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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.

132 1. If appropriate to the property, the assessed value shall
133 be calculated using the income approach to value, and using a
134 capitalization rate based upon the debt coverage ratio formula.

135 The capitalization rate shall be calculated and updated
136 annually. The capitalization rate shall be based on data that is
137 county specific unless insufficient data is available, in which
138 case the property appraisers shall use data from counties with
139 similar conditions and characteristics, or data provided by the
140 department. The condition and size of the property shall also be
141 taken into account when assessing the property.

142 2. In assessing property for which the methodology in 1. is
143 not appropriate, the property appraiser shall consider only the
144 following factors:

145 a. The condition of the property.

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146 b. The present market value of the property in its current
147 use.

148 c. The income produced by the property.

149 3. In no event shall the assessed value of the property
150 exceed just value.

151 (c)1. Property may not be classified as working waterfront
152 property unless an application for such classification is filed
153 with the property appraiser on or before March 1 of each year in
154 the county in which the property is located. Before approving
155 such classification, the property appraiser may require the
156 applicant to establish that the property is actually used as
157 required under this section. The property appraiser may require
158 the applicant to furnish the property appraiser such information
159 as may reasonably be required to establish that such property
160 was actually used for working waterfront purposes, and to
161 establish the classified use value of the property, including
162 income and expense data. The owner or lessee of property
163 classified as working waterfront property in the prior year may
164 reapply on a short form provided by the Department of Revenue.
165 The lessee of property may make original application or reapply
166 on a short form if the lease, or an affidavit executed by the
167 owner, provides that the lessee is empowered to make application
168 for the working waterfront classification on behalf of the owner
169 and a copy of the lease or affidavit accompanies the
170 application. An applicant may withdraw an application on or
171 before the 25th day following the mailing of the notice of
172 proposed property taxes pursuant to s. 200.069 in the year the
173 application was filed.

174 2. Failure by a property owner or lessee to apply for a

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175 classification as working waterfront property by March 1 shall
176 constitute a waiver for 1 year of the privilege granted in this
177 section. However, a person who is qualified to receive a working
178 waterfront classification but who fails to timely apply for
179 classification may file an application for classification with
180 the property appraiser. Upon review of the application, if the
181 applicant is qualified to receive the classification and
182 demonstrates particular extenuating circumstances that warrant
183 the classification, the property appraiser may grant the
184 classification.

185 3. A county, at the request of the property appraiser and
186 by a majority vote of its governing body, may waive the
187 requirement that an annual application or short form be filed
188 with the property appraiser for renewal of the classification of
189 property within the county as working waterfront property. Such
190 waiver may be revoked by a majority of the county governing
191 body.

192 4. Notwithstanding subparagraph 2., a new application for
193 classification as working waterfront property must be filed with
194 the property appraiser whenever any property granted the
195 classification as working waterfront property is sold or
196 otherwise disposed of, whenever ownership or the lessee changes
197 in any manner, whenever the owner or the lessee ceases to use
198 the property as working waterfront property, or whenever the
199 status of the owner or the lessee changes so as to change the
200 classified status of the property.

201 5. The property appraiser shall remove from the
202 classification as working waterfront property any property for
203 which the classified use has been abandoned or discontinued, or

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204 the property has been diverted to an unclassified use. Such
205 removed property shall be assessed at just value as provided in
206 s. 193.011.

207 6.a. The owner of any property classified as working
208 waterfront property who is not required to file an annual
209 application under this section, and the lessee if the
210 application was made by the lessee, shall notify the property
211 appraiser promptly whenever the use of the property or the
212 status or condition of the owner or lessee changes, so as to
213 change the classified status of the property. If any such
214 property owner or lessee fails to notify the property appraiser
215 and the property appraiser determines that for any year within
216 the prior 10 years the owner was not entitled to receive such
217 classification, the owner of the property is subject to taxes
218 otherwise due and owing as a result of such failure plus 15
219 percent interest per annum and a penalty of 50 percent of the
220 additional taxes owed. However, the penalty may be waived if the
221 owner or lessee can demonstrate that they took reasonable care
222 to notify the property appraiser of the change in use, status,
223 or condition of the property.

224 b. The property appraiser making such determination shall
225 record in the public records of the county in which the working
226 waterfront property is located a notice of tax lien against any
227 property owned by the working waterfront property owner, and
228 such property must be identified in the notice of tax lien. Such
229 property is subject to the payment of all taxes and penalties.
230 Such lien, when filed, attaches to any property identified in
231 the notice of tax lien owned by the person or entity that
232 illegally or improperly received the classification. If such

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233 person or entity no longer owns property in that county but owns
234 property in another county or counties in the state, the
235 property appraiser shall record in such other county or counties
236 a notice of tax lien identifying the property owned by the
237 working waterfront property owner in such county or counties
238 which shall become a lien against the identified property.

