

Amendment No.

CHAMBER ACTION

Senate

House

.

Representatives Raschein and Altman offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service

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14 charges or costs of collection and enforcement under this
15 section. All taxes collected under this chapter, except taxes
16 distributed to the Land Acquisition Trust Fund pursuant to
17 subsections (1) and (2), are subject to the service charge
18 imposed in s. 215.20(1). Before distribution pursuant to this
19 section, the Department of Revenue shall deduct amounts
20 necessary to pay the costs of the collection and enforcement of
21 the tax levied by this chapter. The costs and service charge may
22 not be levied against any portion of taxes pledged to debt
23 service on bonds to the extent that the costs and service charge
24 are required to pay any amounts relating to the bonds. All of
25 the costs of the collection and enforcement of the tax levied by
26 this chapter and the service charge shall be available and
27 transferred to the extent necessary to pay debt service and any
28 other amounts payable with respect to bonds authorized before
29 January 1, 2017, secured by revenues distributed pursuant to
30 this section. All taxes remaining after deduction of costs shall
31 be distributed as follows:

32 (3) Amounts on deposit in the Land Acquisition Trust Fund
33 shall be used in the following order:

34 (a) Payment of debt service or funding of debt service
35 reserve funds, rebate obligations, or other amounts payable with
36 respect to Florida Forever bonds issued pursuant to s. 215.618.
37 The amount used for such purposes may not exceed \$300 million in
38 each fiscal year. It is the intent of the Legislature that all

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39 bonds issued to fund the Florida Forever Act be retired by
40 December 31, 2040. Except for bonds issued to refund previously
41 issued bonds, no series of bonds may be issued pursuant to this
42 paragraph unless such bonds are approved and the debt service
43 for the remainder of the fiscal year in which the bonds are
44 issued is specifically appropriated in the General
45 Appropriations Act or other law with respect to bonds issued for
46 the purposes of s. 373.4598.

47
48 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
49 and ratably secured by moneys distributable to the Land
50 Acquisition Trust Fund.

51 Section 2. Subsection (5) of section 215.618, Florida
52 Statutes, is amended to read:

53 215.618 Bonds for acquisition and improvement of land,
54 water areas, and related property interests and resources.—

55 (5) The proceeds from the sale of bonds issued pursuant to
56 this section, less the costs of issuance, the costs of funding
57 reserve accounts, and other costs with respect to the bonds,
58 shall be deposited into the Florida Forever Trust Fund. The bond
59 proceeds deposited into the Florida Forever Trust Fund shall be
60 distributed by the Department of Environmental Protection as
61 provided in s. 259.105. This subsection does not apply to
62 proceeds from the sale of bonds issued for the purposes of s.
63 373.4598.

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64 Section 3. Section 373.4598, Florida Statutes, is created
65 to read:

66 373.4598 Water storage reservoirs.-

67 (1) LEGISLATIVE FINDINGS AND INTENT.-

68 (a) The Legislature declares that an emergency exists
69 regarding the St. Lucie and Caloosahatchee estuaries due to the
70 high-volume freshwater discharges to the east and west of the
71 lake. Such discharges have manifested in widespread algae
72 blooms, public health impacts, and extensive environmental harm
73 to wildlife and the aquatic ecosystem. These conditions, as
74 outlined in the state of emergency declared by the Governor
75 under Executive Orders 16-59, 16-155, and 16-156, threaten the
76 ecological integrity of the estuaries and the economic viability
77 of the state and affected communities.

78 (b) The Legislature finds that increasing water storage is
79 necessary to reduce the high-volume freshwater discharges from
80 the lake to the estuaries and restore the hydrological
81 connection to the Everglades. CERP projects necessary to reduce
82 the discharges and improve the flows to the Everglades should
83 receive priority funding, such as the Lake Okeechobee Watershed
84 project to the north of the lake; the Everglades Agricultural
85 Area reservoir project to the south of the lake; the C-43 West
86 Basin Reservoir Storage project to the west of the lake; and the
87 Indian River Lagoon-South project to the east of the lake.

88 (c) The Legislature finds that the rate of funding for

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89 CERP must be increased if restoration will be achieved within
90 the timeframe originally envisioned and that the delay in
91 substantial progress toward completing critical elements of
92 restoration, such as southern storage, will cause irreparable
93 harm to natural systems and, ultimately, increase the cost of
94 restoration. A substantial commitment to the advancement of
95 projects identified as part of CERP will reduce ongoing
96 ecological damage to the St. Lucie and Caloosahatchee estuaries.

97 (d) The Legislature recognizes that the EAA reservoir
98 project was conditionally authorized in the Water Resources
99 Development Act of 2000 as a project component of CERP. Unless
100 other funding is available, the Legislature directs the
101 district, in the implementation of the reservoir project, to
102 abide by applicable state and federal law in order to do that
103 which is required to obtain federal credit under CERP. If the
104 district implements the EAA reservoir project as a project
105 component as defined in s. 373.1501, the district must abide by
106 all applicable state and federal law relating to such projects.

107 (e) This section is not intended to diminish the
108 commitments made by the state in chapter 2016-201, Laws of
109 Florida.

