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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2009	.	
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The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 193.704, Florida Statutes, is created to
read:

193.704 Working waterfront property; definitions.—As used
in ss. 193.704-193.7042, the term:

(1) "Accessible to the public" means routinely available to
the public, with or without charge, from sunrise to sunset and
having appropriate public accommodations, such as public parking



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12 or public boat ramps.

13 (2) "Commercial fishing operation" has the same meaning as
14 in s. 379.2351.

15 (3) "Drystack" means a vessel-storage facility or building
16 in which the storage spaces for vessels are available for use by
17 the public on a first-come, first-served lease basis without
18 automatic renewal rights or conditions. The term does not
19 include drystacks in which boat storage is limited to persons
20 who purchase, receive, or rent a storage space as a condition of
21 homeownership or tenancy.

22 (4) "Land used predominantly for commercial fishing
23 purposes" means land used in good faith in a for-profit
24 commercial fishing operation for the taking or harvesting of
25 freshwater fish or saltwater products, as defined in s. 379.101,
26 for which a commercial license to take, harvest, or sell such
27 freshwater fish or saltwater products as required under chapter
28 379.

29 (5) "Marina" means a commercial facility licensed to do
30 business in Florida which provides secured public moorings or
31 drystacks for boats on a first-come, first-served leased basis
32 and without automatic renewal rights or conditions. The term
33 does not include marinas that limit mooring or storage of
34 vessels to persons who purchase, receive, or rent a mooring slip
35 or storage space as a condition of homeownership or tenancy.

36 (6) "Marine manufacturing facility" means a facility that
37 manufactures vessels for use in waters that are navigable.

38 (7) "Marine vessel construction and repair facilities"
39 means facilities such as shipyards or dockyards that construct
40 and repair vessels that travel over waters that are navigable.



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41 As used in this section, the term "repair" includes retrofitting
42 and maintenance.

43 (8) "Open to the public" means for hire to the public and
44 accessible during normal operating hours.

45 (9) "Support activities" means those facilities that are
46 typically colocated with marine vessel construction and repair
47 facilities, such as shop, equipment, or salvage facilities.

48 (10) "Water-dependent" means that the operations of a
49 facility require direct access to the water.

50 (11) "Waterfront" means property that is on, over, or
51 abutting waters that are navigable.

52 (12) "Waters that are navigable" means the waters of the
53 state which are capable of supporting boating and are used or
54 may be used in their ordinary condition as highways for commerce
55 for which trade or travel are or may be conducted in the
56 customary modes of trade or travel on water.

57 Section 2. Section 193.7041, Florida Statutes, is created
58 to read:

59 193.7041 Working waterfront property; classification and
60 assessment; loss of classification; penalty.—

61 (1) Pursuant to s. 4(j), Art. VII of the State
62 Constitution, effective January 1, 2010, the following
63 waterfront property is eligible for classification as working
64 waterfront property:

65 (a) Land used predominantly for commercial fishing
66 purposes.

67 (b) Land that is accessible to the public and used for
68 vessel launches into waters that are navigable.

69 (c) Marinas and drystacks that are open to the public.



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70 (d) Water-dependent marine manufacturing facilities.

71 (e) Water-dependent commercial fishing facilities.

72 (f) Water-dependent marine vessel construction and repair
73 facilities and their support activities.

74 (2) Property classified as working waterfront property
75 pursuant to this section must be assessed on the basis of
76 current use. Assessed value must be calculated using the income
77 approach to value as described in The Appraisal of Real Estate,
78 Thirteenth Edition, as subsequently revised and published by the
79 Appraisal Institute, and in effect on January 1 of the
80 assessment year. The capitalization rate used to determine
81 assessed value must be based upon a debt coverage ratio formula
82 in which the overall capitalization rate equals the debt
83 coverage ratio multiplied by the mortgage capitalization rate
84 multiplied by the loan-to-value ratio for comparable properties.
85 The overall capitalization rate must be calculated and updated
86 annually. In assessing working waterfront property, a property
87 appraiser shall use data from lenders for industrywide loan
88 interest rates, loan-to-value ratios, amortization terms,
89 payment periods, debt coverage ratio requirements, market rental
90 rates, market expense rates, and market vacancy rates. The data
91 must be county-specific unless insufficient data is available,
92 in which case the property appraiser shall use data for
93 surrounding counties.