239 7. When a parcel receiving a working waterfront
240 classification contains facilities or vacant land not eligible
241 to be classified as a working waterfront property under this
242 subsection, the facilities and their curtilage, as well as the
243 vacant land, must be assessed separately as provided in s.
244 193.011.

245 8. The property appraiser shall have available at his or
246 her office a list by ownership of all applications for
247 classification as working waterfront property received, showing
248 the acreage, the full valuation under s. 193.011, the value of
249 the land under the provisions of this subsection, and whether or
250 not the classification was granted.

251 (3) DENIAL OF CLASSIFICATION; APPEAL.—

252 (a) The property appraiser shall notify an applicant for a
253 working waterfront classification in writing of a denial of an
254 application for such classification on or before July 1 of the
255 year for which the application was filed. The notification shall
256 advise the applicant of his or her right to appeal to the value
257 adjustment board and of the appeal filing deadline.

258 (b) Any applicant whose application for classification as
259 working waterfront property is denied by the property appraiser
260 may appeal to the value adjustment board by filing a petition
261 requesting that the classification be granted. The petition may

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262 be filed on or before the 25th day following the mailing of the
263 assessment notice by the property appraiser as required under s.
264 194.011(1). Notwithstanding the provisions of s. 194.013, the
265 petitioner shall pay a nonrefundable fee of \$15 upon filing the
266 petition. Upon the value adjustment board's review of the
267 petition, if the petitioner is qualified to receive the
268 classification and demonstrates particular extenuating
269 circumstances which warrant granting the classification, the
270 value adjustment board may grant the petition and
271 classification.

272 (c) A denial of a petition for classification by the value
273 adjustment board may be appealed to a court of competent
274 jurisdiction.

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

288 2. If a county has waived the requirement that an annual
289 application or short form be filed for classification of the
290 property under subsection (2), the county may, by majority vote

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291 of its governing body, waive the notice and certification
292 requirements of this paragraph and shall provide the property
293 owner or lessee with the same notification as provided to
294 property owners granted a working waterfront classification by
295 the property appraiser. Such waiver may be revoked by a majority
296 vote of the county governing body.

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

299 195.073 Classification of property.—All items required by
300 law to be on the assessment rolls must receive a classification
301 based upon the use of the property. The department shall
302 promulgate uniform definitions for all classifications. The
303 department may designate other subclassifications of property.
304 No assessment roll may be approved by the department which does
305 not show proper classifications.

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

308 (a) Residential, subclassified into categories, one
309 category for homestead property and one for nonhomestead
310 property:

- 311 1. Single family.
- 312 2. Mobile homes.
- 313 3. Multifamily.
- 314 4. Condominiums.
- 315 5. Cooperatives.
- 316 6. Retirement homes.
- 317 (b) Commercial and industrial.
- 318 (c) Agricultural.
- 319 (d) Nonagricultural acreage.

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320 (e) High-water recharge.

321 (f) Historic property used for commercial or certain
322 nonprofit purposes.

323 (g) Exempt, wholly or partially.

324 (h) Centrally assessed.

325 (i) Leasehold interests.

326 (j) Time-share property.

327 (k) Working waterfront property.

328 (l) Other.

329 Section 3. Paragraph (j) of subsection (3) of section
330 259.105, Florida Statutes, is amended to read:

331 259.105 The Florida Forever Act.—

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

338 (j) Two and five-tenths percent to the Department of
339 Community Affairs for the acquisition of land and capital
340 project expenditures necessary to implement the Stan Mayfield
341 Commercial Waterfront Restoration and Preservation ~~Working~~
342 ~~Waterfronts~~ Program within the Florida Communities Trust
343 pursuant to s. 380.5105.

344 Section 4. Paragraph (a) of subsection (3) of section
345 380.502, Florida Statutes, is amended to read:

346 380.502 Legislative findings and intent.—

347 (3) It is the intent of the Legislature to establish a
348 nonregulatory agency that will assist local governments in

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349 bringing local comprehensive plans into compliance and
350 implementing the goals, objectives, and policies of the
351 conservation, recreation and open space, and coastal elements of
352 local comprehensive plans, or in conserving natural resources
353 and resolving land use conflicts by:

354 (a) Responding promptly and creatively to opportunities to
355 correct undesirable development patterns, restore degraded
356 natural areas, enhance resource values, restore deteriorated or
357 deteriorating urban waterfronts, restore and preserve commercial
358 waterfront property ~~working waterfronts~~, reserve lands for later
359 purchase, participate in and promote the use of innovative land
360 acquisition methods, and provide public access to surface
361 waters.

