copies, to the extent prepared, of the right-of-way maps or other documents that depict the proposed taking; and copies, to the extent prepared, of the construction plans that depict project improvements to be constructed on the property taken and improvements to be constructed adjacent to the remaining property, including, but not limited to, plan, profile, cross-section, drainage, pavement marking sheets, and driveway connection detail. The condemning authority shall provide any additional plan sheets within 15 days of request.

4. The business owner's statutory rights under ss. 73.071, 73.091, and 73.092.

5. The business owner's rights and responsibilities under paragraphs (b) and (c) and subsection (4)

(b) The notice must be made subsequent to or concurrent with the condemning authority's making the written offer of compensation to the fee owner pursuant to subsection (1). The notice must be sent by certified mail, return receipt requested, to the address of the registered agent for the business located on the property to be acquired, or if no agent is registered, by certified mail or personal delivery to the address of the business located on the property to be acquired. Notice to one owner of a multiple ownership business constitutes notice to all business owners of that business. The return of the notice as undeliverable by the postal authorities constitutes compliance with these provisions. The condemning authority is not required to give notice to a person who acquires an interest in the business after the notice required by this section has been given. Once notice has been made to business owners under this subsection, the condemning authority may file a condemnation proceeding pursuant to chapter 73 or chapter 74 for the property identified in the notice.

(c) If the business qualifies for business damages pursuant to s. 73.071(3)(b) and the business intends to claim business damages, the business owner must, within 180 days after either receipt of the notice or

(1) The petitioner shall pay attorney's fees as provided in s. 73 092 as well as all reasonable costs incurred in the defense of the proceedings in the circuit court, including, but not limited to, reasonable appraisal fees and, when business damages are compensable, a reasonable accountant's fee, to be assessed by that court. *No prejudgment interest shall be paid on costs or attorney's fees.*

Section 60 Effective January 1, 2000, subsection (1) of section 73 092, Florida Statutes, is amended to read:

73 092 Attorney's fees —

(1) Except as otherwise provided in this section *and s. 73 015*, the court, in eminent domain proceedings, shall award attorney's fees based solely on the benefits achieved for the client

(a) As used in this section, the term "benefits" means the difference, exclusive of interest, between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hires an attorney. If no written offer is made by the condemning authority before the defendant hires an attorney, benefits must be measured from the first written offer after the attorney is hired

1. *In determining attorney's fees, if business records as defined in s 73 015(2)(c)2. and kept by the owner in the ordinary course of business were provided to the condemning authority to substantiate the business damage offer in s 73 015(2)(c), benefits for amounts awarded for business damages must be based on the difference between the final judgment or settlement and the written counteroffer made by the condemning authority provided in s. 73.015(2)(d).*

2. *In determining attorney's fees, if existing business records as defined in s. 73.015(2)(c)2. and kept by the owner in the ordinary course of business were not provided to the condemning authority to substantiate the business damage offer in s 73.015(2)(c) and those records which were not provided are later deemed material to the determination of business damages, benefits for amounts awarded for business damages must be based upon the difference between the final judgment or settlement and the first written counteroffer made by the condemning authority within 90 days from the condemning authority's receipt of the business records previously not provided.*

~~1. In determining attorney's fees in prelitigation negotiations, benefits do not include amounts awarded for business damages unless the business owner provided to the condemning authority, upon written request, prior to litigation, those financial and business records kept by the owner in the ordinary course of business.~~

~~2. In determining attorney's fees subsequent to the filing of litigation, if financial and business records kept by the owner in the ordinary course of business were not provided to the condemning authority prior to litigation, benefits for amounts awarded for business damages must be based on the first written offer made by the condemning authority within 120 days after the filing of the eminent domain action. In the event the petitioner makes a discovery request for a defendant's financial and business records kept in the ordinary course of business within 45 days after the filing of that defendant's answer, then the 120-day period shall be extended to 60 days after receipt by petitioner of those records. If the condemning authority makes no written offer to the defendant for business damages within the time period provided in this section, benefits for amounts awarded for business damages must be based on the difference between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hired an attorney.~~

(b) The court may also consider nonmonetary benefits obtained for the client through the efforts of the attorney, to the extent such nonmonetary benefits are specifically identified by the court and can, within a reasonable degree of certainty, be quantified

(c) Attorney's fees based on benefits achieved shall be awarded in accordance with the following schedule:

1 Thirty-three percent of any benefit up to \$250,000; plus

2 Twenty-five percent of any portion of the benefit between \$250,000 and \$1 million, plus

3 Twenty percent of any portion of the benefit exceeding \$1 million

Section 61. Effective January 1, 2000, subsection (1) of section 127 01, Florida Statutes, is amended to read

127 01 Counties delegated power of eminent domain, recreational purposes, issue of necessity of taking —

(1)(a) Each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such county unless the county seeks to condemn a particular right or estate in such property

(b) Each county is further authorized to exercise the eminent domain power ~~powers~~ granted to the Department of Transportation by s 337 27(1) ~~and (2)~~, the transportation corridor protection provisions of s 337.273, and the right of entry onto property pursuant to s 337 274

Section 62. Effective January 1, 2000, subsection (2) of section 166 401, Florida Statutes, is amended to read

166 401 Right of eminent domain.—

(2) Each municipality is further authorized to exercise the eminent domain power ~~powers~~ granted to the Department of Transportation in s 337 27(1) ~~and (2)~~ and the transportation corridor protection provisions of s 337 273.

Section 63. *Effective January 1, 2000, subsection (2) of section 337.27, section 337 271, subsection (2) of section 348 0008, subsection (2) of section 348 759, and subsection (2) of section 348.957, Florida Statutes, are repealed.*

Section 64. Except as otherwise provided herein, this act shall take effect July 1, 1999

And the title is amended as follows

On page 2, line 4, remove from the title of the bill: all of said line

and insert in lieu thereof: system, amending s 73 015, F.S.; requiring presuit negotiation before an action in eminent domain may be initiated under ch 73 or ch 74, F.S., providing requirements for the condemning authority; requiring the condemning authority to give specified notices, requiring a written offer of purchase and appraisal and specifying the time period during which the owner may respond to the offer before a condemnation lawsuit may be filed; providing procedures; allowing a business owner to claim business damage within a specified time period, providing circumstances under which the court must strike a business-damage defense; providing procedures for business-damage claims; providing for nonbinding mediation; requiring the condemning authority to pay reasonable costs and attorney's fees of a property owner; allowing the property owner to file a complaint in circuit court to recover attorney's fees and costs, if the parties cannot agree on the amount; providing that certain evidence is inadmissible in specified proceedings; amending s 73 071, F.S.; modifying eligibility requirements for business owners to claim business damages; providing for future repeal, amending s. 73 091, F.S., providing that no prejudgment interest shall be paid on costs or attorney's fees in eminent domain; amending s. 73.092, F.S.; revising provisions relating to attorney's fees for business-damage claims, amending ss 127 01 and 166 401, F.S.; restricting the exercise by counties and municipalities of specified eminent domain powers granted to the Department of Transportation; repealing ss. 337 27(2), 337 271, 348 0008(2), 348 759(2), 348 957(2), F.S., relating to limiting the acquisition cost of lands and property acquired through eminent domain proceedings by the Department of Transportation, the Orlando-Orange County Expressway Authority, or the Seminole County Expressway Authority, or under the Florida Expressway Authority Act, and relating to the notice that the Department of Transportation must give to a fee owner

