

1 A bill to be entitled
 2 An act relating to water protection and
 3 sustainability; creating the "Heartland Headwaters
 4 Protection and Sustainability Act"; creating s.
 5 373.462, F.S.; providing legislative findings and
 6 intent; creating s. 373.463, F.S.; requiring the Polk
 7 Regional Water Cooperative to prepare an annual report
 8 concerning water resource projects within a specified
 9 area; specifying requirements for such report;
 10 requiring the inclusion of such report in the
 11 appropriate consolidated water management district
 12 annual report; amending s. 212.055, F.S.; authorizing
 13 certain entities to expend proceeds of local
 14 government infrastructure surtaxes for certain
 15 purposes; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. This act may be cited as the "Heartland
 20 Headwaters Protection and Sustainability Act."

21 Section 2. Section 373.462, Florida Statutes, is created
 22 to read:

23 373.462 Legislative findings and intent.—

24 (1) The Legislature recognizes that by law in 1979,
 25 portions of Lake and Polk Counties were designated as the Green

26 Swamp Area of Critical State Concern in acknowledgment of its
27 regional and statewide importance in maintaining the quality and
28 quantity of Florida's water supply and water resources for the
29 public and the environment.

30 (2) The Legislature also recognizes the Green Swamp, which
31 encompasses approximately 560,000 acres, is located in a
32 regionally significant high recharge area of the Floridan
33 Aquifer system, and it helps protect coastal communities from
34 saltwater intrusion.

35 (3) The Legislature finds that the Green Swamp or Polk
36 County make up the headwaters or portions of the headwaters of
37 six major river systems in the state, which are the Alafia,
38 Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee
39 Rivers. In addition, due to the area's unique topography and
40 geology which receives no other water inputs other than
41 rainfall, the area is essential in maintaining the
42 potentiometric head of the Floridan Aquifer system that directly
43 influences the aquifer's productivity for water supply.

44 (4) The Legislature also finds that the Green Swamp and
45 the surrounding areas are economically, environmentally, and
46 socially defined by some of the most important and vulnerable
47 water resources in the state.

48 (5) The Legislature recognizes that the Central Florida
49 Water Initiative Guiding Document dated January 30, 2015, and
50 the Southern Water Use Caution Area Recovery Strategy dated

51 March 2006 recognized the fact that the surface water and
52 groundwater resources in the heartland counties of Hardee,
53 Highlands, and Polk are integral to the health, public safety,
54 and economic future of those regions.

55 (6) The Legislature declares that there is an important
56 state interest in partnering with regional water supply
57 authorities and local governments, in accordance with s.
58 373.705, to protect the water resources of the headwaters of the
59 Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and
60 Withlacoochee Rivers and the surrounding areas. The Legislature
61 further declares that priority funding consideration must be
62 given to solutions to manage the water resources of these
63 headwaters and the local Floridan Aquifer system in the most
64 efficient, cost effective, and environmentally beneficial way.

65 Section 3. Section 373.463, Florida Statutes, is created
66 to read:

67 373.463 Heartland headwaters annual report.—

68 (1) The Polk Regional Water Cooperative, in coordination
69 with all of its member county and municipal governments, shall
70 prepare a comprehensive annual report for water resource
71 projects identified for priority state funding within its
72 members' jurisdictions. The report must include, at a minimum:

73 (a) A list of projects identified by the cooperative for
74 priority state funding for each of the following categories. A
75 project may be listed in more than one category.

- 76 | 1. Drinking water supply.
- 77 | 2. Wastewater.
- 78 | 3. Stormwater and flood control.
- 79 | 4. Environmental restoration.
- 80 | 5. Conservation.

81 | (b) A priority ranking for each listed project that will
 82 | be ready to proceed in the upcoming fiscal year within each
 83 | category.

84 | (c) The estimated cost of each listed project.

85 | (d) The estimated completion date of each listed project.

86 | (e) The source and amount of financial assistance to be
 87 | provided by the cooperative, the member county or municipal
 88 | governments, or other entity for each listed project.

89 | (2) The cooperative shall coordinate with the appropriate
 90 | water management district to ensure that the report is included
 91 | in the consolidated water management district annual report
 92 | required by s. 373.036(7).

93 | Section 4. Paragraph (d) of subsection (2) of section
 94 | 212.055, Florida Statutes, is amended to read:

95 | 212.055 Discretionary sales surtaxes; legislative intent;
 96 | authorization and use of proceeds.—It is the legislative intent
 97 | that any authorization for imposition of a discretionary sales
 98 | surtax shall be published in the Florida Statutes as a
 99 | subsection of this section, irrespective of the duration of the
 100 | levy. Each enactment shall specify the types of counties

101 authorized to levy; the rate or rates which may be imposed; the
 102 maximum length of time the surtax may be imposed, if any; the
 103 procedure which must be followed to secure voter approval, if
 104 required; the purpose for which the proceeds may be expended;
 105 and such other requirements as the Legislature may provide.
 106 Taxable transactions and administrative procedures shall be as
 107 provided in s. 212.054.

