

CHAPTER 97-81

Committee Substitute for Senate Bill No. 1486

An act relating to community redevelopment; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing restrictions; providing for repeal; amending s. 373.461, F.S., relating to Lake Apopka improvement and management; providing legislative intent that interim phosphorus abatement measures be provided and stormwater management facilities be constructed unless specified time requirements for land purchase are met; revising provisions relating to commencement of construction of stormwater facilities; providing a maximum purchase price for certain agricultural lands; providing for sale of certain tangible personal property and for use of the proceeds of such sale; authorizing the Office of Tourism, Trade, and Economic Development to expend such funds; providing for use of an appropriation made by ch. 96-207, Laws of Florida; creating s. 290.0067, F.S.; authorizing Orange County and Apopka to apply for designation of an enterprise zone in areas suffering adverse impacts due to governmental acquisition of Lake Apopka farmlands; authorizing the Office of Tourism, Trade, and Economic Development to designate such zone and providing a termination date; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain areas; providing for severability; providing an effective date.

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

Section 1. Notwithstanding any other provision of law, prior to June 30, 1998, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 7,500 persons or more but less than 20,000, so long as the area does not increase the overall size of the zone. The amendment must also be consistent with the limitations imposed by section 290.0055, Florida Statutes, upon establishment of the enterprise zone.

Section 2. (1) The Office of Tourism, Trade, and Economic Development may, no later than June 30, 1998, modify the boundaries of any enterprise zone that is located within an inland county having a population greater than 500,000, to allow for the expansion of one noncontiguous area, as long as the area added does not exceed 5 square miles and is consistent with the categories, criteria, and limitations imposed by this section and section 290.0055, Florida Statutes, upon the establishment of such an enterprise zone.

(2) This section is repealed July 1, 1998.

Section 3. Paragraph (e) of subsection (1), paragraphs (a) and (d) of subsection (4), and paragraphs (c) and (e) of subsection (5) of section 373.461, Florida Statutes, 1996 Supplement, are amended, and paragraphs (f) and (g) are added to subsection (5) of said section, to read:

373.461 Lake Apopka improvement and management.—

(1) FINDINGS AND INTENT.—

~~(e) If funds cannot be identified for acquisition of these agricultural lands,~~ It is the Legislature's intent to provide a process for development of phosphorus discharge limitations that will bring such discharges into compliance with state water quality standards and to provide for interim phosphorus abatement measures designed to further reduce phosphorus discharges from the Zellwood Drainage and Water Control District, which is the largest agricultural entity within the Lake Apopka Basin, unless both of the timeframes specified in paragraph (4)(a) regarding purchase agreements and completion of purchases are met. The Legislature finds that it is in the public interest to jointly share in the cost of implementing such interim phosphorus reduction measures with Zellwood.

(4) CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS.—

(a) It is the intent of the Legislature that ~~in the event no funding mechanisms to purchase all the lands within Zellwood are in place by July 1, 1997,~~ construction of stormwater management facilities to store, treat, and recycle Zellwood's agricultural stormwater runoff will be necessary during the interim period while discharge limitations are being established for Lake Apopka, unless both of the following conditions are met:

1. Agreements to purchase all the lands within Zellwood are executed by September 30, 1997, or a later execution deadline established by the United States for such agreements before reallocation of Commodity Credit Corporation funds made available to acquire wetland reserve program conservation easements within the Lake Apopka Partnership Project area; and

2. All such purchases are completed pursuant to the terms of such agreements.

The Legislature finds that it is in the public interest for state, regional, and local revenue sources to be used along with Zellwood's revenue sources to finance the costs of acquiring land and constructing such facilities. One-third of the cost of the facilities shall be contributed by Zellwood, one-third by the state, and one-third by the district.

(d) Construction of the stormwater retention and treatment facilities provided for in this section shall begin within 90 days after acquisition of interests in land necessary for the facilities and the district's delivery of the design of the facilities to Zellwood, and shall be completed within 1 year thereafter. After completion of the facilities, Zellwood shall be responsible for operation and maintenance so long as the facilities are used by Zellwood.

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It

is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 shall not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the Uniform Standards of Professional Appraisal Practice. This maximum purchase price limitation shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.

(e) If all the lands within Zellwood are purchased in accordance with this section prior to expiration of the consent agreement between Zellwood and the district, Zellwood shall be reimbursed for any costs described in subsection (4).

(f)1. Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management Services shall deposit the proceeds of such sale in the Economic Development Trust Fund in the Executive Office of the Governor. The proceeds shall be used for the purpose of providing economic and infrastructure development in portions of northwestern Orange County and east central Lake County which will be adversely affected economically due to the acquisition of lands pursuant to this subsection.

2. The Office of Tourism, Trade, and Economic Development shall, upon presentation of the appropriate documentation justifying expenditure of the funds deposited pursuant to this paragraph, pay any obligation for which it has sufficient funds from the proceeds of the sale of tangible personal property and which meets the limitations specified in paragraph (h). The authority of the Office of Tourism, Trade, and Economic Development to expend such funds shall expire 5 years from the effective date of this paragraph. Such expenditures may occur without future appropriation from the Legislature.

3. Funds deposited under this paragraph may not be used for any purpose other than those enumerated in paragraph (h).

(g)1. The proceeds of sale of tangible personal property authorized by paragraph (f) shall be distributed as follows: 60 percent to Orange County; 25 percent to the City of Apopka; and 15 percent to Lake County.

2. Such proceeds shall be used to implement the redevelopment plans adopted by the Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners.

3. Of the total proceeds, the Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners, may not expend more than:

a. Twenty percent for labor force training related to the redevelopment plan;

b. Thirty-three percent for financial or economic incentives for business location or expansion in the redevelopment area; and

c. Four percent for administration, planning, and marketing the redevelopment plan.

4. The Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners must spend those revenues not expended under subparagraph 3. for infrastructure needs necessary for the redevelopment plan.

Section 4. The \$20 million appropriation in fiscal year 1996-1997 pursuant to chapter 96-207, Laws of Florida, shall be used for the purpose of purchasing lands described in section 373.461(5)(a), Florida Statutes, and their related facilities.

Section 5. Section 290.0067, Florida Statutes, is created to read:

290.0067 Enterprise zone designation for communities impacted by Lake Apopka land acquisition.—Orange County and the municipality of Apopka may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing areas suffering adverse economic impacts due to governmental acquisition of Lake Apopka farmlands pursuant to s. 373.461. The application must be submitted by December 31, 1998, and must comply with the requirements of s. 290.0055, except s. 290.0055(3). Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section based upon when unemployment will occur due to the cessation of farming on lands acquired pursuant to s. 373.461. The zone shall terminate 5 years following the established effective date.

Section 6. Notwithstanding any other provisions of law, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 235,000 persons but less than 245,000, so long as the area does not increase the overall size of the zone by greater than 25 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by section 290.0055, Florida Statutes, upon establishment of the enterprise zone.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 23, 1997.

Filed in Office Secretary of State May 23, 1997.