

By Senator Brandes

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1 A bill to be entitled
2 An act relating to the Florida Communities Trust;
3 amending s. 380.507, F.S.; revising the permissible
4 activities and projects that may be undertaken,
5 coordinated, or funded by the Florida Communities
6 Trust to include flood mitigation projects; deleting
7 an obsolete provision; amending s. 380.508, F.S.;
8 specifying the purpose of flood mitigation projects
9 under the trust; requiring funds for such projects to
10 be specified separately from other funds in the trust;
11 specifying a maximum grant award for such projects;
12 providing an exception and a process for exceeding the
13 maximum award; requiring the Department of
14 Environmental Protection to establish by rule an
15 application process for such grants; requiring the
16 department to rank applications according to specified
17 priorities; requiring the department to develop and
18 impose reporting requirements on grant recipients;
19 requiring grant recipient reports to be publicly
20 available; authorizing the department to adopt rules;
21 amending s. 380.510, F.S.; conforming a cross-
22 reference; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (2) and (4) of section 380.507,
27 Florida Statutes, are amended to read:

28 380.507 Powers of the trust.—The trust shall have all the
29 powers necessary or convenient to carry out the purposes and

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30 provisions of this part, including:

31 (2) To undertake, coordinate, or fund activities and
32 projects that ~~which~~ will help bring local comprehensive plans
33 into compliance and help implement the goals, objectives, and
34 policies of the conservation, recreation and open space, and
35 coastal elements of local comprehensive plans, or that ~~which~~
36 will otherwise serve to conserve natural resources and resolve
37 land use conflicts, including, but not limited to:

38 (a) Redevelopment projects.

39 (b) Resource enhancement projects.

40 (c) Flood mitigation projects.

41 (d) ~~(e)~~ Public access projects.

42 (e) ~~(d)~~ Urban waterfront restoration projects.

43 (f) ~~(e)~~ Site reservation.

44 (g) ~~(f)~~ Urban greenways and open space projects.

45 (h) ~~(g)~~ Working waterfronts.

46 ~~(h) Projects that provide accessibility, availability, or~~
47 ~~adaptability of conservation or recreation lands for individuals~~
48 ~~with unique abilities. The term "projects that provide~~
49 ~~recreational enhancements and opportunities for individuals with~~
50 ~~unique abilities" means those projects that incorporate~~
51 ~~adaptations or modifications to the design and development of~~
52 ~~recreational resources or equipment to meet the needs of all~~
53 ~~potential participants including those with physical or~~
54 ~~developmental disabilities. This paragraph expires July 1, 2017.~~

55 (4) To acquire and dispose of real and personal property or
56 any interest therein when necessary or appropriate to protect
57 the natural environment, provide public access or public
58 recreational facilities, including the Florida National Scenic

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59 Trail, preserve wildlife habitat areas, provide access for
60 managing acquired lands, reduce flood hazards, or otherwise
61 carry out the purposes of this part. If the trust acquires land
62 for permanent state ownership, title to such land shall be
63 vested in the Board of Trustees of the Internal Improvement
64 Trust Fund; otherwise, title to property acquired in partnership
65 with a county or municipality shall vest in the name of the
66 local government. Notwithstanding any other provision of law,
67 the trust may enter into an option agreement to purchase lands
68 included in projects approved according to this part, when
69 necessary to reserve lands during the preparation of project
70 plans and during acquisition proceedings. The consideration for
71 an option may ~~shall~~ not exceed \$100,000.

72 Section 2. Subsection (4) of section 380.508, Florida
73 Statutes, is amended to read:

74 380.508 Projects; development, review, and approval.-

75 (4) Projects or activities that ~~which~~ the trust undertakes,
76 coordinates, or funds in any manner are subject to ~~shall comply~~
77 ~~with~~ the following guidelines and procedures:

78 (a) The purpose of redevelopment projects is ~~shall be~~ to
79 restore areas which are adversely affected by scattered
80 ownership, poor lot layout, inadequate park and open space,
81 incompatible land uses, or other conditions which endanger the
82 environment or impede orderly development. Grants and loans
83 awarded for redevelopment projects must ~~shall~~ be used for
84 assembling parcels of land within redevelopment project areas
85 for the redesign of such areas and for the installation of
86 public improvements required to serve such areas. After redesign
87 and installation of public improvements, if any, lands in

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88 redevelopment projects, with the exception of lands acquired for
89 public purposes, must ~~shall~~ be conveyed to any person for
90 development in accordance with a redevelopment project plan
91 approved according to this part.

