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1                   A bill to be entitled  
2     An act relating to working waterfront property;  
3     creating s. 193.704, F.S.; providing definitions;  
4     identifying property that is eligible for  
5     classification as working waterfront property;  
6     requiring the assessment of working waterfront  
7     property based on current use; requiring an  
8     application for classification of property as working  
9     waterfront property; authorizing a property appraiser  
10    to approve an application that is not filed by a  
11    certain deadline due to extenuating circumstances;  
12    providing for the waiver of annual application  
13    requirements; providing for the loss of classification  
14    upon a change of ownership or use; requiring that  
15    property owners notify the property appraiser of  
16    changes in use or ownership of property; imposing a  
17    penalty on a property owner who fails to notify the  
18    property appraiser of an event resulting in the  
19    unlawful or improper classification of property as  
20    working waterfront property; requiring the imposition  
21    of tax liens to recover penalties and interest;  
22    providing for the assessment of a portion of property  
23    within a working waterfront property which is not used  
24    as working waterfront property; requiring that a  
25    property appraiser make a list relating to  
26    applications to certify property as working waterfront  
27    property; providing an appeal process for an  
28    application that has been denied; amending s. 195.073,  
29    F.S.; providing for the classification of land as

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30 working waterfront property on an assessment roll;  
31 amending s. 259.105, F.S.; renaming the "Stan Mayfield  
32 Working Waterfronts Program" within the Florida  
33 Communities Trust as the "Stan Mayfield Commercial  
34 Waterfronts Restoration and Preservation Program";  
35 amending s. 380.502, F.S.; conforming provisions to  
36 changes made by the act; amending s. 380.503, F.S.;  
37 deleting a definition for the term "working  
38 waterfronts" for purposes of the Florida Communities  
39 Trust Act; amending s. 380.507, F.S.; providing a  
40 cross-reference; clarifying provisions relating to the  
41 authority of the Florida Communities Trust to provide  
42 grants or loans for certain projects; clarifying the  
43 trust's rulemaking authority; deleting obsolete  
44 provisions; amending s. 380.508, F.S.; deleting  
45 provisions relating to the purpose of working  
46 waterfront projects; amending s. 380.5105, F.S.;  
47 conforming provisions to changes made by the act;  
48 providing a definition for the term "commercial  
49 waterfront"; providing that certain property does not  
50 qualify as commercial waterfront property; providing  
51 for water-dependent commercial activities; limiting  
52 the uses of acquired property in perpetuity; requiring  
53 that the Florida Communities Trust adopt rules  
54 establishing procedures and an application process;  
55 providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Section 193.704, Florida Statutes, is created to  
60 read:

61 193.704 Working waterfront property; definitions;  
62 classification and assessment; denial of classification and  
63 appeal.-

64 (1) DEFINITIONS.-For purposes of granting a working  
65 waterfront property classification under this section for  
66 January 1, 2010, and thereafter, the term:

67 (a) "Accessible to the public" means routinely available to  
68 the public from sunrise to sunset, with or without charge, with  
69 appropriate accommodations, including, but not limited to,  
70 public parking or public boat ramps that are available for use  
71 by the general public.

72 (b) "Commercial fishing operation" has the same meaning as  
73 that provided in s. 379.2351.

74 (c) "Commercial fishing facility" means docks, piers,  
75 processing houses, or other facilities which support a  
76 commercial fishing operation as defined in paragraph (b), or an  
77 aquaculture operation licensed under chapter 253.

78 (d) "Drystack" means a vessel storage facility or building  
79 in which storage spaces for vessels are available for use by the  
80 public on a first-come, first-served basis with no automatic  
81 renewal rights or conditions. The term excludes storage that is  
82 purchased, received, or rented as a result of homeownership or  
83 tenancy.

