



605196

CHAMBER ACTION

Senate

House

.  
. .  
. .  
. .

Floor: WD/3R  
4/22/2008 7:26 PM

---

1 Senator Saunders moved the following **amendment**:

2  
3 **Senate Amendment**

4 Delete line(s) 2882 through 2890  
5 and insert:

6 Section 22. Section 380.502, Florida Statutes, is amended  
7 to read:

8 380.502 Legislative findings and intent.--

9 (1) The Legislature finds that the conservation of natural  
10 areas is vital to the state's economy and ecology. The  
11 Legislature further finds that rapid increases in population and  
12 development throughout Florida threaten the integrity of the  
13 environment and limit opportunities for citizens and visitors to  
14 enjoy the state's natural areas. The Legislature further finds  
15 that inappropriate and poorly planned land uses overburden  
16 natural resources and disrupt the state's ecology. Finally, the  
17 Legislature finds that the quality of life, environmental



605196

18 | quality, as well as the viability and vitality of the urban areas  
19 | of this state are directly linked to urban open space and  
20 | greenways. The creation of greenways; expansion of green spaces;  
21 | enhancement of recreation areas; preservation of working  
22 | waterfronts; and protection and restoration of urban lakes,  
23 | rivers, and watersheds in the urban areas of this state are  
24 | necessary to link populated areas with natural areas, preserve  
25 | unique cultural and heritage sites, provide land for recreational  
26 | opportunities to enhance the health and well-being of the urban  
27 | residents of this state, improve water quality, reduce the level  
28 | of urban crime and violence, and build confidence and self-esteem  
29 | among the urban youth of this state.

30 |       (2) The Legislature recognizes that the primary  
31 | responsibility for establishing well-planned land use rests at  
32 | the local government level through the implementation of  
33 | comprehensive plans. The Legislature also recognizes that many of  
34 | the goals and objectives of these comprehensive plans will not be  
35 | met through regulation, but require creative and innovative  
36 | action to ensure their accomplishment.

37 |       (3) It is the intent of the Legislature to establish a  
38 | nonregulatory agency that will assist local governments in  
39 | bringing local comprehensive plans into compliance and  
40 | implementing the goals, objectives, and policies of the  
41 | conservation, recreation and open space, and coastal elements of  
42 | local comprehensive plans, or in conserving natural resources and  
43 | resolving land use conflicts by:

44 |       (a) Responding promptly and creatively to opportunities to  
45 | correct undesirable development patterns, restore degraded  
46 | natural areas, enhance resource values, restore deteriorated or  
47 | deteriorating urban waterfronts, preserve working waterfronts,



605196

48 | reserve lands for later purchase, participate in and promote the  
49 | use of innovative land acquisition methods, and provide public  
50 | access to surface waters.

51 |       (b) Providing financial and technical assistance to local  
52 | governments, state agencies, and nonprofit organizations to carry  
53 | out projects and activities and to develop programs authorized by  
54 | this part.

55 |       (c) Involving local governments and private interests in  
56 | voluntarily resolving land use conflicts and issues.

57 |       Section 23. Subsection (18) is added to section 380.503,  
58 | Florida Statutes, to read:

59 |       380.503 Definitions.--As used in ss. 380.501-380.515,  
60 | unless the context indicates a different meaning or intent:

61 |       (18) "Working waterfront" means:

62 |       (a) A parcel or parcels of land directly used for the  
63 | purposes of the commercial harvest of marine organisms or  
64 | saltwater products by state-licensed commercial fishermen,  
65 | aquaculturists, or business entities, including piers, wharves,  
66 | docks, or other facilities operated to provide waterfront access  
67 | to licensed commercial fishermen, aquaculturists, or business  
68 | entities; or

69 |       (b) A parcel or parcels of land used for exhibitions,  
70 | demonstrations, educational venues, civic events, and other  
71 | purposes that promote and educate the public about economic,  
72 | cultural, and historic heritage of Florida's traditional working  
73 | waterfronts, including the marketing of the seafood and  
74 | aquaculture industries.

