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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
12/07/2011	.	
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The Committee on Commerce and Tourism (Detert) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 2557  
and insert:

Section 83. Subsection (5) of section 373.461, F.S., is amended, and present subsections (6) and (7) of that section are renumbered as subsections (5) and (6) respectively, to read:

373.461 Lake Apopka improvement and management.—

~~(5) PURCHASE OF AGRICULTURAL LANDS.—~~

~~(a) The Legislature finds that it is in the public interest of the state to acquire lands in agricultural production, along with their related facilities, which contribute, directly or~~



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13 ~~indirectly, to phosphorus discharges to Lake Apopka, for the~~  
14 ~~purpose of improving water quality in Lake Apopka. These lands~~  
15 ~~consist of those farming entities on Lake Apopka having consent~~  
16 ~~and settlement agreements with the district and those sand land~~  
17 ~~farms discharging indirectly to Lake Apopka through Lake Level~~  
18 ~~Canal, Apopka-Beauclair Canal, or McDonald Canal. The district~~  
19 ~~is granted the power of eminent domain on those properties.~~

20 ~~(b) In determining the fair market value of lands to be~~  
21 ~~purchased from willing sellers, all appraisals of such lands may~~  
22 ~~consider income from the use of the property for farming and,~~  
23 ~~for this purpose, such income shall be deemed attributable to~~  
24 ~~the real estate.~~

25 ~~(c) The district shall explore the availability of funding~~  
26 ~~from all sources, including any federal, state, regional, and~~  
27 ~~local land acquisition funding programs, to purchase the~~  
28 ~~agricultural lands described in paragraph (a). It is the~~  
29 ~~Legislature's intent that, if such funding sources can be~~  
30 ~~identified, acquisition of the lands described in paragraph (a)~~  
31 ~~may be undertaken by the district to purchase these properties~~  
32 ~~from willing sellers. However, the purchase price paid for~~  
33 ~~acquisition of such lands that were in active cultivation during~~  
34 ~~1996 shall not exceed the highest appraisal obtained by the~~  
35 ~~district for these lands from a state-certified general~~  
36 ~~appraiser following the Uniform Standards of Professional~~  
37 ~~Appraisal Practice. This maximum purchase price limitation shall~~  
38 ~~not include, nor be applicable to, that portion of the purchase~~  
39 ~~price attributable to consideration of income described in~~  
40 ~~paragraph (b), or that portion attributable to related~~  
41 ~~facilities, or closing costs.~~



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42           ~~(d) In connection with successful acquisition of any of the~~  
43 ~~lands described in this section which are not needed for~~  
44 ~~stormwater management facilities, the district shall give the~~  
45 ~~seller the option to lease the land for a period not to exceed 5~~  
46 ~~years, at a fair market lease value for similar agricultural~~  
47 ~~lands. Proceeds derived from such leases shall be used to offset~~  
48 ~~the cost of acquiring the land.~~

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

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

64           ~~2. The Office of Tourism, Trade, and Economic Development~~  
65 ~~shall, upon presentation of the appropriate documentation~~  
66 ~~justifying expenditure of the funds deposited pursuant to this~~  
67 ~~paragraph, pay any obligation for which it has sufficient funds~~  
68 ~~from the proceeds of the sale of tangible personal property and~~  
69 ~~which meets the limitations specified in paragraph (g). The~~  
70 ~~authority of the Office of Tourism, Trade, and Economic~~



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71 ~~Development to expend such funds shall expire 5 years from the~~  
72 ~~effective date of this paragraph. Such expenditures may occur~~  
73 ~~without future appropriation from the Legislature.~~

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

76 ~~(g)1. The proceeds of sale of tangible personal property~~  
77 ~~authorized by paragraph (f) shall be distributed as follows: 60~~  
78 ~~percent to Orange County; 25 percent to the City of Apopka; and~~  
79 ~~15 percent to Lake County.~~

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

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

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

89 ~~b. Thirty three percent for financial or economic~~  
90 ~~incentives for business location or expansion in the~~  
91 ~~redevelopment area; and~~

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

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

98  
99 ~~===== T I T L E A M E N D M E N T =====~~



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100 And the title is amended as follows:  
101       Delete lines 48 - 49  
102 and insert:  
103       federal grant-in-aid programs; amending s. 373.461,  
104       F.S.; removing obsolete provisions related to the  
105       purchase of land for the