



HB 0621

2003

A bill to be entitled

An act relating to land acquisition; amending s. 380.502, F.S.; providing legislative findings with respect to the need to revitalize and redevelop certain urban areas and to the value of urban greenspace; amending s. 380.503, F.S.; defining the term "remediation project" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; authorizing the Florida Communities Trust to fund remediation projects; authorizing the trust to adopt rules concerning the resolution of land use conflicts; amending s. 380.508, F.S.; specifying purposes of remediation projects; amending s. 380.510, F.S.; conforming a cross reference to changes made by the act; providing 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; providing an effective date.

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

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

380.502 Legislative findings and intent.--

(3) The Legislature recognizes the need to augment community efforts to revitalize and redevelop urban core and formerly industrial areas of the population centers of the state by reclaiming open space and enhancing opportunities for parks.  
The Legislature also recognizes that greenspace in urban



HB 0621

2003

30 settings is an integral part and function of an environmentally  
 31 and economically healthy municipality.

32 Section 2. Present subsections (11) through (17) of  
 33 section 380.503, Florida Statutes, are renumbered as subsections  
 34 (12) through (18), respectively, and a new subsection (11) is  
 35 added to that section to read:

36 380.503 Definitions.--As used in ss. 380.501-380.515,  
 37 unless the context indicates a different meaning or intent:

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

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

44 380.507 Powers of the trust.--The trust shall have all the  
 45 powers necessary or convenient to carry out the purposes and  
 46 provisions of this part, including:

47 (2) To undertake, coordinate, or fund activities and  
 48 projects which will help bring local comprehensive plans into  
 49 compliance and help implement the goals, objectives, and  
 50 policies of the conservation, recreation and open space, and  
 51 coastal elements of local comprehensive plans, or which will  
 52 otherwise serve to conserve natural resources and resolve land  
 53 use conflicts, including, but not limited to:

- 54 (a) Redevelopment projects.
- 55 (b) Resource enhancement projects.
- 56 (c) Public access projects.
- 57 (d) Urban waterfront restoration projects.
- 58 (e) Site reservation.
- 59 (f) Urban greenways and open space projects.



HB 0621

2003

60        (g) Remediation projects.

61        (11) To make rules necessary to carry out the purposes of  
62 this part and to exercise any power granted in this part,  
63 pursuant to the provisions of chapter 120. The trust shall adopt  
64 rules governing the acquisition of lands using proceeds from the  
65 Preservation 2000 Trust Fund and the Florida Forever Trust Fund,  
66 consistent with the intent expressed in the Florida Forever Act.  
67 Such rules for land acquisition must include, but are not  
68 limited to, procedures for appraisals and confidentiality  
69 consistent with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and  
70 (b); a method of determining a maximum purchase price; ~~and~~  
71 procedures to assure that the land is acquired in a voluntarily  
72 negotiated transaction, surveyed, conveyed with marketable  
73 title, and examined for hazardous materials contamination; and  
74 procedures for awarding points for project excellence if the  
75 proposed project helps in the voluntary resolution of land use  
76 conflicts and issues as provided in s. 380.502(4)(c). Land  
77 acquisition procedures of a local land authority created  
78 pursuant to s. 380.0663 or s. 380.0677 may be used for the land  
79 acquisition programs described by ss. 259.101(3)(c) and 259.105  
80 if within areas of critical state concern designated pursuant to  
81 s. 380.05, subject to approval of the trust.

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

84        380.508 Projects; development, review, and approval.--

85        (4) Projects or activities which the trust undertakes,  
86 coordinates, or funds in any manner shall comply with the  
87 following guidelines:

88        (a) The purpose of redevelopment projects shall be to  
89 restore areas which are adversely affected by scattered



HB 0621

2003

90 ownership, poor lot layout, inadequate park and open space,  
91 incompatible land uses, or other conditions which endanger the  
92 environment or impede orderly development. Grants and loans  
93 awarded for redevelopment projects shall be used for assembling  
94 parcels of land within redevelopment project areas for the  
95 redesign of such areas and for the installation of public  
96 improvements required to serve such areas. After redesign and  
97 installation of public improvements, if any, lands in  
98 redevelopment projects, with the exception of lands acquired for  
99 public purposes, shall be conveyed to any person for development  
100 in accordance with a redevelopment project plan approved  
101 according to this part.

