



446144

CHAMBER ACTION

Senate

House

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4/16/2008 3:01 PM

Senator Saunders moved the following amendment:

Senate Amendment (with directory and title amendments)

Delete line(s) 1186-1201

and insert:

(2) (a) The board of trustees shall not sell, transfer, or otherwise dispose of any lands the title to which is vested in the board of trustees except by vote of at least three of the four trustees.

(b) The authority of the board of trustees to grant easements for rights-of-way over, across, and upon uplands the title of which is vested in the board of trustees for the construction and operation of electric transmission and distribution facilities and related appurtenances is hereby confirmed. The board of trustees may delegate to the Secretary of Environmental Protection the authority to grant such easements on its behalf. All easements for rights-of-way over, across, and



446144

18 upon uplands the title of which is vested in the board of
19 trustees for the construction and operation of electrical
20 transmission and distribution facilities and related
21 appurtenances shall meet the following criteria:

22 1. Such easements shall not prevent the use of the state-
23 owned uplands adjacent to the easement area for the purposes for
24 which such lands were acquired, and shall not unreasonably
25 diminish the ecological, conservation or recreational values of
26 the state-owned uplands adjacent to the easement area.

27 2. There is no practical or prudent alternative to locating
28 the linear facility and related appurtenances on state-owned
29 upland. For purposes of this provision, the test of practicality
30 and prudence shall compare the social, economic and environmental
31 effects of the alternatives.

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

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

36 b. Avoiding significant wildlife habitat, wetlands, or
37 other valuable natural resources to the maximum extent
38 practicable; or

39 c. Avoiding interference with active land management
40 practices, such as prescribed burning.

41 4. Except for easements granted as a part of a land
42 exchange initiated by a governmental entity to accomplish a
43 recreational or conservation benefit, or other public purpose, in
44 exchange for such easements, the grantee shall pay an amount
45 equal to the market value of the interest acquired. In addition,
46 for the initial grant of such easements only, the grantee shall
47 provide additional compensation by vesting in the board of



446144

48 trustees fee simple title to other available uplands that are 1.5
49 times the size of the easement acquired by the grantee. The
50 grantor shall approve the property to be acquired on its behalf
51 based on the geographic location in relation to the land proposed
52 to be under easement and a determination that economic,
53 ecological and recreational value is at least equivalent to the
54 value of the lands under proposed easement. Priority for
55 replacement uplands shall be given to parcels identified as in-
56 holdings and additions to public lands and lands on a Florida
57 Forever land acquisition list. However, if suitable replacement
58 uplands cannot be identified, the grantee shall provide
59 additional compensation for the initial grant of such easements
60 only by paying to the department an amount equal to 2 times the
61 current market value of the state-owned land or the highest and
62 best use value at the time of purchase, whichever is greater.
63 When determining the use of such funds, priority shall be given
64 to parcels identified as in-holdings and additions to public
65 lands and lands on a Florida Forever land acquisition list.

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

68 And the title is amended as follows:

69 Delete line(s) 66-69 after the semicolon ";"

70 insert:

71 F.S.; providing that the Board of Trustees of the Internal
72 Improvement Trust Fund may delegate to the Secretary of
73 Environmental Protection the authority to grant easements
74 on its behalf under certain conditions; amending s.
75 253.034, F.S.;