

Amendment No. 1 (for drafter's use only)

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

The Committee on Natural Resources & Environmental Protection offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 215.981, Florida Statutes, is amended to read:

215.981 Audits of state agency direct-support organizations and citizen support organizations.--Each direct-support organization and each citizen support organization, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support

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1 organization, whenever the organization's annual expenses
2 exceed \$100,000. The audit report shall be submitted within 9
3 months after the end of the fiscal year to the Auditor General
4 and to the state agency responsible for creation,
5 administration, or approval of the direct-support organization
6 or citizen support organization. Such state agency, the
7 Auditor General, and the Office of Program Policy Analysis and
8 Government Accountability shall have the authority to require
9 and receive from the organization or from the independent
10 auditor any records relative to the operation of the
11 organization.

12 Section 2. Effective July 1, 2002, subsection (3) of
13 section 259.101, Florida Statutes, is amended to read:

14 259.101 Florida Preservation 2000 Act.--

15 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
16 costs of issuance, the costs of funding reserve accounts, and
17 other costs with respect to the bonds, the proceeds of bonds
18 issued pursuant to this act shall be deposited into the
19 Florida Preservation 2000 Trust Fund created by s. 375.045. ~~In~~
20 ~~fiscal year 2000-2001, for each Florida Preservation 2000~~
21 ~~program described in paragraphs (a)-(g), that portion of each~~
22 ~~program's total remaining cash balance which, as of June 30,~~
23 ~~2000, is in excess of that program's total remaining~~
24 ~~appropriation balances shall be redistributed by the~~
25 ~~department and deposited into the Save Our Everglades Trust~~
26 ~~Fund for land acquisition. For purposes of calculating the~~
27 ~~total remaining cash balances for this redistribution, the~~
28 ~~Florida Preservation 2000 Series 2000 bond proceeds, including~~
29 ~~interest thereon, and the fiscal year 1999-2000 General~~
30 ~~Appropriations Act amounts shall be deducted from the~~
31 ~~remaining cash and appropriation balances, respectively.~~

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1 Beginning in fiscal year 2002-2003, funds from the
2 unencumbered cash balance less approved commitments remaining
3 in the agency subaccounts in the Preservation 2000 Trust Fund
4 may be used by those agencies to fund projects described in
5 paragraphs (3)(a)-(h) of s. 259.105 which meet the criteria
6 for funding pursuant to the Florida Forever Program or the
7 Florida Preservation 2000 Program.The remaining proceeds
8 shall be distributed by the Department of Environmental
9 Protection in the following manner:

10 (a) Fifty percent to the Department of Environmental
11 Protection for the purchase of public lands as described in s.
12 259.032. Of this 50 percent, at least one-fifth shall be used
13 for the acquisition of coastal lands.

14 (b) Thirty percent to the Department of Environmental
15 Protection for the purchase of water management lands pursuant
16 to s. 373.59, to be distributed among the water management
17 districts as provided in that section. Funds received by each
18 district may also be used for acquisition of lands necessary
19 to implement surface water improvement and management plans
20 approved in accordance with s. 373.456 or for acquisition of
21 lands necessary to implement the Everglades Construction
22 Project authorized by s. 373.4592.

23 (c) Ten percent to the Department of Community Affairs
24 to provide land acquisition grants and loans to local
25 governments through the Florida Communities Trust pursuant to
26 part III of chapter 380. From funds allocated to the trust,
27 \$3 million annually shall be used by the Division of State
28 Lands within the Department of Environmental Protection to
29 implement the Green Swamp Land Protection Initiative
30 specifically for the purchase of conservation easements, as
31 defined in s. 380.0677(4), of lands, or severable interests or

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1 rights in lands, in the Green Swamp Area of Critical State
2 Concern. From funds allocated to the trust, \$3 million
3 annually shall be used by the Monroe County Comprehensive Plan
4 Land Authority specifically for the purchase of any real
5 property interest in either those lands subject to the Rate of
6 Growth Ordinances adopted by local governments in Monroe
7 County or those lands within the boundary of an approved
8 Conservation and Recreation Lands project located within the
9 Florida Keys or Key West Areas of Critical State Concern;
10 however, title to lands acquired within the boundary of an
11 approved Conservation and Recreation Lands project may, in
12 accordance with an approved joint acquisition agreement, vest
13 in the Board of Trustees of the Internal Improvement Trust
14 Fund. Of the remaining funds allocated to the trust after the
15 above transfers occur, one-half shall be matched by local
16 governments on a dollar-for-dollar basis. To the extent
17 allowed by federal requirements for the use of bond proceeds,
18 the trust shall expend Preservation 2000 funds to carry out
19 the purposes of part III of chapter 380.

