



1 resolution that approves the purchase price;  
2 providing that a water management district may  
3 be a party to the interlocal agreement;  
4 requiring certain approvals from the Department  
5 of Environmental Protection and the Department  
6 of Community Affairs; providing a comparative  
7 standard on which the minimum annual funding of  
8 the separate reserve account must be based;  
9 requiring a taxing authority that does not pay  
10 tax increment revenues to the separate reserve  
11 account before a specified date to pay a  
12 specified amount of interest on the amount of  
13 unpaid increment revenues; providing exemptions  
14 for certain public bodies, taxing authorities,  
15 and special districts; providing that revenue  
16 bonds may be paid only from revenues deposited  
17 into the separate reserve account; providing  
18 that such revenue bonds are not a debt,  
19 liability, or obligation of the state or any  
20 public body; providing legislative findings;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Part IV of chapter 369, Florida Statutes,  
26 consisting of sections 369.401, 369.402, 369.403, and 369.404,  
27 is created to read:

28 369.401 Short title.--This part may be cited as the  
29 "Florida Springs Stewardship Act."

30 369.402 Legislative findings and intent.--The  
31 Legislature finds that:

1           (1) Florida's springs are valuable resources that  
2 provide recreational and tourism opportunities and are a great  
3 financial benefit to local economies and that Florida's  
4 springs provide critical habitat for endangered or threatened  
5 species of plants and animals.

6           (2) The flow and water quality of Florida's springs  
7 are direct reflections of the aquifer systems in Florida and  
8 consequently are indicators of the condition of a significant  
9 portion of the state's water resources.

10           (3) Cooperative efforts can best develop the  
11 mechanisms to identify best management practices for the  
12 protection, restoration, and preservation of Florida's water  
13 resources, including springs.

14           (4) The residents of Florida desire to be good  
15 stewards of the state's resources, and through educational  
16 awareness programs, will voluntarily implement best management  
17 practices into their daily activities.

18           369.403 Definitions.--For purposes of this part, the  
19 term:

20           (1) "Seep" means a place where the water table aquifer  
21 intersects the land surface and flows onto the land.

22           (2) "Spring" means a point where groundwater is  
23 discharged onto the earth's surface, including points under  
24 any surface water of the state, and excluding seeps.

25           (3) "Zone of influence" means the geographic area that  
26 contributes most directly to the water quantity and quality of  
27 a spring.

28           369.404 Florida Springs Stewardship Task Force.--

29           (1) The Florida Springs Stewardship Task Force is  
30 hereby created and shall consist of nine members as follows:  
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1           (a) One representative from the Department of  
2 Environmental Protection.

3           (b) One representative from the Department of  
4 Agriculture and Consumer Services.

5           (c) One representative from the Department of  
6 Community Affairs.

7           (d) One representative from the water management  
8 district having the greatest number of first-magnitude springs  
9 within its jurisdiction.

10           (e) Two members appointed by the President of the  
11 Senate, one of whom must be a representative of the  
12 development community and one of whom must be a representative  
13 of a local chamber of commerce.

14           (f) Two members appointed by the Speaker of the House  
15 of Representatives, one of whom shall be a locally elected  
16 county or municipal official and one of whom shall be a  
17 representative of the environmental community.

18           (g) One member appointed by the Commissioner of  
19 Agriculture who shall be a representative of the agricultural  
20 community.

21           (2) Task force members shall be appointed no later  
22 than August 1, 2007. Members shall choose a chair and  
23 vice-chair from the membership of the task force.

24           (3) The task force shall:

25           (a) Collect and inventory all existing data  
26 identifying zones of influence for each of Florida's 33 known  
27 first-magnitude springs and identifying land uses in these  
28 areas.

29           (b) Identify and compile a list of existing best  
30 management practices for identified land uses and other water  
31 pollutant controls.

1           (c) Identify any and all existing and reasonably  
2 expected funding sources available to implement best  
3 management practices and other water pollutant controls that  
4 protect Florida's first-magnitude springs and propose a  
5 priority list of projects for the funding.

6           (d) Receive public input and testimony regarding  
7 issues related to springs protection, restoration, and  
8 preservation.

