

By the Committee on Appropriations; and Senators Simpson and Flores

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1 A bill to be entitled
2 An act relating to local government environmental
3 financing; providing a short title; amending s.
4 212.055, F.S.; expanding the uses of local government
5 infrastructure surtaxes to include acquiring any
6 interest in land for public recreation, conservation,
7 or protection of natural resources or to prevent or
8 satisfy private property rights claims resulting from
9 limitations imposed by the designation of an area of
10 critical state concern; revising a definition and
11 providing a definition for purposes of using surtax
12 proceeds; amending s. 215.619, F.S.; expanding the use
13 of Everglades restoration bonds to include the City of
14 Key West Area of Critical State Concern; expanding the
15 types of water management projects eligible for
16 funding; revising the dates for issuance and maturity
17 of Everglades restoration bonds; reducing the annual
18 appropriation amount dedicated to fund the Florida
19 Keys Area of Critical State Concern protection
20 program; authorizing bond proceeds to be spent on the
21 City of Key West Area of Critical State Concern;
22 expanding projects that may be funded by bond
23 proceeds; specifying procedures to be followed for
24 certain lands that are no longer needed for certain
25 restoration purposes; amending s. 259.045, F.S.;
26 requiring the Department of Environmental Protection
27 to annually consider certain recommendations to buy
28 specific lands within and outside an area of critical
29 state concern; authorizing certain entities to
30 recommend additional lands for purchase; amending s.
31 259.105, F.S.; requiring specific Florida Forever

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32 appropriations to be used for the purchase of lands in
33 the Florida Keys Area of Critical State Concern;
34 amending s. 380.0552, F.S.; revising legislative
35 intent regarding the Florida Keys Area of Critical
36 State Concern; specifying that plan amendments in the
37 Florida Keys must also be consistent with protecting
38 and improving specified water quality and water supply
39 projects; amending s. 380.0666, F.S.; expanding powers
40 of a land authority to include acquiring lands to
41 prevent or satisfy private property rights claims
42 resulting from limitations imposed by the designation
43 of an area of critical state concern and contributing
44 funds for certain land purchases by the department;
45 providing limitations relating to acquiring or
46 contributing lands to improve public transportation
47 facilities; providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. This act may be cited as the "Florida Keys
52 Stewardship Act."

53 Section 2. Paragraph (d) of subsection (2) of section
54 212.055, Florida Statutes, is amended to read:

55 212.055 Discretionary sales surtaxes; legislative intent;
56 authorization and use of proceeds.—It is the legislative intent
57 that any authorization for imposition of a discretionary sales
58 surtax shall be published in the Florida Statutes as a
59 subsection of this section, irrespective of the duration of the
60 levy. Each enactment shall specify the types of counties

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61 authorized to levy; the rate or rates which may be imposed; the
62 maximum length of time the surtax may be imposed, if any; the
63 procedure which must be followed to secure voter approval, if
64 required; the purpose for which the proceeds may be expended;
65 and such other requirements as the Legislature may provide.
66 Taxable transactions and administrative procedures shall be as
67 provided in s. 212.054.

68 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

69 (d) The proceeds of the surtax authorized by this
70 subsection and any accrued interest shall be expended by the
71 school district, within the county and municipalities within the
72 county, or, in the case of a negotiated joint county agreement,
73 within another county, to finance, plan, and construct
74 infrastructure; to acquire any interest in land for public
75 recreation, conservation, or protection of natural resources or
76 to prevent or satisfy private property rights claims resulting
77 from limitations imposed by the designation of an area of
78 critical state concern; to provide loans, grants, or rebates to
79 residential or commercial property owners who make energy
80 efficiency improvements to their residential or commercial
81 property, if a local government ordinance authorizing such use
82 is approved by referendum; or to finance the closure of county-
83 owned or municipally owned solid waste landfills that have been
84 closed or are required to be closed by order of the Department
85 of Environmental Protection. Any use of the proceeds or interest
86 for purposes of landfill closure before July 1, 1993, is
87 ratified. The proceeds and any interest may not be used for the
88 operational expenses of infrastructure, except that a county
89 that has a population of fewer than 75,000 and that is required

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90 to close a landfill may use the proceeds or interest for long-
91 term maintenance costs associated with landfill closure.
92 Counties, as defined in s. 125.011, and charter counties may, in
93 addition, use the proceeds or interest to retire or service
94 indebtedness incurred for bonds issued before July 1, 1987, for
95 infrastructure purposes, and for bonds subsequently issued to
96 refund such bonds. Any use of the proceeds or interest for
97 purposes of retiring or servicing indebtedness incurred for
98 refunding bonds before July 1, 1999, is ratified.

