

1 A bill to be entitled
2 An act relating to waterfront property; amending s.
3 163.3177, F.S.; requiring the future land use plan element
4 of a local comprehensive plan for a coastal county to
5 include criteria to encourage the preservation of
6 recreational and commercial working waterfronts; including
7 public access to waterways within those items indicated in
8 a recreation and open space element; amending s. 163.3178,
9 F.S.; providing requirements for the shoreline use
10 component of a coastal management element with respect to
11 recreational and commercial working waterfronts; amending
12 s. 163.3187, F.S.; including areas designated as rural
13 areas of critical economic concern in an exemption for
14 certain small scale amendments from a limit on the
15 frequency of amendments to the comprehensive plan of a
16 county or a municipality; increasing various acreage
17 limitations governing eligibility for such exemption for a
18 small scale amendment within such an area; requiring
19 certification of the amendment to the Office of Tourism,
20 Trade, and Economic Development; requiring public review
21 of certain property; amending s. 163.3246, F.S.; revising
22 provisions for the local government comprehensive planning
23 certification program; providing for certain
24 municipalities to be considered certified; requiring the
25 state land planning agency to provide a written notice of
26 certification; specifying components of such notice;
27 requiring local governments to submit monitoring reports
28 to the state land planning agency; providing exemptions

29 | from certain development-of-regional-impact reviews;
30 | amending s. 253.002, F.S.; removing an obsolete reference;
31 | revising the responsibilities of the Department of
32 | Agriculture and Consumer Services for aquaculture
33 | activities; amending s. 253.03, F.S.; requiring the Board
34 | of Trustees of the Internal Improvement Trust Fund to
35 | encourage certain uses for sovereign submerged lands;
36 | amending s. 253.67, F.S.; clarifying the definition of
37 | "aquaculture"; amending s. 253.68, F.S.; providing
38 | authority to the board for certain aquaculture activities;
39 | providing a definition; requiring the board to establish
40 | certain guidelines by rule; amending s. 253.74, F.S.;
41 | providing penalties for certain unauthorized aquaculture
42 | activities; amending s. 253.75, F.S.; revising the
43 | responsibilities of the board with regard to certain
44 | aquaculture activities; establishing the Waterfronts
45 | Florida Program within the Department of Community
46 | Affairs; providing definitions; requiring that the program
47 | implement the Waterfronts Florida Partnership Program in
48 | coordination with the Department of Environmental
49 | Protection; authorizing the Department of Community
50 | Affairs to provide financial assistance to certain local
51 | governments; requiring the Department of Environmental
52 | Protection and water management districts to adopt
53 | programs to expedite the processing of permits for certain
54 | projects; requiring the Department of Environmental
55 | Protection, in coordination with the Fish and Wildlife
56 | Conservation Commission, to study the use of state parks

57 | for recreational boating; requiring that the department
58 | make recommendations to the Governor and the Legislature;
59 | amending s. 328.72, F.S.; revising the distribution of
60 | vessel registration fees; providing for a portion of the
61 | fees to be designated for certain trust funds; providing
62 | for a grant program for public launching facilities;
63 | providing priority consideration for certain counties;
64 | requiring certain counties to provide an annual report to
65 | the Fish and Wildlife Conservation Commission; requiring
66 | the commission to provide exemptions for certain counties;
67 | creating s. 342.07, F.S.; enunciating the state's interest
68 | in maintaining recreational and commercial working
69 | waterfronts; defining the term "recreational and
70 | commercial working waterfront"; creating ss. 197.303-
71 | 197.3047, F.S.; authorizing county commissions to adopt
72 | tax deferral ordinances for recreational and commercial
73 | working waterfront properties; requiring bonding periods
74 | effective prior the deferral to remain in effect for
75 | certain properties; providing requirements for deferral
76 | notification and application for certain properties;
77 | providing a tax deferral for ad valorem taxes and non-ad
78 | valorem assessments authorized to be deferred by ordinance
79 | and levied on recreational and commercial working
80 | waterfronts; providing certain exceptions; specifying the
81 | rate of the deferral; providing that the taxes,
82 | assessments, and interest deferred constitute a prior lien
83 | on the property; providing an application process;
84 | providing notice requirements; providing for a decision of

85 | the tax collector to be appealed to the value adjustment
 86 | board; providing for calculating the deferral; providing
 87 | requirements for deferred payment tax certificates;
 88 | providing for the deferral to cease under certain
 89 | circumstances; requiring notice to the tax collector;
 90 | requiring payment of deferred taxes, assessments, and
 91 | interest under certain circumstances; authorizing
 92 | specified parties to make a prepayment of deferred taxes;
 93 | providing for distribution of payments; providing for
 94 | construction of provisions authorizing the deferments;
 95 | providing penalties; providing for a penalty to be
 96 | appealed to the value adjustment board; providing an
 97 | effective date.

98

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

100

101 | Section 1. Paragraphs (a) and (e) of subsection (6) of
 102 | section 163.3177, Florida Statutes, are amended to read:

103 | 163.3177 Required and optional elements of comprehensive
 104 | plan; studies and surveys.--

105 | (6) In addition to the requirements of subsections (1)-
 106 | (5), the comprehensive plan shall include the following
 107 | elements:

108 | (a) A future land use plan element designating proposed
 109 | future general distribution, location, and extent of the uses of
 110 | land for residential uses, commercial uses, industry,
 111 | agriculture, recreation, conservation, education, public
 112 | buildings and grounds, other public facilities, and other