110 (2) DEFINITIONS.—As used in this section, the term:

111 (a) "A-1 parcel" means an area of district-owned land
112 located between the Miami Canal and North New River Canal
113 consisting of approximately 17,000 acres which is bordered to

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114 the north by private agricultural lands, to the east by U.S.
115 Highway 27, to the south by Stormwater Treatment Area 3/4, and
116 to the west by the Holey Land Wildlife Management Area and the
117 A-2 parcel.

118 (b) "A-2 parcel" means an area of district-owned land
119 located between the Miami Canal and the North New River Canal
120 consisting of approximately 14,000 acres of land to the east of
121 the Miami Canal which is bordered to the north by private
122 agricultural lands, to the east by the A-1 parcel, and to the
123 south by the Holey Land Wildlife Management Area.

124 (c) "Board" means the Board of Trustees of the Internal
125 Improvement Trust Fund.

126 (d) "Central Everglades Planning Project" or "CEPP" means
127 the suite of CERP projects authorized as the "Central
128 Everglades" project in the Water Infrastructure Improvements for
129 the Nation Act, Public Law No: 114-322.

130 (e) "Comprehensive Everglades Restoration Plan" or "CERP"
131 has the same meaning as the term "comprehensive plan" as defined
132 in s. 373.470.

133 (f) "Corps" means the United States Army Corps of
134 Engineers.

135 (g) "District" means the South Florida Water Management
136 District.

137 (h) "Everglades Agricultural Area" or "EAA" has the same
138 meaning as in s. 373.4592.

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139 (i) "EAA reservoir project" means the Everglades
140 Agricultural Area storage reservoir, known as Component G of
141 CERP. The term includes any necessary water quality features
142 that are required to meet state and federal water quality
143 standards.

144 (j) "Lake" means Lake Okeechobee.

145 (k) "Option agreement" means the Second Amended and
146 Restated Agreement for Sale and Purchase between the seller,
147 United States Sugar Corporation, SBG Farms, Inc., and Southern
148 Garden Groves Corporation, and the buyer, the South Florida
149 Water Management District, dated August 12, 2010.

150 (3) EAA LEASE AGREEMENTS.—

151 (a) The district and the board are authorized to negotiate
152 the amendment or termination of leases on lands within the EAA
153 for exchange or use for the EAA reservoir project. Any such
154 lease must be terminated in accordance with the lease terms or
155 upon the voluntary agreement of the lessor and lessee. In the
156 event of any such lease termination, the lessee must be
157 permitted to continue to farm on a field-by-field basis until
158 such time as the lessee's operations are incompatible with
159 implementation of the EAA reservoir project, as reasonably
160 determined by the lessor. The district and the board may include
161 the swapping of land, assignment of leases, and other methods of
162 providing valuable consideration in negotiating the amendments
163 to or termination of such lease agreements.

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164 (b) Any lease agreement relating to land in the EAA leased
165 to the Prison Rehabilitative Industries and Diversified
166 Enterprises, Inc., (PRIDE Enterprises) for an agricultural work
167 program is required to be terminated in accordance with the
168 terms of the lease agreement. Any such land previously leased
169 may be made available by the board to the district for exchange
170 for lands suitable for the EAA reservoir project or may be
171 leased for agricultural purposes. The terms of any such lease
172 must include provisions authorizing the lessor to terminate the
173 lease at any time during the lease term as to any portion, or
174 all of the premises, to be used for an environmental restoration
175 purpose. The terms of the lease may not require more than 1
176 years' notice in order for such termination to be effective. Any
177 agricultural owner managing lands subject to an agreement with
178 PRIDE shall be given the right of first refusal in leasing any
179 such lands.

180 (c) If, after any termination of an EAA lease agreement,
181 ratoon, stubble, or residual crop remaining on the lease
182 premises is harvested or otherwise used by the lessor or any
183 third party, the lessee is entitled to be compensated for any
184 documented, unamortized planting costs, and any unamortized
185 capital costs associated with the lease and incurred before
186 notice.

187 (4) LAND ACQUISITION.—The Legislature declares that
188 acquiring land to increase water storage south of the lake is in

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189 the public interest and that the governing board of the district
190 may acquire land, if necessary, to implement the EAA reservoir
191 project with the goal of providing at least 240,000 acre-feet of
192 water storage south of the lake. The use of eminent domain in
193 the EAA for the purpose of implementing the EAA reservoir
194 project is prohibited.

195 (a) Upon the effective date of this act, the district
196 shall identify the lessees of the approximately 3,200 acres of
197 land owned by the state or the district west of the A-2 parcel
198 and east of the Miami Canal and the private property owners of
199 the approximately 500 acres of land surrounded by such lands.

200 (b) By July 31, 2017, the district shall contact the
201 lessors and landowners of the land identified pursuant paragraph
202 (a) to express the district's interest in acquiring land through
203 the purchase or exchange of lands or by the amendment or
204 termination of lease agreements. If land swaps or purchases are
205 necessary to assemble the required acreage, the participation of
206 private landowners must be voluntary. The district shall contact
207 the board to request that any lease of land identified pursuant
208 to paragraph (a), the title to which is vested in the board, be
209 amended or terminated. All appraisal reports, offers, and
210 counteroffers in relation to this subsection are confidential
211 and exempt from s. 119.07(1), as provided in s. 373.139.

