

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 definitions for
11 purposes of using surtax proceeds; amending s.
12 215.619, F.S.; expanding the use of Everglades
13 restoration bonds to include the City of Key West Area
14 of Critical State Concern; expanding the types of
15 water management projects eligible for funding;
16 revising the dates for issuance and maturity of
17 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 local governments
30 and special districts to recommend additional lands
31 for purchase; amending s. 259.105, F.S.; requiring
32 specific Florida Forever appropriations to be used for
33 the purchase of lands in the Florida Keys Area of
34 Critical State Concern; amending s. 380.0552, F.S.;
35 revising legislative intent regarding the Florida Keys
36 Area of Critical State Concern; specifying that plan
37 amendments in the Florida Keys must also be consistent
38 with protecting and improving specified water quality
39 and water supply projects; amending s. 380.0666, F.S.;
40 expanding powers of a land authority to include
41 acquiring lands to prevent or satisfy private property
42 rights claims resulting from limitations imposed by
43 the designation of an area of critical state concern
44 and contribute funds for certain land purchases by the
45 department; providing limitations relating to
46 acquiring or contributing lands to improve public
47 transportation facilities; providing a contingent
48 appropriation; providing an effective date.

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50 Be It Enacted by the Legislature of the State of Florida:

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

53 Stewardship Act."

54 Section 2. Paragraph (d) of subsection (2) of section
55 212.055, Florida Statutes, is amended to read:

56 212.055 Discretionary sales surtaxes; legislative intent;
57 authorization and use of proceeds.—It is the legislative intent
58 that any authorization for imposition of a discretionary sales
59 surtax shall be published in the Florida Statutes as a
60 subsection of this section, irrespective of the duration of the
61 levy. Each enactment shall specify the types of counties
62 authorized to levy; the rate or rates which may be imposed; the
63 maximum length of time the surtax may be imposed, if any; the
64 procedure which must be followed to secure voter approval, if
65 required; the purpose for which the proceeds may be expended;
66 and such other requirements as the Legislature may provide.
67 Taxable transactions and administrative procedures shall be as
68 provided in s. 212.054.

69 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

70 (d) The proceeds of the surtax authorized by this
71 subsection and any accrued interest shall be expended by the
72 school district, within the county and municipalities within the
73 county, or, in the case of a negotiated joint county agreement,
74 within another county, to finance, plan, and construct
75 infrastructure; to acquire any interest in land for public
76 recreation, conservation, or protection of natural resources or
77 to prevent or satisfy private property rights claims resulting
78 from limitations imposed by the designation of an area of

79 critical state concern; to provide loans, grants, or rebates to
80 residential or commercial property owners who make energy
81 efficiency improvements to their residential or commercial
82 property, if a local government ordinance authorizing such use
83 is approved by referendum; or to finance the closure of county-
84 owned or municipally owned solid waste landfills that have been
85 closed or are required to be closed by order of the Department
86 of Environmental Protection. Any use of the proceeds or interest
87 for purposes of landfill closure before July 1, 1993, is
88 ratified. The proceeds and any interest may not be used for the
89 operational expenses of infrastructure, except that a county
90 that has a population of fewer than 75,000 and that is required
91 to close a landfill may use the proceeds or interest for long-
92 term maintenance costs associated with landfill closure.
93 Counties, as defined in s. 125.011, and charter counties may, in
94 addition, use the proceeds or interest to retire or service
95 indebtedness incurred for bonds issued before July 1, 1987, for
96 infrastructure purposes, and for bonds subsequently issued to
97 refund such bonds. Any use of the proceeds or interest for
98 purposes of retiring or servicing indebtedness incurred for
99 refunding bonds before July 1, 1999, is ratified.

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

102 a. Any fixed capital expenditure or fixed capital outlay
103 associated with the construction, reconstruction, or improvement
104 of public facilities that have a life expectancy of 5 or more

105 years, ~~and~~ any related land acquisition, land improvement,
106 design, and engineering costs, and all other professional and
107 related costs required to bring the public facilities into
108 service. For purposes of this sub-subparagraph, the term "public
109 facilities" means facilities as defined in s. 163.3164(38), s.
110 163.3221(13), or s. 189.012(5), regardless of whether the
111 facilities are owned by the local taxing authority or another
112 governmental entity.

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

118 c. Any expenditure for the construction, lease, or
119 maintenance of, or provision of utilities or security for,
120 facilities, as defined in s. 29.008.

121 d. Any fixed capital expenditure or fixed capital outlay
122 associated with the improvement of private facilities that have
123 a life expectancy of 5 or more years and that the owner agrees
124 to make available for use on a temporary basis as needed by a
125 local government as a public emergency shelter or a staging area
126 for emergency response equipment during an emergency officially
127 declared by the state or by the local government under s.
128 252.38. Such improvements are limited to those necessary to
129 comply with current standards for public emergency evacuation
130 shelters. The owner must enter into a written contract with the

131 local government providing the improvement funding to make the
132 private facility available to the public for purposes of
133 emergency shelter at no cost to the local government for a
134 minimum of 10 years after completion of the improvement, with
135 the provision that the obligation will transfer to any
136 subsequent owner until the end of the minimum period.

