



456936

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
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	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Florida Keys
Stewardship Act."

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

212.055 Discretionary sales surtaxes; legislative intent;
authorization and use of proceeds.—It is the legislative intent



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11 that any authorization for imposition of a discretionary sales
12 surtax shall be published in the Florida Statutes as a
13 subsection of this section, irrespective of the duration of the
14 levy. Each enactment shall specify the types of counties
15 authorized to levy; the rate or rates which may be imposed; the
16 maximum length of time the surtax may be imposed, if any; the
17 procedure which must be followed to secure voter approval, if
18 required; the purpose for which the proceeds may be expended;
19 and such other requirements as the Legislature may provide.
20 Taxable transactions and administrative procedures shall be as
21 provided in s. 212.054.

22 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

23 (d) The proceeds of the surtax authorized by this
24 subsection and any accrued interest shall be expended by the
25 school district, within the county and municipalities within the
26 county, or, in the case of a negotiated joint county agreement,
27 within another county, to finance, plan, and construct
28 infrastructure; to acquire any interest in land for public
29 recreation, conservation, or protection of natural resources or
30 to prevent or satisfy private property rights claims resulting
31 from limitations imposed by the designation of an area of
32 critical state concern; to provide loans, grants, or rebates to
33 residential or commercial property owners who make energy
34 efficiency improvements to their residential or commercial
35 property, if a local government ordinance authorizing such use
36 is approved by referendum; or to finance the closure of county-
37 owned or municipally owned solid waste landfills that have been
38 closed or are required to be closed by order of the Department
39 of Environmental Protection. Any use of the proceeds or interest



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40 for purposes of landfill closure before July 1, 1993, is
41 ratified. The proceeds and any interest may not be used for the
42 operational expenses of infrastructure, except that a county
43 that has a population of fewer than 75,000 and that is required
44 to close a landfill may use the proceeds or interest for long-
45 term maintenance costs associated with landfill closure.
46 Counties, as defined in s. 125.011, and charter counties may, in
47 addition, use the proceeds or interest to retire or service
48 indebtedness incurred for bonds issued before July 1, 1987, for
49 infrastructure purposes, and for bonds subsequently issued to
50 refund such bonds. Any use of the proceeds or interest for
51 purposes of retiring or servicing indebtedness incurred for
52 refunding bonds before July 1, 1999, is ratified.

53 1. For the purposes of this paragraph, the term
54 "infrastructure" means:

55 a. Any fixed capital expenditure or fixed capital outlay
56 associated with the construction, reconstruction, or improvement
57 of public facilities that have a life expectancy of 5 or more
58 years, ~~and~~ any related land acquisition, land improvement,
59 design, and engineering costs, and all other professional and
60 related costs required to bring the public facilities into
61 service. For purposes of this sub-subparagraph, the term "public
62 facilities" means public facilities as defined in s.
63 163.3164(38), s. 163.3221(13), or s. 189.012(5), regardless of
64 whether the facilities are owned by the local taxing authority
65 or another governmental entity.

66 b. A fire department vehicle, an emergency medical service
67 vehicle, a sheriff's office vehicle, a police department
68 vehicle, or any other vehicle, and the equipment necessary to



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69 outfit the vehicle for its official use or equipment that has a
70 life expectancy of at least 5 years.

71 c. Any expenditure for the construction, lease, or
72 maintenance of, or provision of utilities or security for,
73 facilities, as defined in s. 29.008.

74 d. Any fixed capital expenditure or fixed capital outlay
75 associated with the improvement of private facilities that have
76 a life expectancy of 5 or more years and that the owner agrees
77 to make available for use on a temporary basis as needed by a
78 local government as a public emergency shelter or a staging area
79 for emergency response equipment during an emergency officially
80 declared by the state or by the local government under s.