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 providing reference to seaport programs;
5 providing for an organizational unit to
6 administer said programs; deleting reference to
7 the Office of Construction and including
8 reference to the Office of Highway Operations
9 within the Department of Transportation;
10 amending s. 206.46, F.S.; increasing a
11 percentage amount of revenues in the State
12 Transportation Trust Fund to be transferred to
13 the Right-of-Way Acquisition and Bridge
14 Construction Trust Fund annually; increasing
15 the dollar amount which may be so transferred;
16 creating s. 215.615, F.S.; providing for state
17 bonds for federal-aid highways construction;
18 creating s. 215.616, F.S.; providing for the
19 issuance of certain revenue bonds for
20 fixed-guideway transportation systems;
21 providing for an audit of the Florida Seaport
22 Development Program; creating s. 316.0815,
23 F.S.; providing for a duty to yield for public
24 transit vehicles; providing penalties; amending
25 s. 316.302, F.S.; revising obsolete dates and
26 statutory references with respect to commercial
27 motor vehicles; amending s. 316.3025, F.S.;
28 correcting a cross reference; amending s.
29 316.545, F.S.; providing a maximum penalty for
30 operating a commercial motor vehicle when the
31 registration or license plate has not been

1 127.01 Counties delegated power of eminent domain;
2 recreational purposes, issue of necessity of taking.--
3 (1)(a) Each county of the state is delegated authority
4 to exercise the right and power of eminent domain; that is,
5 the right to appropriate property, except state or federal,
6 for any county purpose. The absolute fee simple title to all
7 property so taken and acquired shall vest in such county
8 unless the county seeks to condemn a particular right or
9 estate in such property.
10 (b) Each county is further authorized to exercise the
11 eminent domain power ~~powers~~ granted to the Department of
12 Transportation by s. 337.27(1) ~~and (2)~~, the transportation
13 corridor protection provisions of s. 337.273, and the right of
14 entry onto property pursuant to s. 337.274.
15 Section 115. Effective January 1, 2000, subsection (2)
16 of section 166.401, Florida Statutes, is amended to read:
17 166.401 Right of eminent domain.--
18 (2) Each municipality is further authorized to
19 exercise the eminent domain power ~~powers~~ granted to the
20 Department of Transportation in s. 337.27(1) ~~and (2)~~ and the
21 transportation corridor protection provisions of s. 337.273.
22 Section 116. Effective January 1, 2000, subsection (2)
23 of section 337.27, section 337.271, subsection (2) of section
24 348.0008, subsection (2) of section 348.759, and subsection
25 (2) of section 348.957, Florida Statutes, are repealed.
26 Section 117. Except as otherwise provided herein, this
27 act shall take effect July 1, 1999.
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S 1314: Transportation Department

S 1314 GENERAL BILL/CS by Transportation; Webster; (CO-SPONSORS) Hargrett
 (Compare 1ST ENG/H 0579, 3RD ENG/B 0591, CS/H 1147, CS/CS/S 0972, CS/CS/2ND ENG/S 1566, CS/S 1578)

Transportation Department; authorizes bonding of federal aid; repeals provisions re school bus stops, welcome stations, certain uncollectible debts owned by local government for utility relocation cost reimbursements, & declaration of legislative intent; repeals provision re certain expenditures in Working Capital Trust Fund & certain audits by Auditor General; deletes obsolete provisions, &, where appropriate, clarifies provisions, etc. Amends FS. EFFECTIVE DATE: 07/01/1999.

- 02/18/99 SENATE Prefiled
- 03/02/99 SENATE Introduced, referred to Transportation -SJ 00088
- 03/15/99 SENATE On Committee agenda-- Transportation, 03/17/99, 1:00 pm, Room-309C
- 03/17/99 SENATE Comm. Action:-CS by Transportation -SJ 00310; CS read first time on 03/24/99 -SJ 00319
- 03/18/99 SENATE Placed on Calendar -SJ 00310
- 03/30/99 SENATE Placed on Special Order Calendar -SJ 00419
- 04/06/99 SENATE Placed on Special Order Calendar -SJ 00419, -SJ 00435
- 04/07/99 SENATE Placed on Special Order Calendar -SJ 00434, -SJ 00468
- 04/08/99 SENATE Placed on Special Order Calendar -SJ 00468, -SJ 00481
- 04/13/99 SENATE Placed on Special Order Calendar -SJ 00481, -SJ 00512
- 04/15/99 SENATE Placed on Special Order Calendar -SJ 00512, -SJ 00575
- 04/16/99 SENATE Placed on Special Order Calendar -SJ 00575
- 04/21/99 SENATE Placed on Special Order Calendar -SJ 00637
- 04/22/99 SENATE Placed on Special Order Calendar -SJ 00637, -SJ 00707; Read second time -SJ 00701; Amendment pending -SJ 00702
- 04/23/99 SENATE Placed on Special Order Calendar -SJ 00707, -SJ 00792
- 04/26/99 SENATE Placed on Special Order Calendar -SJ 00792, -SJ 00886
- 04/27/99 SENATE Placed on Special Order Calendar -SJ 00886, -SJ 01221
- 04/28/99 SENATE Placed on Special Order Calendar -SJ 01221, -SJ 01402; Pending amendment withdrawn -SJ 01242; House Bill substituted -SJ 01243; Laid on Table, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385); See also CS/CS/SB 1566 (Ch. 99-251)

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[sb1314 \(View As:HTML,As Printed\)](#)
[sb1314c1 \(View As:HTML,As Printed\)](#)

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[sb1314c1050872 \(View As:HTML,As Printed\)](#) *2-11-99 4 → 521113*
[sb1314c1100684 \(View As:HTML,As Printed\)](#) *4/21*
[sb1314c1111850 \(View As:HTML,As Printed\)](#) *5/1/99 2/2*

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sb1314c1050872 (View <u>As:HTML, As Printed</u>)	Harrett (AA 521118)	9/26/97	1
sb1314c1100684 (View <u>As:HTML, As Printed</u>)	Harrett	4/21	2
sb1314c1111850 (View <u>As:HTML, As Printed</u>)	Harrett	4/22	2
sb1314c1230218 (View <u>As:HTML, As Printed</u>)	Harrett	4/26	2
sb1314c1235380 (View <u>As:HTML, As Printed</u>)	"	4/14	7
sb1314c1261070 (View <u>As:HTML, As Printed</u>)	Carlton (AA 050892)	4/26	1
sb1314c1263702 (View <u>As:HTML, As Printed</u>)	"	4/27	2
sb1314c1331606 (View <u>As:HTML, As Printed</u>)	Harrett	4/20	3
sb1314c1334096 (View <u>As:HTML, As Printed</u>)	"	4/21	5
sb1314c1371442 (View <u>As:HTML, As Printed</u>)	GUTMAN	4/26	2
sb1314c1385570 (View <u>As:HTML, As Printed</u>)	Forman	4/26	9
sb1314c1415482 (View <u>As:HTML, As Printed</u>)	CASAS	4/12	1
sb1314c1423530 (View <u>As:HTML, As Printed</u>)	Carlton (AA 521118)	4/26	1
sb1314c1481732 (View <u>As:HTML, As Printed</u>)	Diago-Belcar	4/5	2
sb1314c1521118 (View <u>As:HTML, As Printed</u>)	Carlton	4/23	16
sb1314c1590610 (View <u>As:HTML, As Printed</u>)	Harrett	4/7	2
sb1314c1594776 (View <u>As:HTML, As Printed</u>)	Forman	4/26	2
sb1314c1785118 (View <u>As:HTML, As Printed</u>)	Casas (AA 481532)	4/8	2
sb1314c1864756 (View <u>As:HTML, As Printed</u>)	Harrett & Carl	4/20	2
sb1314c1923578 (View <u>As:HTML, As Printed</u>)	Forman	4/26	9
sb1314c1963796 (View <u>As:HTML, As Printed</u>)	Casas	4/27	9

Nine (considered) in Floor

- [sb1314c1230218](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1235380](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1261070](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1263702](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1331606](#) (View [As:HTML](#), [As Printed](#))
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- [sb1314c1481732](#) (View [As:HTML](#), [As Printed](#))
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- [sb1314c1590610](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1594776](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1785118](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1864756](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1923578](#) (View [As:HTML](#), [As Printed](#))
- [sb1314c1963796](#) (View [As:HTML](#), [As Printed](#))