99 1. For the purposes of this paragraph, the term
100 "infrastructure" means:

101 a. Any fixed capital expenditure or fixed capital outlay
102 associated with the construction, reconstruction, or improvement
103 of public facilities that have a life expectancy of 5 or more
104 years, ~~and~~ any related land acquisition, land improvement,
105 design, and engineering costs, and all other professional and
106 related costs required to bring the public facilities into
107 service. For purposes of this sub-subparagraph, the term "public
108 facilities" means public facilities as defined in s.
109 163.3164(38), s. 163.3221(13), or s. 189.012(5), regardless of
110 whether the facilities are owned by the local taxing authority
111 or another governmental entity.

112 b. A fire department vehicle, an emergency medical service
113 vehicle, a sheriff's office vehicle, a police department
114 vehicle, or any other vehicle, and the equipment necessary to
115 outfit the vehicle for its official use or equipment that has a
116 life expectancy of at least 5 years.

117 c. Any expenditure for the construction, lease, or
118 maintenance of, or provision of utilities or security for,

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119 facilities, as defined in s. 29.008.

120 d. Any fixed capital expenditure or fixed capital outlay
121 associated with the improvement of private facilities that have
122 a life expectancy of 5 or more years and that the owner agrees
123 to make available for use on a temporary basis as needed by a
124 local government as a public emergency shelter or a staging area
125 for emergency response equipment during an emergency officially
126 declared by the state or by the local government under s.
127 252.38. Such improvements are limited to those necessary to
128 comply with current standards for public emergency evacuation
129 shelters. The owner must enter into a written contract with the
130 local government providing the improvement funding to make the
131 private facility available to the public for purposes of
132 emergency shelter at no cost to the local government for a
133 minimum of 10 years after completion of the improvement, with
134 the provision that the obligation will transfer to any
135 subsequent owner until the end of the minimum period.

136 e. Any land acquisition expenditure for a residential
137 housing project in which at least 30 percent of the units are
138 affordable to individuals or families whose total annual
139 household income does not exceed 120 percent of the area median
140 income adjusted for household size, if the land is owned by a
141 local government or by a special district that enters into a
142 written agreement with the local government to provide such
143 housing. The local government or special district may enter into
144 a ground lease with a public or private person or entity for
145 nominal or other consideration for the construction of the
146 residential housing project on land acquired pursuant to this
147 sub-subparagraph.

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148 2. For the purposes of this paragraph, the term "energy
149 efficiency improvement" means any energy conservation and
150 efficiency improvement that reduces consumption through
151 conservation or a more efficient use of electricity, natural
152 gas, propane, or other forms of energy on the property,
153 including, but not limited to, air sealing; installation of
154 insulation; installation of energy-efficient heating, cooling,
155 or ventilation systems; installation of solar panels; building
156 modifications to increase the use of daylight or shade;
157 replacement of windows; installation of energy controls or
158 energy recovery systems; installation of electric vehicle
159 charging equipment; installation of systems for natural gas fuel
160 as defined in s. 206.9951; and installation of efficient
161 lighting equipment.

162 3. Notwithstanding any other provision of this subsection,
163 a local government infrastructure surtax imposed or extended
164 after July 1, 1998, may allocate up to 15 percent of the surtax
165 proceeds for deposit into a trust fund within the county's
166 accounts created for the purpose of funding economic development
167 projects having a general public purpose of improving local
168 economies, including the funding of operational costs and
169 incentives related to economic development. The ballot statement
170 must indicate the intention to make an allocation under the
171 authority of this subparagraph.

172 Section 3. Subsection (1) of section 215.619, Florida
173 Statutes, is amended, present subsections (7) and (8) are
174 renumbered as subsections (8) and (9), respectively, and a new
175 subsection (7) is added to that section, to read:

176 215.619 Bonds for Everglades restoration.—

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177 (1) The issuance of Everglades restoration bonds to finance
178 or refinance the cost of the acquisition and improvement of
179 land, water areas, and related property interests and resources
180 for the purpose of implementing the Comprehensive Everglades
181 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
182 Protection Plan under s. 373.4595, the Caloosahatchee River
183 Watershed Protection Plan under s. 373.4595, the St. Lucie River
184 Watershed Protection Plan under s. 373.4595, the City of Key
185 West Area of Critical State Concern as designated by the
186 Administration Commission pursuant to s. 380.05, and the Florida
187 Keys Area of Critical State Concern protection program under ss.
188 380.05 and 380.0552 in order to restore and conserve natural
189 systems through the implementation of water management projects,
190 including projects that protect, restore, or enhance nearshore
191 water quality and fisheries, such as stormwater or canal
192 restoration projects, projects to protect water resources
193 available to the Florida Keys, including wastewater management
194 projects identified in the Keys Wastewater Plan, dated November
195 2007, and submitted to the Florida House of Representatives on
196 December 4, 2007, is authorized in accordance with s. 11(e),
197 Art. VII of the State Constitution.