81 252.38. Such improvements are limited to those necessary to
82 comply with current standards for public emergency evacuation
83 shelters. The owner must enter into a written contract with the
84 local government providing the improvement funding to make the
85 private facility available to the public for purposes of
86 emergency shelter at no cost to the local government for a
87 minimum of 10 years after completion of the improvement, with
88 the provision that the obligation will transfer to any
89 subsequent owner until the end of the minimum period.

90 e. Any land acquisition expenditure for a residential
91 housing project in which at least 30 percent of the units are
92 affordable to individuals or families whose total annual
93 household income does not exceed 120 percent of the area median
94 income adjusted for household size, if the land is owned by a
95 local government or by a special district that enters into a
96 written agreement with the local government to provide such
97 housing. The local government or special district may enter into



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98 a ground lease with a public or private person or entity for
99 nominal or other consideration for the construction of the
100 residential housing project on land acquired pursuant to this
101 sub-subparagraph.

102 2. For the purposes of this paragraph, the term "energy
103 efficiency improvement" means any energy conservation and
104 efficiency improvement that reduces consumption through
105 conservation or a more efficient use of electricity, natural
106 gas, propane, or other forms of energy on the property,
107 including, but not limited to, air sealing; installation of
108 insulation; installation of energy-efficient heating, cooling,
109 or ventilation systems; installation of solar panels; building
110 modifications to increase the use of daylight or shade;
111 replacement of windows; installation of energy controls or
112 energy recovery systems; installation of electric vehicle
113 charging equipment; installation of systems for natural gas fuel
114 as defined in s. 206.9951; and installation of efficient
115 lighting equipment.

116 3. Notwithstanding any other provision of this subsection,
117 a local government infrastructure surtax imposed or extended
118 after July 1, 1998, may allocate up to 15 percent of the surtax
119 proceeds for deposit into a trust fund within the county's
120 accounts created for the purpose of funding economic development
121 projects having a general public purpose of improving local
122 economies, including the funding of operational costs and
123 incentives related to economic development. The ballot statement
124 must indicate the intention to make an allocation under the
125 authority of this subparagraph.

126 Section 3. Subsection (1) of section 215.619, Florida



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127 Statutes, is amended, present subsections (7) and (8) are
128 renumbered as subsections (8) and (9), respectively, and a new
129 subsection (7) is added to that section, to read:

130 215.619 Bonds for Everglades restoration.—

131 (1) The issuance of Everglades restoration bonds to finance
132 or refinance the cost of the acquisition and improvement of
133 land, water areas, and related property interests and resources
134 for the purpose of implementing the Comprehensive Everglades
135 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
136 Protection Plan under s. 373.4595, the Caloosahatchee River
137 Watershed Protection Plan under s. 373.4595, the St. Lucie River
138 Watershed Protection Plan under s. 373.4595, the City of Key
139 West Area of Critical State Concern as designated by the
140 Administration Commission pursuant to s. 380.05, and the Florida
141 Keys Area of Critical State Concern protection program under ss.
142 380.05 and 380.0552 in order to restore and conserve natural
143 systems through ~~the~~ implementation of water management projects,
144 including projects that protect, restore, or enhance nearshore
145 water quality and fisheries, such as stormwater or canal
146 restoration projects, projects to protect water resources
147 available to the Florida Keys, including wastewater management
148 projects identified in the Keys Wastewater Plan, dated November
149 2007, and submitted to the Florida House of Representatives on
150 December 4, 2007, is authorized in accordance with s. 11(e),
151 Art. VII of the State Constitution.