92 (b) The purpose of resource enhancement projects is ~~shall~~
93 ~~be~~ to enhance natural resources that ~~which~~, because of
94 indiscriminate dredging or filling, improper location of
95 improvements, natural or human-induced events, or incompatible
96 land uses, have suffered loss of natural and scenic values.
97 Grants and loans awarded for resource enhancement projects must
98 ~~shall~~ be used for the assembly of parcels of land to improve
99 resource management, for relocation of improperly located or
100 designed improvements, and for other corrective measures that
101 ~~which~~ will enhance the natural and scenic character of project
102 areas.

103 (c) The purpose of flood mitigation projects is to improve
104 a community's classification under the National Flood Insurance
105 Program Community Rating System (CRS) and to provide technical
106 and financial assistance to local governments to implement flood
107 risk reduction policies and projects consistent with the coastal
108 management element of the local government comprehensive plan
109 required under s. 163.3178, an approved local hazard mitigation
110 plan, or an adaptation action plan.

111 1. The funds available for flood mitigation projects must
112 be identified specifically and separately from total funds
113 appropriated to the trust.

114 2. The maximum grant award that may be made to an applicant
115 during any given calendar year for flood mitigation projects is
116 \$5 million unless a higher amount is awarded by the department

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117 and approved by the Legislative Budget Commission. Grants in
118 excess of \$5 million awarded by the department, but not approved
119 by the Legislative Budget Commission, shall revert to the trust
120 and be designated for flood mitigation projects as provided in
121 subparagraph 1. Grant recipients may not spend more than 8
122 percent of awarded funds for administrative costs.

123 3. The department shall establish by rule an application
124 process for securing grants under this subsection for flood
125 mitigation projects, including an annual application deadline.
126 The department shall rank each application for assistance and
127 shall give priority to projects in the following order of
128 priority:

129 a. Projects that provide the greatest potential scoring
130 improvement under the CRS;

131 b. Applications submitted by local governments whose
132 residents and businesses have experienced a significant increase
133 in National Flood Insurance Program premiums during the
134 preceding 5 years;

135 c. Projects that will protect the greatest number of
136 structures from frequent flooding;

137 d. Applications that provide for a greater amount of in-
138 kind or matching funds;

139 e. Applications submitted by local governments that
140 participate in the CRS or that have been determined eligible to
141 participate in the CRS by the Division of Emergency Management
142 or the Federal Emergency Management Agency and are actively
143 pursuing participation in the CRS, and the funds granted would
144 improve the CRS classification in the project area; and

145 f. Projects that address the most critical flood hazard

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146 risk reduction needs.

147 4. The department shall develop and impose reporting
148 requirements on grant recipients to assist the department in
149 monitoring grants and ensure the proper expenditure of funds and
150 compliance with the conditions of the recipient's contract
151 throughout the duration of the project. The department shall
152 require grant recipients to report the extent of improvements to
153 a classification under the CRS resulting from the completion of
154 the grantee's flood hazard mitigation project funding, if
155 applicable. The department shall make publicly available all
156 grant recipient reports required under this paragraph.

157 5. The department may adopt and enforce rules to implement
158 the requirements of this paragraph.

159 (d)(e) The purpose of public access projects is ~~shall be~~ to
160 acquire interests in and initially develop lands that ~~which~~ are
161 suitable for and that ~~which~~ will be used for public accessways
162 to surface waters. The trust shall identify local governments
163 and nonprofit organizations that ~~which~~ will accept
164 responsibility for maintenance and liability for public
165 accessways that ~~which~~ are located outside the state park system.
166 The trust may lease any public access site developed under this
167 part to a local government or nonprofit organization, provided
168 that the conditions of the lease guarantee public use of the
169 site. The trust may accept, from any local government or
170 nonprofit organization, fees collected for providing public
171 access to surface waters. The trust shall expend any such funds
172 it accepts only for acquisition, development, and maintenance of
173 such public accessways. To the maximum extent possible, the
174 trust shall expend such fees in the general area where they are

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175 collected or in areas where public access to surface waters is
176 clearly deficient. The trust may transfer funds, including such
177 fees, to a local government or nonprofit organization to acquire
178 public access sites. In developing or coordinating public access
179 projects, the trust shall ensure that project plans involving
180 beach access are consistent with state laws governing beach
181 access.