94 (3) (a) Property may not be classified as working waterfront
95 property unless an application for the classification is filed
96 with the property appraiser on or before March 1 of each year in
97 the county in which the property is located. Before classifying
98 the property as working waterfront property, the property



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99 appraiser may require the property owner to establish that the
100 property is used as required under this section. The owner of
101 property classified as working waterfront property in the prior
102 year may reapply on a short form adopted by rule by the
103 Department of Revenue.

104 (b) Failure of a property owner to apply for the
105 classification as working waterfront property by March 1
106 constitutes a waiver of the classification for 1 year. However,
107 the property appraiser may approve a late application and grant
108 a working waterfront classification if the property owner
109 establishes that extenuating circumstances prevented the
110 property owner from filing an application by the deadline.

111 (c) A county may, at the request of the property appraiser
112 and by a majority vote of its governing body, waive the
113 requirement that an annual application or short form be filed
114 with the property appraiser for renewal of the classification of
115 property as working waterfront property. The waiver may be
116 revoked by a majority vote of the governing body of the county.

117 (d) Notwithstanding paragraph (c), a new application for
118 classification as working waterfront property must be filed with
119 the property appraiser after the property receiving the
120 classification is sold or otherwise disposed of or the ownership
121 changes in any manner.

122 (e) The property appraiser shall remove from the
123 classification as working waterfront property any property for
124 which the classified use has been abandoned or discontinued. The
125 removed property shall be assessed at just value pursuant to s.
126 193.011.

127 (f)1. The owner of classified working waterfront property,



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128 who is not required to file an annual application under this
129 section, must notify the property appraiser promptly if the use
130 of the property or the ownership changes in a manner that
131 changes the classified status of the property. If a property
132 owner fails to notify the property appraiser and the property
133 appraiser determines that, for any year within the prior 10
134 years, the property was not qualified to receive the
135 classification, the owner of the property is subject to taxes
136 otherwise due and owing as a result of the failure plus 15
137 percent interest per annum and a penalty of 50 percent of the
138 additional taxes owed.

139 2. A property appraiser who determines that a property
140 owner failed to provide the required notice of change in use or
141 ownership must record a tax lien against real property owned by
142 the person or entity. The property is subject to the payment of
143 all taxes and penalties. If the person or entity no longer owns
144 property in the county in which the unlawfully or improperly
145 classified working waterfront property is located, the property
146 appraiser shall record a tax lien against other properties owned
147 by the person or entity in other counties of the state. Any tax
148 lien recorded pursuant to this paragraph must identify the
149 property that was unlawfully or improperly classified as working
150 waterfront property and the property to which the lien applies.

151 (g) For property in which a portion receives a working
152 waterfront classification, the portion not eligible for
153 classification as a working waterfront property must be assessed
154 pursuant to s. 193.011.

155 (h) The property appraiser must make a list of all
156 applications for classification as working waterfront property.



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157 The list must include the acreage, the just value of the
158 property determined pursuant to s. 193.011, the value of the
159 property if classification as working waterfront property is
160 granted or the reason if classification is denied, the name of
161 the property owner, the name of any business operating on the
162 property, and the address of the property.

163 Section 3. Section 193.7042, Florida Statutes, is created
164 to read:

165 193.7042 Working waterfront property; denial of
166 classification; appeal process.-

167 (1) The property appraiser must provide written notice to a
168 property owner applying for a working waterfront classification
169 of the denial of an application to classify property as working
170 waterfront property on or before July 1 of the year for which
171 the application was filed. The notice must advise the property
172 owner of his or her right to appeal the denial to the value
173 adjustment board and of the deadline for filing an appeal.

174 (2) Any property owner whose application for classification
175 as working waterfront property is denied may appeal the denial
176 to the value adjustment board by filing a petition requesting
177 that the application for classification be approved. The
178 petition may be filed at any time during the taxable year on or
179 before the 25th day after the property appraiser mails the
180 assessment notice pursuant to s. 194.011(1). Notwithstanding s.
181 194.013, the petitioner must pay a nonrefundable fee of \$15 upon
182 filing the petition. The value adjustment board shall grant the
183 petition if the petitioner establishes that the property is
184 qualified to be classified as working waterfront property.