212 (c) The board shall provide to the district, through
213 direct acquisition in fee or by a supplemental agreement, any

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214 land, the title to which is vested in the board, that the
215 district identifies as necessary to construct the EAA reservoir
216 project.

217 (d) The total acreage necessary for additional water
218 treatment may not exceed the amount reasonably required to meet
219 state and federal water quality standards as determined using
220 the water quality modeling tools of the district. The district
221 shall use the latest version of the Dynamic Model for Stormwater
222 Treatment Areas Model modeling tool and other modeling tools
223 that will be required in the planning and design of the EAA
224 reservoir project. If additional land not identified in
225 paragraph (a) is necessary for the EAA reservoir project, the
226 district shall acquire that land from willing sellers of
227 property in conjunction with the development of the post-
228 authorization change report.

229 (5) POST-AUTHORIZATION CHANGE REPORT.—

230 (a) The district is directed to request, by July 1, 2017,
231 that the corps jointly develop a post-authorization change
232 report with the district for CEPP to revise the project
233 component located on the A-2 parcel with the goal of increasing
234 water storage provided by the project component to a minimum of
235 240,000 acre-feet. Upon agreement with the corps, development of
236 the report must begin by August 1, 2017, and does not preclude
237 the implementation of the remaining CEPP project components.

238 (b) Using the A-2 parcel and the additional land

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239 identified pursuant to subsection (4) and without modifying the
240 A-1 parcel, the report must evaluate:

241 1. The optimal configuration of the EAA reservoir project
242 for providing at least 240,000 acre-feet of water storage; and

243 2. Any necessary increases in canal conveyance capacity to
244 reduce the discharges to the St. Lucie or Caloosahatchee
245 estuaries.

246 (c) If the district and the corps determine that an
247 alternate configuration of water storage and water quality
248 features providing for significantly more water storage, but no
249 less than 360,000 acre-feet of water storage, south of the lake
250 can be implemented on a footprint that includes modification to
251 the A-1 parcel, the district is authorized to recommend such an
252 alternative configuration in the report. Any such recommendation
253 must include sufficient water quality treatment capacity to meet
254 state and federal water quality standards.

255 (d) Pending congressional approval of the report, the
256 district may begin the preliminary planning or construction of,
257 or modification to, the project site to the extent appropriate,
258 subject to the availability of funding. Upon receipt of
259 congressional approval of the report, construction of the EAA
260 reservoir project shall be completed parallel with construction
261 of the other CEPP project components, subject to the
262 availability of funding.

263 (e) The district must report the status of the post-

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264 authorization change report to the Legislature by January 9,
265 2018. The status report must include information on the
266 district's ability to obtain lease modifications and land
267 acquisitions as provided in subsection (4). If the district in
268 good faith believes that the post-authorization change report
269 will receive ultimate approval but that an extension of the
270 deadline provided in paragraph (7) (a) is needed, the district
271 must include such a request in its status report and may be
272 granted an extension by the Legislature. Any such extension must
273 include a corresponding date by which the district must request
274 the corps to initiate the project implementation report for the
275 EAA reservoir project and may proceed with the implementation of
276 CEPP project components in accordance with the final project
277 implementation report.

278 (6) OPTION AGREEMENT.—The district must terminate the
279 option agreement at the request of the seller if:

280 (a) The post-authorization change report receives
281 congressional approval; or

282 (b) The district certifies to the board, the President of
283 the Senate, and the Speaker of the House of Representatives that
284 the acquisition of the land necessary for the EAA reservoir
285 project, as provided in subsection (4), has been completed.

286 (7) PROJECT IMPLEMENTATION REPORT.—

287 (a) If, for any reason, the post-authorization change
288 report is not approved by the corps and submitted for

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289 congressional approval by October 1, 2018, or the post-
290 authorization change report has not received congressional
291 approval by December 31, 2019, the district, unless granted an
292 extension by the Legislature, must request the corps to initiate
293 a project implementation report, as defined in s. 373.470, for
294 the EAA reservoir project and the district may proceed with the
295 implementation of CEPP project components in accordance with the
296 final project implementation report.

297 (b) The district, when developing the project
298 implementation report, must focus on the goals of the EAA
299 reservoir project as identified in CERP, which include providing
300 additional water storage and conveyance south of the lake to
301 reduce the volume of regulatory discharges of water from the
302 lake to the east and west.

303 (c) Upon finalization of the project implementation
304 report, as defined in s. 373.470, the district, in coordination
305 with the corps, shall seek congressional authorization for the
306 EAA reservoir project.

307 (8) AGRICULTURAL WORKERS.—The district shall give
308 preferential consideration to the hiring of former agricultural
309 workers primarily employed during 36 of the past 60 months in
310 the Everglades Agricultural Area, consistent with their
311 qualifications and abilities, for the construction and operation
312 of the EAA reservoir project. Any contract or subcontract for
313 the construction and operation of the EAA reservoir project in

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314 which 50 percent or more of the cost is paid from state-
315 appropriated funds must provide preference and priority in the
316 hiring of such agricultural workers. The district shall give
317 preferential consideration to contract proposals that include in
318 the contractor's hiring practices training programs for such
319 workers.

