A bill to be entitled An act relating to local government environmental financing; amending s. 212.055, F.S.; authorizing use of the surtax to purchase land to reduce hurricane evacuation times; defining the term "public facility" for purposes of identifying projects that may be funded using specific surtaxes and bond proceeds; amending s. 215.619, F.S.; authorizing use of Everglades bonds for the City of Key West Area of Critical State Concern; expanding the types of water management projects eligible for funding; authorizing additional bonding authority; revising the date for maturity of Everglades bonds; specifying procedures to be followed for certain lands that are no longer needed for certain restoration purposes; amending s. 259.045, F.S.; requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within or directly impacting an area of critical state concern; amending s. 259.105, F.S.; revises the Florida Forever provisions to recognize the degradation of coral reefs; requiring specific Florida Forever appropriations for purchasing lands in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent regarding the Florida Keys Areas of Critical State Concern;

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revising development principles for the Florida Keys
Area of Critical State Concern to include certain
water projects; amending s. 380.0666, F.S.; expanding
the purposes of purchasing lands to include reducing
hurricane evacuation times; granting authority for
land authorities to contribute funds for certain land
purchases by the Department of Environmental
Protection; providing a state appropriation for
certain water projects under certain circumstances;
providing an effective date.

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

Section 1. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide.

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Taxable transactions and administrative procedures shall be as provided in s. 212.054.

- (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX. -
- The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources, or to reduce impacts on hurricane clearance times; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds

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or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

- For the purposes of this paragraph, the term "infrastructure" means:
- a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, and any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facility into service. For purposes of this paragraph, the term "public facility" means a facility identified in ss. 163.3164(38), 163.3221(13), or 189.012(5), regardless of whether the facility is owned by the local taxing authority or another governmental entity.
- b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.
- c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for,

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facilities, as defined in s. 29.008.

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- Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.
- e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for

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nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

- 2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.
- 3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the

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authority of this subparagraph.

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Section 2. Subsections (1), of section 215.619, Florida Statutes, is amended, and a new subsection (7) is created and subsections (8) and (9) of that section are renumbered as (9) and (10), to read:

## 215.619 Bonds for Everglades restoration. -

The issuance of Everglades restoration bonds to finance or refinance the cost of the acquisition and improvement of land, water areas, and related property interests and resources for the purpose of implementing the Comprehensive Everglades Restoration Plan under s. 373.470, the Lake Okeechobee Watershed Protection Plan under s. 373.4595, the Caloosahatchee River Watershed Protection Plan under s. 373.4595, the St. Lucie River Watershed Protection Plan under s. 373.4595, the Key West Area of Critical State Concern, as designated by the Administration Commission, and the Florida Keys Area of Critical State Concern protection program under ss. 380.05 and 380.0552 in order to restore and conserve natural systems through the implementation of water management projects, including projects that protect, restore, or enhance nearshore water quality and fisheries such as stormwater or canal restoration projects, projects to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems, and wastewater management projects identified in the Keys Wastewater Plan, dated November 2007, and submitted to the Florida House of

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Representatives on December 4, 2007, is authorized in accordance with s. 11(e), Art. VII of the State Constitution.

- (a) Everglades restoration bonds, except refunding bonds, may be issued only in fiscal years 2002-2003 through  $\frac{2025-2026}{2019-2020}$  and may not be issued in an amount exceeding \$100 million per fiscal year unless:
- The Department of Environmental Protection has requested additional amounts in order to achieve cost savings or accelerate the purchase of land; or
- Beginning fiscal year 2015-2016, the Legislature authorizes an additional amount of bonds not to exceed \$200 million, and limited to \$20 \$50 million per fiscal year, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program. Proceeds from the bonds shall be managed by the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern or the Key West Area of Critical State Concern to finance or refinance the cost of constructing sewage collection, treatment, and disposal facilities, or for building projects that protect, restore, or enhance nearshore water quality and fisheries, such as stormwater or canal restoration projects and projects to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems.
  - (b) The duration of Everglades restoration bonds may not

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exceed 20 annual maturities and must mature by December 31, 2046 2040. Except for refunding bonds, a series of bonds may not be issued unless an amount equal to the debt service coming due in the year of issuance has been appropriated by the Legislature. Not more than 58.25 percent of the documentary stamp taxes collected may be taken into account for the purpose of satisfying an additional bonds test set forth in any authorizing resolution for bonds issued on or after July 1, 2015. Beginning July 1, 2010, the Legislature shall analyze the ratio of the state's debt to projected revenues before authorizing the issuance of bonds under this section.