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

364 380.503 Definitions.—As used in ss. 380.501-380.515, unless
365 the context indicates a different meaning or intent:

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

367 ~~(a) A parcel or parcels of land directly used for the~~
368 ~~purposes of the commercial harvest of marine organisms or~~
369 ~~saltwater products by state-licensed commercial fishermen,~~
370 ~~aquaculturists, or business entities, including piers, wharves,~~
371 ~~docks, or other facilities operated to provide waterfront access~~
372 ~~to licensed commercial fishermen, aquaculturists, or business~~
373 ~~entities; or~~

374 ~~(b) A parcel or parcels of land used for exhibitions,~~
375 ~~demonstrations, educational venues, civic events, and other~~
376 ~~purposes that promote and educate the public about economic,~~
377 ~~cultural, and historic heritage of Florida's traditional working~~

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378 ~~waterfronts, including the marketing of the seafood and~~
379 ~~aquaculture industries.~~

380 Section 6. Subsections (2), (6), (7), and (11) of section
381 380.507, Florida Statutes, are amended to read:

382 380.507 Powers of the trust.—The trust shall have all the
383 powers necessary or convenient to carry out the purposes and
384 provisions of this part, including:

385 (2) To undertake, coordinate, or fund activities and
386 projects which will help bring local comprehensive plans into
387 compliance and help implement the goals, objectives, and
388 policies of the conservation, recreation and open space, and
389 coastal elements of local comprehensive plans, or which will
390 otherwise serve to conserve natural resources and resolve land
391 use conflicts, including, but not limited to:

- 392 (a) Redevelopment projects.
393 (b) Resource enhancement projects.
394 (c) Public access projects.
395 (d) Urban waterfront restoration projects.
396 (e) Site reservation.
397 (f) Urban greenways and open space projects.
398 (g) Commercial waterfront restoration and preservation
399 projects under s. 380.5105 ~~Working waterfronts.~~

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

405 (7) Except as provided in s. 380.5105, to provide by grant
406 or loan up to the total cost of any project approved according

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407 to this part, including the local share of federally supported
408 projects. The trust may require local funding participation in
409 projects. The trust shall determine the funding it will provide
410 by considering the total amount of funding available for the
411 project, the fiscal resources of other project participants, the
412 urgency of the project relative to other eligible projects, and
413 other factors which the trust shall have prescribed by rule. The
414 trust may fund up to 100 percent of any local government land
415 acquisition costs, if part of an approved project.

416 (11) Except as provided in s. 380.5105, to make rules
417 necessary to carry out the purposes of this part and to exercise
418 any power granted in this part, pursuant to the provisions of
419 chapter 120. The trust shall adopt rules governing the
420 acquisition of lands using proceeds from the Preservation 2000
421 Trust Fund and the Florida Forever Trust Fund, consistent with
422 the intent expressed in the Florida Forever Act. Such rules for
423 land acquisition must include, but are not limited to,
424 procedures for appraisals and confidentiality consistent with
425 ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of
426 determining a maximum purchase price, and procedures to assure
427 that the land is acquired in a voluntarily negotiated
428 transaction, surveyed, conveyed with marketable title, and
429 examined for hazardous materials contamination. Land acquisition
430 procedures of a local land authority created pursuant to s.
431 380.0663 or s. 380.0677 may be used for the land acquisition
432 programs described by ss. 259.101(3)(c) and 259.105 if within
433 areas of critical state concern designated pursuant to s.
434 380.05, subject to approval of the trust.

435 Section 7. Paragraphs (e) and (f) of subsection (4) of

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436 section 380.508, Florida Statutes, are amended to read:

437 380.508 Projects; development, review, and approval.—

438 (4) Projects or activities which the trust undertakes,
439 coordinates, or funds in any manner shall comply with the
440 following guidelines:

441 ~~(e) The purpose of working waterfront projects shall be to~~
442 ~~restore and preserve working waterfronts as provided in s.~~
443 ~~380.5105.~~

444 (e)~~(f)~~ The trust shall cooperate with local governments,
445 state agencies, federal agencies, and nonprofit organizations in
446 ensuring the reservation of lands for parks, recreation, fish
447 and wildlife habitat, historical preservation, or scientific
448 study. In the event that any local government, state agency,
449 federal agency, or nonprofit organization is unable, due to
450 limited financial resources or other circumstances of a
451 temporary nature, to acquire a site for the purposes described
452 in this paragraph, the trust may acquire and hold the site for
453 subsequent conveyance to the appropriate governmental agency or
454 nonprofit organization. The trust may provide such technical
455 assistance as is required to aid local governments, state and
456 federal agencies, and nonprofit organizations in completing
457 acquisition and related functions. The trust shall not reserve
458 lands acquired in accordance with this paragraph for more than 5
459 years from the time of acquisition. A local government, federal
460 or state agency, or nonprofit organization may acquire the land
461 at any time during this period for public purposes. The purchase
462 price shall be based upon the trust's cost of acquisition, plus
463 administrative and management costs in reserving the land. The
464 payment of this purchase price shall be by money, trust-approved

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465 property of an equivalent value, or a combination of money and
466 trust-approved property. If, after the 5-year period, the trust
467 has not sold to a governmental agency or nonprofit organization
468 land acquired for site reservation, the trust shall dispose of
469 such land at fair market value or shall trade it for other land
470 of comparable value which will serve to accomplish the purposes
471 of this part. Any proceeds from the sale of such land shall be
472 deposited in the Florida Communities Trust Fund.