320 (9) C-51 RESERVOIR PROJECT.-

321 (a) The C-51 reservoir project is a water storage facility
322 as defined in s. 373.475. The C-51 reservoir project is located
323 in western Palm Beach County south of the lake and consists of
324 in-ground reservoirs and conveyance structures that will provide
325 water supply and water management benefits to participating
326 water supply utilities and will also provide environmental
327 benefits by reducing freshwater discharges to tide and making
328 water available for natural systems.

329 (b) Phase I of the project will provide approximately
330 14,000 acre-feet of water storage and will hydraulically connect
331 to the district's L-8 Flow Equalization Basin. Phase II of the
332 project will provide approximately 46,000 acre-feet of water
333 storage, for a total increase of 60,000 acre-feet of water
334 storage.

335 (c) For Phase II of the C-51 reservoir project, the
336 district may negotiate with the owners of the C-51 reservoir
337 project site for the acquisition of the project or to enter into
338 a public-private partnership. The district may acquire land near

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339 the C-51 reservoir through the purchase or exchange of land that
340 is owned by the district or the state as necessary to implement
341 Phase II of the project. The state and the district may consider
342 potential swaps of land that is owned by the state or the
343 district to achieve an optimal combination of water quality and
344 water storage. The district may not exercise eminent domain for
345 the purpose of implementing the C-51 reservoir project.

346 (d) If state funds are appropriated for Phase I or Phase
347 II of the C-51 reservoir project:

348 1. The district shall operate the reservoir to maximize
349 the reduction of high-volume Lake Okeechobee regulatory releases
350 to the St. Lucie or Caloosahatchee estuaries, in addition to
351 providing relief to the Lake Worth Lagoon;

352 2. Water made available by the reservoir shall be used for
353 natural systems in addition to any allocated amounts for water
354 supply; and

355 3. Any water received from Lake Okeechobee may not be
356 available to support consumptive use permits.

357 (e) Phase I of the C-51 reservoir project may be funded by
358 appropriation or through the water storage facility revolving
359 loan fund as provided in s. 373.475. Phase II of the C-51
360 reservoir project may be funded pursuant to this section,
361 pursuant to s. 373.475, as a project component of CERP, or
362 pursuant to s. 375.041(3)(b)4.

363 (10) FUNDING.—

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364 (a) The Legislature determines that the authorization and
365 issuance of Florida Forever bonds for the purposes of this
366 section is in the best interest of the state and determines that
367 water storage reservoir projects should be implemented.

368 (b) Any cost related to this section, including, but not
369 limited to, the costs for land acquisition, planning, and
370 construction may be funded using proceeds from Florida Forever
371 bonds issued under s. 215.618, in an amount of up to \$800
372 million, as authorized under that section. The bond proceeds
373 from bonds issued for the purposes of this section shall be
374 deposited into the Everglades Trust Fund.

375 (c) Notwithstanding s. 373.026(8)(b) or any other
376 provision of law, the use of state funds is authorized for the
377 EAA reservoir project.

378 (d) The district shall actively seek additional sources of
379 funding, including federal funding, for the reservoir project.

380 (11) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district
381 shall request that the corps pursue the reevaluation of the Lake
382 Okeechobee Regulation Schedule as expeditiously as possible,
383 taking into consideration the repairs made to the Herbert Hoover
384 Dike and implementation of projects designed to reduce high-
385 volume freshwater discharges from the lake, in order to
386 optimally utilize the added water storage capacity to reduce the
387 high-volume freshwater discharges to the St. Lucie and
388 Caloosahatchee estuaries.

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389 Section 4. Section 373.475, Florida Statutes, is created
390 to read:

391 373.475 Water storage facility revolving loan fund.-

392 (1) (a) In recognition that waters of the state are among
393 the state's most basic resources, the Legislature declares that
394 such waters should be managed to conserve and protect water
395 resources and to realize the full beneficial use of such
396 resources.

397 (b) As natural storage within the system has been lost due
398 to development, the Legislature finds that additional natural or
399 man-made water storage is required to capture and prevent water
400 from being discharged to tide or otherwise lost.

401 (c) The Legislature finds that establishing infrastructure
402 financing and providing technical assistance to local
403 governments or water supply entities for water storage
404 facilities is necessary to conserve and protect the waters of
405 the state.

406 (2) For purposes of this section, the term:

407 (a) "Local governmental agency" means any municipality,
408 county, district, or authority, or any agency thereof, or a
409 combination of such, acting jointly in connection with a
410 project, which has jurisdiction over a water storage facility.

411 (b) "Water storage facility" or "facility" means all
412 facilities, including land, necessary for an above-ground or in-
413 ground reservoir. Such facilities may be publicly owned,

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414 privately owned, investor-owned, or cooperatively held.

415 (3) The state, through the department, shall provide
416 funding assistance to local governments or water supply entities
417 for the development and construction of water storage facilities
418 to increase the availability of sufficient water for all
419 existing and future reasonable-beneficial uses and natural
420 systems.

421 (a) The department may make loans, provide loan
422 guarantees, purchase loan insurance, and refinance local debt
423 through the issue of new loans for water storage facilities
424 approved by the department. Local governments or water supply
425 entities may borrow funds made available pursuant to this
426 section and may pledge any revenues or other adequate security
427 available to them to repay any funds borrowed.