113 categories of the public and private uses of land. Counties are
114 encouraged to designate rural land stewardship areas, pursuant
115 to the provisions of paragraph (11)(d), as overlays on the
116 future land use map. Each future land use category must be
117 defined in terms of uses included, and must include standards to
118 be followed in the control and distribution of population
119 densities and building and structure intensities. The proposed
120 distribution, location, and extent of the various categories of
121 land use shall be shown on a land use map or map series which
122 shall be supplemented by goals, policies, and measurable
123 objectives. The future land use plan shall be based upon
124 surveys, studies, and data regarding the area, including the
125 amount of land required to accommodate anticipated growth; the
126 projected population of the area; the character of undeveloped
127 land; the availability of public services; the need for
128 redevelopment, including the renewal of blighted areas and the
129 elimination of nonconforming uses which are inconsistent with
130 the character of the community; the compatibility of uses on
131 lands adjacent to or closely proximate to military
132 installations; and, in rural communities, the need for job
133 creation, capital investment, and economic development that will
134 strengthen and diversify the community's economy. The future
135 land use plan may designate areas for future planned development
136 use involving combinations of types of uses for which special
137 regulations may be necessary to ensure development in accord
138 with the principles and standards of the comprehensive plan and
139 this act. The future land use plan element shall include
140 criteria to be used to achieve the compatibility of adjacent or

141 | closely proximate lands with military installations. In
142 | addition, for rural communities, the amount of land designated
143 | for future planned industrial use shall be based upon surveys
144 | and studies that reflect the need for job creation, capital
145 | investment, and the necessity to strengthen and diversify the
146 | local economies, and shall not be limited solely by the
147 | projected population of the rural community. The future land use
148 | plan of a county may also designate areas for possible future
149 | municipal incorporation. The land use maps or map series shall
150 | generally identify and depict historic district boundaries and
151 | shall designate historically significant properties meriting
152 | protection. For coastal counties, the future land use element
153 | must include, without limitation, regulatory incentives and
154 | criteria that encourage the preservation of recreational and
155 | commercial working waterfronts as defined in s. 342.07. The
156 | future land use element must clearly identify the land use
157 | categories in which public schools are an allowable use. When
158 | delineating the land use categories in which public schools are
159 | an allowable use, a local government shall include in the
160 | categories sufficient land proximate to residential development
161 | to meet the projected needs for schools in coordination with
162 | public school boards and may establish differing criteria for
163 | schools of different type or size. Each local government shall
164 | include lands contiguous to existing school sites, to the
165 | maximum extent possible, within the land use categories in which
166 | public schools are an allowable use. All comprehensive plans
167 | must comply with the school siting requirements of this
168 | paragraph no later than October 1, 1999. The failure by a local

169 government to comply with these school siting requirements by
170 October 1, 1999, will result in the prohibition of the local
171 government's ability to amend the local comprehensive plan,
172 except for plan amendments described in s. 163.3187(1)(b), until
173 the school siting requirements are met. Amendments proposed by a
174 local government for purposes of identifying the land use
175 categories in which public schools are an allowable use or for
176 adopting or amending the school-siting maps pursuant to s.
177 163.31776(3) are exempt from the limitation on the frequency of
178 plan amendments contained in s. 163.3187. The future land use
179 element shall include criteria that encourage the location of
180 schools proximate to urban residential areas to the extent
181 possible and shall require that the local government seek to
182 collocate public facilities, such as parks, libraries, and
183 community centers, with schools to the extent possible and to
184 encourage the use of elementary schools as focal points for
185 neighborhoods. For schools serving predominantly rural counties,
186 defined as a county with a population of 100,000 or fewer, an
187 agricultural land use category shall be eligible for the
188 location of public school facilities if the local comprehensive
189 plan contains school siting criteria and the location is
190 consistent with such criteria. Local governments required to
191 update or amend their comprehensive plan to include criteria and
192 address compatibility of adjacent or closely proximate lands
193 with existing military installations in their future land use
194 plan element shall transmit the update or amendment to the
195 department by June 30, 2006.

196 (e) A recreation and open space element indicating a
 197 comprehensive system of public and private sites for recreation,
 198 including, but not limited to, natural reservations, parks and
 199 playgrounds, parkways, beaches and public access to beaches,
 200 open spaces, waterways, and other recreational facilities.

201 Section 2. Paragraph (g) of subsection (2) of section
 202 163.3178, Florida Statutes, is amended to read:

203 163.3178 Coastal management.--

204 (2) Each coastal management element required by s.
 205 163.3177(6)(g) shall be based on studies, surveys, and data; be
 206 consistent with coastal resource plans prepared and adopted
 207 pursuant to general or special law; and contain:

208 (g) A shoreline use component that ~~which~~ identifies public
 209 access to beach and shoreline areas and addresses the need for
 210 water-dependent and water-related facilities, including marinas,
 211 along shoreline areas. Such component must include the
 212 strategies that will be used to preserve recreational and
 213 commercial working waterfronts as defined in s. 342.07.

214 Section 3. Paragraph (c) of subsection (1) of section
 215 163.3187, Florida Statutes, is amended, and paragraph (o) is
 216 added to said subsection, to read:

217 163.3187 Amendment of adopted comprehensive plan.--

218 (1) Amendments to comprehensive plans adopted pursuant to
 219 this part may be made not more than two times during any
 220 calendar year, except:

221 (c) Any local government comprehensive plan amendments
 222 directly related to proposed small scale development activities
 223 may be approved without regard to statutory limits on the

224 frequency of consideration of amendments to the local
 225 comprehensive plan. A small scale development amendment may be
 226 adopted only under the following conditions:

227 1. The proposed amendment involves a use of 10 acres or
 228 fewer and:

229 a. The cumulative annual effect of the acreage for all
 230 small scale development amendments adopted by the local
 231 government shall not exceed:

232 (I) A maximum of 120 acres in a local government that
 233 contains areas specifically designated in the local
 234 comprehensive plan for urban infill, urban redevelopment, or
 235 downtown revitalization as defined in s. 163.3164, urban infill
 236 and redevelopment areas designated under s. 163.2517, areas
 237 designated by the Governor as rural areas of critical economic
 238 concern under s. 288.0656(7), transportation concurrency
 239 exception areas approved pursuant to s. 163.3180(5), or regional
 240 activity centers and urban central business districts approved
 241 pursuant to s. 380.06(2)(e); however, amendments under this
 242 paragraph may be applied to no more than 60 acres annually of
 243 property outside the designated areas listed in this sub-sub-
 244 subparagraph. Amendments adopted pursuant to paragraph (k) shall
 245 not be counted toward the acreage limitations for small scale
 246 amendments under this paragraph.