20 (d) Two and nine-tenths percent to the Department of
21 Environmental Protection for the purchase of inholdings and
22 additions to state parks. For the purposes of this paragraph,
23 "state park" means all real property in the state under the
24 jurisdiction of the Division of Recreation and Parks of the
25 department, or which may come under its jurisdiction.

26 (e) Two and nine-tenths percent to the Division of
27 Forestry of the Department of Agriculture and Consumer
28 Services to fund the acquisition of state forest inholdings
29 and additions pursuant to s. 589.07.

30 (f) Two and nine-tenths percent to the Fish and
31 Wildlife Conservation Commission to fund the acquisition of

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1 inholdings and additions to lands managed by the commission
2 which are important to the conservation of fish and wildlife.

3 (g) One and three-tenths percent to the Department of
4 Environmental Protection for the Florida Greenways and Trails
5 Program, to acquire greenways and trails or greenways and
6 trails systems pursuant to chapter 260, including, but not
7 limited to, abandoned railroad rights-of-way and the Florida
8 National Scenic Trail.

9
10 Local governments may use federal grants or loans, private
11 donations, or environmental mitigation funds, including
12 environmental mitigation funds required pursuant to s.
13 338.250, for any part or all of any local match required for
14 the purposes described in this subsection. Bond proceeds
15 allocated pursuant to paragraph (c) may be used to purchase
16 lands on the priority lists developed pursuant to s. 259.035.
17 Title to lands purchased pursuant to paragraphs (a), (d), (e),
18 (f), and (g) shall be vested in the Board of Trustees of the
19 Internal Improvement Trust Fund. Title to lands purchased
20 pursuant to paragraph (c) may be vested in the Board of
21 Trustees of the Internal Improvement Trust Fund. The board of
22 trustees shall hold title to land protection agreements and
23 conservation easements that were or will be acquired pursuant
24 to s. 380.0677, and the Southwest Florida Water Management
25 District and the St. Johns River Water Management District
26 shall monitor such agreements and easements within their
27 respective districts until the state assumes this
28 responsibility.

29 Section 3. Subsection (3) of section 380.502, Florida
30 Statutes, is renumbered as subsection (4), and a new
31 subsection (3) is added to said section to read:

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1 380.502 Legislative findings and intent.--

2 (3) The Legislature recognizes the need to augment
3 community efforts to revitalize and redevelop urban core and
4 formerly industrial areas of the state's population centers by
5 reclaiming open space and enhancing park opportunities. The
6 Legislature also recognizes that greenspace in urban settings
7 is an integral part and function of an environmentally and
8 economically healthy municipality.

9 ~~(4)~~(3) It is the intent of the Legislature to
10 establish a nonregulatory agency that will assist local
11 governments in bringing local comprehensive plans into
12 compliance and implementing the goals, objectives, and
13 policies of the conservation, recreation and open space, and
14 coastal elements of local comprehensive plans, or in
15 conserving natural resources and resolving land use conflicts
16 by:

17 (a) Responding promptly and creatively to
18 opportunities to correct undesirable development patterns,
19 restore degraded natural areas, enhance resource values,
20 restore deteriorated or deteriorating urban waterfronts,
21 reserve lands for later purchase, participate in and promote
22 the use of innovative land acquisition methods, and provide
23 public access to surface waters.

24 (b) Providing financial and technical assistance to
25 local governments, state agencies, and nonprofit organizations
26 to carry out projects and activities and to develop programs
27 authorized by this part.

28 (c) Involving local governments and private interests
29 in voluntarily resolving land use conflicts and issues.