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NO VOTE HISTORY AVAILIABLE

STATUTE CITATIONS: [\(Top\)](#)

- [0020.23](#)
- [0206.46](#)
- [0215.616](#)
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- [0288.9607](#)
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H 579 : Tourism

H 579 GENERAL BILL/1ST ENG by Tourism (EDC); Starks; (CO-SPONSORS) Farkas; Dennis; Argenziano; Barreiro; Lynn; Bush; Melvin; Bloom (Compare 3RD ENG/H 0591, SENATE 0886, CS/S 1314, CS/CS/2ND ENG/S 1566, CS/S 1578) Tourism; specifies application of limitation on terms of certain members of Fla. Commission on Tourism; clarifies meeting & vice chair election provisions; requires Fla. Tourism Industry Marketing Corp. to provide staff support to said commission; removes Welcome Center Office from DOT; provides for transfer of welcome center tangible personal property to Fla. Commission on Tourism, etc. Amends Ch. 288, 335.166; repeals 335.165. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

02/04/99 HOUSE Prefiled
 02/12/99 HOUSE Referred to Transportation (EDC); Business Development & International Trade (EDC); Transportation & Economic Development Appropriations (FRC)
 03/02/99 HOUSE Introduced, referred to Transportation (EDC); Business Development & International Trade (EDC); Transportation & Economic Development Appropriations (FRC) -HJ 00055; On Committee agenda-- Transportation (EDC), 03/03/99, 10:00 am, 317C
 03/03/99 HOUSE Comm. Action: Unanimously Favorable with 2 amendment(s) by Transportation (EDC) -HJ 00251
 03/05/99 HOUSE Now in Business Development & International Trade (EDC) -HJ 00251
 03/09/99 HOUSE On Committee agenda-- Business Development & International Trade (EDC), 03/11/99, 1:00 pm, Morris Hall
 03/11/99 HOUSE Comm. Action: Unanimously Favorable by Business Development & International Trade (EDC) -HJ 00315
 03/12/99 HOUSE Now in Transportation & Economic Development Appropriations (FRC) -HJ 00315
 04/07/99 HOUSE On Committee agenda-- Transportation & Economic Development Appropriations (FRC), 04/09/99, 9:45 am, 317C
 04/09/99 HOUSE Comm. Action:-Unanimously Favorable with 1 amendment(s) by Transportation & Economic Development Appropriations (FRC) -HJ 00580
 04/12/99 HOUSE Placed on calendar, available for General Calendar -HJ 00580
 04/21/99 HOUSE Placed on General Calendar; Read second time -HJ 00686; Amendment(s) adopted -HJ 00687; Read third time -HJ 00687; Passed as amended; YEAS 118 NAYS 0 -HJ 00687
 04/21/99 SENATE In Messages
 04/26/99 SENATE Received, referred to Commerce and Economic Opportunities; Governmental Oversight and Productivity; Fiscal Policy -SJ 00891
 04/30/99 SENATE Died in Committee on Commerce and Economic Opportunities, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385), CS/CS/SB 1566 (Ch. 99-251)

BILL TEXT: ([Top](#))

hb0579 (View [As:HTML,As Printed](#))
hb0579e1 (View [As:HTML,As Printed](#))

AMENDMENTS: ([Top](#))

hb0579am254227 (View [As:HTML,As Printed](#))
hb0579am492019 (View [As:HTML,As Printed](#))
hb0579am605529 (View [As:HTML,As Printed](#))

STAFF ANALYSIS: ([Top](#))

HB0579 by BDT (View [As: As Printed](#))
HB0579 by TED (View [As: As Printed](#))
HB0579 by TR (View [As: As Printed](#))
HB0579A by BDT (View [As: As Printed](#))
HB0579A by TED (View [As: As Printed](#))
HB0579A by TR (View [As: As Printed](#))

VOTE HISTORY: ([Top](#))

04/21/99
HOUSE:
HB0579 Rollcall: 0030

STATUTE CITATIONS: ([Top](#))

0288.1221
0288.1222
0288.1223
0288.1224
0288.1226
0288.12265
0335.165
0335.166

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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[Hundreds](#) [Research](#)

H 1021: Small County Road Assistance Program

H 1021 GENERAL BILL/CS by Transportation (EDC); Spratt; K. Smith; Boyd; (CO-SPONSORS) Patterson; Lawson; Bronson; Crady; Wiles; J. Miller; Peaden; Stansel; Melvin; Minton; Harrington; Kilmer; Chestnut; Kelly (Similar CS/S 1354, Compare 3RD ENG/E 0591)
Small County Road Assistance Program; creates said program within DOT; provides definition; provides for county eligibility; provides for project prioritization criteria; authorizes DOT to administer program contracts on behalf of counties; requires that program projects be included in DOT's work program; authorizes expenditure of State Transportation Trust Fund moneys for said program. Creates 339.2816; amends 339.08. EFFECTIVE DATE: 07/01/1999.

02/24/99 HOUSE Prefiled
 03/02/99 HOUSE Introduced -HJ 00083
 03/03/99 HOUSE Referred to Transportation (EDC); Community Affairs (PRC); Transportation & Economic Development Appropriations (FRC) -HJ 00176
 03/09/99 HOUSE On Committee agenda-- Transportation (EDC), 03/11/99, 1:00 pm, 317C
 03/11/99 HOUSE Comm. Action: Unanimously CS by Transportation (EDC) -HJ 00382
 03/24/99 HOUSE CS read first time on 03/24/99 -HJ 00379
 03/18/99 HOUSE Pending review of CS under Rule 113
 03/22/99 HOUSE Now in Community Affairs (PRC) -HJ 00382
 03/26/99 HOUSE On Committee agenda-- Community Affairs (PRC), 03/30/99, 1:30 pm, Morris Hall
 03/30/99 HOUSE Comm. Action: Unanimously Favorable by Community Affairs (PRC) -HJ 00513
 04/02/99 HOUSE Now in Transportation & Economic Development Appropriations (FRC) -HJ 00513
 04/14/99 HOUSE On Committee agenda-- Transportation & Economic Development Appropriations (FRC), 04/16/99, 9:30 am, 317C
 04/16/99 HOUSE Comm. Action:-Unanimously Favorable by Transportation & Economic Development Appropriations (FRC) -HJ 00750
 04/19/99 HOUSE Placed on calendar, available for General Calendar -HJ 00750
 04/23/99 HOUSE Placed on Special Order Calendar; Read second time -HJ 00958
 04/26/99 HOUSE Read third time -HJ 01102; CS passed; YEAS 115 NAYS 0 -HJ 01102
 04/26/99 SENATE In Messages
 04/28/99 SENATE Received, referred to Transportation; Fiscal Policy -SJ 01403
 04/30/99 SENATE Died in Committee on Transportation, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: [\(Top\)](#)

[hb1021\(View As:HTML,As Printed\)](#)
[hb1021c1\(View As:HTML,As Printed\)](#)

AMENDMENTS: [\(Top\)](#)

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: [\(Top\)](#)

HB1021 by TR([View As: As Printed](#))
HB1021S1 by CA([View As: As Printed](#))
HB1021S1 by TED([View As: As Printed](#))
HB1021S1 by TR([View As: As Printed](#))
HB1021S1A by CA([View As: As Printed](#))
HB1021S1A by TED([View As: As Printed](#))

VOTE HISTORY: [\(Top\)](#)

04/26/99
HOUSE:
HB1021 Rollcall: 0031

STATUTE CITATIONS: [\(Top\)](#)

0339.08
0339.2816

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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H 1147: Transportation