84 (e) "Land used predominantly for commercial fishing  
85 purposes" means land used in good faith in a venture for-profit  
86 commercial fishing operation for the taking or harvesting of  
87 freshwater fish or saltwater products, as defined in s. 379.101,

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88 for which a commercial license to take, harvest, or sell such  
89 fish or products is required under chapter 379, or land used in  
90 an aquaculture operation authorized under ss. 253.67-253.75.

91 (f) "Marina" means a licensed commercial facility that  
92 provides secured public moorings or drystacks for vessels on a  
93 first-come, first-served basis and with no automatic renewal  
94 rights or conditions. The term excludes mooring or storage that  
95 is purchased, received, or rented as a result of homeownership  
96 or tenancy.

97 (g) "Marine manufacturing facility" means a facility that  
98 manufactures vessels for use in waters that are navigable.

99 (h) "Marine vessel construction and repair facility" means  
100 a facility that constructs and repairs vessels that travel over  
101 waters that are navigable, including, but not limited to,  
102 shipyards and boatyards. As used in this section, the term  
103 "repair" includes retrofitting and maintenance of vessels.

104 (i) "Open to the public" means for hire to the general  
105 public and accessible during normal operating hours.

106 (j) "Support facility" means a facility that typically is  
107 colocated with marine vessel construction and repair facilities,  
108 including, but not limited to, shops, equipment, and salvage  
109 facilities.

110 (k) "Water-dependent" means that the operations of a  
111 facility require direct access to water.

112 (l) "Waterfront" means property that is on, over, or  
113 abutting waters that are navigable.

114 (m) "Waters that are navigable" means any body of water  
115 that is subject to the ebb and flow of the tide, connects with  
116 continuous interstate waterway, has navigable capacity, and is

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117 actually navigable.

118 (2) CLASSIFICATION AND ASSESSMENT; LOSS; PENALTY.—

119 (a) The following waterfront properties are eligible for  
120 classification as working waterfront property:

121 1. Land used predominantly for commercial fishing purposes.

122 2. Land that is accessible to the public and used for  
123 vessel launches into waters that are navigable.

124 3. Marinas and drystacks that are open to the public.

125 4. Water-dependent marine manufacturing facilities.

126 5. Water-dependent commercial fishing facilities.

127 6. Water-dependent marine vessel construction and repair  
128 facilities and their support facilities.

129 (b) Property classified as working waterfront property  
130 under this section shall be assessed on the basis of current  
131 use. The assessed value shall be calculated using the income  
132 approach to value, and using a capitalization rate based upon  
133 the debt coverage ratio formula. The capitalization rate shall  
134 be calculated and updated annually. The capitalization rate  
135 shall be based on data that is county specific unless  
136 insufficient data is available, in which case the property  
137 appraisers shall use data from counties with similar conditions  
138 and characteristics, or data provided by the department. The  
139 condition and size of the property shall also be taken into  
140 account when assessing the property.

141 (c)1. Property may not be classified as working waterfront  
142 property unless an application for such classification is filed  
143 with the property appraiser on or before March 1 of each year in  
144 the county in which the property is located. Before approving  
145 such classification, the property appraiser may require the

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146 applicant to establish that the property is actually used as  
147 required under this section. The property appraiser may require  
148 the applicant to furnish the property appraiser such information  
149 as may reasonably be required to establish that such property  
150 was actually used for working waterfront purposes, and to  
151 establish the classified use value of the property, including  
152 income and expense data. The owner or lessee of property  
153 classified as working waterfront property in the prior year may  
154 reapply on a short form provided by the Department of Revenue.  
155 The lessee of property may make original application or reapply  
156 on a short form if the lease, or an affidavit executed by the  
157 owner, provides that the lessee is empowered to make application  
158 for the working waterfront classification on behalf of the owner  
159 and a copy of the lease or affidavit accompanies the  
160 application. An applicant may withdraw an application on or  
161 before the 25th day following the mailing of the notice of  
162 proposed property taxes pursuant to s. 200.069 in the year the  
163 application was filed.