185 (3) A denial of a petition for classification by the value



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186 adjustment board may be appealed to the circuit court.

187 (4) (a) Property that receives a working waterfront
188 classification from the value adjustment board or the circuit
189 court under this section retains that classification in any
190 subsequent year until the use of the property as working
191 waterfront property is abandoned or discontinued or the
192 ownership changes in any manner. The property appraiser shall,
193 no later than January 31 of each year, notify a property owner
194 receiving a classification under this subsection to certify that
195 the ownership and the use of the property has not changed. The
196 department shall prescribe by rule adopted pursuant to ss.
197 120.536(1) and 120.54 the form of the notice to be used by the
198 property appraiser.

199 (b) If a county has waived the requirement that an annual
200 application or short form be filed for classification of the
201 property under s. 193.7041, the county may, by majority vote of
202 its governing body, waive the notice and certification
203 requirements of this subsection and shall provide the property
204 owner with the same notification as provided to property owners
205 granted a working waterfront classification by the property
206 appraiser. The waiver may be revoked by a majority vote of the
207 county governing body.

208 Section 4. Paragraph (j) of subsection (3) of section
209 259.105, Florida Statutes, is amended to read:

210 259.105 The Florida Forever Act.—

211 (3) Less the costs of issuing and the costs of funding
212 reserve accounts and other costs associated with bonds, the
213 proceeds of cash payments or bonds issued pursuant to this
214 section shall be deposited into the Florida Forever Trust Fund



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215 created by s. 259.1051. The proceeds shall be distributed by the
216 Department of Environmental Protection in the following manner:

217 (j) Two and five-tenths percent to the Department of
218 Community Affairs for the acquisition of land and capital
219 project expenditures necessary to implement the Stan Mayfield
220 Commercial Waterfront Restoration and Preservation Working
221 Waterfronts Program within the Florida Communities Trust
222 pursuant to s. 380.5105.

223 Section 5. Paragraph (a) of subsection (3) of section
224 380.502, Florida Statutes, is amended to read:

225 380.502 Legislative findings and intent.—

226 (3) It is the intent of the Legislature to establish a
227 nonregulatory agency that will assist local governments in
228 bringing local comprehensive plans into compliance and
229 implementing the goals, objectives, and policies of the
230 conservation, recreation and open space, and coastal elements of
231 local comprehensive plans, or in conserving natural resources
232 and resolving land use conflicts by:

233 (a) Responding promptly and creatively to opportunities to
234 correct undesirable development patterns, restore degraded
235 natural areas, enhance resource values, restore deteriorated or
236 deteriorating urban waterfronts, restore and preserve commercial
237 waterfront property ~~working waterfronts~~, reserve lands for later
238 purchase, participate in and promote the use of innovative land
239 acquisition methods, and provide public access to surface
240 waters.

241 Section 6. Subsection (18) of section 380.503, Florida
242 Statutes, is amended to read:

243 380.503 Definitions.—As used in ss. 380.501-380.515, unless



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244 the context indicates a different meaning or intent:

245 ~~(18) "Working waterfront" means:~~

246 ~~(a) A parcel or parcels of land directly used for the~~
247 ~~purposes of the commercial harvest of marine organisms or~~
248 ~~saltwater products by state-licensed commercial fishermen,~~
249 ~~aquaculturists, or business entities, including piers, wharves,~~
250 ~~docks, or other facilities operated to provide waterfront access~~
251 ~~to licensed commercial fishermen, aquaculturists, or business~~
252 ~~entities; or~~

253 ~~(b) A parcel or parcels of land used for exhibitions,~~
254 ~~demonstrations, educational venues, civic events, and other~~
255 ~~purposes that promote and educate the public about economic,~~
256 ~~cultural, and historic heritage of Florida's traditional working~~
257 ~~waterfronts, including the marketing of the seafood and~~
258 ~~aquaculture industries.~~

259 Section 7. Subsections (2), (6), (7), and (11) of section
260 380.507, Florida Statutes, are amended to read:

261 380.507 Powers of the trust.—The trust shall have all the
262 powers necessary or convenient to carry out the purposes and
263 provisions of this part, including:

264 (2) To undertake, coordinate, or fund activities and
265 projects which will help bring local comprehensive plans into
266 compliance and help implement the goals, objectives, and
267 policies of the conservation, recreation and open space, and
268 coastal elements of local comprehensive plans, or which will
269 otherwise serve to conserve natural resources and resolve land
270 use conflicts, including, but not limited to:

271 (a) Redevelopment projects.