428 (b) The department may award loan amounts for up to 75
429 percent of the costs of planning, designing, constructing,
430 upgrading, or replacing water resource infrastructure or
431 facilities, whether natural or man-made, including the
432 acquisition of real property for water storage facilities.

433 (4) The department shall adopt rules to carry out the
434 purposes of this section. Such rules must:

435 (a) Establish a priority system for loans based on
436 compliance with state requirements. The priority system must
437 give special consideration to:

438 1. Projects that provide for the development of

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439 alternative water supply projects and management techniques in
440 areas where existing source waters are limited or threatened by
441 saltwater intrusion, excessive drawdowns, contamination, or
442 other problems;

443 2. Projects that contribute to the sustainability of
444 regional water sources;

445 3. Projects that produce additional water available for
446 consumptive uses or natural systems;

447 4. Projects that diversify water supply so that the needs
448 of consumptive uses and the natural system are met during wet
449 and dry conditions; or

450 5. Projects that provide flexibility in addressing the
451 unpredictability of water conditions from water year to water
452 year.

453 (b) Establish the requirements for the award and repayment
454 of financial assistance.

455 (c) Require evidence of credit worthiness and adequate
456 security, including an identification of revenues to be pledged
457 and documentation of their sufficiency for loan repayment and
458 pledged revenue coverage to ensure that each loan recipient can
459 meet its loan repayment requirements.

460 (d) Require each project receiving financial assistance to
461 be cost-effective, environmentally sound, and implementable.

462 (e) Require each project to be self-supporting if the
463 project is primarily for the purpose of water supply for

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464 consumptive use.

465 (5) Before approval of a loan, the local government or
466 water supply entity must, at a minimum, submit all of the
467 following to the department:

468 (a) A repayment schedule.

469 (b) Evidence of the permissibility or implementability of
470 the facility proposed for financial assistance.

471 (c) Plans and specifications, biddable contract documents,
472 or other documentation of appropriate procurement of goods and
473 services.

474 (d) Written assurance that records will be kept using
475 generally accepted accounting principles and that the department
476 or its agents and the Auditor General will have access to all
477 records pertaining to the loan.

478 (e) If the facility is required to be self-supporting
479 according to paragraph (4)(e), documentation that it will be
480 self-supporting.

481 (f) Documentation that the water management district
482 within whose boundaries the facility will be located has
483 approved the facility. If the facility crosses jurisdictional
484 boundaries, approval from each applicable district must be
485 documented and provided to the department.

486 (6) The department and water management districts are
487 authorized to provide technical assistance to local governments
488 or water supply entities for water storage facilities funded

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489 pursuant to this section.

490 (7) The minimum amount of a loan is \$75,000. The term of
491 loans made pursuant to this section may not exceed 30 years.

492 (8) As part of the report required under s. 403.8532, the
493 department shall prepare a report at the end of each fiscal year
494 which details the financial assistance provided under this
495 section, service fees collected, interest earned, and loans
496 outstanding.

497 (9) The department may conduct an audit of the loan
498 project upon completion, or may require that a separate project
499 audit, prepared by an independent certified public accountant,
500 be submitted.

501 (10) The department may require reasonable service fees on
502 loans made to local governments or water supply entities to
503 ensure that the program will be operated in perpetuity and to
504 implement the purposes authorized under this section. Service
505 fees may not be less than 2 percent or greater than 4 percent of
506 the loan amount exclusive of the service fee. Service fee
507 revenues shall be deposited into the department's Grants and
508 Donations Trust Fund. The fee revenues, and interest earnings
509 thereon, shall be used exclusively for the purposes of this
510 section.

511 (11) The Water Protection and Sustainability Program Trust
512 Fund established under s. 403.891 shall be used for the purposes
513 of this section. Any funds that are not needed for immediate

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514 financial assistance shall be invested pursuant to s. 215.49.
515 State funds and investment earnings shall be deposited into the
516 fund. The principal and interest of all loans repaid, and
517 investment earnings thereon, shall be deposited into the fund.

518 (12) (a) If a local governmental agency defaults under the
519 terms of its loan agreement, the department shall so certify to
520 the Chief Financial Officer, who shall forward the amount
521 delinquent to the department from any unobligated funds due to
522 the local governmental agency under any revenue-sharing or tax-
523 sharing fund established by the state, except as otherwise
524 provided by the State Constitution. Certification of delinquency
525 does not preclude the department from pursuing other remedies
526 available for default on a loan, including accelerating loan
527 repayments, eliminating all or part of the interest rate subsidy
528 on the loan, and court appointment of a receiver to manage the
529 public water system.

530 (b) If a water storage facility owned by a person other
531 than a local governmental agency defaults under the terms of its
532 loan agreement, the department may take all actions available
533 under law to remedy the default.

534 (c) The department may impose a penalty for delinquent
535 loan payments in the amount of 6 percent of the amount due, in
536 addition to charging the cost to handle and process the debt.
537 Penalty interest accrues on any amount due and payable beginning
538 on the 30th day following the date that the payment was due.