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474 Project costs may include costs of providing parks, open space,
475 public access sites, scenic easements, and other areas and
476 facilities serving the public where such features are part of a
477 project plan approved according to this part. In undertaking or
478 coordinating projects or activities authorized by this part, the
479 trust shall, when appropriate, use and promote the use of
480 creative land acquisition methods, including the acquisition of
481 less than fee interest through, among other methods,
482 conservation easements, transfer of development rights, leases,
483 and leaseback arrangements. The trust also shall assist local
484 governments in the use of sound alternative methods of financing
485 for funding projects and activities authorized by this part. Any
486 funds over and above eligible project costs, which remain after
487 completion of a project approved according to this part, shall
488 be transmitted to the state and deposited in the Florida
489 Communities Trust Fund.

490 Section 8. Section 380.5105, Florida Statutes, is amended
491 to read:

492 380.5105 The Stan Mayfield Commercial Waterfront
493 Restoration and Preservation Program ~~Working Waterfronts;~~

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494 ~~Florida Forever program.~~

495 (1) As used in this section, the term "commercial
496 waterfront" means real or improved property that provides direct
497 access for water-dependent commercial activities. The term does
498 not include seaports or any property classified as working
499 waterfront property under s. 193.7041. Water-dependent
500 commercial activities include, but are not limited to,
501 aquaculturists, docks, wharves, piers, wet or dry marinas, boat
502 ramps, boat hauling facilities, and boat repair facilities that
503 are not eligible for classification as working waterfront
504 property under s. 193.7041 and s. 4(j), Art. VII of the State
505 Constitution.

506 (2)~~(1)~~ Notwithstanding any other provision of this chapter,
507 it is the intent of the Legislature that the Florida Communities
508 Trust shall administer the commercial waterfront restoration and
509 preservation ~~working waterfronts~~ program as set forth in this
510 section.

511 (3)~~(2)~~ The Florida Communities Trust ~~and the Department of~~
512 ~~Agriculture and Consumer Services~~ shall jointly develop and
513 adopt rules ~~specifically~~ establishing the procedures to be
514 followed for acquisitions under this section which use Florida
515 Forever funds provided to the trust under s. 259.105 and rules
516 to develop an application process and a process to evaluate,
517 score, and rank commercial waterfront restoration and
518 preservation ~~for the evaluation, scoring and ranking of working~~
519 ~~waterfront acquisition projects. The proposed rules jointly~~
520 ~~developed pursuant to this subsection shall be promulgated by~~
521 ~~the trust.~~ Such rules shall establish a system of weighted
522 criteria to give increased priority to projects:

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523 (a) Within a municipality with a population less than
524 30,000;

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

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

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

533 (e) That provide a demonstrable benefit to the local
534 economy.

535 (4)~~(3)~~ For projects that will require more than the grant
536 amount awarded for completion, the county or municipality
537 ~~applicant~~ must identify in the ~~their~~ project application funding
538 sources that will provide the difference between the grant award
539 and the estimated project completion cost. ~~Such rules may be~~
540 ~~incorporated into those developed pursuant to s. 380.507(11).~~

541 (5)~~(4)~~ The trust shall develop a ranking list based on
542 criteria identified in subsection (2) for ~~proposed~~ fee simple
543 and less-than-fee simple acquisition projects proposed for
544 acquisition under ~~developed pursuant to~~ this section. The trust
545 shall, by the first meeting of the Board of Trustees of the
546 Internal Improvement Trust Fund ~~meeting~~ in February of each
547 year, present the ranking list ~~pursuant to this section~~ to the
548 board of trustees for final approval of projects for funding.
549 The board of trustees may remove projects from the ranking list
550 but may not add projects.

551 (6)~~(5)~~ Grant awards, ~~acquisition approvals~~, and terms of

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552 fee simple and less-than-fee acquisitions shall be approved by
553 the trust. Counties and municipalities ~~Waterfront communities~~
554 that receive grant awards must submit annual progress reports to
555 the trust identifying completed project activities ~~which are~~
556 ~~complete,~~ and the progress achieved in meeting the goals
557 outlined in the project application. The trust must implement a
558 process to monitor and evaluate the performance of grant
559 recipients in completing projects that are funded through the
560 commercial waterfront restoration and preservation ~~working~~
561 ~~waterfronts~~ program.

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