272 (b) Resource enhancement projects.



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- 273 (c) Public access projects.
- 274 (d) Urban waterfront restoration projects.
- 275 (e) Site reservation.
- 276 (f) Urban greenways and open space projects.
- 277 (g) Commercial waterfront restoration and preservation
- 278 projects under s. 380.5105 ~~Working waterfronts~~.
- 279 (6) Except as provided in s. 380.5105, to award grants and
- 280 make loans to local governments and nonprofit organizations for
- 281 the purposes listed in subsection (2) and for acquiring fee
- 282 title and less than fee title, such as conservation easements or
- 283 other interests in land, for the purposes of this part.
- 284 (7) Except as provided in s. 380.5105, to provide by grant
- 285 or loan up to the total cost of any project approved according
- 286 to this part, including the local share of federally supported
- 287 projects. The trust may require local funding participation in
- 288 projects. The trust shall determine the funding it will provide
- 289 by considering the total amount of funding available for the
- 290 project, the fiscal resources of other project participants, the
- 291 urgency of the project relative to other eligible projects, and
- 292 other factors which the trust shall have prescribed by rule. The
- 293 trust may fund up to 100 percent of any local government land
- 294 acquisition costs, if part of an approved project.
- 295 (11) Except as provided in s. 380.5105, to make rules
- 296 necessary to carry out the purposes of this part and to exercise
- 297 any power granted in this part, pursuant to the provisions of
- 298 chapter 120. The trust shall adopt rules governing the
- 299 acquisition of lands using proceeds from the Preservation 2000
- 300 Trust Fund and the Florida Forever Trust Fund, consistent with
- 301 the intent expressed in the Florida Forever Act. Such rules for



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302 land acquisition must include, but are not limited to,
303 procedures for appraisals and confidentiality consistent with
304 ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of
305 determining a maximum purchase price, and procedures to assure
306 that the land is acquired in a voluntarily negotiated
307 transaction, surveyed, conveyed with marketable title, and
308 examined for hazardous materials contamination. Land acquisition
309 procedures of a local land authority created pursuant to s.
310 380.0663 or s. 380.0677 may be used for the land acquisition
311 programs described by ss. 259.101(3)(c) and 259.105 if within
312 areas of critical state concern designated pursuant to s.
313 380.05, subject to approval of the trust.

314 Section 8. Paragraphs (e) and (f) of subsection (4) of
315 section 380.508, Florida Statutes, are amended to read:

316 380.508 Projects; development, review, and approval.—

317 (4) Projects or activities which the trust undertakes,
318 coordinates, or funds in any manner shall comply with the
319 following guidelines:

320 ~~(e) The purpose of working waterfront projects shall be to~~
321 ~~restore and preserve working waterfronts as provided in s.~~
322 ~~380.5105.~~

323 (e) ~~(f)~~ The trust shall cooperate with local governments,
324 state agencies, federal agencies, and nonprofit organizations in
325 ensuring the reservation of lands for parks, recreation, fish
326 and wildlife habitat, historical preservation, or scientific
327 study. In the event that any local government, state agency,
328 federal agency, or nonprofit organization is unable, due to
329 limited financial resources or other circumstances of a
330 temporary nature, to acquire a site for the purposes described



