

By Senator Latvala

19-1687-02

1 A bill to be entitled
2 An act relating to land acquisitions; amending
3 s. 259.101, F.S.; providing for the funding of
4 projects under the Florida Forever Program and
5 the Florida Preservation 2000 Program; amending
6 s. 380.507, F.S.; providing for the Florida
7 Communities Trust to adopt rules regarding the
8 resolution of land-use conflicts; amending s.
9 380.510, F.S.; removing the authority of the
10 board of directors of the Florida Communities
11 Trust to extend grants beyond a specified time
12 period; authorizing the board to award grants
13 to reclaim urban and industrial land for parks
14 and open space; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

20 259.101 Florida Preservation 2000 Act.--

21 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
22 costs of issuance, the costs of funding reserve accounts, and
23 other costs with respect to the bonds, the proceeds of bonds
24 issued pursuant to this act shall be deposited into the
25 Florida Preservation 2000 Trust Fund created by s. 375.045. In
26 fiscal year 2000-2001, for each Florida Preservation 2000
27 program described in paragraphs (a)-(g), that portion of each
28 program's total remaining cash balance which, as of June 30,
29 2000, is in excess of that program's total remaining
30 appropriation balances shall be redistributed by the
31 department and deposited into the Save Our Everglades Trust

1 Fund for land acquisition. For purposes of calculating the
2 total remaining cash balances for this redistribution, the
3 Florida Preservation 2000 Series 2000 bond proceeds, including
4 interest thereon, and the fiscal year 1999-2000 General
5 Appropriations Act amounts shall be deducted from the
6 remaining cash and appropriation balances, respectively.
7 Beginning in fiscal year 2001-2002, funds from the
8 unencumbered cash balance less approved commitments remaining
9 in the Preservation 2000 Trust Fund may be used to fund
10 projects described in paragraphs (3)(a)-(h) of s. 259.105
11 which meet the criteria for funding pursuant to the Florida
12 Forever Program and the Florida Preservation 2000 Program.The
13 remaining proceeds shall be distributed by the Department of
14 Environmental Protection in the following manner:

15 (a) Fifty percent to the Department of Environmental
16 Protection for the purchase of public lands as described in s.
17 259.032. Of this 50 percent, at least one-fifth shall be used
18 for the acquisition of coastal lands.

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

28 (c) Ten percent to the Department of Community Affairs
29 to provide land acquisition grants and loans to local
30 governments through the Florida Communities Trust pursuant to
31 part III of chapter 380. From funds allocated to the trust,

1 \$3 million annually shall be used by the Division of State
2 Lands within the Department of Environmental Protection to
3 implement the Green Swamp Land Protection Initiative
4 specifically for the purchase of conservation easements, as
5 defined in s. 380.0677(4), of lands, or severable interests or
6 rights in lands, in the Green Swamp Area of Critical State
7 Concern. Any unencumbered funds allocated to implement the
8 Green Swamp Land Protection Initiative after June 30, 2002,
9 must be reallocated to the Florida Greenways and Trails
10 Program and used to purchase land for the Florida National
11 Scenic Trail. From funds allocated to the trust, \$3 million
12 annually shall be used by the Monroe County Comprehensive Plan
13 Land Authority specifically for the purchase of any real
14 property interest in either those lands subject to the Rate of
15 Growth Ordinances adopted by local governments in Monroe
16 County or those lands within the boundary of an approved
17 Conservation and Recreation Lands project located within the
18 Florida Keys or Key West Areas of Critical State Concern;
19 however, title to lands acquired within the boundary of an
20 approved Conservation and Recreation Lands project may, in
21 accordance with an approved joint acquisition agreement, vest
22 in the Board of Trustees of the Internal Improvement Trust
23 Fund. Any unencumbered funds allocated for the Monroe County
24 Comprehensive Plan Land Authority after June 30, 2003, must be
25 reallocated and used for the current selection list of the
26 Florida Communities Trust under the Florida Forever Program.
27 Of the remaining funds allocated to the trust after the above
28 transfers occur, one-half shall be matched by local
29 governments on a dollar-for-dollar basis. To the extent
30 allowed by federal requirements for the use of bond proceeds,
31

1 the trust shall expend Preservation 2000 funds to carry out
2 the purposes of part III of chapter 380.

3 (d) Two and nine-tenths percent to the Department of
4 Environmental Protection for the purchase of inholdings and
5 additions to state parks. For the purposes of this paragraph,
6 "state park" means all real property in the state under the
7 jurisdiction of the Division of Recreation and Parks of the
8 department, or which may come under its jurisdiction.

9 (e) Two and nine-tenths percent to the Division of
10 Forestry of the Department of Agriculture and Consumer
11 Services to fund the acquisition of state forest inholdings
12 and additions pursuant to s. 589.07.

13 (f) Two and nine-tenths percent to the Fish and
14 Wildlife Conservation Commission to fund the acquisition of
15 inholdings and additions to lands managed by the commission
16 which are important to the conservation of fish and wildlife.

17 (g) One and three-tenths percent to the Department of
18 Environmental Protection for the Florida Greenways and Trails
19 Program, to acquire greenways and trails or greenways and
20 trails systems pursuant to chapter 260, including, but not
21 limited to, abandoned railroad rights-of-way and the Florida
22 National Scenic Trail.

23
24 Local governments may use federal grants or loans, private
25 donations, or environmental mitigation funds, including
26 environmental mitigation funds required pursuant to s.
27 338.250, for any part or all of any local match required for
28 the purposes described in this subsection. Bond proceeds
29 allocated pursuant to paragraph (c) may be used to purchase
30 lands on the priority lists developed pursuant to s. 259.035.
31 Title to lands purchased pursuant to paragraphs (a), (d), (e),

1 (f), and (g) shall be vested in the Board of Trustees of the
2 Internal Improvement Trust Fund. Title to lands purchased
3 pursuant to paragraph (c) may be vested in the Board of
4 Trustees of the Internal Improvement Trust Fund. The board of
5 trustees shall hold title to land protection agreements and
6 conservation easements that were or will be acquired pursuant
7 to s. 380.0677, and the Southwest Florida Water Management
8 District and the St. Johns River Water Management District
9 shall monitor such agreements and easements within their
10 respective districts until the state assumes this
11 responsibility.

12 Section 2. Subsection (11) of section 380.507, Florida
13 Statutes, is amended to read:

14 380.507 Powers of the trust.--The trust shall have all
15 the powers necessary or convenient to carry out the purposes
16 and provisions of this part, including:

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

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

8 Section 3. Paragraph (f) of subsection (3) of section
9 380.510, Florida Statutes, is amended to read:

10 380.510 Conditions of grants and loans.--

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

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

28
29 Any deed or other instrument of conveyance whereby a nonprofit
30 organization or local government acquires real property under
31 this section shall set forth the interest of the state. The