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539 (13) The department may terminate or rescind a financial
540 assistance agreement if the recipient fails to comply with the
541 terms and conditions of the agreement.

542 Section 5. Subsection (3) of section 375.041, Florida
543 Statutes, is amended to read:

544 375.041 Land Acquisition Trust Fund.—

545 (3) Funds distributed into the Land Acquisition Trust Fund
546 pursuant to s. 201.15 shall be applied:

547 (a) First, to pay debt service or to fund debt service
548 reserve funds, rebate obligations, or other amounts payable with
549 respect to Florida Forever bonds issued under s. 215.618; and
550 pay debt service, provide reserves, and pay rebate obligations
551 and other amounts due with respect to Everglades restoration
552 bonds issued under s. 215.619; and

553 (b) Of the funds remaining after the payments required
554 under paragraph (a), but before funds may be appropriated,
555 pledged, or dedicated for other uses:

556 1. A minimum of the lesser of 25 percent or \$200 million
557 shall be appropriated annually for Everglades projects that
558 implement the Comprehensive Everglades Restoration Plan as set
559 forth in s. 373.470, including the Central Everglades Planning
560 Project subject to Congressional authorization; the Long-Term
561 Plan as defined in s. 373.4592(2); and the Northern Everglades
562 and Estuaries Protection Program as set forth in s. 373.4595.
563 From these funds, \$32 million shall be distributed each fiscal

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564 year through the 2023-2024 fiscal year to the South Florida
565 Water Management District for the Long-Term Plan as defined in
566 s. 373.4592(2). After deducting the \$32 million distributed
567 under this subparagraph, from the funds remaining, a minimum of
568 the lesser of 76.5 percent or \$100 million shall be appropriated
569 each fiscal year through the 2025-2026 fiscal year for the
570 planning, design, engineering, and construction of the
571 Comprehensive Everglades Restoration Plan as set forth in s.
572 373.470, including the Central Everglades Planning Project, the
573 Everglades Agricultural Area Storage Reservoir Project, the Lake
574 Okeechobee Watershed Project, the C-43 West Basin Storage
575 Reservoir Project, the Indian River Lagoon-South Project, the
576 Western Everglades Restoration Project, and the Picayune Strand
577 Restoration Project ~~subject to Congressional authorization~~. The
578 Department of Environmental Protection and the South Florida
579 Water Management District shall give preference to those
580 Everglades restoration projects that reduce harmful discharges
581 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee
582 estuaries in a timely manner. For the purpose of performing the
583 calculation provided in this subparagraph, the amount of debt
584 service paid pursuant to paragraph (a) for bonds issued after
585 July 1, 2016, for the purposes set forth under paragraph (b)
586 shall be added to the amount remaining after the payments
587 required under paragraph (a). The amount of the distribution
588 calculated shall then be reduced by an amount equal to the debt

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589 service paid pursuant to paragraph (a) on bonds issued after
590 July 1, 2016, for the purposes set forth under this
591 subparagraph.

592 2. A minimum of the lesser of 7.6 percent or \$50 million
593 shall be appropriated annually for spring restoration,
594 protection, and management projects. For the purpose of
595 performing the calculation provided in this subparagraph, the
596 amount of debt service paid pursuant to paragraph (a) for bonds
597 issued after July 1, 2016, for the purposes set forth under
598 paragraph (b) shall be added to the amount remaining after the
599 payments required under paragraph (a). The amount of the
600 distribution calculated shall then be reduced by an amount equal
601 to the debt service paid pursuant to paragraph (a) on bonds
602 issued after July 1, 2016, for the purposes set forth under this
603 subparagraph.

604 3. The sum of \$5 million shall be appropriated annually
605 each fiscal year through the 2025-2026 fiscal year to the St.
606 Johns River Water Management District for projects dedicated to
607 the restoration of Lake Apopka. This distribution shall be
608 reduced by an amount equal to the debt service paid pursuant to
609 paragraph (a) on bonds issued after July 1, 2016, for the
610 purposes set forth in this subparagraph.

611 4. The sum of \$64 million is appropriated and shall be
612 transferred to the Everglades Trust Fund for the 2018-2019
613 fiscal year, and each fiscal year thereafter, for the EAA

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614 reservoir project pursuant to s. 373.4598. Any funds remaining
615 in any fiscal year shall be made available only for Phase II of
616 the C-51 reservoir project or projects identified in
617 subparagraph 1. and must be used in accordance with laws
618 relating to such projects. Any funds made available for such
619 purposes in a fiscal year is in addition to the amount
620 appropriated under subparagraph 1. This distribution shall be
621 reduced by an amount equal to the debt service paid pursuant to
622 paragraph (a) on bonds issued after July 1, 2017, for the
623 purposes set forth in this subparagraph.

624 Section 6. Section 403.890, Florida Statutes, is amended
625 to read:

626 403.890 Water Protection and Sustainability Program.—

627 (1) Revenues deposited into or appropriated to the Water
628 Protection and Sustainability Program Trust Fund shall be
629 distributed by the Department of Environmental Protection for
630 the following purposes in the following manner:

631 (a)(1) Sixty-five percent to the Department of
632 Environmental Protection for The implementation of an
633 alternative water supply program as provided in s. 373.707.