75 |       Section 24. Paragraph (g) is added to subsection (2) of  
76 | section 380.507, Florida Statutes, to read:



605196

77 | 380.507 Powers of the trust.--The trust shall have all the  
78 | powers necessary or convenient to carry out the purposes and  
79 | provisions of this part, including:

80 | (2) To undertake, coordinate, or fund activities and  
81 | projects which will help bring local comprehensive plans into  
82 | compliance and help implement the goals, objectives, and policies  
83 | of the conservation, recreation and open space, and coastal  
84 | elements of local comprehensive plans, or which will otherwise  
85 | serve to conserve natural resources and resolve land use  
86 | conflicts, including, but not limited to:

87 | (g) Working waterfronts.

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

90 | 380.508 Projects; development, review, and approval.--

91 | (4) Projects or activities which the trust undertakes,  
92 | coordinates, or funds in any manner shall comply with the  
93 | following guidelines:

94 | (a) The purpose of redevelopment projects shall be to  
95 | restore areas which are adversely affected by scattered  
96 | ownership, poor lot layout, inadequate park and open space,  
97 | incompatible land uses, or other conditions which endanger the  
98 | environment or impede orderly development. Grants and loans  
99 | awarded for redevelopment projects shall be used for assembling  
100 | parcels of land within redevelopment project areas for the  
101 | redesign of such areas and for the installation of public  
102 | improvements required to serve such areas. After redesign and  
103 | installation of public improvements, if any, lands in  
104 | redevelopment projects, with the exception of lands acquired for  
105 | public purposes, shall be conveyed to any person for development



605196

106 | in accordance with a redevelopment project plan approved  
107 | according to this part.

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

118 |       (c) The purpose of public access projects shall be to  
119 | acquire interests in and initially develop lands which are  
120 | suitable for and which will be used for public accessways to  
121 | surface waters. The trust shall identify local governments and  
122 | nonprofit organizations which will accept responsibility for  
123 | maintenance and liability for public accessways which are located  
124 | outside the state park system. The trust may lease any public  
125 | access site developed under this part to a local government or  
126 | nonprofit organization, provided that the conditions of the lease  
127 | guarantee public use of the site. The trust may accept, from any  
128 | local government or nonprofit organization, fees collected for  
129 | providing public access to surface waters. The trust shall expend  
130 | any such funds it accepts only for acquisition, development, and  
131 | maintenance of such public accessways. To the maximum extent  
132 | possible, the trust shall expend such fees in the general area  
133 | where they are collected or in areas where public access to  
134 | surface waters is clearly deficient. The trust may transfer  
135 | funds, including such fees, to a local government or nonprofit



605196

136 organization to acquire public access sites. In developing or  
137 coordinating public access projects, the trust shall ensure that  
138 project plans involving beach access are consistent with state  
139 laws governing beach access.

140 (d) The purpose of urban waterfront restoration projects  
141 shall be to restore deteriorated or deteriorating urban  
142 waterfronts for public use and enjoyment. Urban waterfront  
143 restoration projects shall include public access sites.

144 (e) The purpose of working waterfront projects shall be to  
145 restore and preserve working waterfronts as provided in s.  
146 380.5101.

147 (f) ~~(e)~~ The trust shall cooperate with local governments,  
148 state agencies, federal agencies, and nonprofit organizations in  
149 ensuring the reservation of lands for parks, recreation, fish and  
150 wildlife habitat, historical preservation, or scientific study.  
151 In the event that any local government, state agency, federal  
152 agency, or nonprofit organization is unable, due to limited  
153 financial resources or other circumstances of a temporary nature,  
154 to acquire a site for the purposes described in this paragraph,  
155 the trust may acquire and hold the site for subsequent conveyance  
156 to the appropriate governmental agency or nonprofit organization.  
157 The trust may provide such technical assistance as is required to  
158 aid local governments, state and federal agencies, and nonprofit  
159 organizations in completing acquisition and related functions.  
160 The trust shall not reserve lands acquired in accordance with  
161 this paragraph for more than 5 years from the time of  
162 acquisition. A local government, federal or state agency, or  
163 nonprofit organization may acquire the land at any time during  
164 this period for public purposes. The purchase price shall be  
165 based upon the trust's cost of acquisition, plus administrative