9           (e) Propose a program of increased emphasis on  
10 education and outreach that encourages the implementation of  
11 best management practices for agricultural and nonagricultural  
12 land uses and other water pollutant controls, including  
13 specific provisions for cost-share assistance with the  
14 implementation of best management practices as well as  
15 recognition of agricultural and nonagricultural landowners who  
16 participate in the best management practices program.

17           (4) The task force shall submit a report summarizing  
18 the data collected, public input and testimony, and the  
19 findings and proposals of the task force to the President of  
20 the Senate and the Speaker of the House of Representatives no  
21 later than January 31, 2008.

22           (5) The task force shall expire on January 31, 2008.

23           Section 2. Subsection (4) of section 704.06, Florida  
24 Statutes, is amended to read:

25           704.06 Conservation easements; creation; acquisition;  
26 enforcement.--

27           (4) Conservation easements shall run with the land and  
28 be binding on all subsequent owners of the servient estate.  
29 Notwithstanding the provisions of s. 197.552, all provisions  
30 of a conservation easement shall survive and are enforceable  
31 after the issuance of a tax deed. No conservation easement

1 shall be unenforceable on account of lack of privity of  
2 contract or lack of benefit to particular land or on account  
3 of the benefit being assignable. Conservation easements may be  
4 enforced by injunction or proceeding in equity or at law, and  
5 shall entitle the holder to enter the land in a reasonable  
6 manner and at reasonable times to assure compliance. A  
7 conservation easement may be released by the holder of the  
8 easement to the holder of the fee even though the holder of  
9 the fee may not be a governmental body or a charitable  
10 corporation or trust.

11 Section 3. Tax increment financing for conservation  
12 lands.--

13 (1) Two or more counties, or a combination of at least  
14 one county and one or more municipalities, may establish,  
15 through an interlocal agreement, a tax increment area for  
16 conservation lands. The interlocal agreement, at a minimum,  
17 must:

18 (a) Identify the geographic boundaries of the tax  
19 increment area;

20 (b) Identify the real property to be acquired as  
21 conservation land within the tax increment area;

22 (c) Establish the percentage of tax increment  
23 financing for each jurisdiction in the tax increment area;

24 (d) Identify the governing body of the jurisdiction  
25 that will administer a separate reserve account in which the  
26 tax increment will be deposited;

27 (e) Require that any tax increment revenues not used  
28 to purchase conservation lands by a date certain be refunded  
29 to the parties to the interlocal agreement. Any refund shall  
30 be proportionate to the parties' payment of tax increment  
31 revenues into the separate reserve account;

1        (f) Provide for an annual audit of the separate  
2 reserve account;

3        (g) Designate an entity to hold title to any  
4 conservation lands purchased using the tax increment revenues;

5        (h) Provide for a continuing management plan for the  
6 conservation lands; and

7        (i) Identify the entity that will manage these  
8 conservation lands.

9        (2) The water management district in which  
10 conservation lands proposed for purchase under this section  
11 are located may also enter into the interlocal agreement if  
12 the district provides any funds for the purchase of the  
13 conservation lands. The water management districts may only  
14 use ad valorem tax revenues for agreements described within  
15 this section.

16        (3) The governing body of the jurisdiction that will  
17 administer the separate reserve account shall provide  
18 documentation to the Department of Community Affairs  
19 identifying the boundary of the tax increment area. The  
20 department shall determine whether the boundary is appropriate  
21 in that property owners within the boundary will receive a  
22 benefit from the proposed purchase of identified conservation  
23 lands. The department must issue a letter of approval stating  
24 that the establishment of the tax increment area and the  
25 proposed purchases would benefit property owners within the  
26 boundary and serve a public purpose before any tax increment  
27 funds are deposited into the separate reserve account. If the  
28 department fails to provide the required letter within 90 days  
29 after receiving sufficient documentation of the boundary, the  
30 establishment of the area and the proposed purchases are  
31 deemed to provide such benefit and serve a public purpose.

