

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

26 | to read:

27 | 373.462 Legislative findings and intent.-

28 | (1) The Legislature recognizes that by law in 1979, the  
29 | Green Swamp Area was designated as an area of critical state  
30 | concern in acknowledgment of its regional and statewide  
31 | importance in maintaining the quality and quantity of Florida's  
32 | water supply and water resources for the public and the  
33 | environment. This area, which is 560,000 acres in size, includes  
34 | the City of Bartow and the Lake Wales, Winter Haven, and  
35 | Lakeland sandy ridge area in Polk County. The Green Swamp Area  
36 | is located in a regionally significant high recharge area of the  
37 | Floridan Aquifer system and it helps protect coastal communities  
38 | from saltwater intrusion.

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

51 Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam,  
52 Sarasota, St. Johns, and Sumter.

53 (3) The Legislature also finds that the Green Swamp Area  
54 and the surrounding areas are economically, environmentally, and  
55 socially defined by some of the most important and vulnerable  
56 water resources in the state. In addition, the Legislature  
57 recognizes that the Central Florida Water Initiative Guiding  
58 Document dated January 30, 2015, and the Southern Water Use  
59 Caution Area Recovery Strategy dated March 2006 recognized the  
60 fact that the surface water and groundwater resources in the  
61 heartland counties of Hardee, Highlands, and Polk are integral  
62 to the health, public safety, and economic future of those  
63 regions.

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

74 (5) The Legislature finds that the Polk Regional Water  
75 Cooperative, created by interlocal agreement pursuant to s.

76 373.713 to protect the water resources of the headwaters of the  
 77 Alafia, Hillsborough, Ocklawaha, Peace, and Withlacoochee Rivers  
 78 and the surrounding area, is in the public interest and complies  
 79 with the intent and purposes of Part VII of this chapter.  
 80 Therefore, notwithstanding s. 373.713(1), the Secretary of the  
 81 Department of Environmental Protection is not required to  
 82 approve this interlocal agreement.

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

85 373.463 Heartland headwaters annual report.—

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

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

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

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

101 category.

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

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

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

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

111 Section 4. Paragraph (d) of subsection (2) of section  
112 212.055, Florida Statutes, is amended to read:

113 212.055 Discretionary sales surtaxes; legislative intent;  
114 authorization and use of proceeds.—It is the legislative intent  
115 that any authorization for imposition of a discretionary sales  
116 surtax shall be published in the Florida Statutes as a  
117 subsection of this section, irrespective of the duration of the  
118 levy. Each enactment shall specify the types of counties  
119 authorized to levy; the rate or rates which may be imposed; the  
120 maximum length of time the surtax may be imposed, if any; the  
121 procedure which must be followed to secure voter approval, if  
122 required; the purpose for which the proceeds may be expended;  
123 and such other requirements as the Legislature may provide.  
124 Taxable transactions and administrative procedures shall be as  
125 provided in s. 212.054.

126 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—  
 127 (d)1. The proceeds of the surtax authorized by this  
 128 subsection and any accrued interest shall be expended:  
 129 a. By the school district;~~7~~  
 130 b. By the county for use within the county and  
 131 municipalities within the county, or, in the case of a  
 132 negotiated joint county agreement, within another county; or~~7~~  
 133 c. By an entity created under s. 373.713, whose purpose is  
 134 to develop, recover, store, and supply water, if the county is a  
 135 member of that entity,  
 136  
 137 to finance, plan, and construct infrastructure; to acquire any  
 138 interest in land for public recreation, conservation, or  
 139 protection of natural resources or to prevent or satisfy private  
 140 property rights claims resulting from limitations imposed by the  
 141 designation of an area of critical state concern; to provide  
 142 loans, grants, or rebates to residential or commercial property  
 143 owners who make energy efficiency improvements to their  
 144 residential or commercial property, if a local government  
 145 ordinance authorizing such use is approved by referendum; or to  
 146 finance the closure of county-owned or municipally owned solid  
 147 waste landfills that have been closed or are required to be  
 148 closed by order of the Department of Environmental Protection.  
 149 Any use of the proceeds or interest for purposes of landfill  
 150 closure before July 1, 1993, is ratified. The proceeds and any

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

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

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

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

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

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

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

199 e. Any land acquisition expenditure for a residential  
200 housing project in which at least 30 percent of the units are

201 affordable to individuals or families whose total annual  
202 household income does not exceed 120 percent of the area median  
203 income adjusted for household size, if the land is owned by a  
204 local government or by a special district that enters into a  
205 written agreement with the local government to provide such  
206 housing. The local government or special district may enter into  
207 a ground lease with a public or private person or entity for  
208 nominal or other consideration for the construction of the  
209 residential housing project on land acquired pursuant to this  
210 sub-subparagraph.

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

225 ~~4.3.~~ Notwithstanding any other provision of this

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

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

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