

By the Committee on Natural Resources; and Senator Latvala

312-2101-02

1 A bill to be entitled
2 An act relating to land acquisitions; amending
3 s. 215.981, F.S.; revising provisions relating
4 to annual audits for citizen support
5 organizations; amending s. 259.101, F.S.;
6 providing for the funding of projects under the
7 Florida Forever Program and the Florida
8 Preservation 2000 Program; amending s. 380.502,
9 F.S.; providing legislative intent regarding
10 the need to revitalize and redevelop certain
11 urban areas and the value of urban green space;
12 amending s. 380.507, F.S.; authorizing the
13 Florida Communities Trust to award 100 percent
14 grants for certain preacquired remediated
15 sites; authorizing the adoption of rules;
16 providing for the Florida Communities Trust to
17 adopt rules regarding the resolution of
18 land-use conflicts; amending s. 380.510, F.S.;
19 removing the authority of the board of
20 directors of the Florida Communities Trust to
21 extend grants beyond a specified time period;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 215.981, Florida Statutes, is
27 amended to read:

28 215.981 Audits of state agency direct-support
29 organizations and citizen support organizations.--Each
30 direct-support organization and each citizen support
31 organization, created or authorized pursuant to law, and

1 created, approved, or administered by a state agency, other
2 than a university, district board of trustees of a community
3 college, or district school board, shall provide for an annual
4 financial audit of its accounts and records to be conducted by
5 an independent certified public accountant in accordance with
6 rules adopted by the Auditor General pursuant to s. 11.45(8)
7 and the state agency that created, approved, or administers
8 the direct-support organization or citizen support
9 organization, whenever the organization's annual expenses
10 exceed \$100,000. The audit report shall be submitted within 9
11 months after the end of the fiscal year to the Auditor General
12 and to the state agency responsible for creation,
13 administration, or approval of the direct-support organization
14 or citizen support organization. Such state agency, the
15 Auditor General, and the Office of Program Policy Analysis and
16 Government Accountability shall have the authority to require
17 and receive from the organization or from the independent
18 auditor any records relative to the operation of the
19 organization.

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

22 259.101 Florida Preservation 2000 Act.--

23 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
24 costs of issuance, the costs of funding reserve accounts, and
25 other costs with respect to the bonds, the proceeds of bonds
26 issued pursuant to this act shall be deposited into the
27 Florida Preservation 2000 Trust Fund created by s. 375.045.
28 Beginning in fiscal year 2002-2003, funds from the
29 unencumbered cash balance less approved commitments remaining
30 in the agency subaccounts in the Preservation 2000 Trust Fund
31 may be used by those agencies to fund projects described in

1 paragraphs (3)(a)-(h) of s. 259.105 which meet the criteria
2 for funding pursuant to the Florida Forever Program or the
3 Florida Preservation 2000 Program.~~In fiscal year 2000-2001,~~
4 ~~for each Florida Preservation 2000 program described in~~
5 ~~paragraphs (a)-(g), that portion of each program's total~~
6 ~~remaining cash balance which, as of June 30, 2000, is in~~
7 ~~excess of that program's total remaining appropriation~~
8 ~~balances shall be redistributed by the department and~~
9 ~~deposited into the Save Our Everglades Trust Fund for land~~
10 ~~acquisition. For purposes of calculating the total remaining~~
11 ~~cash balances for this redistribution, the Florida~~
12 ~~Preservation 2000 Series 2000 bond proceeds, including~~
13 ~~interest thereon, and the fiscal year 1999-2000 General~~
14 ~~Appropriations Act amounts shall be deducted from the~~
15 ~~remaining cash and appropriation balances, respectively.~~The
16 remaining proceeds shall be distributed by the Department of
17 Environmental Protection in the following manner:

18 (a) Fifty percent to the Department of Environmental
19 Protection for the purchase of public lands as described in s.
20 259.032. Of this 50 percent, at least one-fifth shall be used
21 for the acquisition of coastal lands.

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

31

1 (c) Ten percent to the Department of Community Affairs
2 to provide land acquisition grants and loans to local
3 governments through the Florida Communities Trust pursuant to
4 part III of chapter 380. From funds allocated to the trust,
5 \$3 million annually shall be used by the Division of State
6 Lands within the Department of Environmental Protection to
7 implement the Green Swamp Land Protection Initiative
8 specifically for the purchase of conservation easements, as
9 defined in s. 380.0677(4), of lands, or severable interests or
10 rights in lands, in the Green Swamp Area of Critical State
11 Concern. Any unspent funds allocated to implement the Green
12 Swamp Land Protection Initiative after June 30, 2004, must be
13 reallocated to the Florida Greenways and Trails Program and
14 used to purchase land for the Florida National Scenic Trail.
15 From funds allocated to the trust, \$3 million annually shall
16 be used by the Monroe County Comprehensive Plan Land Authority
17 specifically for the purchase of any real property interest in
18 either those lands subject to the Rate of Growth Ordinances
19 adopted by local governments in Monroe County or those lands
20 within the boundary of an approved Conservation and Recreation
21 Lands project located within the Florida Keys or Key West
22 Areas of Critical State Concern; however, title to lands
23 acquired within the boundary of an approved Conservation and
24 Recreation Lands project may, in accordance with an approved
25 joint acquisition agreement, vest in the Board of Trustees of
26 the Internal Improvement Trust Fund. Any unspent funds
27 allocated for the Monroe County Comprehensive Plan Land
28 Authority after June 30, 2004, must be reallocated and used
29 for the current selection list of the Florida Communities
30 Trust under the Florida Forever Program.Of the remaining
31 funds allocated to the trust after the above transfers occur,

1 one-half shall be matched by local governments on a
2 dollar-for-dollar basis. To the extent allowed by federal
3 requirements for the use of bond proceeds, the trust shall
4 expend Preservation 2000 funds to carry out the purposes of
5 part III of chapter 380.

