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1
2 An act relating to local government environmental
3 financing; providing a short title; amending s.
4 212.055, F.S.; expanding the uses of local government
5 infrastructure surtaxes to include acquiring any
6 interest in land for public recreation, conservation,
7 or protection of natural resources or to prevent or
8 satisfy private property rights claims resulting from
9 limitations imposed by the designation of an area of
10 critical state concern; revising definitions for
11 purposes of using surtax proceeds; amending s.
12 215.619, F.S.; expanding the use of Everglades
13 restoration bonds to include the City of Key West Area
14 of Critical State Concern; expanding the types of
15 water management projects eligible for funding;
16 revising the date for the maturity of Everglades
17 restoration bonds; authorizing bond proceeds to be
18 spent on the City of Key West Area of Critical State
19 Concern; expanding projects that may be funded by bond
20 proceeds; specifying procedures to be followed for
21 certain lands that are no longer needed for certain
22 restoration purposes; amending s. 259.045, F.S.;
23 requiring the Department of Environmental Protection
24 to annually consider certain recommendations to buy
25 specific lands within and outside an area of critical
26 state concern; authorizing certain local governments



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27 and special districts to recommend additional lands
28 for purchase; amending s. 259.105, F.S.; requiring
29 specific Florida Forever appropriations to be used for
30 the purchase of lands in the Florida Keys Area of
31 Critical State Concern; providing an appropriation;
32 amending s. 380.0552, F.S.; revising legislative
33 intent regarding the Florida Keys Area of Critical
34 State Concern; specifying that plan amendments in the
35 Florida Keys must also be consistent with protecting
36 and improving specified water quality and water supply
37 projects; amending s. 380.0666, F.S.; expanding powers
38 of a land authority to include acquiring lands to
39 prevent or satisfy private property rights claims
40 resulting from limitations imposed by the designation
41 of an area of critical state concern and contribute
42 funds for certain land purchases by the department;
43 providing limitations relating to acquiring or
44 contributing lands to improve public transportation
45 facilities; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. This act may be cited as the "Florida Keys
50 Stewardship Act."

51 Section 2. Paragraph (d) of subsection (2) of section
52 212.055, Florida Statutes, is amended to read:



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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) 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 prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial



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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 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.

1. 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 facilities into



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105 service. For purposes of this sub-subparagraph, the term "public
106 facilities" means facilities as defined in s. 163.3164(38), s.
107 163.3221(13), or s. 189.012(5), regardless of whether the
108 facilities are owned by the local taxing authority or another
109 governmental entity.

110 b. A fire department vehicle, an emergency medical service
111 vehicle, a sheriff's office vehicle, a police department
112 vehicle, or any other vehicle, and the equipment necessary to
113 outfit the vehicle for its official use or equipment that has a
114 life expectancy of at least 5 years.

115 c. Any expenditure for the construction, lease, or
116 maintenance of, or provision of utilities or security for,
117 facilities, as defined in s. 29.008.

118 d. Any fixed capital expenditure or fixed capital outlay
119 associated with the improvement of private facilities that have
120 a life expectancy of 5 or more years and that the owner agrees
121 to make available for use on a temporary basis as needed by a
122 local government as a public emergency shelter or a staging area
123 for emergency response equipment during an emergency officially
124 declared by the state or by the local government under s.
125 252.38. Such improvements are limited to those necessary to
126 comply with current standards for public emergency evacuation
127 shelters. The owner must enter into a written contract with the
128 local government providing the improvement funding to make the
129 private facility available to the public for purposes of
130 emergency shelter at no cost to the local government for a



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131 minimum of 10 years after completion of the improvement, with
132 the provision that the obligation will transfer to any
133 subsequent owner until the end of the minimum period.

134 e. Any land acquisition expenditure for a residential
135 housing project in which at least 30 percent of the units are
136 affordable to individuals or families whose total annual
137 household income does not exceed 120 percent of the area median
138 income adjusted for household size, if the land is owned by a
139 local government or by a special district that enters into a
140 written agreement with the local government to provide such
141 housing. The local government or special district may enter into
142 a ground lease with a public or private person or entity for
143 nominal or other consideration for the construction of the
144 residential housing project on land acquired pursuant to this
145 sub-subparagraph.