H 1147 GENERAL BILL/CS by Transportation (EDC); K. Smith (Similar CS/CS/S 0972, Compare CS/1ST ENG/H 0311, 3RD ENG/H 0591, H 1689, H 2193, CS/S 0240, CS/CS/S 0940, CS/CS/3RD ENG/S 1270, CS/1ST ENG/S 1306, CS/S 1314, 2ND ENG/S 1446, S 1920, CS/S 2174)
 Transportation; provides for organizational unit to administer seaport programs; provides for state bonds for federal-aid highways construction; provides seaport powers & duties of DOT; provides for exemption from locally imposed weight limits under certain circumstances; authorizes fixed-guideway transportation system operating within dept.'s right-of-way to operate at any safe speed; provides for allocation of certain new highway funds, etc. Amends FS. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

03/01/99 HOUSE Prefiled

03/04/99 HOUSE Introduced -HJ 00155

03/05/99 HOUSE Referred to Transportation (EDC); Judiciary (CJC); Finance & Taxation (FRC); Transportation & Economic Development Appropriations (FRC) -HJ 00247

03/15/99 HOUSE On Committee agenda-- Transportation (EDC), 03/17/99, 1:00 pm, 317C

03/17/99 HOUSE Comm. Action: CS by Transportation (EDC) -HJ 00511

04/06/99 HOUSE CS read first time on 04/06/99 -HJ 00507

03/31/99 HOUSE Pending review of CS under Rule 113

04/05/99 HOUSE Now in Judiciary (CJC) -HJ 00511

04/13/99 HOUSE On Committee agenda-- Judiciary (CJC), 04/15/99, 1:30 pm, Morris Hall --Not considered

04/23/99 HOUSE Withdrawn from Judiciary (CJC); Finance & Taxation (FRC); Transportation & Economic Development Appropriations (FRC) -HJ 00757, -HJ 00784; Placed on Calendar

04/30/99 HOUSE Died on Calendar, Iden./Sim./Compare Bill(s) passed, refer to CS/HB 311 (Ch. 99-345), HB 591 (Ch. 99-385), CS/CS/SB 1270 (Ch. 99-248), SB 1446 (Ch. 99-250)

BILL TEXT: [\(Top\)](#)

[hb1147\(View As:HTML,As Printed\)](#)
[hb1147c1\(View As:HTML,As Printed\)](#)

AMENDMENTS: [\(Top\)](#)

[hb1147c1534868\(View As:HTML,As Printed\)](#)

STAFF ANALYSIS: [\(Top\)](#)

[HB1147 by TR\(View As: As Printed\)](#)

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H 1437: Metropolitan Planning Organizations

H 1437 GENERAL BILL/1ST ENG by Sobel (Compare 3RD ENG/H 0591)b>

Metropolitan Planning Organizations; provides additional method of selecting voting membership in M.P.O. under certain circumstances; requires three-fourths vote of MPO. Amends 339.175. **EFFECTIVE DATE:** Upon becoming law.

03/02/99 HOUSE Filed

03/04/99 HOUSE Introduced -HJ 00169

03/05/99 HOUSE Referred to Transportation (EDC); Community Affairs (PRC) -HJ 00248

03/18/99 HOUSE On Committee agenda-- Transportation (EDC), 03/22/99, 1:00 pm, 317C

03/22/99 HOUSE Comm. Action: Unanimously Favorable with 1 amendment(s) by Transportation (EDC) -HJ 00385

03/23/99 HOUSE Now in Community Affairs (PRC) -HJ 00385

03/30/99 HOUSE On Committee agenda-- Community Affairs (PRC), 03/30/99, 1:30 pm, Morris Hall; Comm. Action:-Unanimously Favorable by Community Affairs (PRC) -HJ 00513

04/02/99 HOUSE Placed on calendar, available for General Calendar -HJ 00513

04/08/99 HOUSE Placed on Special Order Calendar; Retained on Calendar

04/21/99 HOUSE Placed on General Calendar; Read second time -HJ 00712; Amendment(s) adopted -HJ 00712; Read third time -HJ 00712; Failed to pass; YEAS 54 NAYS 62 -HJ 00712; Motion to reconsider adopted -HJ 00720; Reconsidered --Temporarily postponed -HJ 00720

04/22/99 HOUSE Amendment(s) adopted -HJ 00840; Passed as amended; YEAS 115 NAYS 1 -HJ 00840

04/22/99 SENATE In Messages

04/27/99 SENATE Received, referred to Comprehensive Planning, Local and Military Affairs -SJ 01227

04/30/99 SENATE Died in Committee on Comprehensive Planning, Local and Military Affairs, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: [\(Top\)](#)

[hb1437\(View As:HTML,As Printed\)](#)
[hb1437e1\(View As:HTML,As Printed\)](#)

AMENDMENTS: [\(Top\)](#)

[hb1437am595615\(View As:HTML,As Printed\)](#)

STAFF ANALYSIS: [\(Top\)](#)

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H 1689: Transportation Planning

H 1689 GENERAL BILL by Patterson (Similar S 1920, Compare 3RD ENG/H 0591, CS/H 1147, CS/CS/S 0972, S 2256)

Transportation Planning; provides that jurisdictional boundary of an MPO is metropolitan planning area & provides requirements with respect thereto; revises elements to be considered in development of long-range transportation plans & transportation improvement programs; provides that Intermodal Development Program shall be administered by DOT in cooperation with MPOs & local governments, etc. Amends 339.175, 341.053, 320.20. EFFECTIVE DATE: Upon becoming law.

03/09/99 HOUSE Filed
 03/10/99 HOUSE Introduced -HJ 00281
 03/16/99 HOUSE Referred to Transportation (EDC); Transportation & Economic Development Appropriations (FRC) -HJ 00311
 04/30/99 HOUSE Died in Committee on Transportation (EDC), Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: ([Top](#))

hb1689([View As:HTML,As Printed](#))

AMENDMENTS: ([Top](#))

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: ([Top](#))

NO STAFF ANALYSIS AVAILABLE

VOTE HISTORY: ([Top](#))

NO VOTE HISTORY AVAILIABLE

STATUTE CITATIONS: ([Top](#))

[0320.20](#)
[0339.175](#)
[0341.053](#)

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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[Hundreds](#) [Research](#)

H 2085: Tampa-Hillsborough Expressway Auth.

H 2085 GENERAL BILL by Henriquez (Identical S 1422, Compare 3RD ENG/H 0591, CS/CS/S 0972)

Tampa-Hillsborough Expressway Auth.; provides that funds repaid by Tampa-Hillsborough County Expressway Authority to Toll Facilities Revolving Trust Fund are to be loaned back to authority for specified purposes. Amends 338.251. EFFECTIVE DATE: 07/01/1999.

- 03/29/99 HOUSE Filed
- 03/30/99 HOUSE Introduced -HJ 00475
- 04/08/99 HOUSE Referred to Transportation (EDC); Transportation & Economic Development Appropriations (FRC) -HJ 00548
- 04/30/99 HOUSE Died in Committee on Transportation (EDC), Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: [\(Top\)](#)

hb2085([View As:HTML,As Printed](#))

AMENDMENTS: [\(Top\)](#)

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: [\(Top\)](#)

NO STAFF ANALYSIS AVAILABLE

VOTE HISTORY: [\(Top\)](#)

NO VOTE HISTORY AVAILIABLE

STATUTE CITATIONS: [\(Top\)](#)

0338.251

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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Hundreds](#)

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S 940 : Eminent Domain

S 940 GENERAL BILL/CS/CS by Fiscal Policy; Comprehensive Planning, Local and Military Affairs; Comprehensive Planning, Local and Military Affairs (Compare 3RD ENG/H 0591, CS/H 1147, S 0068, S 0070, 2ND ENG/S 2350) Eminent Domain; requires presuit negotiation before action in eminent domain may be initiated under certain provisions; provides requirements for condemning authority; requires written offer of purchase & appraisal & specifies time period during which owner may respond to offer before condemnation lawsuit may be filed; allows business owner to claim business damage within specified time period; provides for nonbinding mediation, etc. Amends FS. EFFECTIVE DATE: 01/01/2000.