Department of Environmental Protection determine that lands purchased using bond proceeds within the Florida Keys Area of Critical State Concern, the Key West Area of Critical State Concern, or outside the Florida Keys Area of Critical State Concern but which were required to be purchased to preserve and protect the potable water supply to the Florida Keys are no longer needed for the purpose they were purchased needed to implement either of those protection programs, the entity owning the lands may dispose of them. However, before the lands can be disposed, each general purpose local government in whose boundaries a portion of the land lies, must agree to the disposal of lands within its boundaries and must be offered the first right to purchase those lands. If the lands are surplused, they shall either be surplused at no less than appraised value

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and the proceeds from the sale of such lands shall be deposited into the Save Our Everglades Trust Fund to be used to implement the respective plans, or the South Florida Water Management District shall use a different source of funds to pay for or reimburse the Save Our Everglades Trust Fund for that portion of lands not needed to implement the respective plans.

Section 3 Section 259.045. Florida Statutes is amended

Section 3. Section 259.045, Florida Statutes, is amended to read:

259.045 Purchase of lands in areas of critical state concern; recommendations by department and land authorities.— Within 45 days of the designation by the Administration Commission of an area as an area of critical state concern under s. 380.05, and annually thereafter, the Department of Environmental Protection shall consider the recommendations of the state land planning agency pursuant to s. 380.05(1)(a) relating to purchase of lands within an area of critical state concern or lands outside of an area of critical state concern that directly impact an area of critical state concern, which may include lands used to preserve and protect water supply, the proposed area and shall make recommendations to the board with respect to the purchase of the fee or any lesser interest in any lands situated in such area of critical state concern that are:as

- (1) Environmentally endangered lands; or
- (2) Outdoor recreation lands;
- (3) Lands that conserve sensitive habitat;

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- (4) Lands that protect, restore, or enhance nearshore water quality and fisheries;
- (5) Lands to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems; or
- (6) Lands to prevent or satisfy private property rights claims resulting from the limitations imposed by the designation of an area of critical state concern.

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

Section 4. Paragraph (a) of subsection (2) and paragraphs (b) and (m) of subsection (3) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.-

- (2)(a) The Legislature finds and declares that:
- 1. Land acquisition programs have provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development or alteration, thereby ensuring present and future generations' access to important waterways, open spaces, and recreation and conservation lands.

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- 2. The continued alteration and development of Florida's natural and rural areas to accommodate the state's growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, working landscapes, and coastal open space, and coral reefs.
- 3. The potential development of Florida's remaining natural areas and escalation of land values require government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's essential ecological functions and invaluable quality of life.
- 4. It is essential to protect the state's ecosystems by promoting a more efficient use of land, to ensure opportunities for viable agricultural activities on working lands, and to promote vital rural and urban communities that support and produce development patterns consistent with natural resource protection.
- 5. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts, including the protection of uplands and springsheds that provide vital recharge to aquifer systems and are critical to the protection of water quality and water quantity of the aquifers and springs. To ensure that sufficient quantities of water are available to meet the current and future needs of the

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natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

- 6. The needs of urban, suburban, and small communities in Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, ecological greenways, and recreation properties within urban, suburban, and rural areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.
- 7. Many of Florida's unique ecosystems, such as the Florida Everglades and coral reefs, are facing ecological collapse due to Florida's burgeoning population growth and other economic activities. To preserve these valuable ecosystems for future generations, essential parcels of land must be acquired to facilitate ecosystem restoration.
- 8. Access to public lands to support a broad range of outdoor recreational opportunities and the development of necessary infrastructure, where compatible with the resource values of and management objectives for such lands, promotes an

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appreciation for Florida's natural assets and improves the quality of life.

