

By Senator Stargel

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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; exempting an entity created by a specified
 7 interlocal agreement from the requirement that the
 8 Secretary of Environmental Protection must approve the
 9 interlocal agreement; creating s. 373.463, F.S.;
 10 requiring the Polk Regional Water Cooperative to
 11 prepare an annual report concerning water resource
 12 projects within a specified area; specifying
 13 requirements for such report; requiring the inclusion
 14 of such report in the appropriate consolidated water
 15 management district annual report; amending s.
 16 212.055, F.S.; authorizing certain entities to expend
 17 proceeds of local government infrastructure surtaxes
 18 for certain purposes; providing for annual
 19 appropriations; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. This act may be cited as the "Heartland
 24 Headwaters Protection and Sustainability Act."

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

27 373.462 Legislative findings and intent; exemption.-

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

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30 Swamp area of critical state concern in acknowledgment of its
31 regional and statewide importance in maintaining the quality and
32 quantity of Florida's water supply and water resources for the
33 public and the environment. The entire Green Swamp Area, which
34 encompasses approximately 560,000 acres, is located in a
35 regionally significant high recharge area of the Floridan
36 Aquifer system, and it helps protect coastal communities from
37 saltwater intrusion.

38 (2) The Legislature finds that the headwaters of six major
39 river systems in the state, including the Alafia, Hillsborough,
40 Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers, are
41 located in the Green Swamp Area or Polk County. In addition, due
42 to the area's unique topography and geology in which it receives
43 no other water inputs other than rainfall, the area is essential
44 in maintaining the potentiometric head of the Floridan Aquifer
45 system that directly influences the aquifer's productivity for
46 water supply in 32 counties, including Alachua, Broward,
47 Charlotte, Citrus, Clay, Collier, DeSoto, Duval, Glades, Hardee,
48 Hendry, Hernando, Highlands, Hillsborough, Lake, Lee, Levy,
49 Manatee, Marion, Martin, Miami-Dade, Monroe, Okeechobee, Orange,
50 Osceola, Palm Beach, Pasco, Polk, Putnam, Sarasota, St. Johns,
51 and Sumter.

52 (3) The Legislature also finds that the Green Swamp Area
53 and the surrounding areas are economically, environmentally, and
54 socially defined by some of the most important and vulnerable
55 water resources in the state. In addition, the Legislature
56 recognizes that the Central Florida Water Initiative Guiding
57 Document dated January 30, 2015, and the Southern Water Use
58 Caution Area Recovery Strategy dated March 2006 recognized the

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59 fact that the surface water and groundwater resources in the
60 heartland counties of Hardee, Highlands, and Polk are integral
61 to the health, public safety, and economic future of those
62 regions.

63 (4) The Legislature declares that there is an important
64 state interest in partnering with regional water supply
65 authorities and local governments, in accordance with s.
66 373.705, to protect the water resources of the headwaters of the
67 Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and
68 Withlacoochee Rivers and the surrounding areas. The Legislature
69 further declares that priority funding consideration must be
70 given to solutions to manage the water resources of these
71 headwaters and the local Floridan Aquifer system in the most
72 efficient, cost-effective, and environmentally beneficial way.

73 (5) The Legislature finds that the Polk Regional Water
74 Cooperative, created by interlocal agreement pursuant to s.
75 373.713 to protect the water resources of the headwaters of the
76 Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and
77 Withlacoochee Rivers and the surrounding area, is in the public
78 interest and complies with the intent and purposes of part VII
79 of this chapter. Therefore, notwithstanding s. 373.713(1), the
80 Secretary of Environmental Protection is not required to approve
81 this interlocal agreement.

82 Section 3. Section 373.463, Florida Statutes, is created to
83 read:

84 373.463 Heartland headwaters annual report.-

85 (1) The Polk Regional Water Cooperative, in coordination
86 with all of its member county and municipal governments, shall
87 prepare a comprehensive annual report for water resource

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88 projects identified for priority state funding within its
89 members' jurisdictions. The report must include, at a minimum:

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

- 93 1. Drinking water supply.
- 94 2. Wastewater.
- 95 3. Stormwater and flood control.
- 96 4. Environmental restoration.
- 97 5. Conservation.

98 (b) A priority ranking for each listed project that will be
99 ready to proceed in the upcoming fiscal year within each
100 category.

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

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

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

106 (2) The cooperative shall coordinate with the appropriate
107 water management district to ensure that the report is included
108 in the consolidated water management district annual report
109 required by s. 373.036(7).

110 Section 4. Paragraph (d) of subsection (2) of section
111 212.055, Florida Statutes, is amended to read:

112 212.055 Discretionary sales surtaxes; legislative intent;
113 authorization and use of proceeds.—It is the legislative intent
114 that any authorization for imposition of a discretionary sales
115 surtax shall be published in the Florida Statutes as a
116 subsection of this section, irrespective of the duration of the

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117 levy. Each enactment shall specify the types of counties
 118 authorized to levy; the rate or rates which may be imposed; the
 119 maximum length of time the surtax may be imposed, if any; the
 120 procedure which must be followed to secure voter approval, if
 121 required; the purpose for which the proceeds may be expended;
 122 and such other requirements as the Legislature may provide.
 123 Taxable transactions and administrative procedures shall be as
 124 provided in s. 212.054.