02/03/99 SENATE Prefiled

02/17/99 SENATE Referred to Comprehensive Planning, Local and Military Affairs; Fiscal Policy

03/02/99 SENATE Introduced, referred to Comprehensive Planning, Local and Military Affairs; Fiscal Policy -SJ 00065; On Committee agenda-- Comprehensive Planning, Local and Military Affairs, 03/03/99, 10:45 am, Room-309C

03/03/99 SENATE Comm. Action: CS by Comprehensive Planning, Local and Military Affairs -SJ 00131; CS read first time on 03/05/99 -SJ 00133

03/04/99 SENATE Now in Fiscal Policy -SJ 00131

03/26/99 SENATE On Committee agenda-- Fiscal Policy, 03/31/99, 9:00 am, Room-37S

03/31/99 SENATE Comm. Action:-CS/CS by Fiscal Policy -SJ 00437; CS read first time on 04/06/99 -SJ 00440

04/02/99 SENATE Placed on Calendar -SJ 00437

04/07/99 SENATE Placed on Special Order Calendar -SJ 00468; Read second time -SJ 00467

04/08/99 SENATE Read third time -SJ 00476; CS passed; YEAS 38 NAYS 0 -SJ 00476

04/13/99 HOUSE In Messages

04/15/99 HOUSE Received, referred to Transportation (EDC); Real Property & Probate (CJC); Transportation & Economic Development Appropriations (FRC) -HJ 00615

04/16/99 HOUSE On Committee agenda-- Transportation (EDC), 04/19/99, 2:00 pm, 317C

04/19/99 HOUSE Comm. Action: Favorable with 1 amendment(s) by Transportation (EDC) -HJ 00753

04/21/99 HOUSE Now in Real Property & Probate (CJC) -HJ 00753

04/30/99 HOUSE Died in Committee on Real Property & Probate (CJC), Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385), SB 2350 (Ch. 99-224)

BILL TEXT: [\(Top\)](#)

sb0940(View [As:HTML](#),[As Printed](#))
 sb0940c1(View [As:HTML](#),[As Printed](#))
 sb0940c2(View [As:HTML](#),[As Printed](#))

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below)

BILL: CS/SB 940

SPONSOR: Committee on Comprehensive Planning, Local and Military Affairs

SUBJECT: Eminent Domain

DATE: March 3, 1999

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill creates a presuit negotiation process in eminent domain proceedings which requires that all condemning authorities provide notice, a written offer of compensation, and, if requested, a copy of the appraisal report upon which the offer is based, to the property owner before instituting condemnation litigation. It requires notification of the proposed condemnation action to business owners located on the land to be taken, and requires business owners seeking business damages to provide the condemning authority with a written offer of business damages along with copies of business records which substantiate the business damage claim. The bill defines "business records." A business owner must follow this procedure of submitting a written offer of business damages or the court must strike a business damage defense during a subsequent condemnation trial, unless the business owner demonstrates a good faith justification for failing to provide a written offer.

The bill provides that the condemning authorities shall pay all reasonable costs and attorney's fees incurred on behalf of a fee or business owner during the presuit negotiation process, including fees and costs incurred during mediation. Attorney's fees for presuit negotiation for business damage claims are based on factors set forth in s. 73.092(2), F.S.; for example, the rate customarily charged for comparable services, the time spent on the case and the expertise of the attorney, rather than a calculation of the benefit the attorney achieves for the client. In addition, the floor for calculating benefits for business damage claims if the case is ultimately litigated is defined as the rejection or the making of a counter offer by the condemning authority to the written offer made by the business owner. The bill amends s. 73.092(1)(a), F.S., to delete provisions relating to the calculation of attorney's fees for business damage claims.

The bill repeals subsection (2) of s. 337.27, F.S., subsection (2) of s. 348.008, F.S., subsection (2) of s. 348.759, F.S., and subsection (2) of s. 348.957, F.S. These sections authorize the Department of Transportation (DOT), and several other condemning authorities to take an entire parcel of land, even if the entire parcel is not needed for the government project, where the acquisition costs would be less or equal to acquiring a portion of the property. The bill also

transportation authority, flood control district, or drainage or subdrainage district, the ship canal authority, any lawfully constituted housing, port, or aviation authority; the Spaceport Florida Authority, or any rural electric cooperative, telephone cooperative corporation, or public utility corporation

Currently, the chapter contains no provision addressing presuit negotiations or mediation, although s. 337.271, F.S., does require the DOT to enter into negotiations with the property owner. Section 74.031, F.S., provides that at the time of filing a declaration of taking pursuant to this chapter, the petitioner must make a good faith estimate of value, based upon a valid appraisal of each parcel in the proceeding, which must be included in the declaration of taking.

d. Cost of Partial Taking versus Whole Taking

Subsection 337.27(2), F.S., enacted in 1984, provides:

In the acquisition of lands and property, the department may acquire an entire lot, block, or tract of land if, by doing so, the acquisition costs to the department will be equal to or less than the cost of acquiring a portion of the property. This subsection shall be construed as a specific recognition by the Legislature that this means of limiting the rising costs to the state of property acquisition is a public purpose and that, without this limitation, the viability of many public projects will be threatened.

In 1988, the Florida Supreme Court heard a case in which a property owner challenged the constitutionality of this subsection, claiming that a whole taking under these circumstances violated the public purpose requirement for takings of private property. *Department of Transportation v. Fortune Federal Savings and Loan Association*, 532 So 2d 1267 (Fla. 1988). The Court upheld the minimization of acquisition costs as a valid public purpose for taking the whole property where doing so was less expensive than a partial taking. *Id.*, at 1270.

2. Department of Transportation Acquisition Negotiation Statute

There is an additional statute regulating real property acquisition negotiations conducted by the DOT. Section 337.271, F.S. requires DOT to negotiate with the property owner in good faith and to attempt to arrive at an agreed amount of compensation for the property sought. At the inception of the negotiation, DOT must notify the owner of the acquisition sought, provide specified information about the project and inform the property owner of their statutory rights in the process. This notice must be sent by certified mail to the property owner at the last known address listed on the ad valorem tax roll. A return of the notice as undeliverable constitutes notice. DOT is not required to give notice to anyone who acquires the property after the original notice.

The section further provides that within 120 days after receipt of the notice, the property owner may submit a complete appraisal report related to the parcel to be acquired and, if business damages are to be claimed, submit a complete estimate of those damages. If the property owner submits the appraisal report, and business damages report, if relevant, within 30 days of the date on which DOT receives the report(s), the department must provide to the property owner all appraisal reports and business expense estimates prepared for DOT related to the property. Under

In the calculation of attorney's fees associated with business damage claims, rejection or the making of a counter offer by the condemning authority of the business owner's first offer constitutes the relevant written offer for the purpose of calculating "benefits," the difference between the final judgment or settlement and the last written offer of the condemning authority. If the condemning authority fails to respond to the business damage offer, such failure shall be deemed to be a counter offer of zero dollars.

Section 2 amends section 73.012, F.S., to delete subparagraphs (1)(a)1. and (1)(a)2. which address the calculation of attorney's fees for business damage claims in prelitigation negotiations and subsequent to the filing of litigation. The calculation of attorney's fees for business damage claims is modified by the bill because the business owner, rather than the condemning authority, makes the first offer.

Repeal of Subsection 337.27(2), F.S., and Related Sections

Sections 3 and 4 amend ss. 127.01(1)(b), F.S., and 166.401(2), F.S., respectively, to delete cross-references to subsection 337.27(2), F.S. This repeals the authority of counties and municipalities to convert partial takings to whole takings when the cost of taking the whole parcel is less than the cost of the partial taking.