247 (II) A maximum of 80 acres in a local government that does
 248 not contain any of the designated areas set forth in sub-sub-
 249 subparagraph (I).

250 (III) A maximum of 120 acres in a county established
 251 pursuant to s. 9, Art. VIII of the State Constitution.

252 b. The proposed amendment does not involve the same
253 property granted a change within the prior 12 months.

254 c. The proposed amendment does not involve the same
255 owner's property within 200 feet of property granted a change
256 within the prior 12 months.

257 d. The proposed amendment does not involve a text change
258 to the goals, policies, and objectives of the local government's
259 comprehensive plan, but only proposes a land use change to the
260 future land use map for a site-specific small scale development
261 activity.

262 e. The property that is the subject of the proposed
263 amendment is not located within an area of critical state
264 concern, unless the project subject to the proposed amendment
265 involves the construction of affordable housing units meeting
266 the criteria of s. 420.0004(3), and is located within an area of
267 critical state concern designated by s. 380.0552 or by the
268 Administration Commission pursuant to s. 380.05(1). Such
269 amendment is not subject to the density limitations of sub-
270 subparagraph f., and shall be reviewed by the state land
271 planning agency for consistency with the principles for guiding
272 development applicable to the area of critical state concern
273 where the amendment is located and shall not become effective
274 until a final order is issued under s. 380.05(6).

275 f. If the proposed amendment involves a residential land
276 use, the residential land use has a density of 10 units or less
277 per acre, or the proposed future land use category allows a
278 maximum residential density of the same or less than the maximum
279 residential density allowable under the existing future land use

280 category, except that this limitation does not apply to small
281 scale amendments described in sub-sub-subparagraph a.(I) that
282 are designated in the local comprehensive plan for urban infill,
283 urban redevelopment, or downtown revitalization as defined in s.
284 163.3164, urban infill and redevelopment areas designated under
285 s. 163.2517, transportation concurrency exception areas approved
286 pursuant to s. 163.3180(5), or regional activity centers and
287 urban central business districts approved pursuant to s.
288 380.06(2)(e).

289 2.a. A local government that proposes to consider a plan
290 amendment pursuant to this paragraph is not required to comply
291 with the procedures and public notice requirements of s.
292 163.3184(15)(c) for such plan amendments if the local government
293 complies with the provisions in s. 125.66(4)(a) for a county or
294 in s. 166.041(3)(c) for a municipality. If a request for a plan
295 amendment under this paragraph is initiated by other than the
296 local government, public notice is required.

297 b. The local government shall send copies of the notice
298 and amendment to the state land planning agency, the regional
299 planning council, and any other person or entity requesting a
300 copy. This information shall also include a statement
301 identifying any property subject to the amendment that is
302 located within a coastal high hazard area as identified in the
303 local comprehensive plan.

304 3. Small scale development amendments adopted pursuant to
305 this paragraph require only one public hearing before the
306 governing board, which shall be an adoption hearing as described
307 in s. 163.3184(7), and are not subject to the requirements of s.

308 | 163.3184(3)-(6) unless the local government elects to have them
 309 | subject to those requirements.

310 | 4. If the small scale development amendment involves a
 311 | site within an area that is designated by the Governor as a
 312 | rural area of critical economic concern under s. 288.0656(7),
 313 | for the duration of such designation, sub-subparagraph 1.c.
 314 | shall not apply and the 10-acre limit listed in subparagraph 1.
 315 | shall be increased by 100 percent to 20 acres. The local
 316 | government approving the small scale plan amendment shall
 317 | certify to the Office of Tourism, Trade, and Economic
 318 | Development that the plan amendment furthers the economic
 319 | objectives set forth in the executive order issued under s.
 320 | 288.0656(7), and the property subject to the plan amendment
 321 | shall undergo public review to ensure that all concurrency
 322 | requirements and federal, state, and local environmental permit
 323 | requirements are met.

324 | (o) A comprehensive plan amendment that is submitted by an
 325 | area designated by the Governor as a rural area of critical
 326 | economic concern under s. 288.0656(7) and that meets the
 327 | economic development objectives may be approved without regard
 328 | to the statutory limits on the frequency of adoption of
 329 | amendments to the comprehensive plan.

330 | Section 4. Subsections (10), (11), and (12) of section
 331 | 163.3246, Florida Statutes, are renumbered as subsections (12),
 332 | (13), and (14), respectively, and new subsections (10) and (11)
 333 | are added to said section to read:

334 | 163.3246 Local government comprehensive planning
 335 | certification program.--

336 (10) Notwithstanding subsections (2), (4), (5), (6), and
337 (7), any municipality designated as a rural area of critical
338 economic concern pursuant to s. 288.0656 that is located within
339 a county eligible to levy the Small County Surtax under s.
340 212.055(3) shall be considered certified during the
341 effectiveness of the designation of rural area of critical
342 economic concern. The state land planning agency shall provide a
343 written notice of certification to the local government of the
344 certified area, which shall be considered final agency action
345 subject to challenge under s. 120.569. The notice of
346 certification shall include the following components:

347 (a) The boundary of the certification area.

