

1 concern removed from designation to continue to
2 enact ordinances relating to central sewerage
3 systems; providing for continuation of existing
4 state liability in certain inverse condemnation
5 actions related to the Florida Keys Area after
6 removal of designation; providing an effective
7 date.

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

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11 Section 1. Paragraph (g) is added to subsection (1) of
12 section 125.0108, Florida Statutes, to read:

13 125.0108 Areas of critical state concern; tourist
14 impact tax.--

15 (1)

16 (g) A county that has levied the tourist impact tax
17 authorized by this section in an area or areas designated as
18 an area of critical state concern for at least 20 consecutive
19 years prior to removal of the designation may continue to levy
20 the tourist impact tax in accordance with this section.

21 Section 2. Paragraph (f) of subsection (2) of section
22 212.055, Florida Statutes, is amended to read:

23 212.055 Discretionary sales surtaxes; legislative
24 intent; authorization and use of proceeds.--It is the
25 legislative intent that any authorization for imposition of a
26 discretionary sales surtax shall be published in the Florida
27 Statutes as a subsection of this section, irrespective of the
28 duration of the levy. Each enactment shall specify the types
29 of counties authorized to levy; the rate or rates which may be
30 imposed; the maximum length of time the surtax may be imposed,
31 if any; the procedure which must be followed to secure voter

1 approval, if required; the purpose for which the proceeds may
2 be expended; and such other requirements as the Legislature
3 may provide. Taxable transactions and administrative
4 procedures shall be as provided in s. 212.054.

5 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

6 (f)1. Notwithstanding paragraph (d), a county that has
7 a population of 50,000 or less on April 1, 1992, or any county
8 designated as an area of critical state concern on the
9 effective date of this act, and that imposed the surtax before
10 July 1, 1992, may use the proceeds and interest of the surtax
11 for any public purpose if:

12 a. The debt service obligations for any year are met;

13 b. The county's comprehensive plan has been determined
14 to be in compliance with part II of chapter 163; and

15 c. The county has adopted an amendment to the surtax
16 ordinance pursuant to the procedure provided in s. 125.66
17 authorizing additional uses of the surtax proceeds and
18 interest.

19 2. A municipality located within a county that has a
20 population of 50,000 or less on April 1, 1992, or within a
21 county designated as an area of critical state concern on the
22 effective date of this act, and that imposed the surtax before
23 July 1, 1992, may not use the proceeds and interest of the
24 surtax for any purpose other than an infrastructure purpose
25 authorized in paragraph (d) unless the municipality's
26 comprehensive plan has been determined to be in compliance
27 with part II of chapter 163 and the municipality has adopted
28 an amendment to its surtax ordinance or resolution pursuant to
29 the procedure provided in s. 166.041 authorizing additional
30 uses of the surtax proceeds and interest. Such municipality
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1 may expend the surtax proceeds and interest for any public
2 purpose authorized in the amendment.

3 3. Those counties designated as an area of critical
4 state concern which qualify to use the surtax for any public
5 purpose may use only up to 10 percent of the surtax proceeds
6 for any public purpose other than for infrastructure purposes
7 authorized by this section. A county that was designated as an
8 area of critical state concern for at least 20 consecutive
9 years prior to removal of the designation, and that qualified
10 to use the surtax for any public purpose at the time of the
11 removal of the designation, may continue to use up to 10
12 percent of the surtax proceeds for any public purpose other
13 than for infrastructure purposes authorized by this section
14 after the removal of the designation.

15 Section 3. Subsection (4) of section 380.0552, Florida
16 Statutes, is amended to read:

17 380.0552 Florida Keys Area; protection and designation
18 as area of critical state concern.--

19 (4) REMOVAL OF DESIGNATION.--

20 (a) Between July 12, 2007, and August 30, 2007, the
21 state land planning agency shall submit a written report to
22 the Administration Commission describing in detail the
23 progress of the Florida Keys Area toward accomplishing the
24 tasks of the work program as defined in paragraph (c) and
25 providing a recommendation as to whether substantial progress
26 toward accomplishing the tasks of the work program has been
27 achieved. Subsequent to receipt of the report, the
28 Administration Commission shall determine, prior to October 1,
29 2007, whether substantial progress has been achieved toward
30 accomplishing the tasks of the work program. The designation
31 of the Florida Keys Area as an area of critical state concern