- 9. Acquisition of lands, in fee simple, less-than-fee interest, or other techniques shall be based on a comprehensive science-based assessment of Florida's natural resources which targets essential conservation lands by prioritizing all current and future acquisitions based on a uniform set of data and planned so as to protect the integrity and function of ecological systems and working landscapes, and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban and rural areas, and the restoration of natural water storage, flow, and recharge.
- 10. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.
- 11. The state must play a major role in the recovery and management of its imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can

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support the major life functions of such species. It is the intent of the Legislature to support local, state, and federal programs that result in net benefit to imperiled species habitat by providing public and private land owners meaningful incentives for acquiring, restoring, managing, and repopulating habitats for imperiled species. It is the further intent of the Legislature that public lands, both existing and to be acquired, identified by the lead land managing agency, in consultation with the Florida Fish and Wildlife Conservation Commission for animals or the Department of Agriculture and Consumer Services for plants, as habitat or potentially restorable habitat for imperiled species, be restored, enhanced, managed, and repopulated as habitat for such species to advance the goals and objectives of imperiled species management consistent with the purposes for which such lands are acquired without restricting other uses identified in the management plan. It is also the intent of the Legislature that of the proceeds distributed pursuant to subsection (3), additional consideration be given to acquisitions that achieve a combination of conservation goals, including the restoration, enhancement, management, or repopulation of habitat for imperiled species. The Acquisition and Restoration Council, in addition to the criteria in subsection (9), shall give weight to projects that include acquisition, restoration, management, or repopulation of habitat for imperiled species. The term "imperiled species" as used in this chapter and chapter 253, means plants and animals that are

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federally listed under the Endangered Species Act, or statelisted by the Fish and Wildlife Conservation Commission or the Department of Agriculture and Consumer Services.

- a. As part of the state's role, all state lands that have imperiled species habitat shall include as a consideration in management plan development the restoration, enhancement, management, and repopulation of such habitats. In addition, the lead land managing agency of such state lands may use fees received from public or private entities for projects to offset adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under s. 379.223, s. 589.012, or s. 259.032(9)(c), to be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat.
- b. Where habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services shall be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management consistent with the purposes for which the land was acquired

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without restricting other uses identified in the management plan.

- 12. There is a need to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of this state.
- (3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:
- (b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. Beginning in fiscal year 2015-2016 and continuing through fiscal year 2025-2026, at least \$5 million of the funds annually appropriated pursuant to this

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paragraph shall be spent on land acquisition in the Florida Keys

Area of Critical State Concern.

- (m) Notwithstanding paragraphs (a)-(j) and for the 2015-2016 fiscal year only, \$17.4 million to only the Division of State Lands within the Department of Environmental Protection for the Board of Trustees Florida Forever Priority List land acquisitions projects. This paragraph expires July 1, 2016.
- Section 5. Paragraph (i) of subsection (2) and paragraph (i) of subsection (7) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

- (2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:
- (i) Protect and improve the nearshore water quality of the Florida Keys through state funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(1) and 403.086(10), as applicable.
- (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the

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purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; and other water quality and water supply projects, including direct and indirect potable reuse.

Section 6. Subsections (3) and (12) of section 380.0666, Florida Statutes, are amended to read:

380.0666 Powers of land authority.—The land authority <u>has</u> shall—have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(3) To acquire and dispose of real and personal property or any interest therein when such acquisition is necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife

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habitat areas, provide affordable housing to families whose income does not exceed 160 percent of the median family income for the area, reduce impacts on hurricane evacuation clearance times, or provide access to management of acquired lands; to acquire interests in land by means of land exchanges; to contribute tourist impact tax revenues received pursuant to s. 125.0108 to its most populous municipality or the housing authority of such municipality, at the request of the commission or council of such municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern within such municipality; to contribute funds to the Department of Environmental Protection for the purchase of lands by the department; and to enter into all alternatives to the acquisition of fee interests in land, including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback arrangements. However, the land authority shall make an such acquisition or contribution to the department only if:

- (a) Such acquisition or contribution is consistent with land development regulations and local comprehensive plans adopted and approved pursuant to this chapter;
- (b) The property acquired is within an area designated as an area of critical state concern at the time of acquisition, or is within an area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation; and

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

Section 7. If in any year beginning with fiscal year 2015-2016 through fiscal year 2025-2026, \$20 million in bonds are not authorized to be issued pursuant to s. 215.619, \$20 million shall be appropriated to the Department of Environmental Protection to be distributed to local governments in the Florida Keys Area of Critical State Concern and the Key West Area of Critical State Concern for projects to protect or enhance water quality or fisheries and projects to protect and enhance water supply to the Florida Keys including alternative water supply, such as reverse osmosis and reclaimed water systems.

Section 8. This act shall take effect July 1, 2016.