348 (b) A requirement that the local government submit either
349 an annual or biennial monitoring report to the state land
350 planning agency according to the schedule provided in the
351 written notice. The monitoring report shall, at a minimum,
352 include the number of amendments to the comprehensive plan
353 adopted by the local government, the number of plan amendments
354 challenged by an affected person, and the disposition of those
355 challenges.

356 (11) If the local government of an area described in
357 subsection (10) does not request that the state land planning
358 agency review the developments of regional impact that are
359 proposed within the certified area, an application for approval
360 of a development order within the certified area shall be exempt
361 from review under s. 380.06, subject to the following:

362 (a) Concurrent with filing an application for development
363 approval with the local government, a developer proposing a

364 project that would have been subject to review pursuant to s.
365 380.06 shall notify in writing the regional planning council
366 with jurisdiction.

367 (b) The regional planning council shall coordinate with
368 the developer and the local government to ensure all concurrency
369 requirements as well as federal, state, and local environmental
370 permit requirements are met.

371 Section 5. Subsection (1) of section 253.002, Florida
372 Statutes, is amended to read:

373 253.002 Department of Environmental Protection, water
374 management districts, and Department of Agriculture and Consumer
375 Services; duties with respect to state lands.--

376 (1) The Department of Environmental Protection shall
377 perform all staff duties and functions related to the
378 acquisition, administration, and disposition of state lands,
379 title to which is or will be vested in the Board of Trustees of
380 the Internal Improvement Trust Fund. However, upon the effective
381 date of rules adopted pursuant to s. 373.427, a water management
382 district created under s. 373.069 shall perform the staff duties
383 and functions related to the review of any application for
384 authorization to use board of trustees-owned submerged lands
385 necessary for an activity regulated under part IV of chapter 373
386 for which the water management district has permitting
387 responsibility as set forth in an operating agreement adopted
388 pursuant to s. 373.046(4); and ~~effective July 1, 2000,~~ the
389 Department of Agriculture and Consumer Services shall perform
390 the staff duties and functions related to the review of
391 applications and compliance with ~~lease~~ conditions for use of

392 board of trustees-owned submerged lands under authorizations or
393 leases issued pursuant to ss. 253.67-253.75 and 597.010. Unless
394 expressly prohibited by law, the board of trustees may delegate
395 to the department any statutory duty or obligation relating to
396 the acquisition, administration, or disposition of lands, title
397 to which is or will be vested in the board of trustees. The
398 board of trustees may also delegate to any water management
399 district created under s. 373.069 the authority to take final
400 agency action, without any action on behalf of the board, on
401 applications for authorization to use board of trustees-owned
402 submerged lands for any activity regulated under part IV of
403 chapter 373 for which the water management district has
404 permitting responsibility as set forth in an operating agreement
405 adopted pursuant to s. 373.046(4). This water management
406 district responsibility under this subsection shall be subject
407 to the department's general supervisory authority pursuant to s.
408 373.026(7). The board of trustees may also delegate to the
409 Department of Agriculture and Consumer Services the authority to
410 take final agency action on behalf of the board on applications
411 to use board of trustees-owned submerged lands for any activity
412 for which that department has responsibility pursuant to ss.
413 253.67-253.75 and 597.010. However, the board of trustees shall
414 retain the authority to take final agency action on establishing
415 any areas for leasing, new leases, expanding existing lease
416 areas, or changing the type of lease activity in existing
417 leases. Upon issuance of an aquaculture lease or other real
418 property transaction relating to aquaculture, the Department of
419 Agriculture and Consumer Services must send a copy of the

420 document and the accompanying survey to the Department of
421 Environmental Protection.

422 Section 6. Subsection (15) of section 253.03, Florida
423 Statutes, is renumbered as subsection (16), and a new subsection
424 (15) is added to said section to read:

425 253.03 Board of trustees to administer state lands; lands
426 enumerated.--

427 (15) The Board of Trustees of the Internal Improvement
428 Trust Fund shall encourage the use of sovereign submerged lands
429 for water-dependent uses and public access.

430 Section 7. Subsection (1) of section 253.67, Florida
431 Statutes, is amended to read:

432 253.67 Definitions.--As used in ss. 253.67-253.75:

433 (1) "Aquaculture" means the cultivation of aquatic
434 organisms and associated activities, including, but not limited
435 to, grading, sorting, transporting, harvesting, holding,
436 storing, growing, and planting.

437 Section 8. Subsection (1) and paragraph (a) of subsection
438 (2) of section 253.68, Florida Statutes, are amended to read:

439 253.68 Authority to lease or use submerged lands ~~land~~ and
440 water column for aquaculture activities.--

441 (1) To the extent that it is not contrary to the public
442 interest, and subject to limitations contained in ss. 253.67-
443 253.75, the board of trustees may lease or authorize the use of
444 submerged lands to which it has title for the conduct of
445 aquaculture activities and grant exclusive use of the bottom and
446 the water column to the extent required by such activities.

447 "Aquaculture activities" means any activities, as determined by

448 board rule, related to the production of aquacultural products,
 449 including, but not limited to, producing, storing, handling,
 450 grading, sorting, transporting, harvesting, and aquaculture
 451 support docking. Such leases or authorizations may permit
 452 ~~authorize~~ use of the submerged land and water column for either
 453 commercial or experimental purposes. However, a resolution of
 454 objection adopted by a majority of the county commission of a
 455 county within whose boundaries the proposed leased area would
 456 lie, if the boundaries were extended to the extent of the
 457 interest of the state, may be filed with the board of trustees
 458 within 30 days of the date of the first publication of notice as
 459 required by s. 253.70. Prior to the granting of any such leases
 460 or authorizations, the board shall by rule establish and publish
 461 ~~a list of~~ guidelines to be followed when considering
 462 applications for lease or authorization. Such guidelines shall
 463 be designed to protect the public's interest in submerged lands
 464 and the publicly owned water column.

