

By Senator Lawson

6-632-03

1 A bill to be entitled
2 An act relating to land acquisition; amending
3 s. 380.502, F.S.; providing legislative
4 findings with respect to the need to revitalize
5 and redevelop certain urban areas and to the
6 value of urban greenspace; amending s. 380.503,
7 F.S.; defining the term "remediation project"
8 for purposes of the Florida Communities Trust
9 Act; amending s. 380.507, F.S.; authorizing the
10 Florida Communities Trust to fund remediation
11 projects; authorizing the trust to adopt rules
12 concerning the resolution of land-use
13 conflicts; amending s. 380.508, F.S.;
14 specifying purposes of remediation projects;
15 amending s. 380.510, F.S.; conforming a
16 cross-reference to changes made by the act;
17 providing for funds from the Preservation 2000
18 Trust Fund and the Florida Forever Trust Fund
19 to be used for projects approved under the
20 Florida Communities Trust Act; providing an
21 effective date.

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

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25 Section 1. Present subsection (3) of section 380.502,
26 Florida Statutes, is redesignated as subsection (4) and a new
27 subsection (3) is added to that section to read:

28 380.502 Legislative findings and intent.--

29 (3) The Legislature recognizes the need to augment
30 community efforts to revitalize and redevelop urban core and
31 formerly industrial areas of the population centers of the

1 state by reclaiming open space and enhancing opportunities for
2 parks. The Legislature also recognizes that greenspace in
3 urban settings is an integral part and function of an
4 environmentally and economically healthy municipality.

5 Section 2. Present subsections (11) through (17) of
6 section 380.503, Florida Statutes, are redesignated as
7 subsections (12) through (18), respectively, and a new
8 subsection (11) is added to that section to read:

9 380.503 Definitions.--As used in ss. 380.501-380.515,
10 unless the context indicates a different meaning or intent:

11 (11) "Remediation project" means action taken pursuant
12 to this part to restore for public use and enjoyment
13 contaminated and environmentally damaged, deteriorated, or
14 deteriorating properties located in urban areas.

15 Section 3. Subsections (2) and (11) of section
16 380.507, Florida Statutes, are amended to read:

17 380.507 Powers of the trust.--The trust shall have all
18 the powers necessary or convenient to carry out the purposes
19 and provisions of this part, including:

20 (2) To undertake, coordinate, or fund activities and
21 projects which will help bring local comprehensive plans into
22 compliance and help implement the goals, objectives, and
23 policies of the conservation, recreation and open space, and
24 coastal elements of local comprehensive plans, or which will
25 otherwise serve to conserve natural resources and resolve land
26 use conflicts, including, but not limited to:

- 27 (a) Redevelopment projects.
28 (b) Resource enhancement projects.
29 (c) Public access projects.
30 (d) Urban waterfront restoration projects.
31 (e) Site reservation.

1 (f) Urban greenways and open space projects.

2 (g) Remediation projects.

3 (11) To make rules necessary to carry out the purposes
4 of this part and to exercise any power granted in this part,
5 pursuant to the provisions of chapter 120. The trust shall
6 adopt rules governing the acquisition of lands using proceeds
7 from the Preservation 2000 Trust Fund and the Florida Forever
8 Trust Fund, consistent with the intent expressed in the
9 Florida Forever Act. Such rules for land acquisition must
10 include, but are not limited to, procedures for appraisals and
11 confidentiality consistent with ss. 125.355(1)(a) and (b) and
12 166.045(1)(a) and (b); a method of determining a maximum
13 purchase price; ~~and~~ procedures to assure that the land is
14 acquired in a voluntarily negotiated transaction, surveyed,
15 conveyed with marketable title, and examined for hazardous
16 materials contamination; and procedures for awarding points
17 for project excellence if the proposed project helps in the
18 voluntary resolution of land-use conflicts and issues as
19 provided in s. 380.502(4)(c). Land acquisition procedures of a
20 local land authority created pursuant to s. 380.0663 or s.
21 380.0677 may be used for the land acquisition programs
22 described by ss. 259.101(3)(c) and 259.105 if within areas of
23 critical state concern designated pursuant to s. 380.05,
24 subject to approval of the trust.