198 (a) Everglades restoration bonds, except refunding bonds,
199 may be issued only in fiscal years 2002-2003 through 2026-2027
200 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
201 million per fiscal year unless:

- 202 1. The Department of Environmental Protection has requested
203 additional amounts in order to achieve cost savings or
204 accelerate the purchase of land; or
205 2. Beginning in fiscal year 2016-2017, the Legislature

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206 authorizes an additional amount of bonds not to exceed \$200
207 million, and limited to \$20 ~~\$50~~ million per fiscal year,
208 specifically for the purpose of funding the Florida Keys Area of
209 Critical State Concern protection program and the City of Key
210 West Area of Critical State Concern. Proceeds from the bonds
211 shall be managed by the Department of Environmental Protection
212 for the purpose of entering into financial assistance agreements
213 with local governments located in the Florida Keys Area of
214 Critical State Concern or the City of Key West Area of Critical
215 State Concern to finance or refinance the cost of constructing
216 sewage collection, treatment, and disposal facilities or
217 building projects that protect, restore, or enhance nearshore
218 water quality and fisheries, such as stormwater or canal
219 restoration projects and projects to protect water resources
220 available to the Florida Keys.

221 (b) The duration of Everglades restoration bonds may not
222 exceed 20 annual maturities and must mature by December 31, 2047
223 ~~2040~~. Except for refunding bonds, a series of bonds may not be
224 issued unless an amount equal to the debt service coming due in
225 the year of issuance has been appropriated by the Legislature.
226 Not more than 58.25 percent of documentary stamp taxes collected
227 may be taken into account for the purpose of satisfying an
228 additional bonds test set forth in any authorizing resolution
229 for bonds issued on or after July 1, 2015. Beginning July 1,
230 2010, the Legislature shall analyze the ratio of the state's
231 debt to projected revenues before authorizing the issuance of
232 bonds under this section.

233 (7) If the South Florida Water Management District and the
234 Department of Environmental Protection determine that lands

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235 purchased using bond proceeds within the Florida Keys Area of
236 Critical State Concern, the City of Key West Area of Critical
237 State Concern, or outside the Florida Keys Area of Critical
238 State Concern, but which were purchased to preserve and protect
239 the potable water supply to the Florida Keys, are no longer
240 needed for the purpose for which they were purchased, the entity
241 owning the lands may dispose of them. However, before the lands
242 can be disposed of, each general-purpose local government within
243 the boundaries of which a portion of the land lies must agree to
244 the disposal of lands within its boundaries and must be offered
245 the first right to purchase those lands.

246 Section 4. Section 259.045, Florida Statutes, is amended to
247 read:

248 259.045 Purchase of lands in areas of critical state
249 concern; recommendations by department and land authorities.—
250 Within 45 days after ~~of the designation by~~ the Administration
251 Commission designates ~~of~~ an area as an area of critical state
252 concern under s. 380.05, and annually thereafter, the Department
253 of Environmental Protection shall consider the recommendations
254 of the state land planning agency pursuant to s. 380.05(1)(a)
255 relating to purchase of lands within an area of critical state
256 concern, or lands outside an area of critical state concern
257 which directly impact an area of critical state concern, which
258 may include lands used to preserve and protect water supply, the
259 ~~proposed area~~ and shall make recommendations to the board with
260 respect to the purchase of the fee or any lesser interest in any
261 such lands that are: ~~situated in such area of critical state~~
262 ~~concern as~~

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

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- 264 (2) Outdoor recreation lands;
265 (3) Lands that conserve sensitive habitat;
266 (4) Lands that protect, restore, or enhance nearshore water
267 quality and fisheries;
268 (5) Lands used to protect and enhance water supply to the
269 Florida Keys, including alternative water supplies such as
270 reverse osmosis and reclaimed water systems; or
271 (6) Lands used to prevent or satisfy private property
272 rights claims resulting from limitations imposed by the
273 designation of an area of critical state concern.

274
275 The department, or a local government, special district, or ~~and~~
276 ~~a land authority~~ within an area of critical state concern ~~as~~
277 ~~authorized in chapter 380~~, may make recommendations with respect
278 to additional purchases which were not included in the state
279 land planning agency recommendations.