182 (e)~~(d)~~ The purpose of urban waterfront restoration projects
183 is shall be to restore deteriorated or deteriorating urban
184 waterfronts for public use and enjoyment. Urban waterfront
185 restoration projects shall include public access sites.

186 (f)~~(e)~~ The purpose of working waterfront projects is shall
187 be to restore and preserve working waterfronts as provided in s.
188 380.5105.

189 (g)~~(f)~~ The trust shall cooperate with local governments,
190 state agencies, federal agencies, and nonprofit organizations in
191 ensuring the reservation of lands for parks, recreation, fish
192 and wildlife habitat, historical preservation, or scientific
193 study. If any local government, state agency, federal agency, or
194 nonprofit organization is unable, due to limited financial
195 resources or other circumstances of a temporary nature, to
196 acquire a site for the purposes described in this paragraph, the
197 trust may acquire and hold the site for subsequent conveyance to
198 the appropriate governmental agency or nonprofit organization.
199 The trust may provide such technical assistance as required to
200 aid local governments, state and federal agencies, and nonprofit
201 organizations in completing acquisition and related functions.
202 The trust may not reserve lands acquired in accordance with this
203 paragraph for more than 5 years from the time of acquisition. A

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204 local government, federal or state agency, or nonprofit
205 organization may acquire the land at any time during this period
206 for public purposes. The purchase price must ~~shall~~ be based upon
207 the trust's cost of acquisition, plus administrative and
208 management costs in reserving the land. The payment of the
209 purchase price must ~~shall~~ be by money, trust-approved property
210 of an equivalent value, or a combination of money and trust-
211 approved property. If, after the 5-year period, the trust has
212 not sold to a governmental agency or nonprofit organization land
213 acquired for site reservation, the trust shall dispose of such
214 land at fair market value or shall trade it for other land of
215 comparable value which will serve to accomplish the purposes of
216 this part. Any proceeds from the sale of such land received by
217 the department shall be deposited into the appropriate trust
218 fund pursuant to s. 253.0341.

219
220 Project costs may include costs of providing parks, open space,
221 public access sites, scenic easements, and other areas and
222 facilities serving the public where such features are part of a
223 project plan approved according to this part. In undertaking or
224 coordinating projects or activities authorized by this part, the
225 trust shall, when appropriate, use and promote the use of
226 creative land acquisition methods, including the acquisition of
227 less than fee interest through, among other methods,
228 conservation easements, transfer of development rights, leases,
229 and leaseback arrangements. The trust shall assist local
230 governments in the use of sound alternative methods of financing
231 for funding projects and activities authorized under this part.
232 Any funds over and above eligible project costs, which remain

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233 after completion of a project approved according to this part,
234 shall be transmitted to the state and deposited into the Florida
235 Forever Trust Fund.

236 Section 3. Paragraph (d) of subsection (3) of section
237 380.510, Florida Statutes, is amended to read:

238 380.510 Conditions of grants and loans.—

239 (3) In the case of a grant or loan for land acquisition,
240 agreements shall provide all of the following:

241 (d) If any essential term or condition of a grant or loan
242 is violated, title to all interest in real property acquired
243 with state funds shall be conveyed or revert to the Board of
244 Trustees of the Internal Improvement Trust Fund. The trust shall
245 treat such property in accordance with s. 380.508(4)(g) ~~s.~~
246 ~~380.508(4)(f)~~.

247
248 Any deed or other instrument of conveyance whereby a nonprofit
249 organization or local government acquires real property under
250 this section shall set forth the interest of the state. The
251 trust shall keep at least one copy of any such instrument and
252 shall provide at least one copy to the Board of Trustees of the
253 Internal Improvement Trust Fund.

254 Section 4. This act shall take effect July 1, 2018.