25 Section 4. Subsection (4) of section 380.508, Florida
26 Statutes, is amended to read:

27 380.508 Projects; development, review, and approval.--

28 (4) Projects or activities which the trust undertakes,
29 coordinates, or funds in any manner shall comply with the
30 following guidelines:

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1 (a) The purpose of redevelopment projects shall be to
2 restore areas which are adversely affected by scattered
3 ownership, poor lot layout, inadequate park and open space,
4 incompatible land uses, or other conditions which endanger the
5 environment or impede orderly development. Grants and loans
6 awarded for redevelopment projects shall be used for
7 assembling parcels of land within redevelopment project areas
8 for the redesign of such areas and for the installation of
9 public improvements required to serve such areas. After
10 redesign and installation of public improvements, if any,
11 lands in redevelopment projects, with the exception of lands
12 acquired for public purposes, shall be conveyed to any person
13 for development in accordance with a redevelopment project
14 plan approved according to this part.

15 **(b) The purpose of remediation projects shall be to**
16 **restore for public use and enjoyment contaminated,**
17 **environmentally damaged, deteriorated, or deteriorating**
18 **properties located in urban areas. Grants or loans awarded for**
19 **remediation projects must be used to clean up soil,**
20 **groundwater, and surface-water contamination; dispose of**
21 **wastes; demolish structures; install water-management systems;**
22 **and for other corrective measures that promote the public use**
23 **and enjoyment of the project areas.**

24 **(c)**~~(b)~~ The purpose of resource enhancement projects
25 shall be to enhance natural resources which, because of
26 indiscriminate dredging or filling, improper location of
27 improvements, natural or human-induced events, or incompatible
28 land uses, have suffered loss of natural and scenic values.
29 Grants and loans awarded for resource enhancement projects
30 shall be used for the assembly of parcels of land to improve
31 resource management, for relocation of improperly located or

1 designed improvements, and for other corrective measures which
2 will enhance the natural and scenic character of project
3 areas.

4 (d)~~(c)~~ The purpose of public access projects shall be
5 to acquire interests in and initially develop lands which are
6 suitable for and which will be used for public accessways to
7 surface waters. The trust shall identify local governments
8 and nonprofit organizations which will accept responsibility
9 for maintenance and liability for public accessways which are
10 located outside the state park system. The trust may lease
11 any public access site developed under this part to a local
12 government or nonprofit organization, provided that the
13 conditions of the lease guarantee public use of the site. The
14 trust may accept, from any local government or nonprofit
15 organization, fees collected for providing public access to
16 surface waters. The trust shall expend any such funds it
17 accepts only for acquisition, development, and maintenance of
18 such public accessways. To the maximum extent possible, the
19 trust shall expend such fees in the general area where they
20 are collected or in areas where public access to surface
21 waters is clearly deficient. The trust may transfer funds,
22 including such fees, to a local government or nonprofit
23 organization to acquire public access sites. In developing or
24 coordinating public access projects, the trust shall ensure
25 that project plans involving beach access are consistent with
26 state laws governing beach access.

27 (e)~~(d)~~ The purpose of urban waterfront restoration
28 projects shall be to restore deteriorated or deteriorating
29 urban waterfronts for public use and enjoyment. Urban
30 waterfront restoration projects shall include public access
31 sites.

1 (f)~~(e)~~ The trust shall cooperate with local
2 governments, state agencies, federal agencies, and nonprofit
3 organizations in ensuring the reservation of lands for parks,
4 recreation, fish and wildlife habitat, historical
5 preservation, or scientific study. In the event that any
6 local government, state agency, federal agency, or nonprofit
7 organization is unable, due to limited financial resources or
8 other circumstances of a temporary nature, to acquire a site
9 for the purposes described in this paragraph, the trust may
10 acquire and hold the site for subsequent conveyance to the
11 appropriate governmental agency or nonprofit organization.
12 The trust may provide such technical assistance as is required
13 to aid local governments, state and federal agencies, and
14 nonprofit organizations in completing acquisition and related
15 functions. The trust shall not reserve lands acquired in
16 accordance with this paragraph for more than 5 years from the
17 time of acquisition. A local government, federal or state
18 agency, or nonprofit organization may acquire the land at any
19 time during this period for public purposes. The purchase
20 price shall be based upon the trust's cost of acquisition,
21 plus administrative and management costs in reserving the
22 land. The payment of this purchase price shall be by money,
23 trust-approved property of an equivalent value, or a
24 combination of money and trust-approved property. If, after
25 the 5-year period, the trust has not sold to a governmental
26 agency or nonprofit organization land acquired for site
27 reservation, the trust shall dispose of such land at fair
28 market value or shall trade it for other land of comparable
29 value which will serve to accomplish the purposes of this
30 part. Any proceeds from the sale of such land shall be
31 deposited in the Florida Communities Trust Fund.

