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CHAMBER ACTION

Senate

House

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Floor: 13/AD/3R
4/30/2008 10:45 AM

1 Senator Saunders moved the following **amendment**:

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3 **Senate Amendment**

4 Delete line(s) 1260-1304

5 and insert:

6 appurtenances which are approved by the Secretary of
7 Environmental Protection pursuant to the authority delegated by
8 the board of trustees shall meet the following criteria:

9 1. Such easements shall not prevent the use of the state-
10 owned uplands adjacent to the easement area for the purposes for
11 which such lands were acquired and shall not unreasonably
12 diminish the ecological, conservation, or recreational values of
13 the state-owned uplands adjacent to the easement area.

14 2. There is no practical and prudent alternative to
15 locating the linear facility and related appurtenances on state-
16 owned upland. For purposes of this subparagraph, the test of

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17 practicality and prudence shall compare the social, economic, and
18 environmental effects of the alternatives.

19 3. Appropriate steps are taken to minimize the impacts to
20 state-owned uplands. Such steps may include:

21 a. Siting of facilities so as to reduce impacts and
22 minimize fragmentation of the overall state-owned parcel;

23 b. Avoiding significant wildlife habitat, wetlands, or
24 other valuable natural resources to the maximum extent
25 practicable; or

26 c. Avoiding interference with active land management
27 practices, such as prescribed burning.

28 4. Except for easements granted as a part of a land
29 exchange to accomplish a recreational or conservation benefit or
30 other public purpose, in exchange for such easements, the grantee
31 pays an amount equal to the market value of the interest
32 acquired. In addition, for the initial grant of such easements
33 only, the grantee shall provide additional compensation by
34 vesting in the board of trustees fee simple title to other
35 available uplands that are 1.5 times the size of the easement
36 acquired by the grantee. The Secretary of Environmental
37 Protection shall approve the property to be acquired on behalf of
38 the board of trustees based on the geographic location in
39 relation to the land proposed to be under easement and a
40 determination that economic, ecological, and recreational value
41 is at least equivalent to the value of the lands under proposed
42 easement. Priority for replacement uplands shall be given to
43 parcels identified as in-holdings and additions to public lands
44 and lands on a Florida Forever land acquisition list. However, if
45 suitable replacement uplands cannot be identified, the grantee
46 shall provide additional compensation for the initial grant of

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47 such easements only by paying to the department an amount equal
48 to 2 times the current market value of the state-owned land or
49 the highest and best use value at the time of purchase, whichever
50 is greater. When determining such use of funds, priority shall be
51 given to parcels identified as in-holdings and additions to
52 public lands and lands on a Florida Forever land acquisition
53 list.

54 (c) Where authority to approve easements for rights-of-way
55 over, across, and upon uplands the title to which is vested in
56 the board of trustees for the construction and operation of
57 electric transmission and distribution facilities and related
58 appurtenances has not been delegated to the Secretary of
59 Environmental Protection, the board of trustees shall apply the
60 same criteria and require the same compensation as provided
61 above, provided, however, the board of trustees shall have the
62 discretion to determine the amount of replacement lands required
63 within a range of from one to two times the size of the easement
64 acquired by the grantee, depending upon the degree to which the
65 proposed use of the easement will interfere with the manner in
66 which the lands within the proposed easement area have
67 historically been managed.
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