1 under this section shall be removed October 1, 2007, unless
2 the Administration Commission finds, after receipt of the
3 state land planning agency report, that substantial progress
4 has not been achieved toward accomplishing the tasks of the
5 work program. If the designation of the Florida Keys Area as
6 an area of critical state concern is removed, the
7 Administration Commission, within 60 days after removal of the
8 designation, shall initiate rulemaking pursuant to chapter 120
9 to repeal any rules relating to the designation of the Florida
10 Keys Area as an area of critical state concern. If, after
11 receipt of the state land planning agency's report, the
12 Administration Commission finds that substantial progress
13 toward accomplishing the tasks of the work program has not
14 been achieved, the Administration Commission shall provide a
15 written report to the Monroe County Commission within 30 days
16 after making such finding detailing the tasks under the work
17 program that must be accomplished in order for substantial
18 progress to be achieved within the next 12 months.

19 (b) If the designation of the Florida Keys Area as an
20 area of critical state concern is not removed in accordance
21 with paragraph (a), the state land planning agency shall
22 submit a written annual report to the Administration
23 Commission on November 1 of each year, until such time as the
24 designation is removed, describing the progress of the Florida
25 Keys Area toward accomplishing remaining tasks under the work
26 program and providing a recommendation as to whether
27 substantial progress toward accomplishing the tasks of the
28 work program has been achieved. The Administration Commission
29 shall determine, within 45 days after receipt of the annual
30 report, whether substantial progress has been achieved toward
31 accomplishing the remaining tasks of the work program. The

1 designation of the Florida Keys Area as an area of critical
2 state concern under this section shall be removed unless the
3 Administration Commission finds that substantial progress has
4 not been achieved toward accomplishing the tasks of the work
5 program. If the designation of the Florida Keys Area as an
6 area of critical state concern is removed, the Administration
7 Commission, within 60 days after removal of the designation,
8 shall initiate rulemaking pursuant to chapter 120 to repeal
9 any rules relating to the designation of the Florida Keys Area
10 as an area of critical state concern. If the Administration
11 Commission finds that substantial progress has not been
12 achieved, the Administration Commission shall provide to the
13 Monroe County Commission, within 30 days after making its
14 finding, a report detailing the tasks under the work program
15 which must be accomplished in order for substantial progress
16 to be achieved within the next 12 months.

17 (c) For purposes of this subsection, the term "work
18 program" means the 10-year work program as set forth in
19 chapter 28-20.110, Florida Administrative Code, on January 1,
20 2006, excluding amendments to the work program that take
21 effect after January 1, 2006.

22 (d) Judicial review of the Administration Commission's
23 determination as to whether substantial progress has been made
24 toward accomplishing the tasks of the work program shall be
25 sought in the circuit court where the Administration
26 Commission maintains its headquarters or in the circuit court
27 with jurisdiction over the Florida Keys Area as described in
28 chapter 28-29, Florida Administrative Code. All proceedings
29 shall be initiated in accordance with the Florida Rules of
30 Civil Procedure within 30 days after the Administration
31 Commission renders its determination. The Administration

1 Commission's determination as to whether substantial progress
2 has been made toward accomplishing the tasks of the work
3 program shall not be subject to administrative review under
4 chapter 120. The state land planning agency, following July
5 15, 1990, shall recommend to the Administration Commission the
6 removal of the designation specified in subsection (3) if it
7 determines that all local land development regulations and
8 local comprehensive plans and the administration of such
9 regulations and plans are adequate to protect the Florida Keys
10 Area and continue to carry out the legislative intent
11 incorporated in subsection (2) and are in compliance with the
12 principles for guiding development incorporated in subsection
13 (7). If the Administration Commission concurs with the
14 recommendations of the state land planning agency to remove
15 the designation, it shall, within 45 days of receipt of the
16 recommendation, initiate rulemaking to remove the designation.
17 The state land planning agency shall thereafter make said
18 determination annually, until such time as the designation is
19 removed.