146 2. For the purposes of this paragraph, the term "energy
147 efficiency improvement" means any energy conservation and
148 efficiency improvement that reduces consumption through
149 conservation or a more efficient use of electricity, natural
150 gas, propane, or other forms of energy on the property,
151 including, but not limited to, air sealing; installation of
152 insulation; installation of energy-efficient heating, cooling,
153 or ventilation systems; installation of solar panels; building
154 modifications to increase the use of daylight or shade;
155 replacement of windows; installation of energy controls or
156 energy recovery systems; installation of electric vehicle



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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 authority of this subparagraph.

Section 3. Subsection (1) of section 215.619, Florida Statutes, is amended, subsections (7) and (8) are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

215.619 Bonds for Everglades restoration.—

(1) 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.



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373.4595, the City of Key West Area of Critical State Concern as designated by the Administration Commission under s. 380.05, 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 water resources available to the Florida Keys, including wastewater management projects identified in the Keys Wastewater Plan, dated November 2007, and submitted to the Florida House of 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 2019-2020 and may not be issued in an amount exceeding \$100 million per fiscal year unless:

1. The Department of Environmental Protection has requested additional amounts in order to achieve cost savings or accelerate the purchase of land; or

2. The Legislature authorizes an additional amount of bonds not to exceed \$200 million, and limited to \$50 million per fiscal year, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program and the City of Key West Area of Critical State Concern. Proceeds from the bonds shall be managed by the Department of Environmental



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209 Protection for the purpose of entering into financial assistance
210 agreements with local governments located in the Florida Keys
211 Area of Critical State Concern or the City of Key West Area of
212 Critical State Concern to finance or refinance the cost of
213 constructing sewage collection, treatment, and disposal
214 facilities or building projects that protect, restore, or
215 enhance nearshore water quality and fisheries, such as
216 stormwater or canal restoration projects and projects to protect
217 water resources available to the Florida Keys.

218 (b) The duration of Everglades restoration bonds may not
219 exceed 20 annual maturities and must mature by December 31, 2047
220 ~~2040~~. Except for refunding bonds, a series of bonds may not be
221 issued unless an amount equal to the debt service coming due in
222 the year of issuance has been appropriated by the Legislature.
223 Not more than 58.25 percent of documentary stamp taxes collected
224 may be taken into account for the purpose of satisfying an
225 additional bonds test set forth in any authorizing resolution
226 for bonds issued on or after July 1, 2015. Beginning July 1,
227 2010, the Legislature shall analyze the ratio of the state's
228 debt to projected revenues before authorizing the issuance of
229 bonds under this section.

230 (7) If the South Florida Water Management District and the
231 Department of Environmental Protection determine that lands
232 purchased using bond proceeds within the Florida Keys Area of
233 Critical State Concern, the City of Key West Area of Critical
234 State Concern, or outside the Florida Keys Area of Critical



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State Concern but which were purchased to preserve and protect the potable water supply to the Florida Keys, are no longer needed for the purpose for which they were purchased, the entity owning the lands may dispose of them. However, before the lands can be disposed of, each general purpose local government within the boundaries of which 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.

Section 4. 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 after ~~of the designation by~~ the Administration Commission designates ~~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 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 such lands that are: ~~situated in such area of critical state concern as~~

(1) Environmentally endangered lands; ~~or~~



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261 (2) Outdoor recreation lands;
262 (3) Lands that conserve sensitive habitat;
263 (4) Lands that protect, restore, or enhance nearshore
264 water quality and fisheries;
265 (5) Lands used to protect and enhance water supply to the
266 Florida Keys, including alternative water supplies such as
267 reverse osmosis and reclaimed water systems; or
268 (6) Lands used to prevent or satisfy private property
269 rights claims resulting from limitations imposed by the
270 designation of an area of critical state concern if the
271 acquisition of such lands fulfills a public purpose listed in s.
272 259.032(2).

