

By the Committee on Environmental Preservation and Conservation;
and Senator Stargel

592-03009-17

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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 a
6 declaration of important state interest; creating s.
7 373.463, F.S.; requiring the Polk Regional Water
8 Cooperative, in coordination with its member county
9 and municipal governments, to prepare a comprehensive
10 annual report on certain water resource projects
11 within its members' jurisdictions; specifying
12 requirements for such report; specifying to whom such
13 report must be submitted; requiring the Polk Regional
14 Water Cooperative, in coordination with appropriate
15 water management districts, to submit an annual status
16 report on projects receiving priority state funding;
17 requiring that such report be included in specified
18 annual reports; amending s. 212.055, F.S.; authorizing
19 local government infrastructure surtax proceeds to be
20 allocated to regional water supply authorities under
21 certain conditions; providing an effective date.

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

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

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

29 373.462 Legislative findings and intent.—

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30 (1) The Legislature recognizes that, in 1979, specified
31 portions of Lake and Polk Counties were designated by law as an
32 area of critical state concern, known as the Green Swamp Area,
33 in acknowledgment of their regional and statewide importance in
34 maintaining the quality and quantity of Florida's water supply
35 and water resources for the public and the environment.

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

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

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

54 (5) The Legislature recognizes that the Central Florida
55 Water Initiative Guiding Document, dated January 30, 2015, and
56 the Southern Water Use Caution Area Recovery Strategy, dated
57 March 2006, found that the surface water and groundwater
58 resources in the heartland counties of Hardee, Highlands, and

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59 Polk are integral to the health, public safety, and economic
60 future of those regions.

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

72 Section 3. Section 373.463, Florida Statutes, is created to
73 read:

74 373.463 Heartland headwaters annual reports.-

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

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

- 83 1. Drinking water supply.
- 84 2. Wastewater, including reuse.
- 85 3. Stormwater and flood control.
- 86 4. Environmental restoration.
- 87 5. Conservation.

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88 (b) A priority ranking for each listed project that will be
89 ready to proceed in the upcoming fiscal year, identified by the
90 categories specified in paragraph (a).

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

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

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

96 (2) By December 1, 2017, and each year thereafter, the
97 cooperative shall submit the comprehensive annual report to the
98 Governor, the President of the Senate, the Speaker of the House
99 of Representatives, the department, and the appropriate water
100 management districts.

101 (3) The cooperative shall also annually coordinate with the
102 appropriate water management district to submit a status report
103 on projects receiving priority state funding for inclusion in
104 the consolidated water management district annual report
105 required by s. 373.036(7).

106 Section 4. Present paragraph (h) of subsection (2) of
107 section 212.055, Florida Statutes, is redesignated as paragraph
108 (i) of that subsection and amended, and a new paragraph (h) is
109 added to that subsection, to read:

110 212.055 Discretionary sales surtaxes; legislative intent;
111 authorization and use of proceeds.—It is the legislative intent
112 that any authorization for imposition of a discretionary sales
113 surtax shall be published in the Florida Statutes as a
114 subsection of this section, irrespective of the duration of the
115 levy. Each enactment shall specify the types of counties
116 authorized to levy; the rate or rates which may be imposed; the

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

123 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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

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

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

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