164 2. Failure by a property owner or lessee to apply for a  
165 classification as working waterfront property by March 1 shall  
166 constitute a waiver for 1 year of the privilege granted in this  
167 section. However, a person who is qualified to receive a working  
168 waterfront classification but who fails to timely apply for  
169 classification may file an application for classification with  
170 the property appraiser. Upon review of the application, if the  
171 applicant is qualified to receive the classification and  
172 demonstrates particular extenuating circumstances that warrant  
173 the classification, the property appraiser may grant the  
174 classification.

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175       3. A county, at the request of the property appraiser and  
176 by a majority vote of its governing body, may waive the  
177 requirement that an annual application or short form be filed  
178 with the property appraiser for renewal of the classification of  
179 property within the county as working waterfront property. Such  
180 waiver may be revoked by a majority of the county governing  
181 body.

182       4. Notwithstanding subparagraph 2., a new application for  
183 classification as working waterfront property must be filed with  
184 the property appraiser whenever any property granted the  
185 classification as working waterfront property is sold or  
186 otherwise disposed of, whenever ownership or the lessee changes  
187 in any manner, whenever the owner or the lessee ceases to use  
188 the property as working waterfront property, or whenever the  
189 status of the owner or the lessee changes so as to change the  
190 classified status of the property.

191       5. The property appraiser shall remove from the  
192 classification as working waterfront property any property for  
193 which the classified use has been abandoned or discontinued, or  
194 the property has been diverted to an unclassified use. Such  
195 removed property shall be assessed at just value as provided in  
196 s. 193.011.

197       6.a. The owner of any property classified as working  
198 waterfront property who is not required to file an annual  
199 application under this section, and the lessee if the  
200 application was made by the lessee, shall notify the property  
201 appraiser promptly whenever the use of the property or the  
202 status or condition of the owner or lessee changes, so as to  
203 change the classified status of the property. If any such

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204 property owner or lessee fails to notify the property appraiser  
205 and the property appraiser determines that for any year within  
206 the prior 10 years the owner was not entitled to receive such  
207 classification, the owner of the property is subject to taxes  
208 otherwise due and owing as a result of such failure plus 15  
209 percent interest per annum and a penalty of 50 percent of the  
210 additional taxes owed. However, the penalty may be waived if the  
211 owner or lessee can demonstrate that they took reasonable care  
212 to notify the property appraiser of the change in use, status,  
213 or condition of the property.

214 b. The property appraiser making such determination shall  
215 record in the public records of the county in which the working  
216 waterfront property is located a notice of tax lien against any  
217 property owned by the working waterfront property owner, and  
218 such property must be identified in the notice of tax lien. Such  
219 property is subject to the payment of all taxes and penalties.  
220 Such lien, when filed, attaches to any property identified in  
221 the notice of tax lien owned by the person or entity that  
222 illegally or improperly received the classification. If such  
223 person or entity no longer owns property in that county but owns  
224 property in another county or counties in the state, the  
225 property appraiser shall record in such other county or counties  
226 a notice of tax lien identifying the property owned by the  
227 working waterfront property owner in such county or counties  
228 which shall become a lien against the identified property.

229 7. When a parcel receiving a working waterfront  
230 classification contains facilities or vacant land not eligible  
231 to be classified as a working waterfront property under this  
232 subsection, the facilities and their curtilage, as well as the



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233 vacant land, must be assessed separately as provided in s.  
234 193.011.

235 8. The property appraiser shall have available at his or  
236 her office a list by ownership of all applications for  
237 classification as working waterfront property received, showing  
238 the acreage, the full valuation under s. 193.011, the value of  
239 the land under the provisions of this subsection, and whether or  
240 not the classification was granted.

241 (3) DENIAL OF CLASSIFICATION; APPEAL.-

242 (a) The property appraiser shall notify an applicant for a  
243 working waterfront classification in writing of a denial of an  
244 application for such classification on or before July 1 of the  
245 year for which the application was filed. The notification shall  
246 advise the applicant of his or her right to appeal to the value  
247 adjustment board and of the appeal filing deadline.