102 (b) The purpose of remediation projects shall be to  
103 restore for public use and enjoyment contaminated,  
104 environmentally damaged, deteriorated, or deteriorating  
105 properties located in urban areas. Grants or loans awarded for  
106 remediation projects must be used to clean up soil, groundwater,  
107 and surface water contamination; dispose of wastes; demolish  
108 structures; install water management systems; and for other  
109 corrective measures that promote the public use and enjoyment of  
110 the project areas.

111 (c)~~(b)~~ The purpose of resource enhancement projects shall  
112 be to enhance natural resources which, because of indiscriminate  
113 dredging or filling, improper location of improvements, natural  
114 or human-induced events, or incompatible land uses, have  
115 suffered loss of natural and scenic values. Grants and loans  
116 awarded for resource enhancement projects shall be used for the  
117 assembly of parcels of land to improve resource management, for  
118 relocation of improperly located or designed improvements, and



HB 0621

2003

119 for other corrective measures which will enhance the natural and  
120 scenic character of project areas.

121 (d)~~(e)~~ The purpose of public access projects shall be to  
122 acquire interests in and initially develop lands which are  
123 suitable for and which will be used for public accessways to  
124 surface waters. The trust shall identify local governments and  
125 nonprofit organizations which will accept responsibility for  
126 maintenance and liability for public accessways which are  
127 located outside the state park system. The trust may lease any  
128 public access site developed under this part to a local  
129 government or nonprofit organization, provided that the  
130 conditions of the lease guarantee public use of the site. The  
131 trust may accept, from any local government or nonprofit  
132 organization, fees collected for providing public access to  
133 surface waters. The trust shall expend any such funds it  
134 accepts only for acquisition, development, and maintenance of  
135 such public accessways. To the maximum extent possible, the  
136 trust shall expend such fees in the general area where they are  
137 collected or in areas where public access to surface waters is  
138 clearly deficient. The trust may transfer funds, including such  
139 fees, to a local government or nonprofit organization to acquire  
140 public access sites. In developing or coordinating public  
141 access projects, the trust shall ensure that project plans  
142 involving beach access are consistent with state laws governing  
143 beach access.

144 (e)~~(d)~~ The purpose of urban waterfront restoration  
145 projects shall be to restore deteriorated or deteriorating urban  
146 waterfronts for public use and enjoyment. Urban waterfront  
147 restoration projects shall include public access sites.



HB 0621

2003

148        (f)~~(e)~~ The trust shall cooperate with local governments,  
149 state agencies, federal agencies, and nonprofit organizations in  
150 ensuring the reservation of lands for parks, recreation, fish  
151 and wildlife habitat, historical preservation, or scientific  
152 study. In the event that any local government, state agency,  
153 federal agency, or nonprofit organization is unable, due to  
154 limited financial resources or other circumstances of a  
155 temporary nature, to acquire a site for the purposes described  
156 in this paragraph, the trust may acquire and hold the site for  
157 subsequent conveyance to the appropriate governmental agency or  
158 nonprofit organization. The trust may provide such technical  
159 assistance as is required to aid local governments, state and  
160 federal agencies, and nonprofit organizations in completing  
161 acquisition and related functions. The trust shall not reserve  
162 lands acquired in accordance with this paragraph for more than 5  
163 years from the time of acquisition. A local government, federal  
164 or state agency, or nonprofit organization may acquire the land  
165 at any time during this period for public purposes. The  
166 purchase price shall be based upon the trust's cost of  
167 acquisition, plus administrative and management costs in  
168 reserving the land. The payment of this purchase price shall be  
169 by money, trust-approved property of an equivalent value, or a  
170 combination of money and trust-approved property. If, after the  
171 5-year period, the trust has not sold to a governmental agency  
172 or nonprofit organization land acquired for site reservation,  
173 the trust shall dispose of such land at fair market value or  
174 shall trade it for other land of comparable value which will  
175 serve to accomplish the purposes of this part. Any proceeds from  
176 the sale of such land shall be deposited in the Florida  
177 Communities Trust Fund.