108 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

109 (d)1. The proceeds of the surtax authorized by this
 110 subsection and any accrued interest shall be expended:

111 a. By the school district;~~τ~~

112 b. By the county for use within the county and
 113 municipalities within the county, or, in the case of a
 114 negotiated joint county agreement, within another county;~~or~~~~τ~~

115 c. By an entity created under s. 373.713, whose purpose is
 116 to develop, recover, store, and supply water, if the county is a
 117 member of that entity,

118
 119 to finance, plan, and construct infrastructure; to acquire any
 120 interest in land for public recreation, conservation, or
 121 protection of natural resources or to prevent or satisfy private
 122 property rights claims resulting from limitations imposed by the
 123 designation of an area of critical state concern; to provide
 124 loans, grants, or rebates to residential or commercial property
 125 owners who make energy efficiency improvements to their

126 residential or commercial property, if a local government
127 ordinance authorizing such use is approved by referendum; or to
128 finance the closure of county-owned or municipally owned solid
129 waste landfills that have been closed or are required to be
130 closed by order of the Department of Environmental Protection.
131 Any use of the proceeds or interest for purposes of landfill
132 closure before July 1, 1993, is ratified. The proceeds and any
133 interest may not be used for the operational expenses of
134 infrastructure, except that a county that has a population of
135 fewer than 75,000 and that is required to close a landfill may
136 use the proceeds or interest for long-term maintenance costs
137 associated with landfill closure. Counties, as defined in s.
138 125.011, and charter counties may, in addition, use the proceeds
139 or interest to retire or service indebtedness incurred for bonds
140 issued before July 1, 1987, for infrastructure purposes, and for
141 bonds subsequently issued to refund such bonds. Any use of the
142 proceeds or interest for purposes of retiring or servicing
143 indebtedness incurred for refunding bonds before July 1, 1999,
144 is ratified.

145 ~~2.1.~~ For the purposes of this paragraph, the term
146 "infrastructure" means:

147 a. Any fixed capital expenditure or fixed capital outlay
148 associated with the construction, reconstruction, or improvement
149 of public facilities that have a life expectancy of 5 or more
150 years, any related land acquisition, land improvement, design,

151 and engineering costs, and all other professional and related
152 costs required to bring the public facilities into service. For
153 purposes of this sub-subparagraph, the term "public facilities"
154 means facilities as defined in s. 163.3164(38), s. 163.3221(13),
155 or s. 189.012(5), regardless of whether the facilities are owned
156 by the local taxing authority or another governmental entity.

157 b. A fire department vehicle, an emergency medical service
158 vehicle, a sheriff's office vehicle, a police department
159 vehicle, or any other vehicle, and the equipment necessary to
160 outfit the vehicle for its official use or equipment that has a
161 life expectancy of at least 5 years.

162 c. Any expenditure for the construction, lease, or
163 maintenance of, or provision of utilities or security for,
164 facilities, as defined in s. 29.008.

165 d. Any fixed capital expenditure or fixed capital outlay
166 associated with the improvement of private facilities that have
167 a life expectancy of 5 or more years and that the owner agrees
168 to make available for use on a temporary basis as needed by a
169 local government as a public emergency shelter or a staging area
170 for emergency response equipment during an emergency officially
171 declared by the state or by the local government under s.
172 252.38. Such improvements are limited to those necessary to
173 comply with current standards for public emergency evacuation
174 shelters. The owner must enter into a written contract with the
175 local government providing the improvement funding to make the

176 private facility available to the public for purposes of
177 emergency shelter at no cost to the local government for a
178 minimum of 10 years after completion of the improvement, with
179 the provision that the obligation will transfer to any
180 subsequent owner until the end of the minimum period.

181 e. Any land acquisition expenditure for a residential
182 housing project in which at least 30 percent of the units are
183 affordable to individuals or families whose total annual
184 household income does not exceed 120 percent of the area median
185 income adjusted for household size, if the land is owned by a
186 local government or by a special district that enters into a
187 written agreement with the local government to provide such
188 housing. The local government or special district may enter into
189 a ground lease with a public or private person or entity for
190 nominal or other consideration for the construction of the
191 residential housing project on land acquired pursuant to this
192 sub-subparagraph.

193 ~~3.2-~~ For the purposes of this paragraph, the term "energy
194 efficiency improvement" means any energy conservation and
195 efficiency improvement that reduces consumption through
196 conservation or a more efficient use of electricity, natural
197 gas, propane, or other forms of energy on the property,
198 including, but not limited to, air sealing; installation of
199 insulation; installation of energy-efficient heating, cooling,
200 or ventilation systems; installation of solar panels; building

201 modifications to increase the use of daylight or shade;
202 replacement of windows; installation of energy controls or
203 energy recovery systems; installation of electric vehicle
204 charging equipment; installation of systems for natural gas fuel
205 as defined in s. 206.9951; and installation of efficient
206 lighting equipment.

207 ~~4.3.~~ Notwithstanding any other provision of this
208 subsection, a local government infrastructure surtax imposed or
209 extended after July 1, 1998, may allocate up to 15 percent of
210 the surtax proceeds for deposit into a trust fund within the
211 county's accounts created for the purpose of funding economic
212 development projects having a general public purpose of
213 improving local economies, including the funding of operational
214 costs and incentives related to economic development. The ballot
215 statement must indicate the intention to make an allocation
216 under the authority of this subparagraph.

217 Section 5. This act shall take effect July 1, 2017.