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

149 2. For the purposes of this paragraph, the term "energy
150 efficiency improvement" means any energy conservation and
151 efficiency improvement that reduces consumption through
152 conservation or a more efficient use of electricity, natural
153 gas, propane, or other forms of energy on the property,
154 including, but not limited to, air sealing; installation of
155 insulation; installation of energy-efficient heating, cooling,
156 or ventilation systems; installation of solar panels; building

157 modifications to increase the use of daylight or shade;
158 replacement of windows; installation of energy controls or
159 energy recovery systems; installation of electric vehicle
160 charging equipment; installation of systems for natural gas fuel
161 as defined in s. 206.9951; and installation of efficient
162 lighting equipment.

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

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

177 215.619 Bonds for Everglades restoration.—

178 (1) The issuance of Everglades restoration bonds to
179 finance or refinance the cost of the acquisition and improvement
180 of land, water areas, and related property interests and
181 resources for the purpose of implementing the Comprehensive
182 Everglades Restoration Plan under s. 373.470, the Lake

183 Okeechobee Watershed Protection Plan under s. 373.4595, the
184 Caloosahatchee River Watershed Protection Plan under s.
185 373.4595, the St. Lucie River Watershed Protection Plan under s.
186 373.4595, the City of Key West Area of Critical State Concern as
187 designated by the Administration Commission under s. 380.05, and
188 the Florida Keys Area of Critical State Concern protection
189 program under ss. 380.05 and 380.0552 in order to restore and
190 conserve natural systems through ~~the~~ implementation of water
191 management projects, including projects that protect, restore,
192 or enhance nearshore water quality and fisheries, such as
193 stormwater or canal restoration projects, projects to protect
194 water resources available to the Florida Keys, including
195 alternative water supplies such as reverse osmosis and reclaimed
196 water systems, and wastewater management projects identified in
197 the Keys Wastewater Plan, dated November 2007, and submitted to
198 the Florida House of Representatives on December 4, 2007, is
199 authorized in accordance with s. 11(e), Art. VII of the State
200 Constitution.

201 (a) Everglades restoration bonds, except refunding bonds,
202 may be issued only in fiscal years 2002-2003 through 2026-2027
203 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
204 million per fiscal year unless:

205 1. The Department of Environmental Protection has
206 requested additional amounts in order to achieve cost savings or
207 accelerate the purchase of land; or

208 2. Beginning in fiscal year 2016-2017, the Legislature

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

225 | (b) The duration of Everglades restoration bonds may not
 226 | exceed 20 annual maturities and must mature by December 31, 2047
 227 | ~~2040~~. Except for refunding bonds, a series of bonds may not be
 228 | issued unless an amount equal to the debt service coming due in
 229 | the year of issuance has been appropriated by the Legislature.
 230 | Not more than 58.25 percent of documentary stamp taxes collected
 231 | may be taken into account for the purpose of satisfying an
 232 | additional bonds test set forth in any authorizing resolution
 233 | for bonds issued on or after July 1, 2015. Beginning July 1,
 234 | 2010, the Legislature shall analyze the ratio of the state's

235 debt to projected revenues before authorizing the issuance of
 236 bonds under this section.

237 (7) If the South Florida Water Management District and the
 238 Department of Environmental Protection determine that lands
 239 purchased using bond proceeds within the Florida Keys Area of
 240 Critical State Concern, the City of Key West Area of Critical
 241 State Concern, or outside the Florida Keys Area of Critical
 242 State Concern but which were purchased to preserve and protect
 243 the potable water supply to the Florida Keys are no longer
 244 needed for the purpose for which they were purchased, the entity
 245 owning the lands may dispose of them. However, before the lands
 246 can be disposed of, each general purpose local government within
 247 the boundaries of which a portion of the land lies must agree to
 248 the disposal of lands within its boundaries and must be offered
 249 the first right to purchase those lands.

250 Section 4. Section 259.045, Florida Statutes, is amended to
 251 read:

252 259.045 Purchase of lands in areas of critical state
 253 concern; recommendations by department and land authorities.—
 254 Within 45 days after ~~of the designation by~~ the Administration
 255 Commission designates ~~of~~ an area as an area of critical state
 256 concern under s. 380.05, and annually thereafter, the Department
 257 of Environmental Protection shall consider the recommendations
 258 of the state land planning agency pursuant to s. 380.05(1)(a)
 259 relating to purchase of lands within an area of critical state
 260 concern or lands outside an area of critical state concern that

261 directly impact an area of critical state concern, which may
 262 include lands used to preserve and protect water supply, the
 263 ~~proposed area~~ and shall make recommendations to the board with
 264 respect to the purchase of the fee or any lesser interest in any
 265 such lands that are: ~~situated in such area of critical state~~
 266 ~~concern as~~