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331 in this paragraph, the trust may acquire and hold the site for
332 subsequent conveyance to the appropriate governmental agency or
333 nonprofit organization. The trust may provide such technical
334 assistance as is required to aid local governments, state and
335 federal agencies, and nonprofit organizations in completing
336 acquisition and related functions. The trust shall not reserve
337 lands acquired in accordance with this paragraph for more than 5
338 years from the time of acquisition. A local government, federal
339 or state agency, or nonprofit organization may acquire the land
340 at any time during this period for public purposes. The purchase
341 price shall be based upon the trust's cost of acquisition, plus
342 administrative and management costs in reserving the land. The
343 payment of this purchase price shall be by money, trust-approved
344 property of an equivalent value, or a combination of money and
345 trust-approved property. If, after the 5-year period, the trust
346 has not sold to a governmental agency or nonprofit organization
347 land acquired for site reservation, the trust shall dispose of
348 such land at fair market value or shall trade it for other land
349 of comparable value which will serve to accomplish the purposes
350 of this part. Any proceeds from the sale of such land shall be
351 deposited in the Florida Communities Trust Fund.

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353 Project costs may include costs of providing parks, open space,
354 public access sites, scenic easements, and other areas and
355 facilities serving the public where such features are part of a
356 project plan approved according to this part. In undertaking or
357 coordinating projects or activities authorized by this part, the
358 trust shall, when appropriate, use and promote the use of
359 creative land acquisition methods, including the acquisition of



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360 less than fee interest through, among other methods,
361 conservation easements, transfer of development rights, leases,
362 and leaseback arrangements. The trust also shall assist local
363 governments in the use of sound alternative methods of financing
364 for funding projects and activities authorized by this part. Any
365 funds over and above eligible project costs, which remain after
366 completion of a project approved according to this part, shall
367 be transmitted to the state and deposited in the Florida
368 Communities Trust Fund.

369 Section 9. Section 380.5105, Florida Statutes, is amended
370 to read:

371 380.5105 The Stan Mayfield Commercial Waterfront
372 Restoration and Preservation Program ~~Working Waterfronts;~~
373 ~~Florida Forever program.~~-

374 (1) As used in this section, the term "commercial
375 waterfront" means real or improved property that provides direct
376 access for water-dependent commercial activities. The term does
377 not include seaports or any property classified as working
378 waterfront property under s. 193.7041. Water-dependent
379 commercial activities include, but are not limited to, public
380 lodging or eating establishments; aquaculturists; and docks,
381 wharves, piers, wet or dry marinas, boat ramps, boat hauling
382 facilities, and boat repair facilities that are not eligible for
383 classification as working waterfront property under s. 193.7041
384 and s. 4(j), Art. VII of the State Constitution.

385 (2) ~~(1)~~ Notwithstanding any other provision of this chapter,
386 it is the intent of the Legislature that the Florida Communities
387 Trust shall administer the commercial waterfront restoration and
388 preservation ~~working waterfronts~~ program as set forth in this



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389 section. Effective July 1, 2009, participation in this program
390 is limited to counties and municipalities that acquire, in fee
391 simple or less-than-fee simple, commercial waterfront property
392 for restoration or preservation purposes and limit the use of
393 the property in perpetuity to the water-dependent commercial
394 activities authorized under this section.

395 ~~(3)-(2) The Florida Communities Trust and the Department of~~
396 ~~Agriculture and Consumer Services shall jointly develop and~~
397 ~~adopt rules specifically establishing the procedures to be~~
398 ~~followed for acquisitions under this section which use Florida~~
399 ~~Forever funds provided to the trust under s. 259.105 and rules~~
400 ~~to develop an application process and a process to evaluate,~~
401 ~~score, and rank commercial waterfront restoration and~~
402 ~~preservation for the evaluation, scoring and ranking of working~~
403 ~~waterfront acquisition projects. The proposed rules jointly~~
404 ~~developed pursuant to this subsection shall be promulgated by~~
405 ~~the trust.~~ Such rules shall establish a system of weighted
406 criteria to give increased priority to projects:

407 (a) Within a municipality with a population less than
408 30,000;

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

413 (c) Within the boundary of a community redevelopment agency
414 established pursuant to s. 163.356;

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

417 (e) That provide a demonstrable benefit to the local



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418 economy.

