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CHAMBER ACTION

Senate

House

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Floor: 7/AD/3R
4/23/2008 10:29 AM

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

2
3 **Senate Amendment**

4 Delete line(s) 2882-2890

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



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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,



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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:



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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



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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



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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



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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.

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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.-



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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. The proposed rules jointly developed pursuant to this
204 subsection shall be promulgated by the trust. Such rules shall
205 establish a system of weighted criteria to give increased
206 priority to projects:

207 (a) Within a municipality with a population less than
208 30,000; or

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

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

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

217 (e) That provide a demonstrable benefit to the local
218 economy.

219 (3) For projects that will require more than the grant
220 amount awarded for completion, the applicant must identify in
221 their project application funding sources that will provide the
222 difference between the grant award and the estimated project
223 completion cost.

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225 Such rules may be incorporated into those developed pursuant to
226 ss 380.507(11).

227 (4) The trust shall develop a ranking list based on
228 criteria identified in subsection (2) for proposed fee simple and
229 less-than-fee simple acquisition projects developed pursuant to
230 this section. The trust shall, by the first Board of Trustees of
231 the Internal Improvement Trust Fund meeting in February, present
232 the ranking list pursuant to this section, to the board of
233 trustees for final approval of projects for funding. The board of
234 trustees may remove projects from the ranking list but may not
235 add projects.

236 (5) Grant awards, acquisition approvals, and terms of less-
237 than-fee acquisitions, shall be approved by the trust.
238 Waterfront communities that receive grant awards must submit
239 annual progress reports to the trust identifying project
240 activities which are complete, and the progress achieved in
241 meeting the goals outlined in the project application. The trust
242 must implement a process to monitor and evaluate the performance
243 of grant recipients in completing projects that are funded
244 through the working waterfronts program.

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(renumber subsequent sections)