

By the Committee on Natural Resources; and Senator Atwater

312-2094-04

1 A bill to be entitled
2 An act relating to the Florida Forever Act;
3 amending s. 259.105, F.S.; providing for
4 vesting of title to property acquired in
5 partnership with a local government at the
6 discretion of the Board of Trustees of the
7 Internal Improvement Trust Fund; requiring that
8 local governments must financially contribute
9 to the purchase of property before title may be
10 jointly vested; requiring that a local
11 government's vested title interest must be
12 commensurate with the local government's
13 financial contribution; providing requirements
14 for purchase agreements for jointly vested
15 lands; providing requirements for title deeds
16 for jointly vested lands; requiring the
17 Department of Environmental Protection to
18 determine the feasibility of retroactively
19 applying jointly vested title to land purchases
20 completed under the Preservation 2000 and
21 Florida Forever programs; requiring that
22 written recommendations be submitted by the
23 department to the President of the Senate, the
24 Speaker of the House of Representatives, and
25 certain committees of the Legislature;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Paragraph (c) of subsection (7) of section
31 259.105, Florida Statutes, is amended to read:

1 259.105 The Florida Forever Act.--
2 (7)
3 (c)1. The title to lands acquired under this section
4 shall vest in the Board of Trustees of the Internal
5 Improvement Trust Fund, except that title to lands acquired by
6 a water management district shall vest in the name of that
7 district and lands acquired by a local government shall vest
8 in the name of the purchasing local government. The board may,
9 at the request of a local government, agree to jointly or
10 concurrently share title with a local government that has
11 contributed funds in an amount equal to or greater than 25
12 percent of the purchase price of the property being jointly
13 acquired. The title interest must be commensurate with the
14 financial contribution of the local government. Purchase
15 agreements for lands to be jointly or concurrently vested in
16 the state and a local government must identify the long-term
17 uses and management goals of the property and must contain
18 covenants, reverter clauses, or other restrictions as are
19 necessary to protect the interest of the citizens of the
20 state. Any covenants, reverter clauses, or restrictions
21 contained in the purchase agreement also must be contained in
22 the property deed.
23 2. By October 1, 2005, the department shall determine
24 the feasibility and cost of retroactively applying the
25 title-sharing provisions of this paragraph to lands jointly
26 acquired with local governments under the Preservation 2000
27 and the Florida Forever programs, notwithstanding the
28 provisions of this paragraph and s. 259.101(3). The department
29 must include the effects of title-sharing on the bond
30 covenants of the Preservation 2000 and the Florida Forever
31 programs. By December 1, 2005, the department's written

1 recommendations on the feasibility of retroactively applying
2 the title-sharing provisions of this paragraph shall be
3 submitted to the President of the Senate, the Speaker of the
4 House of Representatives, and the appropriate substantive and
5 appropriations committees of the Senate and the House of
6 Representatives.

7 Section 2. This act shall take effect upon becoming a
8 law.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 2308

13 The committee substitute clarifies that at the request of a
14 local government, the Board of Trustees of the Internal
15 Improvement Trust Fund can agree to jointly or concurrently
16 share title to lands purchased jointly with a local government
17 under the Florida Forever program. Local governments must
18 contribute a minimum of 25 percent of the purchase price of
19 the property being jointly acquired and title interest is
20 commensurate with the financial contribution of that local
21 government. Purchase agreements for lands to be jointly or
22 concurrently vested in the state and a local government must
23 identify the long-term uses and management goals of the
24 property. Purchase agreements and property deeds must contain
25 covenants, reverter clauses, or restrictions which are
26 necessary to protect the interests of Florida's citizens. The
27 committee substitute requires the Department of Environmental
28 Protection to determine the feasibility and cost of
29 retroactively applying the title-sharing provisions of the
30 bill to lands jointly acquired with local governments under
31 the Preservation 2000 and Florida Forever programs. In
determining the feasibility of retroactive application, the
department must include the effects, if any, of title-sharing
on the Preservation 2000 and Florida Forever bond covenants.
By December 1, 2005, a written report must be submitted to the
President of the Senate and the Speaker of the House of
Representatives, as well as the appropriate legislative
committees.