419 ~~(4)~~⁽³⁾ For projects that will require more than the grant
420 amount awarded for completion, the county or municipality
421 ~~applicant~~ must identify in the ~~their~~ project application funding
422 sources that will provide the difference between the grant award
423 and the estimated project completion cost. ~~Such rules may be~~
424 ~~incorporated into those developed pursuant to s. 380.507(11).~~

425 ~~(5)~~⁽⁴⁾ The trust shall develop a ranking list based on
426 criteria identified in subsection (2) for ~~proposed~~ fee simple
427 and less-than-fee simple acquisition projects proposed for
428 acquisition under ~~developed pursuant to~~ this section. The trust
429 shall, by the first meeting of the Board of Trustees of the
430 Internal Improvement Trust Fund ~~meeting~~ in February of each
431 year, present the ranking list ~~pursuant to this section~~ to the
432 board of trustees for final approval of projects for funding.
433 The board of trustees may remove projects from the ranking list
434 but may not add projects.

435 ~~(6)~~⁽⁵⁾ Grant awards, ~~acquisition approvals~~, and terms of
436 fee simple and less-than-fee acquisitions shall be approved by
437 the trust. Counties and municipalities ~~Waterfront communities~~
438 that receive grant awards must submit annual progress reports to
439 the trust identifying completed project activities ~~which are~~
440 ~~complete~~, and the progress achieved in meeting the goals
441 outlined in the project application. The trust must implement a
442 process to monitor and evaluate the performance of grant
443 recipients in completing projects that are funded through the
444 commercial waterfront restoration and preservation ~~working~~
445 ~~waterfronts~~ program.

446 Section 10. This act shall take effect July 1, 2009.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to working waterfront property;
creating s. 193.704, F.S.; providing definitions;
creating s. 193.7041, F.S.; identifying property that
is eligible for classification as working waterfront
property; requiring the assessment of working
waterfront property based on current use; requiring an
application for classification of property as working
waterfront property; authorizing a property appraiser
to approve an application that is not filed by a
certain deadline due to extenuating circumstances;
providing for the waiver of annual application
requirements; providing for the loss of classification
upon a change of ownership or use; requiring that
property owners notify the property appraiser of
changes in use or ownership of property; imposing a
penalty on a property owner who fails to notify the
property appraiser of an event resulting in the
unlawful or improper classification of property as
working waterfront property; requiring the imposition
of tax liens to recover penalties and interest;
providing for the assessment of a portion of property
within a working waterfront property which is not used
as working waterfront property; requiring that a



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476 property appraiser make a list relating to
477 applications to certify property as working waterfront
478 property; creating s. 193.7042, F.S.; requiring that
479 property appraisers notify property owners of the
480 denial of an application to classify property as
481 working waterfront property; providing for the appeal
482 of such denial to the value adjustment board;
483 requiring a filing fee of a certain amount; providing
484 for the appeal of a denial of a petition to the value
485 adjustment board to the circuit court; requiring that
486 property appraisers notify property owners whose
487 property was classified as working waterfront property
488 by a value adjustment board or court to recertify that
489 the use and ownership of the property have not
490 changed; authorizing the waiver of certain notice and
491 certification requirements; amending s. 259.105, F.S.;
492 renaming the "Stan Mayfield Working Waterfronts
493 Program" within the Florida Communities Trust as the
494 "Stan Mayfield Commercial Waterfronts Restoration and
495 Preservation Program"; amending s. 380.502, F.S.;
496 conforming provisions to changes made by the act;
497 amending s. 380.503, F.S.; deleting a definition for
498 the term "working waterfronts" for purposes of the
499 Florida Communities Trust Act; amending s. 380.507,
500 F.S.; providing a cross-reference; clarifying
501 provisions relating to the authority of the Florida
502 Communities Trust to provide grants or loans for
503 certain projects; clarifying the trust's rulemaking
504 authority; deleting obsolete provisions; amending s.



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505 380.508, F.S.; deleting provisions relating to the
506 purpose of working waterfront projects; amending s.
507 380.5105, F.S.; conforming provisions to changes made
508 by the act; providing a definition for the term
509 "commercial waterfront"; providing that certain
510 property does not qualify as commercial waterfront
511 property; providing for water-dependent commercial
512 activities; limiting participation in the program to
513 counties and municipalities effective on a specified
514 date; limiting the uses of acquired property in
515 perpetuity; requiring that the Florida Communities
516 Trust adopt rules establishing procedures and an
517 application process; providing an effective date.