273
274 The department, a local government, a special district, or ~~and~~ a
275 land authority within an area of critical state concern ~~as~~
276 ~~authorized in chapter 380,~~ may make recommendations with respect
277 to additional purchases which were not included in the state
278 land planning agency recommendations.

279 Section 5. Paragraph (b) of subsection (3) of section
280 259.105, Florida Statutes, is amended to read:

281 259.105 The Florida Forever Act.—

282 (3) Less the costs of issuing and the costs of funding
283 reserve accounts and other costs associated with bonds, the
284 proceeds of cash payments or bonds issued pursuant to this
285 section shall be deposited into the Florida Forever Trust Fund
286 created by s. 259.1051. The proceeds shall be distributed by the



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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 the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, at least \$5 million of the funds allocated pursuant to this paragraph shall be spent on land acquisition within the Florida Keys Area of Critical State Concern as authorized pursuant to s. 259.045.

Section 6. For the 2016-2017 fiscal year, the sum of \$5 million in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Environmental Protection to be distributed in accordance with the existing interlocal agreement among the Village of Islamorada, the Key Largo Wastewater Treatment District, the City of Marathon, the Monroe County/Florida Keys Aqueduct Authority, the City of Key West, and Key Colony Beach, for the purposes of constructing sewage



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collection, treatment, and disposal facilities; implementing stormwater collection and treatment systems; canal restoration and muck remediation projects; and projects that protect and enhance water supply in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern; or, for the purposes of land acquisition within the Florida Keys Area of Critical Concern as authorized pursuant to s. 259.045, Florida Statutes, with increased priority given to those acquisitions that achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. A local government requesting disbursement pursuant to this appropriation shall provide the Department of Environmental Protection with such documentation as the department deems necessary to verify that the costs are properly incurred and work has been performed.

Section 7. Paragraph (i) of subsection (2) and paragraph (i) of subsection (7) of section 380.0552, Florida Statutes, are 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 federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the



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requirements of ss. 381.0065(4)(l) 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 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 8. Subsection (3) of section 380.0666, Florida Statutes, is amended to read:



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365 380.0666 Powers of land authority.—The land authority
366 shall have all the powers necessary or convenient to carry out
367 and effectuate the purposes and provisions of this act,
368 including the following powers, which are in addition to all
369 other powers granted by other provisions of this act:

370 (3) To acquire and dispose of real and personal property
371 or any interest therein when such acquisition is necessary or
372 appropriate to protect the natural environment, provide public
373 access or public recreational facilities, preserve wildlife
374 habitat areas, provide affordable housing to families whose
375 income does not exceed 160 percent of the median family income
376 for the area, prevent or satisfy private property rights claims
377 resulting from limitations imposed by the designation of an area
378 of critical state concern, or provide access to management of
379 acquired lands; to acquire interests in land by means of land
380 exchanges; to contribute tourist impact tax revenues received
381 pursuant to s. 125.0108 to its most populous municipality or the
382 housing authority of such municipality, at the request of the
383 commission or council of such municipality, for the
384 construction, redevelopment, or preservation of affordable
385 housing in an area of critical state concern within such
386 municipality; to contribute funds to the Department of
387 Environmental Protection for the purchase of lands by the
388 department; and to enter into all alternatives to the
389 acquisition of fee interests in land, including, but not limited
390 to, the acquisition of easements, development rights, life



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391 estates, leases, and leaseback arrangements. However, the land
392 authority shall make an ~~such~~ acquisition or contribution only
393 if:

394 (a) Such acquisition or contribution is consistent with
395 land development regulations and local comprehensive plans
396 adopted and approved pursuant to this chapter;

397 (b) The property acquired is within an area designated as
398 an area of critical state concern at the time of acquisition or
399 is within an area that was designated as an area of critical
400 state concern for at least 20 consecutive years prior to removal
401 of the designation; ~~and~~

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

411 (d) The acquisition or contribution is not used to improve
412 public transportation facilities or otherwise increase road
413 capacity to reduce hurricane evacuation clearance times.

414 Section 9. This act shall take effect July 1, 2016.