465 (2) (a) The Legislature finds that the state's ability to
 466 supply fresh seafood and other aquaculture products has been
 467 diminished by a combination of factors, including a diminution
 468 of the resources and restrictions on the harvest of certain
 469 marine species. The Legislature declares that it is in the
 470 state's economic, resource enhancement, and food production
 471 interests to promote aquaculture production of food and nonfood
 472 aquatic species by facilitating the review and approval
 473 processes for authorizing the use of ~~leasing~~ sovereignty
 474 submerged land or the water column; simplifying environmental
 475 permitting; supporting educational, research, and demonstration

476 programs; and assisting certain local governments to develop
477 aquaculture as a means to promote economic development. The
478 Legislature declares that aquaculture shall be recognized as a
479 practicable resource management alternative to produce marine
480 aquaculture products, to protect and conserve natural resources,
481 to reduce competition for natural stocks, and to augment and
482 restore natural populations. Therefore, for the purpose of this
483 section, the Legislature declares that aquaculture is in the
484 public interest.

485 Section 9. Section 253.74, Florida Statutes, is amended to
486 read:

487 253.74 Penalties.--

488 (1) Any person who conducts aquaculture activities in
489 excess of those authorized by ~~lease agreement with~~ the board or
490 who conducts such activities on state-owned submerged lands
491 without having previously obtained an authorization from the
492 board commits ~~leased the same shall be guilty of~~ a misdemeanor
493 and shall be subject to imprisonment for not more than 6 months
494 or fine of not more than \$1,000, or both. In addition to such
495 fine and imprisonment, all works, improvements, animal and plant
496 life involved in the project, may be forfeited to the state.

497 (2) Any person who is found by the department to have
498 violated the provisions of chapter 403 or chapter 597 shall be
499 subject to having his or her lease of state-owned submerged
500 lands canceled.

501 Section 10. Subsection (1) of section 253.75, Florida
502 Statutes, is amended to read:

503 253.75 Studies and recommendations by the department and
504 the Fish and Wildlife Conservation Commission; designation of
505 recommended traditional and other use zones; supervision of
506 aquaculture operations.--

507 (1) Prior to the granting of any form of authorization
508 ~~lease~~ under this act, the board shall request comments by the
509 Fish and Wildlife Conservation Commission when the application
510 relates to bottom land covered by fresh or salt water. Such
511 comments shall be based on such factors as an assessment of the
512 probable effect of the proposed use lease on the conservation of
513 fish or wildlife or other programs under the constitutional or
514 statutory authority of the Fish and Wildlife Conservation
515 Commission.

516 Section 11. Waterfronts Florida Program.--

517 (1) There is established within the Department of
518 Community Affairs the Waterfronts Florida Program to provide
519 technical assistance and support to communities in revitalizing
520 waterfront areas in this state.

521 (2) As used in this section, the term:

522 (a) "Waterfront community" means a municipality or county
523 that is required to prepare a coastal element for its local
524 government comprehensive plan.

525 (b) "Recreational and commercial working waterfront" means
526 a parcel or parcels of real property that provide access for
527 water-dependent commercial activities or provide access for the
528 public to the navigable waters of the state. Recreational and
529 commercial working waterfronts require direct access to or a
530 location on, over, or adjacent to a navigable body of water. The

531 term includes water-dependent facilities that are open to the
532 public and offer public access by vessels to the waters of the
533 state or that are support facilities for recreational,
534 commercial, research, or governmental vessels. These facilities
535 include docks, wharfs, lifts, wet and dry marinas, boat ramps,
536 boat hauling and repair facilities, commercial fishing
537 facilities, boat construction facilities, and other support
538 structures over the water.

539 (3) The purpose of this program is to provide technical
540 assistance, support, training, and financial assistance to
541 waterfront communities in their efforts to revitalize waterfront
542 areas. The program shall direct its efforts on the following
543 priority concerns:

- 544 (a) Protecting environmental and cultural resources;
545 (b) Providing public access;
546 (c) Mitigating hazards; and
547 (d) Enhancing the viable traditional economy.

548 (4) The program is responsible for:

- 549 (a) Implementing the Waterfronts Florida Partnership
550 Program. The department, in coordination with the Department of
551 Environmental Protection, shall develop procedures and
552 requirements governing program eligibility, application
553 procedures, and application review. The department may provide
554 financial assistance to eligible local governments to develop
555 local plans to further the purpose of the program. In
556 recognition of limited funding, the department may limit the
557 number of local governments assisted by the program based on the

558 amount of funding appropriated to the department for the purpose
559 of the program.

560 (b) Serving as a source for information and technical
561 assistance for Florida's waterfront communities in preserving
562 traditional recreational and commercial working waterfronts.

563 Section 12. The Department of Environmental Protection
564 and, as appropriate, the water management districts created by
565 chapter 373, Florida Statutes, shall adopt programs to expedite
566 the processing of wetland resource and environmental resource
567 permits for marina projects that reserve at least 10 percent of
568 available boat slips for public use.

569 Section 13. The Department of Environmental Protection, in
570 coordination with the Fish and Wildlife Conservation Commission,
571 shall undertake a study evaluating the current use of state
572 parks for purposes of recreational boating and identify
573 opportunities for increasing recreational boating access within
574 the state park system. The study must include recommendations
575 regarding the most appropriate locations for expanding existing
576 recreational boating access and must identify state parks where
577 new recreational boating access may be located. The environment
578 and wildlife values shall be taken into consideration but shall
579 not dictate the final outcome. The report must contain estimates
580 of the costs necessary to expand and construct additional
581 recreational boating facilities at specific state parks. The
582 department shall submit a report summarizing its findings and
583 recommendations to the Governor, the President of the Senate,
584 and the Speaker of the House of Representatives by January 1,
585 2006.