605196

166 and management costs in reserving the land. The payment of this  
167 purchase price shall be by money, trust-approved property of an  
168 equivalent value, or a combination of money and trust-approved  
169 property. If, after the 5-year period, the trust has not sold to  
170 a governmental agency or nonprofit organization land acquired for  
171 site reservation, the trust shall dispose of such land at fair  
172 market value or shall trade it for other land of comparable value  
173 which will serve to accomplish the purposes of this part. Any  
174 proceeds from the sale of such land shall be deposited in the  
175 Florida Communities Trust Fund.

176  
177 Project costs may include costs of providing parks, open space,  
178 public access sites, scenic easements, and other areas and  
179 facilities serving the public where such features are part of a  
180 project plan approved according to this part. In undertaking or  
181 coordinating projects or activities authorized by this part, the  
182 trust shall, when appropriate, use and promote the use of  
183 creative land acquisition methods, including the acquisition of  
184 less than fee interest through, among other methods, conservation  
185 easements, transfer of development rights, leases, and leaseback  
186 arrangements. The trust also shall assist local governments in  
187 the use of sound alternative methods of financing for funding  
188 projects and activities authorized by this part. Any funds over  
189 and above eligible project costs, which remain after completion  
190 of a project approved according to this part, shall be  
191 transmitted to the state and deposited in the Florida Communities  
192 Trust Fund.

193 Section 26. Section 380.5105, Florida Statutes, is created  
194 to read:

195 380.5105 Working Waterfronts; Florida Forever.-



605196

196       (1) Notwithstanding any other provision of this chapter, it  
197 is the intent of the legislature that the trust shall administer  
198 the working waterfronts program as set forth in this section.

199       (2) The trust and the Department of Agriculture and  
200 Consumer Services shall jointly develop rules specifically  
201 establishing an application process and a process for the  
202 evaluation, scoring and ranking of working waterfront acquisition  
203 projects. Such rules shall establish a system of weighted  
204 criteria to give increased priority to projects:

205       (a) Within a municipality with a population less than  
206 30,000; or

207       (b) Within a municipality or area under intense growth and  
208 development pressures, as evidenced by a number of factors,  
209 including a determination that the municipality's growth rate  
210 exceeds the average growth rate for the state; or

211       (c) Within the boundary of a community redevelopment agency  
212 established pursuant to s. 163.356; or

213       (d) Adjacent to state-owned submerged lands designated as an  
214 aquatic preserve identified in s. 258.39; or

215       (e) That provide a demonstrable benefit to the local  
216 economy.

217  
218 Such rules may be incorporated into those developed pursuant to  
219 ss 380.507(11).

220       (3) The trust shall develop an annual workplan for proposed  
221 fee simple and less-than-fee simple acquisition projects  
222 developed pursuant to this section. The trust shall, by the  
223 first board meeting in February, present the workplan to the  
224 Board of Trustees of the Internal Improvement Trust Fund for  
225 approval of projects listed in the workplan that meet one or more





605196

226 of the criteria established pursuant to paragraph (2) and by rule  
227 adopted pursuant to this section. The board may remove projects  
228 from the workplan developed pursuant to this section, but may not  
229 add projects.

230 (4) Grant awards, acquisition approvals, and terms of less-  
231 than-fee acquisitions, shall be approved by the trust. For  
232 projects that will require more than the grant amount awarded for  
233 completion, the applicant must identify funding sources that will  
234 provide the difference between the grant award and the estimated  
235 project completion cost. Waterfront communities that receive  
236 grant awards must submit semiannual progress reports to the trust  
237 identifying how funds are expended, project activities which are  
238 completed, and the progress achieved in meeting the goals of the  
239 workplan. The trust must implement a process to monitor and  
240 evaluate the performance of grant recipients in completing  
241 projects that are funded through the working waterfronts program.

242  
243  
244  
245  
246  
247

(renumber subsequent sections)