

By Representative Sublette

1 A bill to be entitled
2 An act relating to Lake Apopka restoration;
3 amending s. 373.461, F.S.; providing that
4 interim phosphorus abatement measures apply
5 unless certain conditions are met; providing
6 that construction of certain stormwater
7 facilities will be necessary unless certain
8 conditions are met; providing for cost-sharing
9 for the cost of certain facilities; clarifying
10 timeframe for construction of certain
11 facilities; limiting the price for acquisition
12 of certain lands; providing for the deposit of
13 proceeds from the sale of tangible personal
14 property and for the use of such funds;
15 providing for the establishment of Northwest
16 Orange County Redevelopment Commission to
17 develop a redevelopment plan for the impacted
18 area; requiring report to the Governor and
19 Legislature; creating s. 290.0067, F.S.;
20 providing for enterprise zone designation for
21 certain communities impacted by Lake Apopka
22 land acquisition; providing an appropriation;
23 providing an effective date.

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

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27 Section 1. Paragraph (e) of subsection (1), paragraphs
28 (a), (b), and (d), of subsection (4), and paragraphs (c) and
29 (e) of subsection (5) of section 373.461, Florida Statutes,
30 1996 Supplement, are amended, and paragraphs (f) and (g) are
31 added to subsection (5) of said section, to read:

1 373.461 Lake Apopka improvement and management.--
2 (1) FINDINGS AND INTENT.--
3 (e) ~~If funds cannot be identified for acquisition of~~
4 ~~these agricultural lands,~~It is the Legislature's intent to
5 provide a process for development of phosphorus discharge
6 limitations that will bring such discharges into compliance
7 with state water quality standards and to provide for interim
8 phosphorus abatement measures designed to further reduce
9 phosphorus discharges from the Zellwood Drainage and Water
10 Control District, which is the largest agricultural entity
11 within the Lake Apopka Basin, unless both of the timeframes
12 specified in paragraph (4)(a) regarding purchase agreements
13 and completion of purchases are met. The Legislature finds
14 that it is in the public interest to jointly share in the cost
15 of implementing such interim phosphorus reduction measures
16 with Zellwood.
17 (4) CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS.--
18 (a) It is the intent of the Legislature that ~~in the~~
19 ~~event no funding mechanisms to purchase all the lands within~~
20 ~~Zellwood are in place by July 1, 1997,~~construction of
21 stormwater management facilities to store, treat, and recycle
22 Zellwood's agricultural stormwater runoff will be necessary
23 during the interim period while discharge limitations are
24 being established for Lake Apopka, unless both of the
25 following are met:
26 1. Agreements to purchase all the lands within
27 Zellwood are executed by September 30, 1997, or such later
28 execution deadline which may be established by the United
29 States Government for such agreements before reallocation of
30 Commodity Credit Corporation funds made available to acquire
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1 Wetland Reserve Program conservation easements within the Lake
2 Apopka Partnership Project area; and

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

5
6 The Legislature finds that it is in the public interest for
7 state, regional, and local revenue sources to be used along
8 with Zellwood's revenue sources to finance the costs of
9 acquiring land and constructing such facilities. One-third of
10 the cost of the facilities shall be contributed by Zellwood,
11 one-third by the state, and one-third by the district.

12 (b) Consistent with the funding formula outlined in
13 paragraph (a), the state will provide up to \$2 million, with
14 the same amount being committed by both Zellwood and the
15 district, for a total of \$6 million. These funds shall be used
16 for the purpose of acquiring the necessary land for and
17 constructing a stormwater management facility, not to exceed
18 600 acres in total size, for Zellwood's farm runoff, together
19 with the necessary pumps and other infrastructure associated
20 with such facilities, provided that Zellwood's contribution
21 shall be used for project purposes other than acquiring land.
22 If the total cost of the facilities exceeds \$6 million, the
23 costs exceeding \$6 million shall be contributed by the state,
24 Zellwood, and the district under the funding formula outlined
25 in paragraph (a).

26 (d) Construction of the stormwater retention and
27 treatment facilities provided for in this section shall begin
28 within 90 days after acquisition of interests in land
29 necessary for the facilities and the district's delivery of
30 the design of the facilities to Zellwood, and shall be
31 completed within 1 year thereafter. After completion of the

1 facilities, Zellwood shall be responsible for operation and
2 maintenance so long as the facilities are used by Zellwood.