Section 5 repeals subsection 337.27(2), F.S. Subsection 337.27(2), F.S., applies to situations where the DOT is acquiring land for a project and needs only a portion of a particular parcel of land for that project. If the costs of acquiring the entire parcel will be equal to or less than the cost of acquiring only that portion of the property which is needed for the project, the DOT may acquire the entire parcel. In addition, the bill repeals provisions identical or substantially similar to 337.27(2), F.S., which provide for taking an entire parcel to reduce costs in the Florida Expressway Authority Act [s. 348.0008(2), F.S.]; the Orlando-Orange County Expressway Authority [s. 348.759(2)]; and the Seminole County Expressway Authority [s. 348.957(2)]. Finally, Section 5 repeals s. 337.271, F.S., regarding the DOT's acquisition negotiation process which would be replaced by the presuit negotiation process set forth in this section.

Outdoor Advertising

Section 6 adds a new subsection (3) to s. 479.15, F.S., which preempts local government regulation of outdoor advertising located adjacent to the state highway system when the state is making improvements to such highways. The bill provides that, subject to approval by the Federal Highway Administration, a lawful nonconforming sign may, at the discretion of the sign owner and DOT, be relocated or reconstructed adjacent to the new right-of-way at the same station along the roadway if the owner of the sign so requests, even if a local ordinance would otherwise prohibit the relocation or reconstruction of the sign.

The requirement of Federal Highway Administration approval is linked to the federal interest in a state's compliance with the federal Highway Beautification Act. However, such approval is only relevant to portions of the state highway system that are also part of the Federal-aid primary system as it existed on June 1, 1991, and any highway which is on the National Highway System. The State Highway System in Florida generally includes all interstates, US highways and roads labeled state road and is contains approximately 11,944 miles. In contrast, the National Highway

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POSITION

IEC TYPE I • NORMAL

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Compl Planning, Local 9 military
Affairs 3-3-99 10:45-12:15
Room 309c Tape 1

|| BXEII



DATE

NR

YES NO



DATE

NR

YES NO

SB 828 - TP'd

SB 872 - Sen. Latchala

Benny Bishop - The Winston Group

Bete Dunbar - FMO

SB 776 - Sen. Bronson

SB 940 - Janet Bowman - Cong. Office

Ken Towler - DOT

Gene Lopez - Fla. United Business Assoc.

Lee Killinger - Fla. Assoc. of Counties

COMMITTEE ON: Comprehensive Planning, Local and Military Affairs

ACTION: Submitted as a Committee Bill

DATE: February 2, 1999

OTHER COMMITTEE REFERENCES:

TIME: 3:45 PM -- 5:45 PM

PLACE: Room 309, Capitol

02/02/99

FINAL BILL VOTE		SENATORS	Admendment l by Senator Lee									
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
X		Clary										
X		Forman										
		Geller										
X		Lee										
X		Mitchell										
X		Myers										
X		VICE CHAIRMAN Kurth										
X		CHAIRMAN Carlton										
7	0	TOTAL	FVV	-								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay

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[Hundreds](#) [Research](#)

S 972 : Transportation Dept.

S 972 GENERAL BILL/CS/CS by Fiscal Policy; Transportation; Casas (Similar CS/H 1147, Compare CS/1ST ENG/H 0311, 3RD ENG/H 0591, H 1689, H 2085, CS/CS/3RD ENG/S 1270, CS/1ST ENG/S 1306, CS/S 1314, S 1422, 2ND ENG/S 1446, S 1920)

Transportation Dept.; changes name of Office of Construction to Office of Highway Operations; authorizes dept. & local governments to enter into interlocal agreement to provide financing for fixed guideway projects; authorizes bonding of federal aid; provides for portion of motor vehicle license tax moneys to be deposited in State Transportation TF & used to fund Fla. Seaport Transportation & Economic Dev. Program & seaport intermodal access projects, etc. Amends FS. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

02/04/99 SENATE Prefiled

02/17/99 SENATE Referred to Transportation; Fiscal Policy

03/02/99 SENATE Introduced, referred to Transportation; Fiscal Policy -SJ 00067; On Committee agenda-- Transportation, 03/04/99, 1:00 pm, Room-309C

03/04/99 SENATE Comm. Action: CS by Transportation -SJ 00143; CS read first time on 03/09/99 -SJ 00150

03/09/99 SENATE Now in Fiscal Policy -SJ 00143

03/26/99 SENATE On Committee agenda-- Fiscal Policy, 03/31/99, 9:00 am, Room-37S

03/31/99 SENATE Comm. Action:-CS/CS by Fiscal Policy -SJ 00437; CS read first time on 04/06/99 -SJ 00440

04/02/99 SENATE Placed on Calendar -SJ 00437

04/07/99 SENATE Placed on Special Order Calendar -SJ 00468

04/08/99 SENATE Placed on Special Order Calendar -SJ 00468, -SJ 00481

04/13/99 SENATE Placed on Special Order Calendar -SJ 00481, -SJ 00512

04/15/99 SENATE Placed on Special Order Calendar -SJ 00512, -SJ 00575

04/16/99 SENATE Placed on Special Order Calendar -SJ 00575

04/21/99 SENATE Placed on Special Order Calendar -SJ 00637

04/22/99 SENATE Placed on Special Order Calendar -SJ 00637, -SJ 00707; Read second time -SJ 00703; Amendment(s) adopted -SJ 00703; Amendment(s) failed -SJ 00705; Amendment pending -SJ 00707

04/23/99 SENATE Placed on Special Order Calendar -SJ 00707, -SJ 00792

04/26/99 SENATE Placed on Special Order Calendar -SJ 00792, -SJ 00886

04/27/99 SENATE Placed on Special Order Calendar -SJ 00886, -SJ 01221

04/28/99 SENATE Placed on Special Order Calendar -SJ 01221, -SJ 01402

04/29/99 SENATE Placed on Special Order Calendar -SJ 01402, -SJ 01628

04/30/99 SENATE Placed on Special Order Calendar -SJ 01628, -SJ 01926; Died on Calendar, Iden./Sim./Compare Bill(s) passed, refer to CS/HB 311 (Ch. 99-345), HB 591 (Ch. 99-385), CS/CS/SB 1270 (Ch. 99-248), SB 1446 (Ch. 99-250)

BILL TEXT: [\(Top\)](#)

[sb0972 \(View As:HTML,As Printed\)](#)
[sb0972cl \(View As:HTML,As Printed\)](#)

AMENDMENTS: (Top)

5/15

sb0972c2060748 (View As:HTML , As Printed)	FURMAN	4/23/99	4
sb0972c2072504 (View As:HTML , As Printed)	JONES	4/29	2
sb0972c2084206 (View As:HTML , As Printed)	FURMAN	4/13	2
sb0972c2110528 (View As:HTML , As Printed)	CASAS	4/6	1
sb0972c2113114 (View As:HTML , As Printed)	GELMAN	4/7	2
sb0972c2115526 (View As:HTML , As Printed)	CASAS	4/6	1
sb0972c2134892 (View As:HTML , As Printed)	"	4/7	1
sb0972c2182228 (View As:HTML , As Printed)	FURMAN	4/5	4
sb0972c2303526 (View As:HTML , As Printed)	CASAS	4/12	1
sb0972c2313916 (View As:HTML , As Printed)			
sb0972c2354526 (View As:HTML , As Printed)			
sb0972c2374896 (View As:HTML , As Printed)	LANTIERA	4/26	2
sb0972c2420692 (View As:HTML , As Printed)	CARLTON	4/23	16
sb0972c2425060 (View As:HTML , As Printed)	HARGRETT	4/20	5
sb0972c2480088 (View As:HTML , As Printed)	FURMAN	4/12	4
sb0972c2502942 (View As:HTML , As Printed)	CASAS	4/7	1
sb0972c2504704 (View As:HTML , As Printed)	SILVER et al	4/22	1
sb0972c2511672 (View As:HTML , As Printed)	CASAS	4/6	1
sb0972c2524454 (View As:HTML , As Printed)	HARGRETT	4/14	7
sb0972c2625614 (View As:HTML , As Printed)	CARLTON	4/27	1
sb0972c2650158 (View As:HTML , As Printed)	CASAS & Diaz	4/9	3
sb0972c2655912 (View As:HTML , As Printed)	GELLER	4/8	4
sb0972c2685962 (View As:HTML , As Printed)	"	4/7	3
sb0972c2714772 (View As:HTML , As Printed)	GUTMAN	4/6	2
sb0972c2721168 (View As:HTML , As Printed)	CASAS	4/6	1
sb0972c2735276 (View As:HTML , As Printed)	CASAS & Webster	4/26	50
sb0972c2892136 (View As:HTML , As Printed)	HARGRETT	4/7	2
sb0972c2894882 (View As:HTML , As Printed)	Hartz - Balfour	4/8	2
sb0972c2900536 (View As:HTML , As Printed)	CASAS	4/22	3
sb0972c2901302 (View As:HTML , As Printed)	"	4/3	4
sb0972c2963096 (View As:HTML , As Printed)	"		1