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

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

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

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

26
27 Local governments may use federal grants or loans, private
28 donations, or environmental mitigation funds, including
29 environmental mitigation funds required pursuant to s.
30 338.250, for any part or all of any local match required for
31 the purposes described in this subsection. Bond proceeds

1 allocated pursuant to paragraph (c) may be used to purchase
2 lands on the priority lists developed pursuant to s. 259.035.
3 Title to lands purchased pursuant to paragraphs (a), (d), (e),
4 (f), and (g) shall be vested in the Board of Trustees of the
5 Internal Improvement Trust Fund. Title to lands purchased
6 pursuant to paragraph (c) may be vested in the Board of
7 Trustees of the Internal Improvement Trust Fund. The board of
8 trustees shall hold title to land protection agreements and
9 conservation easements that were or will be acquired pursuant
10 to s. 380.0677, and the Southwest Florida Water Management
11 District and the St. Johns River Water Management District
12 shall monitor such agreements and easements within their
13 respective districts until the state assumes this
14 responsibility.

15 Section 3. Present subsection (3) of section 380.502,
16 Florida Statutes, is redesignated as subsection (4) and a new
17 subsection (3) is added to that section to read:

18 380.502 Legislative findings and intent.--

19 (3) The Legislature recognizes the need to augment
20 community efforts to revitalize and redevelop urban core and
21 formerly industrial areas of the state's population centers by
22 reclaiming open space and enhancing park opportunities. The
23 Legislature also recognizes that greenspace in urban settings
24 is an integral part and function of an environmentally and
25 economically healthy municipality.

26 Section 4. Subsection (7) and subsection (11) of
27 section 380.507, Florida Statutes, are amended to read:

28 380.507 Powers of the trust.--The trust shall have all
29 the powers necessary or convenient to carry out the purposes
30 and provisions of this part, including:

31

1 (7) To provide by grant or loan up to the total cost
2 of any project approved according to this part, including the
3 local share of federally supported projects. The trust may
4 require local funding participation in projects. The trust
5 shall determine the funding it will provide by considering the
6 total amount of funding available for the project, the fiscal
7 resources of other project participants, the urgency of the
8 project relative to other eligible projects, and other factors
9 which the trust shall have prescribed by rule. The trust may
10 fund up to 100 percent of any local government land
11 acquisition costs, if part of an approved project. The trust
12 may also award local governments and nonprofit environmental
13 organizations 100 percent grants for preacquired remediated
14 sites having environmental damage, for the purposes of part
15 III of chapter 380. The trust is authorized to adopt rules
16 under chapter 120 to implement such 100 percent grants.

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 5. 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) After July 1, 2002, the term of any grant using
14 funds received from the Preservation 2000 Trust Fund, pursuant
15 to s. 259.101(3)(c), shall ~~be for a period~~ not to exceed 24
16 months. The governing board of the trust may offer a grant
17 with a shorter term ~~and may extend a grant beyond 24 months~~
18 ~~when the grant recipient demonstrates that significant~~
19 ~~progress is being made toward closing the project or that~~
20 ~~extenuating circumstances warrant an extension of time~~. If a
21 local government project which was awarded a grant is not
22 closed within 24 months ~~and the governing board of the trust~~
23 ~~does not grant an extension~~, the grant reverts to the trust's
24 unencumbered balance of Preservation 2000 funds to be
25 redistributed to other eligible Florida Forever projects. The
26 local government may reapply for a grant to fund the project
27 in the 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

1 trust shall keep at least one copy of any such instrument and
2 shall provide at least one copy to the Board of Trustees of
3 the Internal Improvement Trust Fund.

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

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 1932

9 The committee substitute contains the following changes:

10 A new section 1 has been added that amends s. 215.981, F.S.,
11 to exempt citizen support organizations from annual
12 CPA-conducted audits unless their annual expenses exceed
13 \$100,000.

14 Obsolete provisions reallocating unexpended P-2000 funds to
15 Everglades restoration have been deleted.

16 Provisions have been added to clarify that P-2000 funds
17 already distributed to entities will continue to be used by
18 those entities if they elect to use such funds for Florida
19 Forever projects.

20 After June 30, 2004, unspent P-2000 funds reserved for the
21 Green Swamp Land Protection Initiative will be reallocated and
22 used to purchase land for the Florida National Scenic Trail.
23 After June 30, 2004, unspent P-2000 funds reserved for the
24 Monroe County Comprehensive Plan Land Authority will be
25 reallocated to the FCT's Florida Forever program.

26 Section 380.502, F.S., is amended with provisions from section
27 4 that provide legislative recognition of the need to augment
28 community efforts to revitalize and redevelop urban core and
29 formerly industrial areas of the state's population centers by
30 reclaiming open space and enhancing park opportunities. The
31 Legislature also recognizes that greenspace in urban settings
is an integral part and function of an environmentally and
economically healthy municipality.

Section 380.507(7), F.S., is amended with provisions from
section 4 that authorize the FCT to award local governments
and nonprofit environmental organizations 100 percent grants
for preacquired remediated sites having environmental damage,
for the purposes of part III of ch. 380. The trustees are
authorized to adopt rules under ch. 120 to implement such 100
percent grants.

Section 4 is deleted, as its provisions have been moved
elsewhere in the bill.