248 (b) Any applicant whose application for classification as  
249 working waterfront property is denied by the property appraiser  
250 may appeal to the value adjustment board by filing a petition  
251 requesting that the classification be granted. The petition may  
252 be filed on or before the 25th day following the mailing of the  
253 assessment notice by the property appraiser as required under s.  
254 194.011(1). Notwithstanding the provisions of s. 194.013, the  
255 petitioner shall pay a nonrefundable fee of \$15 upon filing the  
256 petition. Upon the value adjustment board's review of the  
257 petition, if the petitioner is qualified to receive the  
258 classification and demonstrates particular extenuating  
259 circumstances which warrant granting the classification, the  
260 value adjustment board may grant the petition and  
261 classification.

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262 (c) A denial of a petition for classification by the value  
263 adjustment board may be appealed to a court of competent  
264 jurisdiction.

265 (d)1. Property that has received a working waterfront  
266 classification from the value adjustment board or a court of  
267 competent jurisdiction under this subsection is entitled to  
268 receive such classification in any subsequent year until such  
269 use is changed, abandoned or discontinued, or the ownership  
270 changes in any manner as provided in subparagraph (2)(c)4. The  
271 property appraiser shall, no later than January 31 of each year,  
272 provide notice to the property owner or lessee receiving a  
273 classification under this subsection requiring the property  
274 owner or a lessee qualified to make application to certify that  
275 the ownership and the use of the property has not changed. The  
276 department shall prescribe by rule the form of the notice to be  
277 used by the property appraiser.

278 2. If a county has waived the requirement that an annual  
279 application or short form be filed for classification of the  
280 property under subsection (2), the county may, by majority vote  
281 of its governing body, waive the notice and certification  
282 requirements of this paragraph and shall provide the property  
283 owner or lessee with the same notification as provided to  
284 property owners granted a working waterfront classification by  
285 the property appraiser. Such waiver may be revoked by a majority  
286 vote of the county governing body.

287 Section 2. Subsection (1) of section 195.073, Florida  
288 Statutes, is amended to read:

289 195.073 Classification of property.—All items required by  
290 law to be on the assessment rolls must receive a classification

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291 based upon the use of the property. The department shall  
292 promulgate uniform definitions for all classifications. The  
293 department may designate other subclassifications of property.  
294 No assessment roll may be approved by the department which does  
295 not show proper classifications.

296 (1) Real property must be classified according to the  
297 assessment basis of the land into the following classes:

298 (a) Residential, subclassified into categories, one  
299 category for homestead property and one for nonhomestead  
300 property:

301 1. Single family.

302 2. Mobile homes.

303 3. Multifamily.

304 4. Condominiums.

305 5. Cooperatives.

306 6. Retirement homes.

307 (b) Commercial and industrial.

308 (c) Agricultural.

309 (d) Nonagricultural acreage.

310 (e) High-water recharge.

311 (f) Historic property used for commercial or certain  
312 nonprofit purposes.

313 (g) Exempt, wholly or partially.

314 (h) Centrally assessed.

315 (i) Leasehold interests.

316 (j) Time-share property.

317 (k) Working waterfront property.

318 (l) Other.

319 Section 3. Paragraph (j) of subsection (3) of section

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320 259.105, Florida Statutes, is amended to read:

321 259.105 The Florida Forever Act.—

322 (3) Less the costs of issuing and the costs of funding  
323 reserve accounts and other costs associated with bonds, the  
324 proceeds of cash payments or bonds issued pursuant to this  
325 section shall be deposited into the Florida Forever Trust Fund  
326 created by s. 259.1051. The proceeds shall be distributed by the  
327 Department of Environmental Protection in the following manner:

328 (j) Two and five-tenths percent to the Department of  
329 Community Affairs for the acquisition of land and capital  
330 project expenditures necessary to implement the Stan Mayfield  
331 Commercial Waterfront Restoration and Preservation Working  
332 ~~Waterfronts~~ Program within the Florida Communities Trust  
333 pursuant to s. 380.5105.

