



City of North Port

RESOLUTION NO. 2018-R-27

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ALLOCATE FUNDS OF THE LAND ACQUISITION TRUST FUND ONLY FOR THE PURPOSES DESCRIBED IN THE PLAIN LANGUAGE OF ARTICLE X, SECTION 28 OF THE FLORIDA CONSTITUTION, WHICH WAS ADOPTED AS AMENDMENT 1 ON THE NOVEMBER 2014 BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the November 4, 2014 ballot, Florida voters considered Amendment 1 to add Section 28 to Article X of the Florida Constitution (attached hereto as Exhibit A); and

WHEREAS, on the ballot, Amendment 1 was titled, "Water and Land Conservation - Dedicates funds to acquire and restore Florida conservation and recreation lands," and summarized as "Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years."; and

WHEREAS, seventy-five percent (75%) of voters approved Amendment 1; and

WHEREAS, since the passage of the amendment, the Florida Legislature has directed funds at operating costs of state agencies, rather than land conservation; and

WHEREAS, in 2015, environmental advocacy groups filed suit in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida against the Florida Legislature and numerous state agencies, challenging the constitutionality of appropriations from Florida's Land Acquisition Trust Fund and expenditures by four State of Florida agencies; and

WHEREAS, on June 28, 2018, the circuit judge entered judgment in favor of the plaintiffs, finding that Amendment 1 "creates a trust fund that must be expended, if at all, to acquire conservation lands or other conservation property interests, as defined by that provision, that the State of Florida did not own on the effective date of that amendment and thereafter, to improve, manage, restore natural systems thereon, and enhance public access or enjoyment of those conservation lands," and further holding numerous 2015 and 2016 appropriations to be unconstitutional; and

WHEREAS, in July 2018, the Florida Legislature and state agencies filed an appeal to the First District Court of Appeals, which is still pending.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by reference.

SECTION 2 - RESOLUTION

2.01 The City of North Port, Florida urges the Florida Legislature to comply with the plain language of Article X, Section 28 of the Florida Constitution and allocate funds from the Land Acquisition Trust Fund only to acquire conservation lands or other conservation property interests, as defined by that provision, that the State of Florida did not own on the effective date of that amendment and thereafter, to improve, manage, restore natural systems thereon, and enhance public access or enjoyment of those conservation lands.

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

4.01 If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 5 – EFFECTIVE DATE

5.01 This Resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida this 22nd day of January 2019.

CITY OF NORTH PORT, FLORIDA

CHRISTOPHER HANKS
MAYOR

ATTEST:

KATHRYN PETO
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

AMBER L. SLAYTON
CITY ATTORNEY

CONSTITUTION OF THE STATE OF FLORIDA

ARTICLE X. MISCELLANEOUS

SECTION 28. Land Acquisition Trust Fund.—

(a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

(b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:

(1) As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

(2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e).

(c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in effect on January 1, 2012, shall not be or become commingled with the general revenue fund of the state.

History.—Proposed by Initiative Petition filed with the Secretary of State September 17, 2012; adopted 2014.