

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Cantens offered the following:

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**Amendment (with title amendment)**

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On page 2, line 5,

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insert:

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Section 1. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

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348.0003 Expressway authority; formation;

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membership.--

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(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

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(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13

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1 members, and the following provisions of this paragraph shall  
2 apply specifically to such authority. Except for the district  
3 secretary of the department, the members must be residents of  
4 the county. Seven voting members shall be appointed by the  
5 governing body of the county. At the discretion of the  
6 governing body of the county, up to two of the members  
7 appointed by the governing body of the county may be elected  
8 officials residing in the county. Five voting members of the  
9 authority shall be appointed by the Governor. One member shall  
10 be the district secretary of the department serving in the  
11 district that contains such county. This member shall be an ex  
12 officio voting member of the authority. If the governing board  
13 of an authority includes any member originally appointed by  
14 the governing body of the county as a nonvoting member, when  
15 the term of such member expires, that member shall be replaced  
16 by a member appointed by the Governor until the governing body  
17 of the authority is composed of seven members appointed by the  
18 governing body of the county and five members appointed by the  
19 Governor. The qualifications, terms of office, and obligations  
20 and rights of members of the authority shall be determined by  
21 resolution or ordinance of the governing body of the county in  
22 a manner that is consistent with subsections (3) and (4).

23 Section 2. Section 348.0008, Florida Statutes, is  
24 amended to read:

25 348.0008 Acquisition of lands and property.--

26 (1) For the purposes of the Florida Expressway  
27 Authority Act, an expressway authority may acquire such  
28 rights, title, or interest in private or public property and  
29 such property rights, including easements, rights of access,  
30 air, view, and light, by gift, devise, purchase, or  
31 condemnation by eminent domain proceedings, as the authority

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1 may deem necessary for any of the purposes of the Florida  
2 Expressway Authority Act, including, but not limited to, any  
3 lands reasonably necessary for securing applicable permits,  
4 areas necessary for management of access, borrow pits,  
5 drainage ditches, water retention areas, rest areas,  
6 replacement access for landowners whose access is impaired due  
7 to the construction of an expressway system, and replacement  
8 rights-of-way for relocated rail and utility facilities; for  
9 existing, proposed, or anticipated transportation facilities  
10 on the expressway system or in a transportation corridor  
11 designated by the authority; or for the purposes of screening,  
12 relocation, removal, or disposal of junkyards and scrap metal  
13 processing facilities. The authority may also condemn any  
14 material and property necessary for such purposes.

15 (2) An authority and its authorized agents,  
16 contractors, and employees are authorized to enter upon any  
17 lands, waters, and premises, upon giving reasonable notice to  
18 the landowner, for the purpose of making surveys, soundings,  
19 drillings, appraisals, environmental assessments including  
20 phase I and phase II environmental surveys, archaeological  
21 assessments, and such other examinations as are necessary for  
22 the acquisition of private or public property and property  
23 rights, including rights of access, air, view, and light, by  
24 gift, devise, purchase, or condemnation by eminent domain  
25 proceedings or as are necessary for the authority to perform  
26 its duties and functions; and any such entry shall not be  
27 deemed a trespass or an entry that would constitute a taking  
28 in an eminent domain proceeding. An expressway authority shall  
29 make reimbursement for any actual damage to such lands, water,  
30 and premises as a result of such activities.

31 (3)(2) The right of eminent domain conferred by the

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1 Florida Expressway Authority Act must be exercised by each  
2 authority in the manner provided by law.

3 (4)~~(3)~~ When an authority acquires property for an  
4 expressway system or in a transportation corridor as defined  
5 in s. 334.03, it is not subject to any liability imposed by  
6 chapter 376 or chapter 403 for preexisting soil or groundwater  
7 contamination due solely to its ownership. This subsection  
8 does not affect the rights or liabilities of any past or  
9 future owners of the acquired property nor does it affect the  
10 liability of any governmental entity for the results of its  
11 actions which create or exacerbate a pollution source. An  
12 authority and the Department of Environmental Protection may  
13 enter into interagency agreements for the performance,  
14 funding, and reimbursement of the investigative and remedial  
15 acts necessary for property acquired by the authority.

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

19 And the title is amended as follows:

20 On page 1, line 2, after the semicolon

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22 insert:

23 amending s. 348.0003, F.S.; authorizing a  
24 county governing body to set qualifications,  
25 terms of office, and obligations and rights for  
26 the members of expressway authorities within  
27 their jurisdictions; amending s. 348.0008,  
28 F.S.; allowing expressway authorities to  
29 acquire certain interests in land; providing  
30 for expressway authorities and their agents or  
31 employees to access public or private property

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