334 Section 4. Paragraph (a) of subsection (3) of section  
335 380.502, Florida Statutes, is amended to read:

336 380.502 Legislative findings and intent.—

337 (3) It is the intent of the Legislature to establish a  
338 nonregulatory agency that will assist local governments in  
339 bringing local comprehensive plans into compliance and  
340 implementing the goals, objectives, and policies of the  
341 conservation, recreation and open space, and coastal elements of  
342 local comprehensive plans, or in conserving natural resources  
343 and resolving land use conflicts by:

344 (a) Responding promptly and creatively to opportunities to  
345 correct undesirable development patterns, restore degraded  
346 natural areas, enhance resource values, restore deteriorated or  
347 deteriorating urban waterfronts, restore and preserve commercial  
348 waterfront property ~~working waterfronts~~, reserve lands for later

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349 purchase, participate in and promote the use of innovative land  
350 acquisition methods, and provide public access to surface  
351 waters.

352 Section 5. Subsection (18) of section 380.503, Florida  
353 Statutes, is amended to read:

354 380.503 Definitions.—As used in ss. 380.501-380.515, unless  
355 the context indicates a different meaning or intent:

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

357 ~~(a) A parcel or parcels of land directly used for the~~  
358 ~~purposes of the commercial harvest of marine organisms or~~  
359 ~~saltwater products by state-licensed commercial fishermen,~~  
360 ~~aquaculturists, or business entities, including piers, wharves,~~  
361 ~~docks, or other facilities operated to provide waterfront access~~  
362 ~~to licensed commercial fishermen, aquaculturists, or business~~  
363 ~~entities; or~~

364 ~~(b) A parcel or parcels of land used for exhibitions,~~  
365 ~~demonstrations, educational venues, civic events, and other~~  
366 ~~purposes that promote and educate the public about economic,~~  
367 ~~cultural, and historic heritage of Florida's traditional working~~  
368 ~~waterfronts, including the marketing of the seafood and~~  
369 ~~aquaculture industries.~~

370 Section 6. Subsections (2), (6), (7), and (11) of section  
371 380.507, Florida Statutes, are amended to read:

372 380.507 Powers of the trust.—The trust shall have all the  
373 powers necessary or convenient to carry out the purposes and  
374 provisions of this part, including:

375 (2) To undertake, coordinate, or fund activities and  
376 projects which will help bring local comprehensive plans into  
377 compliance and help implement the goals, objectives, and

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378 policies of the conservation, recreation and open space, and  
379 coastal elements of local comprehensive plans, or which will  
380 otherwise serve to conserve natural resources and resolve land  
381 use conflicts, including, but not limited to:

- 382 (a) Redevelopment projects.  
383 (b) Resource enhancement projects.  
384 (c) Public access projects.  
385 (d) Urban waterfront restoration projects.  
386 (e) Site reservation.  
387 (f) Urban greenways and open space projects.  
388 (g) Commercial waterfront restoration and preservation  
389 projects under s. 380.5105 ~~Working waterfronts~~.

390 (6) Except as provided in s. 380.5105, to award grants and  
391 make loans to local governments and nonprofit organizations for  
392 the purposes listed in subsection (2) and for acquiring fee  
393 title and less than fee title, such as conservation easements or  
394 other interests in land, for the purposes of this part.

395 (7) Except as provided in s. 380.5105, to provide by grant  
396 or loan up to the total cost of any project approved according  
397 to this part, including the local share of federally supported  
398 projects. The trust may require local funding participation in  
399 projects. The trust shall determine the funding it will provide  
400 by considering the total amount of funding available for the  
401 project, the fiscal resources of other project participants, the  
402 urgency of the project relative to other eligible projects, and  
403 other factors which the trust shall have prescribed by rule. The  
404 trust may fund up to 100 percent of any local government land  
405 acquisition costs, if part of an approved project.