SJ 4/22/99 703-707

5091 - 5572

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[Hundreds](#) [Research](#) [Vote History](#) [Citations](#)

S 1306: Highway Safety & Motor Vehicles

S 1306 GENERAL BILL/CS/1ST ENG by Transportation; Webster (Similar H 0593, Compare H 0503, CS/H 0557, 3RD ENG/H 0591, CS/H 0967, CS/H 1147, CS/S 0958, CS/CS/S 0972, CS/CS/2ND ENG/S 1056, CS/CS/3RD ENG/S 1270, 2ND ENG/S 1446, S 2270)

Highway Safety & Motor Vehicles; revises terminology & deletes obsolete provisions; provides second degree misdemeanor penalty for certain violations re leaving scene of accident; changes term "accident" to "crash"; deletes certain findings of Legislature re all-terrain vehicles; authorizes certain use of modulating headlights by motorcycles; revises provisions re mailing of registration certificates, license plates, & validation stickers, etc. Amends FS. EFFECTIVE DATE: 07/01/1999.

02/18/99 SENATE Prefiled

03/02/99 SENATE Introduced, referred to Transportation -SJ 00087

03/15/99 SENATE On Committee agenda-- Transportation, 03/17/99, 1:00 pm, Room-309C

03/17/99 SENATE Comm. Action:-CS by Transportation -SJ 00310; CS read first time on 03/24/99 -SJ 00318

03/18/99 SENATE Placed on Calendar -SJ 00310

03/30/99 SENATE Placed on Special Order Calendar -SJ 00419

04/06/99 SENATE Placed on Special Order Calendar -SJ 00419, -SJ 00435

04/07/99 SENATE Placed on Special Order Calendar -SJ 00434, -SJ 00468

04/08/99 SENATE Placed on Special Order Calendar -SJ 00468, -SJ 00481

04/13/99 SENATE Placed on Special Order Calendar -SJ 00481, -SJ 00512

04/15/99 SENATE Placed on Special Order Calendar -SJ 00512, -SJ 00575

04/16/99 SENATE Placed on Special Order Calendar -SJ 00575

04/21/99 SENATE Placed on Special Order Calendar -SJ 00637

04/22/99 SENATE Placed on Special Order Calendar -SJ 00637, -SJ 00707; Read second time -SJ 00694; Amendment(s) adopted -SJ 00694; Ordered engrossed -SJ 00695

04/26/99 SENATE Read third time -SJ 00828; CS passed as amended; YEAS 40 NAYS 0 -SJ 00829

04/26/99 HOUSE In Messages

04/30/99 HOUSE Died in Messages, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385), CS/CS/SB 1056 (Ch. 99-234), CS/CS/SB 1270 (Ch. 99-248), SB 1446 (Ch. 99-250)

BILL TEXT: [\(Top\)](#)

[sb1306\(View As:HTML,As Printed\)](#)

[sb1306c1\(View As:HTML,As Printed\)](#)

[sb1306e1\(View As:HTML,As Printed\)](#)

AMENDMENTS: [\(Top\)](#)

[sb1306c1044340\(View As:HTML,As Printed\)](#)

[sb1306c1110216\(View As:HTML,As Printed\)](#)

STAFF ANALYSIS: [\(Top\)](#)

SB1306 by tr([View As: As Printed](#))

VOTE HISTORY: [\(Top\)](#)

04/26/99

SENATE:

SB1306 Rollcall: 0014

STATUTE CITATIONS: [\(Top\)](#)

- [0316.003](#)
- [0316.008](#)
- [0316.027](#)
- [0316.061](#)
- [0316.062](#)
- [0316.063](#)
- [0316.064](#)
- [0316.065](#)
- [0316.066](#)
- [0316.067](#)
- [0316.068](#)
- [0316.069](#)
- [0316.070](#)
- [0316.072](#)
- [0316.074](#)
- [0316.0745](#)
- [0316.0747](#)
- [0316.075](#)
- [0316.076](#)
- [0316.0765](#)
- [0316.077](#)
- [0316.0775](#)
- [0316.078](#)
- [0316.079](#)
- [0316.081](#)
- [0316.082](#)
- [0316.0825](#)
- [0316.083](#)
- [0316.084](#)
- [0316.085](#)
- [0316.087](#)
- [0316.0875](#)
- [0316.088](#)
- [0316.089](#)
- [0316.0895](#)
- [0316.090](#)
- [0316.091](#)
- [0316.121](#)
- [0316.122](#)
- [0316.123](#)
- [0316.1235](#)
- [0316.125](#)
- [0316.126](#)

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[Hundreds](#) [Research](#)

S 1354: Small County Road Assistance Program

S 1354 GENERAL BILL/CS by Transportation; Mitchell; (CO-SPONSORS) Kirkpatrick; Thomas; Geller; Childers; Clary; Bronson (Similar CS/H 1021, Compare 3RD ENG/H 0591)
 Small County Road Assistance Program; creates said program within DOT; defines term "small county"; provides for county eligibility; provides criteria for prioritizing projects; authorizes DOT to administer program contracts on behalf of counties; requires that program projects be included in department's work program; authorizes expenditure of State Transportation Trust Fund moneys for said program. Creates 339.2816; amends 339.08. EFFECTIVE DATE: 07/01/1999.
 02/18/99 SENATE Prefiled
 03/02/99 SENATE Introduced, referred to Transportation; Fiscal Policy -SJ 00091
 03/18/99 SENATE On Committee agenda-- Transportation, 03/23/99, 1:00 pm, Room-309C
 03/23/99 SENATE Comm. Action: CS by Transportation -SJ 00420; CS read first time on 03/30/99 -SJ 00422
 03/26/99 SENATE Now in Fiscal Policy -SJ 00420
 04/16/99 SENATE On Committee agenda-- Fiscal Policy, 04/21/99, 1:00 pm, Room-412K
 04/21/99 SENATE Comm. Action:-Favorable by Fiscal Policy -SJ 00707
 04/22/99 SENATE Placed on Calendar -SJ 00707
 04/30/99 SENATE Died on Calendar, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: [\(Top\)](#)

[sb1354\(View As:HTML,As Printed\)](#)
[sb1354cl\(View As:HTML,As Printed\)](#)

AMENDMENTS: [\(Top\)](#)

[sb1354am183336\(View As:HTML\)](#)

STAFF ANALYSIS: [\(Top\)](#)

[SB1354 by fp\(View As: As Printed\)](#)
[SB1354 by tr\(View As: As Printed\)](#)

VOTE HISTORY: [\(Top\)](#)

NO VOTE HISTORY AVAILIABLE

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[Hundreds](#) [Research](#)

S 1422: Tampa-Hillsborough Expressway Auth.