20 Section 4. Subsection (3) of section 380.0666, Florida
21 Statutes, is amended to read:

22 380.0666 Powers of land authority.--The land authority
23 shall have all the powers necessary or convenient to carry out
24 and effectuate the purposes and provisions of this act,
25 including the following powers, which are in addition to all
26 other powers granted by other provisions of this act:

27 (3) To acquire and dispose of real and personal
28 property or any interest therein when such acquisition is
29 necessary or appropriate to protect the natural environment,
30 provide public access or public recreational facilities,
31 preserve wildlife habitat areas, provide affordable housing to

1 families whose income does not exceed 160 percent of the
2 median family income for the area ~~very low income, low income,~~
3 ~~or moderate income persons, as defined in s. 420.0004, or~~
4 provide access to management of acquired lands; to acquire
5 interests in land by means of land exchanges; and to enter
6 into all alternatives to the acquisition of fee interests in
7 land, including, but not limited to, the acquisition of
8 easements, development rights, life estates, leases, and
9 leaseback arrangements. However, the land authority shall make
10 such acquisition only if:
11 (a) Such acquisition is consistent with land
12 development regulations and local comprehensive plans adopted
13 and approved pursuant to this chapter;
14 (b) The property acquired is within an area designated
15 as an area of critical state concern at the time of
16 acquisition or is within an area that was designated as an
17 area of critical state concern for at least 20 consecutive
18 years prior to removal of the designation; and
19 (c) The property to be acquired has not been selected
20 for purchase through another local, regional, state, or
21 federal public land acquisition program. Such restriction
22 shall not apply if the land authority cooperates with the
23 other public land acquisition programs which listed the lands
24 for acquisition, to coordinate the acquisition and disposition
25 of such lands. In such cases, the land authority may enter
26 into contractual or other agreements to acquire lands jointly
27 or for eventual resale to other public land acquisition
28 programs.
29 Section 5. Section 380.0674, Florida Statutes, is
30 amended to read:
31 380.0674 Corporate existence.--

1 (1) The land authority and its corporate existence
2 shall continue until terminated by law or action of the
3 governing board of the county that established it; however, no
4 such law or action shall take effect so long as the land
5 authority shall have bonds outstanding unless adequate
6 provision has been made for the payment thereof. Upon
7 termination of the existence of the land authority, all its
8 rights and properties in excess of its obligations shall pass
9 to and be vested in the state.

10 (2) A land authority created by a county in which one
11 or more areas have been designated as an area of critical
12 state concern for at least 20 consecutive years prior to
13 removal of the designation shall continue to exist and
14 exercise all powers granted by this chapter until terminated
15 by law or action of the governing board pursuant to subsection
16 (1).

17 Section 6. Section 4 of chapter 99-395, Laws of
18 Florida, is amended to read:

19 Section 4. Notwithstanding any provision of chapter
20 380, part I, to the contrary, a local government within the
21 Florida Keys area of critical state concern or an area that
22 was designated as an area of critical state concern for at
23 least 20 consecutive years prior to removal of the designation
24 may enact an ordinance that:

25 (1) Requires connection to a central sewerage system
26 within 30 days of notice of availability of services; and

27 (2) Provides a definition of onsite sewage treatment
28 and disposal systems that does not exclude package sewage
29 treatment facilities if such facilities are in full compliance
30 with all regulatory requirements and treat sewage to advanced
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1 wastewater treatment standards or utilize effluent reuse as
2 their primary method of effluent disposal.

3 Section 7. If the designation of the Florida Keys Area
4 as an area of critical state concern is removed, the state
5 shall be liable in any inverse condemnation action initiated
6 as a result of Monroe County land use regulations applicable
7 to the Florida Keys Area as described in chapter 28-29,
8 Florida Administrative Code, and adopted pursuant to
9 instructions from the Administration Commission or pursuant to
10 administrative rule of the Administration Commission, to the
11 same extent that the state was liable on the date the
12 Administration Commission determined that substantial progress
13 had been made toward accomplishing the tasks of the work
14 program as defined in s. 380.0552(4)(c), Florida Statutes. If,
15 after the designation of the Florida Keys Area as an area of
16 critical state concern is removed, an inverse condemnation
17 action is initiated based upon land use regulations that were
18 not adopted pursuant to instructions from the Administration
19 Commission or pursuant to administrative rule of the
20 Administration Commission and in effect on the date of the
21 designation's removal, the state's liability in the inverse
22 condemnation action shall be determined by the courts in the
23 manner in which the state's liability is determined in areas
24 that are not areas of critical state concern. The state shall
25 have standing to appear in any inverse condemnation action.

26 Section 8. This act shall take effect July 1, 2006.
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