125 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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

128 a. By the school district;~~7~~

129 b. By the county for use within the county and
 130 municipalities within the county, or, in the case of a
 131 negotiated joint county agreement, within another county; ~~or,~~

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

135
 136 to finance, plan, and construct infrastructure; to acquire any
 137 interest in land for public recreation, conservation, or
 138 protection of natural resources or to prevent or satisfy private
 139 property rights claims resulting from limitations imposed by the
 140 designation of an area of critical state concern; to provide
 141 loans, grants, or rebates to residential or commercial property
 142 owners who make energy efficiency improvements to their
 143 residential or commercial property, if a local government
 144 ordinance authorizing such use is approved by referendum; or to
 145 finance the closure of county-owned or municipally owned solid

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146 waste landfills that have been closed or are required to be
147 closed by order of the Department of Environmental Protection.
148 Any use of the proceeds or interest for purposes of landfill
149 closure before July 1, 1993, is ratified. The proceeds and any
150 interest may not be used for the operational expenses of
151 infrastructure, except that a county that has a population of
152 fewer than 75,000 and that is required to close a landfill may
153 use the proceeds or interest for long-term maintenance costs
154 associated with landfill closure. Counties, as defined in s.
155 125.011, and charter counties may, in addition, use the proceeds
156 or interest to retire or service indebtedness incurred for bonds
157 issued before July 1, 1987, for infrastructure purposes, and for
158 bonds subsequently issued to refund such bonds. Any use of the
159 proceeds or interest for purposes of retiring or servicing
160 indebtedness incurred for refunding bonds before July 1, 1999,
161 is ratified.

162 ~~2.1.~~ For the purposes of this paragraph, the term
163 "infrastructure" means:

164 a. Any fixed capital expenditure or fixed capital outlay
165 associated with the construction, reconstruction, or improvement
166 of public facilities that have a life expectancy of 5 or more
167 years, any related land acquisition, land improvement, design,
168 and engineering costs, and all other professional and related
169 costs required to bring the public facilities into service. For
170 purposes of this sub-subparagraph, the term "public facilities"
171 means facilities as defined in s. 163.3164(38), s. 163.3221(13),
172 or s. 189.012(5), regardless of whether the facilities are owned
173 by the local taxing authority or another governmental entity.

174 b. A fire department vehicle, an emergency medical service

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175 vehicle, a sheriff's office vehicle, a police department
176 vehicle, or any other vehicle, and the equipment necessary to
177 outfit the vehicle for its official use or equipment that has a
178 life expectancy of at least 5 years.

179 c. Any expenditure for the construction, lease, or
180 maintenance of, or provision of utilities or security for,
181 facilities, as defined in s. 29.008.

182 d. Any fixed capital expenditure or fixed capital outlay
183 associated with the improvement of private facilities that have
184 a life expectancy of 5 or more years and that the owner agrees
185 to make available for use on a temporary basis as needed by a
186 local government as a public emergency shelter or a staging area
187 for emergency response equipment during an emergency officially
188 declared by the state or by the local government under s.
189 252.38. Such improvements are limited to those necessary to
190 comply with current standards for public emergency evacuation
191 shelters. The owner must enter into a written contract with the
192 local government providing the improvement funding to make the
193 private facility available to the public for purposes of
194 emergency shelter at no cost to the local government for a
195 minimum of 10 years after completion of the improvement, with
196 the provision that the obligation will transfer to any
197 subsequent owner until the end of the minimum period.

198 e. Any land acquisition expenditure for a residential
199 housing project in which at least 30 percent of the units are
200 affordable to individuals or families whose total annual
201 household income does not exceed 120 percent of the area median
202 income adjusted for household size, if the land is owned by a
203 local government or by a special district that enters into a

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204 written agreement with the local government to provide such
205 housing. The local government or special district may enter into
206 a ground lease with a public or private person or entity for
207 nominal or other consideration for the construction of the
208 residential housing project on land acquired pursuant to this
209 sub-subparagraph.

210 3.2. For the purposes of this paragraph, the term "energy
211 efficiency improvement" means any energy conservation and
212 efficiency improvement that reduces consumption through
213 conservation or a more efficient use of electricity, natural
214 gas, propane, or other forms of energy on the property,
215 including, but not limited to, air sealing; installation of
216 insulation; installation of energy-efficient heating, cooling,
217 or ventilation systems; installation of solar panels; building
218 modifications to increase the use of daylight or shade;
219 replacement of windows; installation of energy controls or
220 energy recovery systems; installation of electric vehicle
221 charging equipment; installation of systems for natural gas fuel
222 as defined in s. 206.9951; and installation of efficient
223 lighting equipment.

224 4.3. Notwithstanding any other provision of this
225 subsection, a local government infrastructure surtax imposed or
226 extended after July 1, 1998, may allocate up to 15 percent of
227 the surtax proceeds for deposit into a trust fund within the
228 county's accounts created for the purpose of funding economic
229 development projects having a general public purpose of
230 improving local economies, including the funding of operational
231 costs and incentives related to economic development. The ballot
232 statement must indicate the intention to make an allocation

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233 under the authority of this subparagraph.

234 Section 5. Beginning in the 2017-2018 fiscal year and
235 ending in the 2036-2037 fiscal year, \$XX million is appropriated
236 annually to the Department of Environmental Protection to be
237 distributed for projects identified for priority state funding
238 in the heartland headwaters annual report prepared pursuant to
239 s. 373.463, Florida Statutes.

240 Section 6. This act shall take effect July 1, 2017.