634 (b) The water storage facility revolving loan fund as
635 provided in s. 373.475.

636 (2) Revenues deposited into or appropriated to the Water
637 Protection and Sustainability Program Trust Fund for purposes of
638 the water storage facility revolving loan fund may only be used

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639 for such purposes.

640 ~~(2) Twenty two and five tenths percent for the~~
641 ~~implementation of best management practices and capital project~~
642 ~~expenditures necessary for the implementation of the goals of~~
643 ~~the total maximum daily load program established in s. 403.067.~~
644 ~~Of these funds, 83.33 percent shall be transferred to the credit~~
645 ~~of the Department of Environmental Protection Water Quality~~
646 ~~Assurance Trust Fund to address water quality impacts associated~~
647 ~~with nonagricultural nonpoint sources. Sixteen and sixty-seven~~
648 ~~hundredths percent of these funds shall be transferred to the~~
649 ~~Department of Agriculture and Consumer Services General~~
650 ~~Inspection Trust Fund to address water quality impacts~~
651 ~~associated with agricultural nonpoint sources. These funds shall~~
652 ~~be used for research, development, demonstration, and~~
653 ~~implementation of the total maximum daily load program under s.~~
654 ~~403.067, suitable best management practices or other measures~~
655 ~~used to achieve water quality standards in surface waters and~~
656 ~~water segments identified pursuant to s. 303(d) of the Clean~~
657 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
658 ~~Implementation of best management practices and other measures~~
659 ~~may include cost share grants, technical assistance,~~
660 ~~implementation tracking, and conservation leases or other~~
661 ~~agreements for water quality improvement. The Department of~~
662 ~~Environmental Protection and the Department of Agriculture and~~
663 ~~Consumer Services may adopt rules governing the distribution of~~

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664 ~~funds for implementation of capital projects, best management~~
665 ~~practices, and other measures. These funds shall not be used to~~
666 ~~abrogate the financial responsibility of those point and~~
667 ~~nonpoint sources that have contributed to the degradation of~~
668 ~~water or land areas. Increased priority shall be given by the~~
669 ~~department and the water management district governing boards to~~
670 ~~those projects that have secured a cost sharing agreement~~
671 ~~allocating responsibility for the cleanup of point and nonpoint~~
672 ~~sources.~~

673 ~~(3) Twelve and five tenths percent to the Department of~~
674 ~~Environmental Protection for the Disadvantaged Small Community~~
675 ~~Wastewater Grant Program as provided in s. 403.1838.~~

676 (3)(4) On June 30, 2009, and every 24 months thereafter,
677 the Department of Environmental Protection shall request the
678 return of all unencumbered funds distributed for the purposes of
679 the alternative water supply program pursuant to this section.
680 These funds shall be deposited into the Water Protection and
681 Sustainability Program Trust Fund and redistributed for such
682 purposes pursuant to the provisions of this section.

683 Section 7. Section 446.71, Florida Statutes, is created to
684 read:

685 446.71 Everglades Restoration Agricultural Community
686 Employment Training Program.—

687 (1) The Department of Economic Opportunity, in cooperation
688 with CareerSource Florida, Inc., shall establish the Everglades

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689 Restoration Agricultural Community Employment Training Program
690 within the Department of Economic Opportunity. The Department of
691 Economic Opportunity shall use funds appropriated to the program
692 by the Legislature to provide grants to stimulate and support
693 training and employment programs that seek to match persons who
694 complete such training programs to nonagricultural employment
695 opportunities in areas of high agricultural unemployment, and to
696 provide other training, educational, and information services
697 necessary to stimulate the creation of jobs in the areas of high
698 agricultural unemployment. In determining whether to provide
699 funds to a particular program, the Department of Economic
700 Opportunity shall consider the location of the program in
701 proximity to the program's intended participants.

702 (2) The Legislature supports projects that improve the
703 economy in the Everglades Agricultural Area. In recognition of
704 the employment opportunities and economic development generated
705 by new and expanding industries in the area, such as the
706 Airglades Airport in Hendry County and the development of an
707 inland port in Palm Beach County, the Legislature finds that
708 training the citizens of the state to fill the needs of these
709 industries significantly enhances the economic viability of the
710 region.

711 (3) Funds may be used for grants for tuition for public or
712 private technical or vocational programs and matching grants to
713 employers to conduct employer-based training programs, or for

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714 the purchase of equipment to be used for training purposes, the
715 hiring of instructors, or any other purpose directly associated
716 with the program.

717 (4) The Department of Economic Opportunity may not award a
718 grant to any given training program which exceeds 50 percent of
719 the total cost of the program, unless the training program is
720 located within a rural area of opportunity, in which case the
721 grant may exceed 50 percent of the total cost of the program and
722 up to 100 percent. Matching contributions may include in-kind
723 services, including, but not limited to, the provision of
724 training instructors, equipment, and training facilities.

725 (5) Before granting a request for funds made in accordance
726 with this section, the Department of Economic Opportunity shall
727 enter into a grant agreement with the requestor of funds and the
728 institution receiving funding through the program. Such
729 agreement must include all of the following information:

730 (a) An identification of the personnel necessary to
731 conduct the instructional program, the qualifications of such
732 personnel, and the respective responsibilities of the parties
733 for paying costs associated with the employment of such
734 personnel.

