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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
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The Committee on Environmental Preservation and Conservation  
(Stargel) 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 "Heartland  
Headwaters Protection and Sustainability Act."

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

373.462 Legislative findings and intent.—

(1) The Legislature recognizes that, in 1979, specified



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11 portions of Lake and Polk Counties were designated by law as an  
12 area of critical state concern, known as the Green Swamp Area,  
13 in acknowledgment of their regional and statewide importance in  
14 maintaining the quality and quantity of Florida's water supply  
15 and water resources for the public and the environment.

16 (2) The Legislature also recognizes that the entire Green  
17 Swamp Area, which encompasses approximately 560,000 acres, is  
18 located in a regionally significant high recharge area of the  
19 Floridan Aquifer system, and that it helps protect coastal  
20 communities from saltwater intrusion.

21 (3) The Legislature finds that the Green Swamp Area or Polk  
22 County make up the headwaters or portions of the headwaters of  
23 six major river systems in the state, the Alafia, Hillsborough,  
24 Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers. In  
25 addition, due to the area's unique topography and geology, it  
26 receives no water inputs other than rainfall. The area is  
27 essential in maintaining the potentiometric head of the Floridan  
28 Aquifer system, which directly influences the aquifer's  
29 productivity for water supply.

30 (4) The Legislature also finds that the Green Swamp Area  
31 and surrounding areas are economically, environmentally, and  
32 socially defined by some of the most important and vulnerable  
33 water resources in the state.

34 (5) The Legislature recognizes that the Central Florida  
35 Water Initiative Guiding Document, dated January 30, 2015, and  
36 the Southern Water Use Caution Area Recovery Strategy, dated  
37 March 2006, found that the surface water and groundwater  
38 resources in the heartland counties of Hardee, Highlands, and  
39 Polk are integral to the health, public safety, and economic



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40 future of those regions.

41 (6) The Legislature declares that there is an important  
42 state interest in partnering with regional water supply  
43 authorities, local governments, and water management districts  
44 in accordance with s. 373.705, to protect the water resources of  
45 the headwaters of the Alafia, Hillsborough, Kissimmee,  
46 Ocklawaha, Peace, and Withlacoochee Rivers and the areas that  
47 surround them. The Legislature further declares that priority  
48 state funding consideration must be given to funding solutions  
49 that manage the water resources of these headwaters and the  
50 local Floridan Aquifer system in the most efficient, cost-  
51 effective, and environmentally beneficial way.

52 Section 3. Section 373.463, Florida Statutes, is created to  
53 read:

54 373.463 Heartland headwaters annual reports.—

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

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

- 63 1. Drinking water supply.
- 64 2. Wastewater, including reuse.
- 65 3. Stormwater and flood control.
- 66 4. Environmental restoration.
- 67 5. Conservation.

68 (b) A priority ranking for each listed project that will be



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69 ready to proceed in the upcoming fiscal year, identified by the  
70 categories specified in paragraph (a).

71 (c) The estimated cost of each listed project.

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

73 (e) The source and amount of financial assistance to be  
74 provided by the cooperative, the member county or municipal  
75 governments, or other entities for each listed project.

76 (2) By December 1, 2017, and each year thereafter, the  
77 cooperative shall submit the comprehensive annual report to the  
78 Governor, the President of the Senate, the Speaker of the House  
79 of Representatives, the department, and the appropriate water  
80 management districts.

81 (3) The cooperative shall also annually coordinate with the  
82 appropriate water management district to submit a status report  
83 on projects receiving priority state funding for inclusion in  
84 the consolidated water management district annual report  
85 required by s. 373.036(7).

86 Section 4. Present paragraph (h) of subsection (2) of  
87 section 212.055, Florida Statutes, is redesignated as paragraph  
88 (i) of that subsection and amended, and a new paragraph (h) is  
89 added to that subsection, to read:

90 212.055 Discretionary sales surtaxes; legislative intent;  
91 authorization and use of proceeds.—It is the legislative intent  
92 that any authorization for imposition of a discretionary sales  
93 surtax shall be published in the Florida Statutes as a  
94 subsection of this section, irrespective of the duration of the  
95 levy. Each enactment shall specify the types of counties  
96 authorized to levy; the rate or rates which may be imposed; the  
97 maximum length of time the surtax may be imposed, if any; the



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98 procedure which must be followed to secure voter approval, if  
99 required; the purpose for which the proceeds may be expended;  
100 and such other requirements as the Legislature may provide.  
101 Taxable transactions and administrative procedures shall be as  
102 provided in s. 212.054.

103 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

104 (h) A county or municipality that receives proceeds under  
105 the provisions of this subsection may transfer such proceeds to  
106 an entity created under s. 373.713 whose purpose is to develop,  
107 recover, store, and supply water. Such transferred proceeds must  
108 be used for the purposes specified in paragraph (d).

109 (i) ~~(h)~~ Notwithstanding any other provision of this section,  
110 a county may ~~shall~~ not levy local option sales surtaxes  
111 authorized in this subsection and subsections (3), (4), and (5)  
112 in excess of a combined rate of 1 percent.

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

114

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

116 And the title is amended as follows:

117 Delete everything before the enacting clause  
118 and insert:

119 A bill to be entitled  
120 An act relating to water protection and  
121 sustainability; creating the "Heartland Headwaters  
122 Protection and Sustainability Act"; creating s.  
123 373.462, F.S.; providing legislative findings and a  
124 declaration of important state interest; creating s.  
125 373.463, F.S.; requiring the Polk Regional Water  
126 Cooperative, in coordination with its member county



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127 and municipal governments, to prepare a comprehensive  
128 annual report on certain water resource projects  
129 within its members' jurisdictions; specifying  
130 requirements for such report; specifying to whom such  
131 report must be submitted; requiring the Polk Regional  
132 Water Cooperative, in coordination with appropriate  
133 water management districts, to submit an annual status  
134 report on projects receiving priority state funding;  
135 requiring that such report be included in specified  
136 annual reports; amending s. 212.055, F.S.; authorizing  
137 local government infrastructure surtax proceeds to be  
138 allocated to regional water supply authorities under  
139 certain conditions; providing an effective date.