30 Section 4. Subsections (7) and (11) of section
31 380.507, Florida Statutes, are amended to read:

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1 380.507 Powers of the trust.--The trust shall have all
2 the powers necessary or convenient to carry out the purposes
3 and provisions of this part, including:

4 (7) To provide by grant or loan up to the total cost
5 of any project approved according to this part, including the
6 local share of federally supported projects. The trust may
7 require local funding participation in projects. The trust
8 shall determine the funding it will provide by considering the
9 total amount of funding available for the project, the fiscal
10 resources of other project participants, the urgency of the
11 project relative to other eligible projects, and other factors
12 which the trust shall have prescribed by rule. The trust may
13 fund up to 100 percent of any local government land
14 acquisition costs, if part of an approved project. The trust
15 may also award local governments and nonprofit environmental
16 organizations 100 percent grants for preacquired remediated
17 sites having environmental damage, for the purposes of part
18 III of chapter 380, Florida Statutes.

19 (11) To make rules necessary to carry out the purposes
20 of this part and to exercise any power granted in this part,
21 pursuant to the provisions of chapter 120. The trust shall
22 adopt rules governing the acquisition of lands using proceeds
23 from the Preservation 2000 Trust Fund and the Florida Forever
24 Trust Fund, consistent with the intent expressed in the
25 Florida Forever Act. Such rules for land acquisition must
26 include, but are not limited to, procedures for appraisals and
27 confidentiality consistent with ss. 125.355(1)(a) and (b) and
28 166.045(1)(a) and (b), a method of determining a maximum
29 purchase price, ~~and~~ procedures to assure that the land is
30 acquired in a voluntarily negotiated transaction, surveyed,
31 conveyed with marketable title, and examined for hazardous

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1 materials contamination, and procedures for the awarding of
2 project excellence points for proposed projects that
3 voluntarily help resolve land-use conflicts and issues under
4 s. 380.502(3)(c). Land acquisition procedures of a local land
5 authority created pursuant to s. 380.0663 or s. 380.0677 may
6 be used for the land acquisition programs described by ss.
7 259.101(3)(c) and 259.105 if within areas of critical state
8 concern designated pursuant to s. 380.05, subject to approval
9 of the trust.

10 Section 5. Paragraph (f) of subsection (3) of section
11 380.510, Florida Statutes, is amended to read:

12 380.510 Conditions of grants and loans.--

13 (3) In the case of a grant or loan for land
14 acquisition, agreements shall provide all of the following:

15 (f) The term of any grant using funds received from
16 the Preservation 2000 Trust Fund, pursuant to s.
17 259.101(3)(c), shall be for a period not to exceed 24 months.
18 The governing board of the trust may offer a grant with a
19 shorter term ~~and may extend a grant beyond 24 months when the~~
20 ~~grant recipient demonstrates that significant progress is~~
21 ~~being made toward closing the project or that extenuating~~
22 ~~circumstances warrant an extension of time.~~ If a local
23 government project which was awarded a grant is not closed
24 within 24 months ~~and the governing board of the trust does not~~
25 ~~grant an extension~~, the grant reverts to the trust's
26 unencumbered balance of Preservation 2000 funds to be
27 redistributed to other Florida Forever eligible projects. The
28 local government may reapply for a grant to fund the project
29 in the trust's next application cycle.

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31 Any deed or other instrument of conveyance whereby a nonprofit

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1 organization or local government acquires real property under
2 this section shall set forth the interest of the state. The
3 trust shall keep at least one copy of any such instrument and
4 shall provide at least one copy to the Board of Trustees of
5 the Internal Improvement Trust Fund.

6 Section 6. This act shall take effect July 1, 2002.

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8

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

10 And the title is amended as follows:

11 On page 1, lines 2 through 14
12 remove:

13

14 and insert:

15 An act relating to land acquisitions; amending
16 s. 215.981, F.S.; providing an exemption from
17 audit requirements for direct support
18 organizations and citizen support
19 organizations; amending s. 259.101, F.S.;
20 repealing outdated language appropriating
21 Preservation 2000 funds to the Save Our
22 Everglades Trust Fund; providing for the
23 funding of projects under the Florida Forever
24 Program or the Florida Preservation 2000
25 Program; amending s. 380.502, F.S.; providing
26 recognition of the importance of reclaiming
27 open space and enhancing park opportunities;
28 amending s. 380.507, F.S.; authorizing Florida
29 Communities Trust to award 100 percent grants
30 to local governments and non-profit
31 organizations for preacquired remediated land;

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1 providing for the Florida Communities Trust to
2 adopt rules regarding the resolution of
3 land-use conflicts and issues; amending s.
4 380.510, F.S.; removing the authority of the
5 board of directors of the Florida Communities
6 Trust to extend grants beyond a specified time
7 period; providing an effective date.
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