

Amendment No. 005 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation offered the following:

Amendment (with title amendment)

On page 44, of the bill between lines 11 and 12,

insert:

Section 20. Section 348.0008 Florida Statutes, is amended to read:

348.0008 Acquisition of lands and property.--

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire such rights, title or interest in private or public property and such property rights, including easements,rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due

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1 to the construction of an expressway system, and replacement
2 rights-of-way for relocated rail and utility facilities; for
3 existing, proposed, or anticipated transportation facilities
4 on the expressway system or in a transportation corridor
5 designated by the authority; or for the purposes of screening,
6 relocation, removal, or disposal of junkyards and scrap metal
7 processing facilities. The authority may also condemn any
8 material and property necessary for such purposes.

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

25 ~~(2)~~(3) The right of eminent domain conferred by the
26 Florida Expressway Authority Act must be exercised by each
27 authority in the manner provided by law.

28 ~~(3)~~(4) When an authority acquires property for an
29 expressway system or in a transportation corridor as defined
30 in s. 334.03, it is not subject to any liability imposed by
31 chapter 376 or chapter 403 for preexisting soil or groundwater

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1 contamination due solely to its ownership. This subsection
 2 does not affect the rights or liabilities of any past or
 3 future owners of the acquired property nor does it affect the
 4 liability of any governmental entity for the results of its
 5 actions which create or exacerbate a pollution source. An
 6 authority and the Department of Environmental Protection may
 7 enter into interagency agreements for the performance,
 8 funding, and reimbursement of the investigative and remedial
 9 acts necessary for property acquired by the authority.

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And the title is amended as follows:

On page 3, line 15, after "jurisdictions;"

insert:

amending section 348.0008, F.S.; allowing
 expressway authorities to acquire less-than-fee
 interests in land; allowing expressway
 authorities and their agents or employees
 reasonable access to private property;