HB 0621

2003

178  
179 Project costs may include costs of providing parks, open space,  
180 public access sites, scenic easements, and other areas and  
181 facilities serving the public where such features are part of a  
182 project plan approved according to this part. In undertaking or  
183 coordinating projects or activities authorized by this part, the  
184 trust shall, when appropriate, use and promote the use of  
185 creative land acquisition methods, including the acquisition of  
186 less than fee interest through, among other methods,  
187 conservation easements, transfer of development rights, leases,  
188 and leaseback arrangements. The trust also shall assist local  
189 governments in the use of sound alternative methods of financing  
190 for funding projects and activities authorized by this part.  
191 Any funds over and above eligible project costs, which remain  
192 after completion of a project approved according to this part,  
193 shall be transmitted to the state and deposited in the Florida  
194 Communities Trust Fund.

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

197 380.510 Conditions of grants and loans.--

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

200 (d) If any essential term or condition of a grant or loan  
201 is violated, title to all interest in real property acquired  
202 with state funds shall be conveyed or revert to the Board of  
203 Trustees of the Internal Improvement Trust Fund. The trust  
204 shall treat such property in accordance with s. 380.508(4)(f) ~~s.~~  
205 ~~380.508(4)(e)~~.

206



HB 0621

2003

207 Any deed or other instrument of conveyance whereby a nonprofit  
 208 organization or local government acquires real property under  
 209 this section shall set forth the interest of the state. The  
 210 trust shall keep at least one copy of any such instrument and  
 211 shall provide at least one copy to the Board of Trustees of the  
 212 Internal Improvement Trust Fund.

213 (7) Any funds received by the trust from the Preservation  
 214 2000 Trust Fund pursuant to s. 259.101(3)(c) and the Florida  
 215 Forever Trust Fund pursuant to s. 259.105(3)(c) shall be held  
 216 separate and apart from any other funds held by the trust and  
 217 shall be used for grants and loans for any project approved  
 218 under ~~the land acquisition purposes of~~ this part. In addition to  
 219 the other conditions set forth in this section, the disbursement  
 220 of Preservation 2000 and Florida Forever funds from the trust  
 221 shall be subject to the following conditions:

222 (a) The administration and use of any funds received by  
 223 the trust from the Preservation 2000 Trust Fund and the Florida  
 224 Forever Trust Fund shall be subject to such terms and conditions  
 225 imposed thereon by the agency of the state responsible for the  
 226 bonds, the proceeds of which are deposited in the Preservation  
 227 2000 Trust Fund and the Florida Forever Trust Fund, including  
 228 restrictions imposed to ensure that the interest on any such  
 229 bonds issued by the state as tax-exempt bonds will not be  
 230 included in the gross income of the holders of such bonds for  
 231 federal income tax purposes.

232 (b) All deeds or leases with respect to any real property  
 233 acquired with funds received by the trust from the Preservation  
 234 2000 Trust Fund shall contain such covenants and restrictions as  
 235 are sufficient to ensure that the use of such real property at  
 236 all times complies with s. 375.051 and s. 9, Art. XII of the





HB 0621

2003

237 State Constitution. All deeds or leases with respect to any real  
238 property acquired with funds received by the trust from the  
239 Florida Forever Trust Fund shall contain such covenants and  
240 restrictions as are sufficient to ensure that the use of such  
241 real property at all times complies with s. 11(e), Art. VII of  
242 the State Constitution. Each deed or lease shall contain a  
243 reversion, conveyance, or termination clause that will vest  
244 title in the Board of Trustees of the Internal Improvement Trust  
245 Fund if any of the covenants or restrictions are violated by the  
246 titleholder or leaseholder or by some third party with the  
247 knowledge of the titleholder or leaseholder.

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