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

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

284 Section 5. Paragraph (b) of subsection (3) of section
 285 259.105, Florida Statutes, is amended to read:

286 259.105 The Florida Forever Act.—

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

293 (b) Thirty-five percent to the Department of Environmental
 294 Protection for the acquisition of lands and capital project
 295 expenditures described in this section. Of the proceeds
 296 distributed pursuant to this paragraph, it is the intent of the
 297 Legislature that an increased priority be given to those
 298 acquisitions which achieve a combination of conservation goals,
 299 including protecting Florida's water resources and natural
 300 groundwater recharge. At a minimum, 3 percent, and no more than
 301 10 percent, of the funds allocated pursuant to this paragraph
 302 shall be spent on capital project expenditures identified during
 303 the time of acquisition which meet land management planning
 304 activities necessary for public access. Beginning in fiscal year
 305 2016-2017 and continuing through fiscal year 2026-2027, at least
 306 \$5 million of the funds allocated pursuant to this paragraph
 307 shall be spent on land acquisition within the Florida Keys Area
 308 of Critical State Concern.

309 Section 6. Paragraph (i) of subsection (2) and paragraph
 310 (i) of subsection (7) of section 380.0552, Florida Statutes, are
 311 amended to read:

312 380.0552 Florida Keys Area; protection and designation as

313 area of critical state concern.—

314 (2) LEGISLATIVE INTENT.—It is the intent of the
315 Legislature to:

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

322 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
323 and local agencies and units of government in the Florida Keys
324 Area shall coordinate their plans and conduct their programs and
325 regulatory activities consistent with the principles for guiding
326 development as specified in chapter 27F-8, Florida
327 Administrative Code, as amended effective August 23, 1984, which
328 is adopted and incorporated herein by reference. For the
329 purposes of reviewing the consistency of the adopted plan, or
330 any amendments to that plan, with the principles for guiding
331 development, and any amendments to the principles, the
332 principles shall be construed as a whole and specific provisions
333 may not be construed or applied in isolation from the other
334 provisions. However, the principles for guiding development are
335 repealed 18 months from July 1, 1986. After repeal, any plan
336 amendments must be consistent with the following principles:

337 (i) Protecting and improving water quality by providing
338 for the construction, operation, maintenance, and replacement of

339 stormwater management facilities; central sewage collection;
 340 treatment and disposal facilities; ~~and~~ the installation and
 341 proper operation and maintenance of onsite sewage treatment and
 342 disposal systems; and other water quality and water supply
 343 projects, including direct and indirect potable reuse.

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

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

351 (3) To acquire and dispose of real and personal property
 352 or any interest therein when such acquisition is necessary or
 353 appropriate to protect the natural environment, provide public
 354 access or public recreational facilities, preserve wildlife
 355 habitat areas, provide affordable housing to families whose
 356 income does not exceed 160 percent of the median family income
 357 for the area, prevent or satisfy private property rights claims
 358 resulting from limitations imposed by the designation of an area
 359 of critical state concern, or provide access to management of
 360 acquired lands; to acquire interests in land by means of land
 361 exchanges; to contribute tourist impact tax revenues received
 362 pursuant to s. 125.0108 to its most populous municipality or the
 363 housing authority of such municipality, at the request of the
 364 commission or council of such municipality, for the

365 construction, redevelopment, or preservation of affordable
366 housing in an area of critical state concern within such
367 municipality; to contribute funds to the Department of
368 Environmental Protection for the purchase of lands by the
369 department; and to enter into all alternatives to the
370 acquisition of fee interests in land, including, but not limited
371 to, the acquisition of easements, development rights, life
372 estates, leases, and leaseback arrangements. However, the land
373 authority shall make an ~~such~~ acquisition or contribution only
374 if:

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

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

383 (c) The property to be acquired has not been selected for
384 purchase through another local, regional, state, or federal
385 public land acquisition program. Such restriction shall not
386 apply if the land authority cooperates with the other public
387 land acquisition programs which listed the lands for
388 acquisition, to coordinate the acquisition and disposition of
389 such lands. In such cases, the land authority may enter into
390 contractual or other agreements to acquire lands jointly or for

391 eventual resale to other public land acquisition programs; and
 392 (d) The acquisition or contribution is not used to improve
 393 public transportation facilities or otherwise increase road
 394 capacity to reduce hurricane evacuation clearance times.

395 Section 8. Notwithstanding any other provision of law, in
 396 fiscal year 2016-2017 through fiscal year 2026-2027, if \$20
 397 million in bonds are not authorized to be issued pursuant to s.
 398 215.619, Florida Statutes, \$20 million shall be appropriated to
 399 the Department of Environmental Protection to be distributed to
 400 local governments in the Florida Keys Area of Critical State
 401 Concern and the City of Key West Area of Critical State Concern
 402 for projects that protect, restore, or enhance nearshore water
 403 quality and fisheries and projects to protect and enhance water
 404 supply to the Florida Keys, including alternative water supplies
 405 such as reverse osmosis and reclaimed water systems.

406 Section 9. This act shall take effect July 1, 2016.