S 1422 GENERAL BILL by Margrett (Identical H 2085, Compare 3RD ENG/H 0591, CS/CS/S 0972)

Tampa-Hillsborough Expressway Auth.; provides that funds repaid by Tampa-Hillsborough County Expressway Authority to Toll Facilities Revolving Trust Fund are to be loaned back to authority for specified purposes. Amends 338.251. EFFECTIVE DATE: 07/01/1999.

02/22/99 SENATE Prefiled

03/02/99 SENATE Introduced, referred to Transportation; Fiscal Policy -SJ 00095

03/15/99 SENATE On Committee agenda-- Transportation, 03/17/99, 1:00 pm, Room-309C

03/17/99 SENATE Comm. Action: Favorable by Transportation -SJ 00308

03/18/99 SENATE Now in Fiscal Policy -SJ 00308

04/21/99 SENATE Withdrawn from Fiscal Policy -SJ 00600; Placed on Calendar

04/26/99 SENATE Placed on Special Order Calendar -SJ 00886; Read second time -SJ 00813

04/27/99 SENATE Read third time -SJ 01169; Passed; YEAS 40 NAYS 0 -SJ 01169

04/27/99 HOUSE In Messages

04/30/99 HOUSE Died in Messages, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: ([Top](#))

sb1422(View [As:HTML](#),[As Printed](#))

AMENDMENTS: ([Top](#))

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: ([Top](#))

SB1422 by tr(View [As: As Printed](#))

VOTE HISTORY: ([Top](#))

04/27/99
 SENATE:
SB1422 Rollcall: 0022

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[Hundreds](#) [Research](#)

S 1578: Tourism

S 1578 GENERAL BILL/CS by Commerce and Economic Opportunities; Kirkpatrick
(Compare 1ST ENG/H 0579, 3RD ENG/H 0591, S 0886, CS/S 1314, CS/CS/2ND
ENG/S 1566)

Tourism; specifies application of limitation on terms of certain members of Fla. Commission on Tourism; requires creation of advisory committee on nature-based tourism & heritage tourism; removes Welcome Center Office from DOT; transfers administrative & fiscal responsibility for said staff from DOT to Fla. Commission on Tourism for employment through Fla. Tourism Industry Marketing Corp., etc. Amends Ch. 288, 15.18, 335.166; repeals 335.165. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

03/01/99 SENATE Prefiled

03/09/99 SENATE Introduced, referred to Commerce and Economic Opportunities; Governmental Oversight and Productivity; Fiscal Policy -SJ 00145

04/07/99 SENATE On Committee agenda-- Commerce and Economic Opportunities, 04/12/99, 2:00 pm, Room-110S

04/12/99 SENATE Comm. Action: CS by Commerce and Economic Opportunities -SJ 00576; CS read first time on 04/15/99 -SJ 00579

04/14/99 SENATE Now in Governmental Oversight and Productivity -SJ 00576

04/15/99 SENATE On Committee agenda-- Governmental Oversight and Productivity, 04/20/99, 12:00 noon, Room-37S

04/20/99 SENATE Comm. Action: Favorable by Governmental Oversight and Productivity -SJ 00637

04/21/99 SENATE Now in Fiscal Policy -SJ 00637

04/30/99 SENATE Died in Committee on Fiscal Policy, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385), CS/CS/SB 1566 (Ch. 99-251)

BILL TEXT: [\(Top\)](#)

sb1578(View [As:HTML](#),[As Printed](#))
sb1578c1(View [As:HTML](#),[As Printed](#))

AMENDMENTS: [\(Top\)](#)

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: [\(Top\)](#)

SB1578 by cm(View [As: As Printed](#))
SB1578 by go(View [As: As Printed](#))

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[Hundreds](#) [Research](#)

S 1920: Transportation Planning

S 1920 GENERAL BILL by Sebesta (Similar H 1689, Compare 3RD ENG/H 0591, CS/H 1147, CS/CS/S 0972, S 2256)

Transportation Planning; revises provisions re legislative intent regarding, & purposes of, metropolitan planning organizations; provides that jurisdictional boundary of such organization is metropolitan planning area & provides requirements with respect thereto; authorizes approval of noncomplying membership apportionment plans; requires MPOs to make certain information available for public review, etc. Amends 339.175, 341.053, 320.20. EFFECTIVE DATE: Upon becoming law.

03/02/99 SENATE Filed

03/11/99 SENATE Introduced, referred to Transportation; Fiscal Policy -SJ 00218

04/30/99 SENATE Died in Committee on Transportation, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: [\(Top\)](#)

sb1920(View [As:HTML](#),[As Printed](#))

AMENDMENTS: [\(Top\)](#)

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: [\(Top\)](#)

NO STAFF ANALYSIS AVAILABLE

VOTE HISTORY: [\(Top\)](#)

NO VOTE HISTORY AVAILIABLE

STATUTE CITATIONS: [\(Top\)](#)

0320.20
0339.175
0341.053

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.

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[Hundreds](#) [Research](#)

S 2306: Land Use & Transportation Planning

S 2306 GENERAL BILL/CS by Transportation; Margrett (Compare 3RD ENG/H 0591)

Land Use & Transportation Planning; requires Department of Community Affairs & Department of Transportation to submit proposed legislation.

EFFECTIVE DATE: Upon becoming law.

03/02/99 SENATE Filed

03/16/99 SENATE Introduced, referred to Transportation; Fiscal Policy -SJ 00275

03/25/99 SENATE On Committee agenda-- Transportation, 03/30/99, 2:00 pm, Room-309C --Not considered

04/01/99 SENATE On Committee agenda-- Transportation, 04/06/99, 2:00 pm, Room-309C

04/06/99 SENATE Comm. Action: CS by Transportation -SJ 00481; CS read first time on 04/08/99 -SJ 00486

04/08/99 SENATE Now in Fiscal Policy -SJ 00481

04/23/99 SENATE Withdrawn from Fiscal Policy -SJ 00715; Placed on Calendar

04/30/99 SENATE Died on Calendar, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: [\(Top\)](#)

[sb2306\(View As:HTML,As Printed\)](#)

[sb2306c1\(View As:HTML,As Printed\)](#)

AMENDMENTS: [\(Top\)](#)

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: [\(Top\)](#)

[SB2306 by tr\(View As: As Printed\)](#)

VOTE HISTORY: [\(Top\)](#)

NO VOTE HISTORY AVAILIABLE

STATUTE CITATIONS: [\(Top\)](#)

NO STATUTE CITATIONS FOUND FOR REQUESTED BILL.

CONSTITUTION CITATIONS:

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[Hundreds](#) [Research](#)

S 2490: Charter County Transit System Surtax

S 2490 GENERAL BILL by Jones (Compare 3RD ENG/H 0591)

Charter County Transit System Surtax; provides for proceeds from such tax to be used to expand, operate, & maintain fixed-guideway system & to pay fund bonds issued to construct bus systems. Amends 212.055.

EFFECTIVE DATE: 07/01/1999.

03/02/99 SENATE Filed

03/24/99 SENATE Introduced, referred to Comprehensive Planning, Local and Military Affairs; Transportation; Fiscal Resource -SJ 00311

04/30/99 SENATE Died in Committee on Comprehensive Planning, Local and Military Affairs, Iden./Sim./Compare Bill(s) passed, refer to HB 591 (Ch. 99-385)

BILL TEXT: ([Top](#))

[sb2490](#)(View As:HTML,As Printed)

AMENDMENTS: ([Top](#))

NO AMENDMENTS AVAILABLE

STAFF ANALYSIS: ([Top](#))

NO STAFF ANALYSIS AVAILABLE

VOTE HISTORY: ([Top](#))

NO VOTE HISTORY AVAILIABLE

STATUTE CITATIONS: ([Top](#))

0212.055

CONSTITUTION CITATIONS:

NO CONSTITUTION CITATIONS FOUND FOR REQUESTED BILL.