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2 Project costs may include costs of providing parks, open
3 space, public access sites, scenic easements, and other areas
4 and facilities serving the public where such features are part
5 of a project plan approved according to this part. In
6 undertaking or coordinating projects or activities authorized
7 by this part, the trust shall, when appropriate, use and
8 promote the use of creative land acquisition methods,
9 including the acquisition of less than fee interest through,
10 among other methods, conservation easements, transfer of
11 development rights, leases, and leaseback arrangements. The
12 trust also shall assist local governments in the use of sound
13 alternative methods of financing for funding projects and
14 activities authorized by this part. Any funds over and above
15 eligible project costs, which remain after completion of a
16 project approved according to this part, shall be transmitted
17 to the state and deposited in the Florida Communities Trust
18 Fund.

19 Section 5. Paragraph (d) of subsection (3) and
20 subsection (7) of section 380.510, Florida Statutes, are
21 amended to read:

22 380.510 Conditions of grants and loans.--

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

25 (d) If any essential term or condition of a grant or
26 loan is violated, title to all interest in real property
27 acquired with state funds shall be conveyed or revert to the
28 Board of Trustees of the Internal Improvement Trust Fund. The
29 trust shall treat such property in accordance with s.
30 380.508(4)(f)~~s. 380.508(4)(e)~~.

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

7 (7) Any funds received by the trust from the
8 Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and
9 the Florida Forever Trust Fund pursuant to s. 259.105(3)(c)
10 shall be held separate and apart from any other funds held by
11 the trust and shall be used for grants and loans for any
12 project approved under ~~the land acquisition purposes~~ of this
13 part. In addition to the other conditions set forth in this
14 section, the disbursement of Preservation 2000 and Florida
15 Forever funds from the trust shall be subject to the following
16 conditions:

17 (a) The administration and use of any funds received
18 by the trust from the Preservation 2000 Trust Fund and the
19 Florida Forever Trust Fund shall be subject to such terms and
20 conditions imposed thereon by the agency of the state
21 responsible for the bonds, the proceeds of which are deposited
22 in the Preservation 2000 Trust Fund and the Florida Forever
23 Trust Fund, including restrictions imposed to ensure that the
24 interest on any such bonds issued by the state as tax-exempt
25 bonds will not be included in the gross income of the holders
26 of such bonds for federal income tax purposes.

27 (b) All deeds or leases with respect to any real
28 property acquired with funds received by the trust from the
29 Preservation 2000 Trust Fund shall contain such covenants and
30 restrictions as are sufficient to ensure that the use of such
31 real property at all times complies with s. 375.051 and s. 9,

1 Art. XII of the State Constitution. All deeds or leases with
2 respect to any real property acquired with funds received by
3 the trust from the Florida Forever Trust Fund shall contain
4 such covenants and restrictions as are sufficient to ensure
5 that the use of such real property at all times complies with
6 s. 11(e), Art. VII of the State Constitution. Each deed or
7 lease shall contain a reversion, conveyance, or termination
8 clause that will vest title in the Board of Trustees of the
9 Internal Improvement Trust Fund if any of the covenants or
10 restrictions are violated by the titleholder or leaseholder or
11 by some third party with the knowledge of the titleholder or
12 leaseholder.

13 Section 6. This act shall take effect July 1, 2003.

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SENATE SUMMARY

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Revises the Florida Communities Trust Act to authorize the Florida Communities Trust to fund remediation projects. Provides for the adoption of rules to resolve land-use conflicts. Provides the purposes of remediation projects. Provides for funds from the Preservation 2000 Trust Fund and the Florida Forever Trust Fund to be used for projects approved under the Florida Communities Trust Act.