152 (a) Everglades restoration bonds, except refunding bonds,
153 may be issued only in fiscal years 2002-2003 through 2026-2027
154 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
155 million per fiscal year unless:



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156 1. The Department of Environmental Protection has requested
157 additional amounts in order to achieve cost savings or
158 accelerate the purchase of land; or

159 2. Beginning in fiscal year 2016-2017, the Legislature
160 authorizes an additional amount of bonds not to exceed \$200
161 million, and limited to \$20 ~~\$50~~ million per fiscal year,
162 specifically for the purpose of funding the Florida Keys Area of
163 Critical State Concern protection program and the City of Key
164 West Area of Critical State Concern. Proceeds from the bonds
165 shall be managed by the Department of Environmental Protection
166 for the purpose of entering into financial assistance agreements
167 with local governments located in the Florida Keys Area of
168 Critical State Concern or the City of Key West Area of Critical
169 State Concern to finance or refinance the cost of constructing
170 sewage collection, treatment, and disposal facilities or
171 building projects that protect, restore, or enhance nearshore
172 water quality and fisheries, such as stormwater or canal
173 restoration projects and projects to protect water resources
174 available to the Florida Keys.

175 (b) The duration of Everglades restoration bonds may not
176 exceed 20 annual maturities and must mature by December 31, 2047
177 2040. Except for refunding bonds, a series of bonds may not be
178 issued unless an amount equal to the debt service coming due in
179 the year of issuance has been appropriated by the Legislature.
180 Not more than 58.25 percent of documentary stamp taxes collected
181 may be taken into account for the purpose of satisfying an
182 additional bonds test set forth in any authorizing resolution
183 for bonds issued on or after July 1, 2015. Beginning July 1,
184 2010, the Legislature shall analyze the ratio of the state's



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185 debt to projected revenues before authorizing the issuance of
186 bonds under this section.

187 (7) If the South Florida Water Management District and the
188 Department of Environmental Protection determine that lands
189 purchased using bond proceeds within the Florida Keys Area of
190 Critical State Concern, the City of Key West Area of Critical
191 State Concern, or outside the Florida Keys Area of Critical
192 State Concern but which were purchased to preserve and protect
193 the potable water supply to the Florida Keys are no longer
194 needed for the purpose for which they were purchased, the entity
195 owning the lands may dispose of them. However, before the lands
196 can be disposed of, each general-purpose local government within
197 the boundaries of which a portion of the land lies must agree to
198 the disposal of lands within its boundaries and must be offered
199 the first right to purchase those lands.

200 Section 4. Section 259.045, Florida Statutes, is amended to
201 read:

202 259.045 Purchase of lands in areas of critical state
203 concern; recommendations by department and land authorities.—
204 Within 45 days after ~~of the designation by~~ the Administration
205 Commission designates ~~of~~ an area as an area of critical state
206 concern under s. 380.05, and annually thereafter, the Department
207 of Environmental Protection shall consider the recommendations
208 of the state land planning agency pursuant to s. 380.05(1)(a)
209 relating to purchase of lands within an area of critical state
210 concern or lands outside an area of critical state concern which
211 directly impact an area of critical state concern, which may
212 include lands used to preserve and protect water supply, the
213 ~~proposed area~~ and shall make recommendations to the board with



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214 respect to the purchase of the fee or any lesser interest in any
215 such lands that are: ~~situated in such area of critical state~~
216 ~~concern as~~

217 (1) Environmentally endangered lands; ~~or~~

218 (2) Outdoor recreation lands;

219 (3) Lands that conserve sensitive habitat;

220 (4) Lands that protect, restore, or enhance nearshore water
221 quality and fisheries;

222 (5) Lands used to protect and enhance water supply to the
223 Florida Keys, including alternative water supplies such as
224 reverse osmosis and reclaimed water systems; or

225 (6) Lands used to prevent or satisfy private property
226 rights claims resulting from limitations imposed by the
227 designation of an area of critical state concern.

228
229 The department, or a local government, special district, or ~~and~~
230 ~~a~~ land authority within an area of critical state concern ~~as~~
231 ~~authorized in chapter 380~~, may make recommendations with respect
232 to additional purchases which were not included in the state
233 land planning agency recommendations.

