

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Raschein offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Florida Keys
 8 Stewardship Act."

9 Section 2. Paragraph (d) of subsection (2) of section
 10 212.055, Florida Statutes, is amended to read:

11 212.055 Discretionary sales surtaxes; legislative intent;
 12 authorization and use of proceeds.—It is the legislative intent
 13 that any authorization for imposition of a discretionary sales
 14 surtax shall be published in the Florida Statutes as a
 15 subsection of this section, irrespective of the duration of the
 16 levy. Each enactment shall specify the types of counties
 17 authorized to levy; the rate or rates which may be imposed; the

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18 maximum length of time the surtax may be imposed, if any; the
19 procedure which must be followed to secure voter approval, if
20 required; the purpose for which the proceeds may be expended;
21 and such other requirements as the Legislature may provide.
22 Taxable transactions and administrative procedures shall be as
23 provided in s. 212.054.

24 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

25 (d) The proceeds of the surtax authorized by this
26 subsection and any accrued interest shall be expended by the
27 school district, within the county and municipalities within the
28 county, or, in the case of a negotiated joint county agreement,
29 within another county, to finance, plan, and construct
30 infrastructure; to acquire any interest in land for public
31 recreation, conservation, or protection of natural resources or
32 to prevent or satisfy private property rights claims resulting
33 from limitations imposed by the designation of an area of
34 critical state concern; to provide loans, grants, or rebates to
35 residential or commercial property owners who make energy
36 efficiency improvements to their residential or commercial
37 property, if a local government ordinance authorizing such use
38 is approved by referendum; or to finance the closure of county-
39 owned or municipally owned solid waste landfills that have been
40 closed or are required to be closed by order of the Department
41 of Environmental Protection. Any use of the proceeds or interest
42 for purposes of landfill closure before July 1, 1993, is
43 ratified. The proceeds and any interest may not be used for the

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44 operational expenses of infrastructure, except that a county
45 that has a population of fewer than 75,000 and that is required
46 to close a landfill may use the proceeds or interest for long-
47 term maintenance costs associated with landfill closure.
48 Counties, as defined in s. 125.011, and charter counties may, in
49 addition, use the proceeds or interest to retire or service
50 indebtedness incurred for bonds issued before July 1, 1987, for
51 infrastructure purposes, and for bonds subsequently issued to
52 refund such bonds. Any use of the proceeds or interest for
53 purposes of retiring or servicing indebtedness incurred for
54 refunding bonds before July 1, 1999, is ratified.

55 1. For the purposes of this paragraph, the term
56 "infrastructure" means:

57 a. Any fixed capital expenditure or fixed capital outlay
58 associated with the construction, reconstruction, or improvement
59 of public facilities that have a life expectancy of 5 or more
60 years, ~~and~~ any related land acquisition, land improvement,
61 design, and engineering costs, and all other professional and
62 related costs required to bring the public facilities into
63 service. For purposes of this sub-subparagraph, the term "public
64 facilities" means a facility as defined in s. 163.3164(38), s.
65 163.3221(13), or s. 189.012(5), regardless of whether the
66 facility is owned by the local taxing authority or another
67 governmental entity.

68 b. A fire department vehicle, an emergency medical service
69 vehicle, a sheriff's office vehicle, a police department

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70 vehicle, or any other vehicle, and the equipment necessary to
71 outfit the vehicle for its official use or equipment that has a
72 life expectancy of at least 5 years.

73 c. Any expenditure for the construction, lease, or
74 maintenance of, or provision of utilities or security for,
75 facilities, as defined in s. 29.008.

76 d. Any fixed capital expenditure or fixed capital outlay
77 associated with the improvement of private facilities that have
78 a life expectancy of 5 or more years and that the owner agrees
79 to make available for use on a temporary basis as needed by a
80 local government as a public emergency shelter or a staging area
81 for emergency response equipment during an emergency officially
82 declared by the state or by the local government under s.
83 252.38. Such improvements are limited to those necessary to
84 comply with current standards for public emergency evacuation
85 shelters. The owner must enter into a written contract with the
86 local government providing the improvement funding to make the
87 private facility available to the public for purposes of
88 emergency shelter at no cost to the local government for a
89 minimum of 10 years after completion of the improvement, with
90 the provision that the obligation will transfer to any
91 subsequent owner until the end of the minimum period.

92 e. Any land acquisition expenditure for a residential
93 housing project in which at least 30 percent of the units are
94 affordable to individuals or families whose total annual
95 household income does not exceed 120 percent of the area median

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96 income adjusted for household size, if the land is owned by a
97 local government or by a special district that enters into a
98 written agreement with the local government to provide such
99 housing. The local government or special district may enter into
100 a ground lease with a public or private person or entity for
101 nominal or other consideration for the construction of the
102 residential housing project on land acquired pursuant to this
103 sub-subparagraph.