406 (11) Except as provided in s. 380.5105, to make rules

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407 necessary to carry out the purposes of this part and to exercise  
408 any power granted in this part, pursuant to the provisions of  
409 chapter 120. The trust shall adopt rules governing the  
410 acquisition of lands using proceeds from the Preservation 2000  
411 Trust Fund and the Florida Forever Trust Fund, consistent with  
412 the intent expressed in the Florida Forever Act. Such rules for  
413 land acquisition must include, but are not limited to,  
414 procedures for appraisals and confidentiality consistent with  
415 ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of  
416 determining a maximum purchase price, and procedures to assure  
417 that the land is acquired in a voluntarily negotiated  
418 transaction, surveyed, conveyed with marketable title, and  
419 examined for hazardous materials contamination. Land acquisition  
420 procedures of a local land authority created pursuant to s.  
421 380.0663 or s. 380.0677 may be used for the land acquisition  
422 programs described by ss. 259.101(3)(c) and 259.105 if within  
423 areas of critical state concern designated pursuant to s.  
424 380.05, subject to approval of the trust.

425 Section 7. Paragraphs (e) and (f) of subsection (4) of  
426 section 380.508, Florida Statutes, are amended to read:

427 380.508 Projects; development, review, and approval.—

428 (4) Projects or activities which the trust undertakes,  
429 coordinates, or funds in any manner shall comply with the  
430 following guidelines:

431 ~~(e) The purpose of working waterfront projects shall be to~~  
432 ~~restore and preserve working waterfronts as provided in s.~~  
433 ~~380.5105.~~

434 (e) ~~(f)~~ The trust shall cooperate with local governments,  
435 state agencies, federal agencies, and nonprofit organizations in

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436 ensuring the reservation of lands for parks, recreation, fish  
437 and wildlife habitat, historical preservation, or scientific  
438 study. In the event that any local government, state agency,  
439 federal agency, or nonprofit organization is unable, due to  
440 limited financial resources or other circumstances of a  
441 temporary nature, to acquire a site for the purposes described  
442 in this paragraph, the trust may acquire and hold the site for  
443 subsequent conveyance to the appropriate governmental agency or  
444 nonprofit organization. The trust may provide such technical  
445 assistance as is required to aid local governments, state and  
446 federal agencies, and nonprofit organizations in completing  
447 acquisition and related functions. The trust shall not reserve  
448 lands acquired in accordance with this paragraph for more than 5  
449 years from the time of acquisition. A local government, federal  
450 or state agency, or nonprofit organization may acquire the land  
451 at any time during this period for public purposes. The purchase  
452 price shall be based upon the trust's cost of acquisition, plus  
453 administrative and management costs in reserving the land. The  
454 payment of this purchase price shall be by money, trust-approved  
455 property of an equivalent value, or a combination of money and  
456 trust-approved property. If, after the 5-year period, the trust  
457 has not sold to a governmental agency or nonprofit organization  
458 land acquired for site reservation, the trust shall dispose of  
459 such land at fair market value or shall trade it for other land  
460 of comparable value which will serve to accomplish the purposes  
461 of this part. Any proceeds from the sale of such land shall be  
462 deposited in the Florida Communities Trust Fund.

463  
464 Project costs may include costs of providing parks, open space,



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465 public access sites, scenic easements, and other areas and  
466 facilities serving the public where such features are part of a  
467 project plan approved according to this part. In undertaking or  
468 coordinating projects or activities authorized by this part, the  
469 trust shall, when appropriate, use and promote the use of  
470 creative land acquisition methods, including the acquisition of  
471 less than fee interest through, among other methods,  
472 conservation easements, transfer of development rights, leases,  
473 and leaseback arrangements. The trust also shall assist local  
474 governments in the use of sound alternative methods of financing  
475 for funding projects and activities authorized by this part. Any  
476 funds over and above eligible project costs, which remain after  
477 completion of a project approved according to this part, shall  
478 be transmitted to the state and deposited in the Florida  
479 Communities Trust Fund.