586 Section 14. Subsection (15) of section 328.72, Florida
587 Statutes, is amended to read:

588 328.72 Classification; registration; fees and charges;
589 surcharge; disposition of fees; fines; marine turtle stickers.--

590 (15) DISTRIBUTION OF FEES.--Except for the first \$2, \$1
591 of~~7~~ which shall be remitted to the state for deposit into the
592 Save the Manatee Trust Fund created within the Fish and Wildlife
593 Conservation Commission and \$1 of which shall be remitted to the
594 state for deposit into the Marine Resources Conservation Trust
595 Fund to fund a grant program for public launching facilities,
596 pursuant to s. 327.47, giving priority consideration to counties
597 with more than 35,000 registered vessels.~~7~~ Moneys designated for
598 the use of the counties, as specified in subsection (1), shall
599 be distributed by the tax collector to the board of county
600 commissioners for use as provided in this section. Such moneys
601 to be returned to the counties are for the sole purposes of
602 providing recreational channel marking and public launching
603 facilities and other boating-related activities, for removal of
604 vessels and floating structures deemed a hazard to public safety
605 and health for failure to comply with s. 327.53, and for manatee
606 and marine mammal protection and recovery. Counties that
607 demonstrate through an annual detailed accounting report of
608 vessel registration revenues that at least \$1 of the
609 registration fees were spent on boating infrastructure shall
610 only be required to transfer the first \$1 of the fees to the
611 Save the Manatee Trust Fund. This report shall be provided to
612 the Fish and Wildlife Conservation Commission no later than
613 November 1 of each year. The commission shall provide an

614 exemption letter to the department by December 15 of each year
615 for qualifying counties.

616 Section 15. Section 342.07, Florida Statutes, is created
617 to read:

618 342.07 Recreational and commercial working waterfronts;
619 legislative findings; definitions.--

620 (1) The Legislature recognizes that there is an important
621 state interest in facilitating boating access to the state's
622 navigable waters. This access is vital to recreational users and
623 the marine industry in the state, to maintaining or enhancing
624 the \$14 billion economic impact of boating in the state, and to
625 ensuring continued access to all residents and visitors to the
626 navigable waters of the state. The Legislature recognizes that
627 there is an important state interest in maintaining viable
628 water-dependent support facilities, such as boat hauling and
629 repairing and commercial fishing facilities, and in maintaining
630 the availability of public access to the navigable waters of the
631 state. The Legislature further recognizes that the waterways of
632 the state are important for engaging in commerce and the
633 transportation of goods and people upon such waterways and that
634 such commerce and transportation is not feasible unless there is
635 access to and from the navigable waters of the state through
636 recreational and commercial working waterfronts.

637 (2) As used in this section, the term "recreational and
638 commercial working waterfront" means a parcel or parcels of real
639 property that provide access for water-dependent commercial
640 activities or provide access for the public to the navigable
641 waters of the state. Recreational and commercial working

642 waterfronts require direct access to or a location on, over, or
643 adjacent to a navigable body of water. The term includes water-
644 dependent facilities that are open to the public and offer
645 public access by vessels to the waters of the state or that are
646 support facilities for recreational, commercial, research, or
647 governmental vessels. These facilities include docks, wharfs,
648 lifts, wet and dry marinas, boat ramps, boat hauling and repair
649 facilities, commercial fishing facilities, boat construction
650 facilities, and other support structures over the water. As used
651 in this section, the term "vessel" has the same meaning as in s.
652 327.02(37). Seaports are excluded from the definition.

653 Section 16. Sections 197.303, 197.304, 197.3041, 197.3042,
654 197.3043, 197.3044, 197.3045, 197.3046, and 197.3047, Florida
655 Statutes, are created to read:

656 197.303 Ad valorem tax deferral for recreational and
657 commercial working waterfront properties.--

658 (1) The board of county commissioners of any county or the
659 governing authority of any municipality may adopt an ordinance
660 to allow for ad valorem tax deferrals for recreational and
661 commercial working waterfront properties if the owners are
662 engaging in the operation, rehabilitation, or renovation of such
663 properties in accordance with guidelines established in this
664 section.

665 (2) The board of county commissioners or the governing
666 authority of the municipality by ordinance may authorize the
667 deferral of ad valorem taxation and non-ad valorem assessments
668 for recreational and commercial working waterfront properties.

669 (3) The ordinance shall designate the type and location of
 670 working waterfront property for which deferrals may be granted,
 671 which may include any property meeting the provisions of s.
 672 342.07(2), which property may be further required to be located
 673 within a particular geographic area or areas of the county or
 674 municipality.

675 (4) The ordinance must specify that such deferrals apply
 676 only to taxes levied by the unit of government granting the
 677 deferral. The deferrals do not apply, however, to taxes or non-
 678 ad valorem assessments defined in s. 197.3632(1)(d) levied for
 679 the payment of bonds or to taxes authorized by a vote of the
 680 electors pursuant to s. 9(b) or s. 12, Art. VII of the State
 681 Constitution.

682 (5) The ordinance must specify that any deferral granted
 683 remains in effect regardless of any change in the authority of
 684 the county or municipality to grant the deferral. In order to
 685 retain the deferral, however, the use and ownership of the
 686 property as a working waterfront must be maintained over the
 687 period for which the deferral is granted.

688 (6) (a) If an application for deferral is granted on
 689 property that is located in a community redevelopment area, the
 690 amount of taxes eligible for deferral shall be reduced, as
 691 provided for in paragraph (b), if:

692 1. The community redevelopment agency has previously
 693 issued instruments of indebtedness that are secured by increment
 694 revenues on deposit in the community redevelopment trust fund;
 695 and

696 2. Those instruments of indebtedness are associated with
697 the real property applying for the deferral.