3 (5) PURCHASE OF AGRICULTURAL LANDS.--

4 (c) The district shall explore the availability of
5 funding from all sources, including any federal, state,
6 regional, and local land acquisition funding programs, to
7 purchase the agricultural lands described in paragraph (a). It
8 is the Legislature's intent that, if such funding sources can
9 be identified, acquisition of the lands described in paragraph
10 (a) may be undertaken by the district to purchase these
11 properties from willing sellers. However, the purchase price
12 paid for acquisition of such lands which were in active
13 cultivation during the year 1996 shall not exceed \$4,000 per
14 acre for those lands characterized predominantly by muck soils
15 and \$3,000 per acre for those lands characterized
16 predominantly by mineral soils. These maximum purchase price
17 limitations shall not include, nor be applicable to, that
18 portion of the purchase price attributable to consideration of
19 income described in paragraph (5)(b), or that portion
20 attributable to related facilities, or closing costs.

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

25 (f) Tangible personal property acquired by the
26 district as part of related facilities pursuant to this
27 section, and classified as surplus by the district, shall be
28 sold by the Department of Management Services. The Department
29 of Management Services shall deposit the proceeds of such sale
30 in the Economic Development Trust Fund in the Executive Office
31 of the Governor, to be used for the purpose of providing

1 economic and infrastructure development in portions of
2 northwestern Orange County which will suffer adverse economic
3 impacts due to the acquisition of lands pursuant to this
4 subsection.

5 (g) The Northwest Orange County Redevelopment
6 Commission is established to administer the proceeds derived
7 from the sale of tangible personal property described in
8 paragraph (f). The membership of this commission shall consist
9 of residents of the area impacted by the acquisition of lands
10 pursuant to this subsection and shall be constituted as
11 follows: two members appointed by the President of the
12 Senate; two members appointed by the Speaker of the House of
13 Representatives; and three members appointed by the Governor.
14 The commission shall continue in existence for a period of 5
15 years after the effective date of this act. All members of the
16 commission shall serve for the full 5 years. Members of the
17 commission shall serve without compensation, but may be
18 reimbursed for travel and other reasonable expenses directly
19 associated with operation of the commission. The commission
20 shall develop a redevelopment plan for the impacted area that
21 is consistent with the approved comprehensive plan for Orange
22 County, and shall submit this plan to the President of the
23 Senate, the Speaker of the House of Representatives, and the
24 Governor, no later than December 31, 1998.

25 Section 2. Section 290.0067, Florida Statutes, is
26 created to read:

27 290.0067 Enterprise zone designation for communities
28 impacted by Lake Apopka land acquisition.--The counties of
29 Lake or Orange or the municipalities of Zellwood, Apopka,
30 Winter Garden, or Oakland may apply to the Office of Tourism,
31 Trade, and Economic Development for enterprise zone

1 designations of certain areas suffering adverse economic
2 impacts due to governmental acquisition of Lake Apopka farm
3 lands pursuant to s. 373.461. The application must be
4 submitted by December 31, 1998, and must comply with the
5 requirements of s. 290.0055, except s. 290.0055(3).
6 Notwithstanding the provisions of s. 290.0065 which limit the
7 total number of enterprise zones designated and the number of
8 enterprise zones within a population category, the Office of
9 Tourism, Trade, and Economic Development shall establish the
10 initial effective date of any enterprise zone designated
11 pursuant to this section based upon when unemployment will
12 occur due to the cessation of farming on lands acquired
13 pursuant to s. 373.461. Any such zone shall terminate 5 years
14 following the established effective date.

15 Section 3. In addition to the sum of \$20 million
16 appropriated in fiscal year 1996-1997, the sum of \$45 million
17 is appropriated from the General Revenue Fund to the St. Johns
18 River Water Management District for fiscal year 1997-1998,
19 both sums to be used for the purpose of purchasing lands
20 described in s. 373.461(5)(a), Florida Statutes, and their
21 related facilities. The \$45 million appropriation may only be
22 used to acquire lands and their related facilities, for which
23 agreements for purchase have been executed by September 30,
24 1997, or such later execution deadline which may be
25 established by the United States Government for such
26 agreements before reallocation of Commodity Credit Corporation
27 funds which have been made available to acquire Wetland
28 Reserve Program conservation easements on lands with the Lake
29 Apopka Partnership Project area.

30 Section 4. This act shall take effect July 1, 1997.

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534-185A-97

HOUSE SUMMARY

With respect to the restoration of Lake Apopka, provides for application of interim phosphate abatement measures and construction of stormwater management systems, unless land acquisition agreements are executed and purchases completed within described timeframes. Provides for state, district, and local cost-sharing if purchase costs of facilities exceed a \$6 million threshold. Provides limitations on the purchase price for acquisition of lands in active cultivation. Provides for sale by the Department of Management Services of tangible personal property acquired, and provides for use of sale proceeds for economic and infrastructure redevelopment in the area affected by restoration acquisitions. Establishes the Northwest Orange County Redevelopment Commission to develop a redevelopment plan for the area. Requires submission of the plan to the Governor and Legislature by December 31, 1998. Provides for enterprise zone designation, for a 5-year period, for communities impacted by restoration acquisitions. Provides an appropriation.

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