480 Section 8. Section 380.5105, Florida Statutes, is amended  
481 to read:

482 380.5105 The Stan Mayfield Commercial Waterfront  
483 Restoration and Preservation Program ~~Working Waterfronts;~~  
484 ~~Florida Forever program.~~—

485 (1) As used in this section, the term "commercial  
486 waterfront" means real or improved property that provides direct  
487 access for water-dependent commercial activities. The term does  
488 not include seaports or any property classified as working  
489 waterfront property under s. 193.7041. Water-dependent  
490 commercial activities include, but are not limited to,  
491 aquaculturists, docks, wharves, piers, wet or dry marinas, boat  
492 ramps, boat hauling facilities, and boat repair facilities that  
493 are not eligible for classification as working waterfront

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494 property under s. 193.7041 and s. 4(j), Art. VII of the State  
495 Constitution.

496 (2)~~(1)~~ Notwithstanding any other provision of this chapter,  
497 it is the intent of the Legislature that the Florida Communities  
498 Trust shall administer the commercial waterfront restoration and  
499 preservation ~~working waterfronts~~ program as set forth in this  
500 section.

501 (3)~~(2)~~ The Florida Communities Trust ~~and the Department of~~  
502 ~~Agriculture and Consumer Services~~ shall jointly develop and  
503 adopt rules ~~specifically~~ establishing the procedures to be  
504 followed for acquisitions under this section which use Florida  
505 Forever funds provided to the trust under s. 259.105 and rules  
506 to develop an application process and a process to evaluate,  
507 score, and rank commercial waterfront restoration and  
508 preservation ~~for the evaluation, scoring and ranking of working~~  
509 ~~waterfront acquisition projects. The proposed rules jointly~~  
510 ~~developed pursuant to this subsection shall be promulgated by~~  
511 ~~the trust.~~ Such rules shall establish a system of weighted  
512 criteria to give increased priority to projects:

513 (a) Within a municipality with a population less than  
514 30,000;

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

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

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

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523 (e) That provide a demonstrable benefit to the local  
524 economy.

525 (4)~~(3)~~ For projects that will require more than the grant  
526 amount awarded for completion, the county or municipality  
527 ~~applicant~~ must identify in the ~~their~~ project application funding  
528 sources that will provide the difference between the grant award  
529 and the estimated project completion cost. ~~Such rules may be~~  
530 ~~incorporated into those developed pursuant to s. 380.507(11).~~

531 (5)~~(4)~~ The trust shall develop a ranking list based on  
532 criteria identified in subsection (2) for ~~proposed~~ fee simple  
533 and less-than-fee simple acquisition projects proposed for  
534 acquisition under ~~developed pursuant to~~ this section. The trust  
535 shall, by the first meeting of the Board of Trustees of the  
536 Internal Improvement Trust Fund ~~meeting~~ in February of each  
537 year, present the ranking list ~~pursuant to this section~~ to the  
538 board of trustees for final approval of projects for funding.  
539 The board of trustees may remove projects from the ranking list  
540 but may not add projects.

541 (6)~~(5)~~ Grant awards, ~~acquisition approvals,~~ and terms of  
542 fee simple and less-than-fee acquisitions shall be approved by  
543 the trust. Counties and municipalities ~~Waterfront communities~~  
544 that receive grant awards must submit annual progress reports to  
545 the trust identifying completed project activities ~~which are~~  
546 ~~complete,~~ and the progress achieved in meeting the goals  
547 outlined in the project application. The trust must implement a  
548 process to monitor and evaluate the performance of grant  
549 recipients in completing projects that are funded through the  
550 commercial waterfront restoration and preservation ~~working~~  
551 ~~waterfronts~~ program.

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Section 9. This act shall take effect July 1, 2009.