698 (b) If the provisions of paragraph (a) apply, the tax
699 deferral shall not apply to an amount of taxes equal to the
700 amount that must be deposited into the community redevelopment
701 trust fund by the entity granting the deferral based upon the
702 taxable value of the property upon which the deferral is being
703 granted. Once all instruments of indebtedness that existed at
704 the time the deferral was originally granted are no longer
705 outstanding or have otherwise been defeased, the provisions of
706 this paragraph shall no longer apply.

707 (c) If a portion of the taxes on a property were not
708 eligible for deferral because of the provisions of paragraph
709 (b), the community redevelopment agency shall notify the
710 property owner and the tax collector 1 year before the debt
711 instruments that prevented said taxes from being deferred are no
712 longer outstanding or otherwise defeased.

713 (d) The tax collector shall notify a community
714 redevelopment agency of any tax deferral that has been granted
715 on property located within the community redevelopment area of
716 that agency.

717 (e) Issuance of debt obligation after the date a deferral
718 has been granted shall not reduce the amount of taxes eligible
719 for deferral.

720 197.304 Tax deferral for recreational and commercial
721 working waterfronts.--

722 (1) Any property owner in a jurisdiction that has adopted
723 a tax deferral ordinance pursuant to s. 197.303 that owns a

724 recreational and commercial working waterfront facility as
725 defined in s. 342.07 may elect to defer payment of those ad
726 valorem taxes and non-ad valorem assessments designated in the
727 ordinance authorizing the deferral by filing an annual
728 application for tax deferral with the county tax collector on or
729 before January 31 following the year in which the taxes and non-
730 ad valorem assessments are assessed. The applicant has the
731 burden to affirmatively demonstrate compliance with the
732 requirements of this section.

733 (2) Approval of an application for tax deferral shall
734 defer that portion of the combined total of ad valorem taxes and
735 any non-ad valorem assessments that are authorized to be
736 deferred by the ordinance authorizing the deferral.

737 (3) A tax deferral may not be granted if:

738 (a) The total amount of deferred taxes, non-ad valorem
739 assessments, and interest plus the total amount of all other
740 unsatisfied liens on the property exceeds 85 percent of the
741 assessed value of the property; or

742 (b) The primary financing on the property is for an amount
743 that exceeds 70 percent of the assessed value of the property.

744 (4) The amount of taxes, non-ad valorem assessments, and
745 interest deferred shall accrue interest at a rate equal to the
746 semiannually compounded rate of one-half of 1 percent plus the
747 average yield to maturity of the long-term fixed-income portion
748 of the Florida Retirement System investments as of the end of
749 the quarter preceding the date of the sale of the deferred
750 payment tax certificates; however, the interest rate may not
751 exceed 9.5 percent.

752 (5) The taxes, non-ad valorem assessments, and interest
753 deferred pursuant to this section constitute a prior lien and
754 shall attach as of the date and in the same manner and be
755 collected as other liens for taxes, as provided for under this
756 chapter, but such deferred taxes, non-ad valorem assessments,
757 and interest shall only be due, payable, and delinquent as
758 provided in ss. 197.303-197.3047.

759 197.3041 Tax deferral for recreational and commercial
760 working waterfronts; application.--

761 (1) The application for deferral must be made annually
762 upon a form prescribed by the department and furnished by the
763 county tax collector. The application form must be signed upon
764 oath by the applicant before an officer authorized by the state
765 to administer oaths. The tax collector may require the applicant
766 to submit any other evidence and documentation as deemed
767 necessary by the tax collector in considering the application.
768 The application form must provide notice to the applicant of the
769 manner in which interest is computed. Each application form must
770 contain an explanation of the conditions to be met for approval
771 and the conditions under which deferred taxes and interest
772 become due, payable, and delinquent. Each application must
773 clearly state that all deferrals pursuant to ss. 197.303-
774 197.3047 constitute a lien on the applicant's property.

775 (2) (a) The tax collector shall consider and render his or
776 her findings, determinations, and decision on each annual
777 application for a tax deferral for recreational and commercial
778 working waterfronts within 45 days after the date the
779 application is filed. The tax collector shall exercise

780 reasonable discretion based upon applicable information
781 available under this section. The determinations and findings of
782 the tax collector as provided for in this paragraph are not
783 quasi judicial and are subject exclusively to review by the
784 value adjustment board as provided by this section. A tax
785 collector who finds that the applicant is entitled to the tax
786 deferral shall approve the application and file the application
787 in the permanent records. A tax collector who finds that the
788 applicant is not entitled to the deferral shall send a notice of
789 disapproval within 45 days after the date the application is
790 filed, giving reasons for the disapproval to the applicant. The
791 notice must be sent by personal delivery or registered mail to
792 the mailing address given by the applicant in the manner in
793 which the original notice thereof was served upon the applicant
794 and must be filed among the permanent records of the tax
795 collector's office. The original notice of disapproval sent to
796 the applicant shall advise the applicant of the right to appeal
797 the decision of the tax collector to the value adjustment board
798 and inform the applicant of the procedure for filing such an
799 appeal.

800 (b) An appeal of the decision of the tax collector to the
801 value adjustment board must be in writing on a form prescribed
802 by the department and furnished by the tax collector. The appeal
803 must be filed with the value adjustment board within 20 days
804 after the applicant's receipt of the notice of disapproval, and
805 the board must approve or disapprove the appeal within 30 days
806 after receipt. The value adjustment board shall review the
807 application and the evidence presented to the tax collector upon

808 which the applicant based his or her claim for tax deferral and,
809 at the election of the applicant, shall hear the applicant in
810 person, or by agent on the applicant's behalf, on his or her
811 right to the tax deferral. The value adjustment board shall
812 reverse the decision of the tax collector and grant a tax
813 deferral to the applicant if, in its judgment, the applicant is
814 entitled to the tax deferral or shall affirm the decision of the
815 tax collector. Action by the value adjustment board is final
816 unless the applicant or tax collector or other lienholder,
817 within 15 days after the date of disapproval of the application
818 by the board, files in the circuit court of the county in which
819 the property is located a de novo proceeding for a declaratory
820 judgment or other appropriate proceeding.

