



139902

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/13/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Lee) recommended the following:

Senate Amendment (with title amendment)

Before line 27

insert:

Section 1. Subsection (2) of section 337.401, Florida
Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to
regulation; permit; fees.—

(2) The authority may grant to any person who is a resident
of this state, or to any corporation which is organized under



139902

11 the laws of this state or licensed to do business within this
12 state, the use of a right-of-way for the utility in accordance
13 with such rules or regulations as the authority may adopt. ~~A No~~
14 utility may not ~~shall~~ be installed, located, or relocated unless
15 authorized by a written permit issued by the authority. However,
16 for public roads or publicly owned rail corridors under the
17 jurisdiction of the department, a utility relocation schedule
18 and relocation agreement may be executed in lieu of a written
19 permit. The permit must ~~shall~~ require the permitholder to be
20 responsible for any damage resulting from the issuance of such
21 permit. The authority may initiate injunctive proceedings as
22 provided in s. 120.69 to enforce provisions of this subsection
23 or any rule or order issued or entered into pursuant thereto. A
24 permit application required by an authority under this section
25 must be processed and acted upon consistent with the timeframes
26 provided in subparagraphs (7)(d)7., 8., and 9.

27 Section 2. Subsection (11) of section 704.06, Florida
28 Statutes, is amended to read

29 704.06 Conservation easements; creation; acquisition;
30 enforcement.—

31 (11) ~~(a) Nothing in~~ This section or other provisions of law
32 may not ~~shall~~ be construed to prohibit or limit the owner of
33 land, or the owner of a conservation easement over land, to
34 voluntarily negotiate the sale or use ~~utilization~~ of such lands
35 or easement for the construction and operation of linear
36 facilities, including electric transmission and distribution
37 facilities, telecommunications transmission and distribution
38 facilities, pipeline transmission and distribution facilities,
39 public transportation corridors, and related appurtenances, nor



139902

40 does ~~shall~~ this section prohibit the use of eminent domain for
41 said purposes as established by law. In any legal proceeding to
42 condemn land for the purpose of construction and operation of a
43 linear facility as described above, the court shall consider the
44 public benefit provided by the conservation easement and linear
45 facilities in determining which lands may be taken and the
46 compensation paid.

47 (b) For any land that has traditionally been used for
48 agriculture, as that term is defined in s. 570.02, and is
49 subject to a conservation easement entered into at any time
50 pursuant to s. 570.71, this section or s. 570.71 may not be
51 construed to limit the owner of the land to voluntarily
52 negotiating the use of the land for any public or private linear
53 facility, right of access, and related appurtenances, and
54 reasonable compensation based on diminution in value of its
55 interest in the conservation easement shall be the only remedy
56 to the owner of the conservation easement for the construction
57 and operation of any public or private linear facilities and
58 related access and appurtenances.

59 (c) This section does not preclude the applicability of any
60 environmental permitting requirements applicable to a linear
61 facility pursuant to chapters 369-380 or chapter 403 or any
62 agency rules adopted pursuant to those chapters.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 2 - 3

67 and insert:

68 An act relating to essential state infrastructure;



139902

69 amending s. 337.401, F.S.; specifying permit
70 application timeframes required for the installation,
71 location, or relocation of utilities within rights-of-
72 way; amending s. 704.06, F.S.; providing construction
73 relating to the rights of an owner of land that has
74 been traditionally used for agriculture and is subject
75 to a conservation easement; creating s. 366.945, F.S.;
76 providing