280 Section 5. Paragraph (b) of subsection (3) of section
281 259.105, Florida Statutes, is amended to read:

282 259.105 The Florida Forever Act.—

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

289 (b) Thirty-five percent to the Department of Environmental
290 Protection for the acquisition of lands and capital project
291 expenditures described in this section. Of the proceeds
292 distributed pursuant to this paragraph, it is the intent of the

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293 Legislature that an increased priority be given to those
294 acquisitions which achieve a combination of conservation goals,
295 including protecting Florida's water resources and natural
296 groundwater recharge. At a minimum, 3 percent, and no more than
297 10 percent, of the funds allocated pursuant to this paragraph
298 shall be spent on capital project expenditures identified during
299 the time of acquisition which meet land management planning
300 activities necessary for public access. Beginning in the 2016-
301 2017 fiscal year and continuing through the 2026-2027 fiscal
302 year, at least \$5 million of the funds allocated pursuant to
303 this paragraph shall be spent on land acquisition within the
304 Florida Keys Area of Critical State Concern.

305 Section 6. Paragraph (i) of subsection (2) and paragraph
306 (i) of subsection (7) of section 380.0552, Florida Statutes, are
307 amended to read:

308 380.0552 Florida Keys Area; protection and designation as
309 area of critical state concern.—

310 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
311 to:

312 (i) Protect and improve the nearshore water quality of the
313 Florida Keys through federal, state, and local funding of water
314 quality improvement projects, including the construction and
315 operation of wastewater management facilities that meet the
316 requirements of ss. 381.0065(4)(l) and 403.086(10), as
317 applicable.

318 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
319 and local agencies and units of government in the Florida Keys
320 Area shall coordinate their plans and conduct their programs and
321 regulatory activities consistent with the principles for guiding

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322 development as specified in chapter 27F-8, Florida
323 Administrative Code, as amended effective August 23, 1984, which
324 is adopted and incorporated herein by reference. For the
325 purposes of reviewing the consistency of the adopted plan, or
326 any amendments to that plan, with the principles for guiding
327 development, and any amendments to the principles, the
328 principles shall be construed as a whole and specific provisions
329 may not be construed or applied in isolation from the other
330 provisions. However, the principles for guiding development are
331 repealed 18 months from July 1, 1986. After repeal, any plan
332 amendments must be consistent with the following principles:

333 (i) Protecting and improving water quality by providing for
334 the construction, operation, maintenance, and replacement of
335 stormwater management facilities; central sewage collection;
336 treatment and disposal facilities; ~~and~~ the installation and
337 proper operation and maintenance of onsite sewage treatment and
338 disposal systems; and other water quality and water supply
339 projects, including direct and indirect potable reuse.

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

342 380.0666 Powers of land authority.—The land authority shall
343 have all the powers necessary or convenient to carry out and
344 effectuate the purposes and provisions of this act, including
345 the following powers, which are in addition to all other powers
346 granted by other provisions of this act:

347 (3) To acquire and dispose of real and personal property or
348 any interest therein when such acquisition is necessary or
349 appropriate to protect the natural environment, provide public
350 access or public recreational facilities, preserve wildlife

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351 habitat areas, provide affordable housing to families whose
352 income does not exceed 160 percent of the median family income
353 for the area, prevent or satisfy private property rights claims
354 resulting from limitations imposed by the designation of an area
355 of critical state concern, or provide access to management of
356 acquired lands; to acquire interests in land by means of land
357 exchanges; to contribute tourist impact tax revenues received
358 pursuant to s. 125.0108 to its most populous municipality or the
359 housing authority of such municipality, at the request of the
360 commission or council of such municipality, for the
361 construction, redevelopment, or preservation of affordable
362 housing in an area of critical state concern within such
363 municipality; to contribute funds to the Department of
364 Environmental Protection for the purchase of lands by the
365 department; and to enter into all alternatives to the
366 acquisition of fee interests in land, including, but not limited
367 to, the acquisition of easements, development rights, life
368 estates, leases, and leaseback arrangements. However, the land
369 authority shall make an ~~such~~ acquisition or contribution only
370 if:

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

374 (b) The property acquired is within an area designated as
375 an area of critical state concern at the time of acquisition or
376 is within an area that was designated as an area of critical
377 state concern for at least 20 consecutive years prior to removal
378 of the designation; ~~and~~

379 (c) The property to be acquired has not been selected for

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380 purchase through another local, regional, state, or federal
381 public land acquisition program. Such restriction shall not
382 apply if the land authority cooperates with the other public
383 land acquisition programs which listed the lands for
384 acquisition, to coordinate the acquisition and disposition of
385 such lands. In such cases, the land authority may enter into
386 contractual or other agreements to acquire lands jointly or for
387 eventual resale to other public land acquisition programs; and

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

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