104 2. For the purposes of this paragraph, the term "energy
105 efficiency improvement" means any energy conservation and
106 efficiency improvement that reduces consumption through
107 conservation or a more efficient use of electricity, natural
108 gas, propane, or other forms of energy on the property,
109 including, but not limited to, air sealing; installation of
110 insulation; installation of energy-efficient heating, cooling,
111 or ventilation systems; installation of solar panels; building
112 modifications to increase the use of daylight or shade;
113 replacement of windows; installation of energy controls or
114 energy recovery systems; installation of electric vehicle
115 charging equipment; installation of systems for natural gas fuel
116 as defined in s. 206.9951; and installation of efficient
117 lighting equipment.

118 3. Notwithstanding any other provision of this subsection,
119 a local government infrastructure surtax imposed or extended
120 after July 1, 1998, may allocate up to 15 percent of the surtax
121 proceeds for deposit into a trust fund within the county's

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122 accounts created for the purpose of funding economic development
123 projects having a general public purpose of improving local
124 economies, including the funding of operational costs and
125 incentives related to economic development. The ballot statement
126 must indicate the intention to make an allocation under the
127 authority of this subparagraph.

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

132 215.619 Bonds for Everglades restoration.—

133 (1) The issuance of Everglades restoration bonds to
134 finance or refinance the cost of the acquisition and improvement
135 of land, water areas, and related property interests and
136 resources for the purpose of implementing the Comprehensive
137 Everglades Restoration Plan under s. 373.470, the Lake
138 Okeechobee Watershed Protection Plan under s. 373.4595, the
139 Caloosahatchee River Watershed Protection Plan under s.
140 373.4595, the St. Lucie River Watershed Protection Plan under s.
141 373.4595, the City of Key West Area of Critical State Concern as
142 designated by the Administration Commission under s. 380.05 and
143 the Florida Keys Area of Critical State Concern protection
144 program under ss. 380.05 and 380.0552 in order to restore and
145 conserve natural systems through ~~the~~ implementation of water
146 management projects, including projects that protect, restore,
147 or enhance nearshore water quality and fisheries, such as

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148 stormwater or canal restoration projects, projects to protect
149 water resources available to the Florida Keys, including
150 alternative water supplies such as reverse osmosis and reclaimed
151 water systems, and wastewater management projects identified in
152 the Keys Wastewater Plan, dated November 2007, and submitted to
153 the Florida House of Representatives on December 4, 2007, is
154 authorized in accordance with s. 11(e), Art. VII of the State
155 Constitution.

156 (a) Everglades restoration bonds, except refunding bonds,
157 may be issued only in fiscal years 2002-2003 through 2026-2027
158 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
159 million per fiscal year unless:

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

163 2. Beginning in fiscal year 2016-2017, the Legislature
164 authorizes an additional amount of bonds not to exceed \$200
165 million, and limited to \$20 ~~\$50~~ million per fiscal year,
166 specifically for the purpose of funding the Florida Keys Area of
167 Critical State Concern protection program and the City of Key
168 West Area of Critical State Concern. Proceeds from the bonds
169 shall be managed by the Department of Environmental Protection
170 for the purpose of entering into financial assistance agreements
171 with local governments located in the Florida Keys Area of
172 Critical State Concern or the City of Key West Area of Critical
173 State Concern to finance or refinance the cost of constructing

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174 sewage collection, treatment, and disposal facilities or
175 building projects that protect, restore, or enhance nearshore
176 water quality and fisheries, such as stormwater or canal
177 restoration projects and projects to protect water resources
178 available to the Florida Keys, including alternative water
179 supplies such as reverse osmosis and reclaimed water systems.

180 (b) The duration of Everglades restoration bonds may not
181 exceed 20 annual maturities and must mature by December 31, 2047
182 2040. Except for refunding bonds, a series of bonds may not be
183 issued unless an amount equal to the debt service coming due in
184 the year of issuance has been appropriated by the Legislature.
185 Not more than 58.25 percent of documentary stamp taxes collected
186 may be taken into account for the purpose of satisfying an
187 additional bonds test set forth in any authorizing resolution
188 for bonds issued on or after July 1, 2015. Beginning July 1,
189 2010, the Legislature shall analyze the ratio of the state's
190 debt to projected revenues before authorizing the issuance of
191 bonds under this section.