234 Section 5. Paragraph (b) of subsection (3) of section
235 259.105, Florida Statutes, is amended to read:

236 259.105 The Florida Forever Act.—

237 (3) Less the costs of issuing and the costs of funding
238 reserve accounts and other costs associated with bonds, the
239 proceeds of cash payments or bonds issued pursuant to this
240 section shall be deposited into the Florida Forever Trust Fund
241 created by s. 259.1051. The proceeds shall be distributed by the
242 Department of Environmental Protection in the following manner:



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243 (b) Thirty-five percent to the Department of Environmental
244 Protection for the acquisition of lands and capital project
245 expenditures described in this section. Of the proceeds
246 distributed pursuant to this paragraph, it is the intent of the
247 Legislature that an increased priority be given to those
248 acquisitions which achieve a combination of conservation goals,
249 including protecting Florida's water resources and natural
250 groundwater recharge. At a minimum, 3 percent, and no more than
251 10 percent, of the funds allocated pursuant to this paragraph
252 shall be spent on capital project expenditures identified during
253 the time of acquisition which meet land management planning
254 activities necessary for public access. Beginning in fiscal year
255 2016-2017 and continuing through fiscal year 2026-2027, at least
256 \$5 million of the funds allocated pursuant to this paragraph
257 shall be spent on land acquisition within the Florida Keys Area
258 of Critical State Concern.

259 Section 6. Paragraph (i) of subsection (2) and paragraph
260 (i) of subsection (7) of section 380.0552, Florida Statutes, are
261 amended to read:

262 380.0552 Florida Keys Area; protection and designation as
263 area of critical state concern.—

264 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
265 to:

266 (i) Protect and improve the nearshore water quality of the
267 Florida Keys through federal, state, and local funding of water
268 quality improvement projects, including the construction and
269 operation of wastewater management facilities that meet the
270 requirements of ss. 381.0065(4)(1) and 403.086(10), as
271 applicable.



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272 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
273 and local agencies and units of government in the Florida Keys
274 Area shall coordinate their plans and conduct their programs and
275 regulatory activities consistent with the principles for guiding
276 development as specified in chapter 27F-8, Florida
277 Administrative Code, as amended effective August 23, 1984, which
278 is adopted and incorporated herein by reference. For the
279 purposes of reviewing the consistency of the adopted plan, or
280 any amendments to that plan, with the principles for guiding
281 development, and any amendments to the principles, the
282 principles shall be construed as a whole and specific provisions
283 may not be construed or applied in isolation from the other
284 provisions. However, the principles for guiding development are
285 repealed 18 months from July 1, 1986. After repeal, any plan
286 amendments must be consistent with the following principles:

287 (i) Protecting and improving water quality by providing for
288 the construction, operation, maintenance, and replacement of
289 stormwater management facilities; central sewage collection;
290 treatment and disposal facilities; ~~and~~ the installation and
291 proper operation and maintenance of onsite sewage treatment and
292 disposal systems; and other water quality and water supply
293 projects, including direct and indirect potable reuse.

294 Section 7. Subsection (3) of section 380.0666, Florida
295 Statutes, is amended to read:

296 380.0666 Powers of land authority.—The land authority shall
297 have all the powers necessary or convenient to carry out and
298 effectuate the purposes and provisions of this act, including
299 the following powers, which are in addition to all other powers
300 granted by other provisions of this act:



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301 (3) To acquire and dispose of real and personal property or
302 any interest therein when such acquisition is necessary or
303 appropriate to protect the natural environment, provide public
304 access or public recreational facilities, preserve wildlife
305 habitat areas, provide affordable housing to families whose
306 income does not exceed 160 percent of the median family income
307 for the area, prevent or satisfy private property rights claims
308 resulting from limitations imposed by the designation of an area
309 of critical state concern, or provide access to management of
310 acquired lands; to acquire interests in land by means of land
311 exchanges; to contribute tourist impact tax revenues received
312 pursuant to s. 125.0108 to its most populous municipality or the
313 housing authority of such municipality, at the request of the
314 commission or council of such municipality, for the
315 construction, redevelopment, or preservation of affordable
316 housing in an area of critical state concern within such
317 municipality; to contribute funds to the Department of
318 Environmental Protection for the purchase of lands by the
319 department; and to enter into all alternatives to the
320 acquisition of fee interests in land, including, but not limited
321 to, the acquisition of easements, development rights, life
322 estates, leases, and leaseback arrangements. However, the land
323 authority shall make an ~~such~~ acquisition or contribution only
324 if:

325 (a) Such acquisition or contribution is consistent with
326 land development regulations and local comprehensive plans
327 adopted and approved pursuant to this chapter;

328 (b) The property acquired is within an area designated as
329 an area of critical state concern at the time of acquisition or



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330 is within an area that was designated as an area of critical
331 state concern for at least 20 consecutive years prior to removal
332 of the designation; ~~and~~

333 (c) The property to be acquired has not been selected for
334 purchase through another local, regional, state, or federal
335 public land acquisition program. Such restriction shall not
336 apply if the land authority cooperates with the other public
337 land acquisition programs which listed the lands for
338 acquisition, to coordinate the acquisition and disposition of
339 such lands. In such cases, the land authority may enter into
340 contractual or other agreements to acquire lands jointly or for
341 eventual resale to other public land acquisition programs; and

342 (d) Such acquisition or contribution is not used to improve
343 public transportation facilities or otherwise increase road
344 capacity to reduce hurricane evacuation clearance times.

345 Section 8. This act shall take effect July 1, 2016.

346

347 ===== T I T L E A M E N D M E N T =====

348 And the title is amended as follows:

349 Delete everything before the enacting clause
350 and insert:

351 A bill to be entitled
352 An act relating to local government environmental
353 financing; providing a short title; amending s.
354 212.055, F.S.; expanding the uses of local government
355 infrastructure surtaxes to include acquiring any
356 interest in land for public recreation, conservation,
357 or protection of natural resources or to prevent or
358 satisfy private property rights claims resulting from



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359 limitations imposed by the designation of an area of
360 critical state concern; revising a definition and
361 providing a definition for purposes of using surtax
362 proceeds; amending s. 215.619, F.S.; expanding the use
363 of Everglades restoration bonds to include the City of
364 Key West Area of Critical State Concern; expanding the
365 types of water management projects eligible for
366 funding; revising the dates for issuance and maturity
367 of Everglades restoration bonds; reducing the annual
368 appropriation amount dedicated to fund the Florida
369 Keys Area of Critical State Concern protection
370 program; authorizing bond proceeds to be spent on the
371 City of Key West Area of Critical State Concern;
372 expanding projects that may be funded by bond
373 proceeds; specifying procedures to be followed for
374 certain lands that are no longer needed for certain
375 restoration purposes; amending s. 259.045, F.S.;
376 requiring the Department of Environmental Protection
377 to annually consider certain recommendations to buy
378 specific lands within and outside an area of critical
379 state concern; authorizing certain entities to
380 recommend additional lands for purchase; amending s.
381 259.105, F.S.; requiring specific Florida Forever
382 appropriations to be used for the purchase of lands in
383 the Florida Keys Area of Critical State Concern;
384 amending s. 380.0552, F.S.; revising legislative
385 intent regarding the Florida Keys Area of Critical
386 State Concern; specifying that plan amendments in the
387 Florida Keys must also be consistent with protecting



388 and improving specified water quality and water supply
389 projects; amending s. 380.0666, F.S.; expanding powers
390 of a land authority to include acquiring lands to
391 prevent or satisfy private property rights claims
392 resulting from limitations imposed by the designation
393 of an area of critical state concern and contribute
394 funds for certain land purchases by the department;
395 providing limitations relating to acquiring or
396 contributing lands to improve public transportation
397 facilities; providing an effective date.