1           (4) Prior to the purchase of conservation lands under  
2 this section, the Department of Environmental Protection must  
3 determine whether the proposed purchase is sufficient to  
4 provide additional recreational and ecotourism opportunities  
5 for residents in the tax increment area. If the department  
6 fails to provide a letter of approval within 90 days after  
7 receipt of the request for such a letter, the purchase is  
8 deemed sufficient to provide recreation and ecotourism  
9 opportunities.

10           (5) The tax increment authorized under this section  
11 shall be determined annually and may not exceed 95 percent of  
12 the difference in ad valorem taxes as provided in s.  
13 163.387(1)(a), Florida Statutes.

14           (6) A separate reserve account must be established for  
15 each tax increment area for conservation lands which is  
16 created under this section. The separate reserve account must  
17 be administered pursuant to the terms of the interlocal  
18 agreement. Tax increment funds allocated to this separate  
19 reserve account shall be used to acquire the real property  
20 identified for purchase in the interlocal agreement. Pursuant  
21 to the interlocal agreement, the governing body of the local  
22 government that will administer the separate reserve account  
23 may spend increment revenues to purchase the real property  
24 only if all parties to the interlocal agreement adopt a  
25 resolution approving the purchase price.

26           (7) The annual funding of the separate reserve account  
27 may not be less than the increment income of each taxing  
28 authority which is held as provided in the interlocal  
29 agreement for the purchase of conservation lands.

30           (8) Unless otherwise provided in the interlocal  
31 agreement, a taxing authority that does not pay the tax



1 increment revenues to the separate reserve account by January  
2 1 shall pay interest on the amount of unpaid increment  
3 revenues equal to 1 percent for each month that the increment  
4 revenue remains outstanding.

5 (9) The public bodies and taxing authorities listed in  
6 s. 163.387(2)(c), Florida Statutes, and special districts that  
7 levy ad valorem taxes within a tax increment area are exempt  
8 from this section.

9 (10) Revenue bonds under this section are payable  
10 solely out of revenues pledged to and received by the local  
11 government administering the separate reserve account and  
12 deposited into the separate reserve account. The revenue bonds  
13 issued under this section do not constitute a debt, liability,  
14 or obligation of a public body, the state, or any of the  
15 state's political subdivisions.

16 Section 4. The Legislature finds that an inadequate  
17 supply of conservation lands limits recreational opportunities  
18 and negatively impacts the economy, health, and welfare of the  
19 surrounding community. The Legislature also finds that  
20 acquiring conservation lands for recreational opportunities  
21 and ecotourism serves a valid public purpose.

22 Section 5. This act shall take effect July 1, 2007.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   CS for Senate Bill 1486

4     The committee substitute creates the Florida Springs  
5     Stewardship Act, provides for a nine member Florida Springs  
6     Stewardship Task Force consisting of one representative each  
7     from the Department of Environmental Protection, the  
8     Department of Agriculture and Consumer Services, Department of  
9     Community Affairs, and the Suwannee River Water Management  
10    District, two representatives appointed by the President of  
11    the Senate, two representatives appointed by the Speaker of  
12    the House of Representatives, and one representative appointed  
13    by the Commissioner of Agriculture. Duties and  
14    responsibilities of the task force are provided, and a report  
15    is due to the Legislature by January 31, 2008. On the date the  
16    task force report is due, the task force will expire.

17    Notwithstanding the provisions of s. 197.552, F.S., all  
18    provisions of a conservation easement shall survive and are  
19    enforceable after the issuance of a tax deed. Two or more  
20    counties, or a combination of at least one county and one  
21    municipality are authorized to establish a tax increment area  
22    for conservation lands by interlocal agreement. Requirements  
23    for the interlocal agreement are provided. The amount of the  
24    tax increment is limited and must be determined annually.  
25    Separate reserve accounts for each tax increment area are  
26    required. Water management districts are authorized to be a  
27    party to an interlocal agreement. Revenue bonds issued for the  
28    tax increment area are payable solely out of revenues pledged  
29    to and received by the local government administering the  
30    separate reserve account. Revenue bonds issued in a tax  
31    increment area are not a debt, liability, or obligation of a  
32    public body, the state, or any of the state's political  
33    subdivisions.