192 (7) If the South Florida Water Management District and the
193 Department of Environmental Protection determine that lands
194 purchased using bond proceeds within the Florida Keys Area of
195 Critical State Concern, the City of Key West Area of Critical
196 State Concern, or outside the Florida Keys Area of Critical
197 State Concern but which were purchased to preserve and protect
198 the potable water supply to the Florida Keys are no longer
199 needed for the purpose for which they were purchased, the entity

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200 owning the lands may dispose of them. However, before the lands
201 can be disposed of, each general purpose local government within
202 whose boundaries a portion of the land lies must agree to the
203 disposal of lands within its boundaries and must be offered the
204 first right to purchase those lands.

205 Section 4. Section 259.045, Florida Statutes, is amended to
206 read:

207 259.045 Purchase of lands in areas of critical state
208 concern; recommendations by department and land authorities.—
209 Within 45 days after ~~of the designation by~~ the Administration
210 Commission designates ~~of~~ an area as an area of critical state
211 concern under s. 380.05, and annually thereafter, the Department
212 of Environmental Protection shall consider the recommendations
213 of the state land planning agency pursuant to s. 380.05(1)(a)
214 relating to purchase of lands within an area of critical state
215 concern or lands outside an area of critical state concern that
216 directly impact an area of critical state concern, which may
217 include lands used to preserve and protect water supply, the
218 ~~proposed area~~ and shall make recommendations to the board with
219 respect to the purchase of the fee or any lesser interest in any
220 such lands that are: ~~situated in such area of critical state~~
221 ~~concern as~~

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

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225 (4) Lands that protect, restore, or enhance nearshore
226 water quality and fisheries;

227 (5) Lands used to protect and enhance water supply to the
228 Florida Keys, including alternative water supplies such as
229 reverse osmosis and reclaimed water systems; or

230 (6) Lands used to prevent or satisfy private property
231 rights claims resulting from limitations imposed by the
232 designation of an area of critical state concern.

233
234 The department, or a local government, special district, or and
235 a land authority within an area of critical state concern as
236 authorized in chapter 380, may make recommendations with respect
237 to additional purchases which were not included in the state
238 land planning agency recommendations.

239 Section 5. Subsection (3) of section 259.105, Florida
240 Statutes, is amended to read:

241 259.105 The Florida Forever Act.—

242 (3) Less the costs of issuing and the costs of funding
243 reserve accounts and other costs associated with bonds, the
244 proceeds of cash payments or bonds issued pursuant to this
245 section shall be deposited into the Florida Forever Trust Fund
246 created by s. 259.1051. The proceeds shall be distributed by the
247 Department of Environmental Protection in the following manner:

248 (b) Thirty-five percent to the Department of Environmental
249 Protection for the acquisition of lands and capital project
250 expenditures described in this section. Of the proceeds

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251 distributed pursuant to this paragraph, it is the intent of the
252 Legislature that an increased priority be given to those
253 acquisitions which achieve a combination of conservation goals,
254 including protecting Florida's water resources and natural
255 groundwater recharge. At a minimum, 3 percent, and no more than
256 10 percent, of the funds allocated pursuant to this paragraph
257 shall be spent on capital project expenditures identified during
258 the time of acquisition which meet land management planning
259 activities necessary for public access. Beginning in fiscal year
260 2016-2017 and continuing through fiscal year 2026-2027, at least
261 \$5 million of the funds allocated pursuant to this paragraph
262 shall be spent on land acquisition within the Florida Keys Area
263 of Critical State Concern.

264 Section 6. Paragraph (i) of subsection (2) and paragraph
265 (i) of subsection (7) of section 380.0552, Florida Statutes, are
266 amended to read:

267 380.0552 Florida Keys Area; protection and designation as
268 area of critical state concern.—

269 (2) LEGISLATIVE INTENT.—It is the intent of the
270 Legislature to:

271 (i) Protect and improve the nearshore water quality of the
272 Florida Keys through federal, state, and local funding of water
273 quality improvement projects, including the construction and
274 operation of wastewater management facilities that meet the
275 requirements of ss. 381.0065(4)(1) and 403.086(10), as
276 applicable.

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277 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
278 and local agencies and units of government in the Florida Keys
279 Area shall coordinate their plans and conduct their programs and
280 regulatory activities consistent with the principles for guiding
281 development as specified in chapter 27F-8, Florida
282 Administrative Code, as amended effective August 23, 1984, which
283 is adopted and incorporated herein by reference. For the
284 purposes of reviewing the consistency of the adopted plan, or
285 any amendments to that plan, with the principles for guiding
286 development, and any amendments to the principles, the
287 principles shall be construed as a whole and specific provisions
288 may not be construed or applied in isolation from the other
289 provisions. However, the principles for guiding development are
290 repealed 18 months from July 1, 1986. After repeal, any plan
291 amendments must be consistent with the following principles:

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

299 Section 7. Subsection (3) of section 380.0666, Florida
300 Statutes, is amended to read:

301 380.0666 Powers of land authority.—The land authority
302 shall have all the powers necessary or convenient to carry out

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303 and effectuate the purposes and provisions of this act,
304 including the following powers, which are in addition to all
305 other powers granted by other provisions of this act:
306 (3) To acquire and dispose of real and personal property
307 or any interest therein when such acquisition is necessary or
308 appropriate to protect the natural environment, provide public
309 access or public recreational facilities, preserve wildlife
310 habitat areas, provide affordable housing to families whose
311 income does not exceed 160 percent of the median family income
312 for the area, prevent or satisfy private property rights claims
313 resulting from limitations imposed by the designation of an area
314 of critical state concern, or provide access to management of
315 acquired lands; to acquire interests in land by means of land
316 exchanges; to contribute tourist impact tax revenues received
317 pursuant to s. 125.0108 to its most populous municipality or the
318 housing authority of such municipality, at the request of the
319 commission or council of such municipality, for the
320 construction, redevelopment, or preservation of affordable
321 housing in an area of critical state concern within such
322 municipality; to contribute funds to the Department of
323 Environmental Protection for the purchase of lands by the
324 department; and to enter into all alternatives to the
325 acquisition of fee interests in land, including, but not limited
326 to, the acquisition of easements, development rights, life
327 estates, leases, and leaseback arrangements. However, the land

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328 authority shall make an ~~such~~ acquisition or contribution only
329 if:

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

333 (b) The property acquired is within an area designated as
334 an area of critical state concern at the time of acquisition or
335 is within an area that was designated as an area of critical
336 state concern for at least 20 consecutive years prior to removal
337 of the designation; ~~and~~

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

347 (d) Such acquisition or contribution is not used to
348 improve public transportation facilities or otherwise increase
349 road capacity to reduce hurricane evacuation clearance times.

350 Section 8. Notwithstanding any other provision of law, in
351 fiscal year 2016-2017 through fiscal year 2026-2027, if \$20
352 million in bonds are not authorized to be issued pursuant to s.
353 215.619, Florida Statutes, \$20 million shall be appropriated to

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354 the Department of Environmental Protection to be distributed to
355 local governments in the Florida Keys Area of Critical State
356 Concern and the City of Key West Area of Critical State Concern
357 for projects that protect, restore, or enhance nearshore water
358 quality and fisheries and projects to protect and enhance water
359 supply to the Florida Keys, including alternative water supplies
360 such as reverse osmosis and reclaimed water systems.

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

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364 **T I T L E A M E N D M E N T**

365 Remove everything before the enacting clause and insert:
366 An act relating to local government environmental financing;
367 providing a short title; amending s. 212.055, F.S.; expanding
368 the use of local government infrastructure surtaxes to include
369 acquiring any interest in land for public recreation,
370 conservation, or protection of natural resources or to prevent
371 or satisfy private property rights claims resulting from
372 limitations imposed by the designation of an area of critical
373 state concern; revising definitions for purposes of using surtax
374 proceeds; amending s. 215.619, F.S.; expanding the use of
375 Everglades restoration bonds to include the City of Key West
376 Area of Critical State Concern; expanding the types of water
377 management projects eligible for funding; revising the dates for
378 issuance and maturity of Everglades restoration bonds; reducing
379 the annual appropriation amount dedicated to fund the Florida

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380 Keys Area of Critical State Concern protection program;
381 authorizing bond proceeds to be spent on the City of Key West
382 Area of Critical State Concern; expanding projects that may be
383 funded by bond proceeds; specifying procedures to be followed
384 for certain lands that are no longer needed for certain
385 restoration purposes; amending s. 259.045, F.S.; requiring the
386 Department of Environmental Protection to annually consider
387 certain recommendations to buy specific lands within and outside
388 an area of critical state concern; authorizing certain local
389 governments and special districts to recommend additional lands
390 for purchase; amending s. 259.105, F.S.; requiring specific
391 Florida Forever appropriations to be used for the purchase of
392 lands in the Florida Keys Area of Critical State Concern;
393 amending s. 380.0552, F.S.; revising legislative intent
394 regarding the Florida Keys Area of Critical State Concern;
395 specifying that plan amendments in the Florida Keys must also be
396 consistent with protecting and improving specified water quality
397 and water supply projects; amending s. 380.0666, F.S.; expanding
398 powers of a land authority to include acquiring lands to reduce
399 impacts of new development on hurricane evacuation clearance
400 times and contribute funds for certain land purchases by the
401 department; providing limitations relating to hurricane
402 evacuation clearance times; providing a contingent
403 appropriation; providing an effective date.