821 (3) Each application must contain a list of, and the
822 current value of, all outstanding liens on the applicant's
823 property.

824 (4) For approved applications, the date of receipt by the
825 tax collector of the application for tax deferral shall be used
826 in calculating taxes due and payable net of discounts for early
827 payment.

828 (5) If such proof has not been furnished with a prior
829 application, each applicant shall furnish proof of fire and
830 extended coverage insurance in an amount that is in excess of
831 the sum of all outstanding liens and deferred taxes and interest
832 with a loss payable clause to the county tax collector.

833 (6) The tax collector shall notify the property appraiser
834 in writing of those parcels for which taxes have been deferred.

835 (7) The property appraiser shall promptly notify the tax
 836 collector of changes in ownership or use of properties that have
 837 been granted a tax deferral.

838 197.3042 Deferred payment tax certificates.--

839 (1) The tax collector shall notify each local governing
 840 body of the amount of taxes and non-ad valorem assessments
 841 deferred which would otherwise have been collected for such
 842 governing body. The county shall then, at the time of the tax
 843 certificate sale held pursuant to s. 197.432, strike each
 844 certificate off to the county. Certificates issued pursuant to
 845 this section are exempt from the public sale of tax certificates
 846 held pursuant to s. 197.432.

847 (2) The certificates so held by the county shall bear
 848 interest at a rate equal to the semiannually compounded rate of
 849 0.5 percent plus the average yield to maturity of the long-term
 850 fixed-income portion of the Florida Retirement System
 851 investments as of the end of the quarter preceding the date of
 852 the sale of the deferred payment tax certificates; however, the
 853 interest rate may not exceed 9.5 percent.

854 197.3043 Change in use or ownership of property.--

855 (1) If there is a change in use or ownership of the tax-
 856 deferred property such that the owner is no longer entitled to
 857 claim the property as a recreational or commercial working
 858 waterfront facility, or there is a change in the legal or
 859 beneficial ownership of the property, or the owner fails to
 860 maintain the required fire and extended insurance coverage, the
 861 total amount of deferred taxes and interest for all previous
 862 years becomes due and payable November 1 of the year in which

863 the change in use or ownership occurs or on the date failure to
864 maintain insurance occurs, and is delinquent on April 1 of the
865 year following the year in which the change in use or ownership
866 or failure to maintain insurance occurs.

867 (2) Whenever the property appraiser discovers that there
868 has been a change in the use or ownership of the property that
869 has been granted a tax deferral, the property appraiser shall
870 notify the tax collector in writing of the date such change
871 occurs, and the tax collector shall collect any taxes and
872 interest due or delinquent.

873 (3) During any year in which the total amount of deferred
874 taxes, interest, and all other unsatisfied liens on the property
875 exceeds 85 percent of the assessed value of the property, the
876 tax collector shall immediately notify the owner of the property
877 on which taxes and interest have been deferred that the portion
878 of taxes and interest which exceeds 85 percent of the assessed
879 value of the property is due and payable within 30 days after
880 receipt of the notice. Failure to pay the amount due shall cause
881 the total amount of deferred taxes and interest to become
882 delinquent.

883 (4) If deferred taxes become delinquent under this
884 chapter, on or before June 1 following the date the taxes become
885 delinquent, the tax collector shall sell a tax certificate for
886 the delinquent taxes and interest in the manner provided by s.
887 197.432.

888 197.3044 Prepayment of deferred taxes.--

889 (1) All or part of the deferred taxes and accrued interest
890 may at any time be paid to the tax collector by:

891 | (a) The owner of the property.

892 | (b) The next of kin of the owner, heir of the owner, child
 893 | of the owner, or any person having or claiming a legal or
 894 | equitable interest in the property, if no objection is made by
 895 | the owner within 30 days after the tax collector notifies the
 896 | owner of the fact that such payment has been tendered.

897 | (2) Any partial payment made pursuant to this section
 898 | shall be applied first to accrued interest.

899 | 197.3045 Distribution of payments.--When any deferred
 900 | taxes or interest is collected, the tax collector shall maintain
 901 | a record of the payment, setting forth a description of the
 902 | property and the amount of taxes or interest collected for the
 903 | property. The tax collector shall distribute payments received
 904 | in accordance with the procedures for distributing ad valorem
 905 | taxes or redemption moneys as prescribed in this chapter.

906 | 197.3046 Construction.--Sections 197.303-197.3047 do not
 907 | prevent the collection of personal property taxes that become a
 908 | lien against tax-deferred property, defer payment of special
 909 | assessments to benefited property other than those specifically
 910 | allowed to be deferred, or affect any provision of any mortgage
 911 | or other instrument relating to property requiring a person to
 912 | pay ad valorem taxes or non-ad valorem assessments.

913 | 197.3047 Penalties.--

914 | (1) The following penalties shall be imposed on any person
 915 | who willfully files information required under ss. 197.303-
 916 | 197.3047 which is incorrect:

917 | (a) The person shall pay the total amount of taxes and
 918 | interest deferred, which amount shall immediately become due;

919 (b) The person shall be disqualified from filing a tax
920 deferral application for the next 3 years; and

921 (c) The person shall pay a penalty of 25 percent of the
922 total amount of taxes and interest deferred.

923 (2) Any person against whom the penalties prescribed in
924 this section have been imposed may appeal the penalties imposed
925 to the value adjustment board within 30 days after the penalties
926 are imposed.

927 Section 17. This act shall take effect January 1, 2006.