735 (b) An identification of the estimated length of the
736 instructional program.

737 (c) An identification of all direct, training-related
738 costs, including tuition and fees, curriculum development, books

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739 and classroom materials, and overhead or indirect costs.

740 (d) An identification of special program requirements that
741 are not otherwise addressed in the agreement.

742 (6) The Department of Economic Opportunity may grant up to
743 100 percent of the tuition for a training program participant
744 who currently resides, and has resided for at least 3 of the 5
745 immediately preceding years within the Everglades Agricultural
746 Area as described in s. 373.4592 and in counties that provide
747 for water storage and dispersed water storage that is located in
748 Rural Areas of Opportunity as described in s. 288.0656.

749 (7) Programs established in the Everglades Agricultural
750 Area must include opportunities to obtain the qualifications and
751 skills necessary for jobs related to federal and state
752 restoration projects, the Airglades Airport in Hendry County, an
753 inland port in Palm Beach County, or other industries with
754 verifiable, demonstrated interest in operating within the
755 Everglades Agricultural Area and in counties that provide for
756 water storage and dispersed water storage that is located in
757 Rural Areas of Opportunity as described in s. 288.0656.

758 (8) The Department of Economic Opportunity shall adopt
759 rules to implement this section.

760 Section 8. Subsection (3) is added to section 946.511,
761 Florida Statutes, to read:

762 946.511 Inmate labor to operate correctional work
763 programs.—

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764 (3) Beginning July 1, 2017, the use of inmates for
765 correctional work programs in the agricultural industry in the
766 Everglades Agricultural Area or in any area experiencing high
767 unemployment rates in the agricultural sector is prohibited. Any
768 lease agreement relating to land in the Everglades Agricultural
769 Area leased to the Prison Rehabilitative Industries and
770 Diversified Enterprises, Inc., (PRIDE Enterprises) for an
771 agricultural work program is required to be terminated in
772 accordance with the terms of the lease agreement.

773 Section 9. The Division of Law Revision and Information is
774 directed to replace the phrase "the effective date of this act"
775 wherever it occurs in this act with the date the act becomes a
776 law.

777 Section 10. For the 2017-2018 fiscal year, the sum of \$30
778 million in nonrecurring funds from the Land Acquisition Trust
779 Fund is appropriated to the Everglades Trust Fund for the
780 purposes of acquiring land or negotiating leases to implement
781 the Everglades Agricultural Area reservoir project pursuant to
782 s. 373.4598, Florida Statutes, or for any cost related to the
783 planning or construction of the Everglades Agricultural Area
784 reservoir project as defined in s. 373.4598, Florida Statutes.

785 Section 11. For the 2017-2018 fiscal year, the sum of \$3
786 million in nonrecurring funds from the Land Acquisition Trust
787 Fund is appropriated to the Everglades Trust Fund for the
788 purposes of developing the post-authorization change report

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789 pursuant to s. 373.4598, Florida Statutes, and the sum of \$1
790 million in nonrecurring funds from the Land Acquisition Trust
791 Fund is appropriated to the Everglades Trust Fund for the
792 purposes of negotiating Phase II of the C-51 reservoir project
793 pursuant to s. 373.4598, Florida Statutes.

794 Section 12. For the 2017-2018 fiscal year, the sum of \$30
795 million in nonrecurring funds from the General Revenue Trust
796 Fund is appropriated to the Water Resource Protection and
797 Sustainability Program Trust Fund for the purpose of providing a
798 loan to implement Phase I of the C-51 reservoir project. The
799 loan must have a 30-year term, may be prepaid at any time, and
800 shall accrue interest until repayment. The loan shall be repaid
801 from the proceeds of the sale of unreserved capacity in the
802 water storage facility, or other appropriate payment, at time of
803 receipt less reasonable expenses. The loan must be secured by a
804 first mortgage lien on the water storage facility and a
805 collateral assignment of unreserved capacity as adequate
806 security for the loan. The loan does not reserve for use by the
807 state or the district any capacity authorized pursuant to the
808 consumptive use permit for Phase I of the C-51 Reservoir. Once
809 the Department of Environmental Protection adopts rules pursuant
810 to s. 373.475, Florida Statutes, the department may modify the
811 terms of the loan agreement to ensure that the loan agreement is
812 in accordance with such rules, except that any terms
813 specifically stated herein may not be modified.

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814 Section 13. This act shall take effect upon becoming a
815 law.

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

819 Remove everything before the enacting clause and insert:

820 A bill to be entitled

821 An act relating to water resources; amending s.

822 201.15, F.S.; revising the requirements under which

823 certain bonds may be issued; amending s. 215.618,

824 F.S.; providing an exception to the requirement that

825 bonds issued for acquisition and improvement of land,

826 water areas, and related property interests and

827 resources be deposited into the Florida Forever Trust

828 Fund and distributed in a specified manner; creating

829 s. 373.4598, F.S.; providing legislative findings and

830 intent; defining terms; authorizing the South Florida

831 Water Management District and the Board of Trustees of

832 the Internal Improvement Trust Fund to negotiate the

833 amendment and termination of leases on lands within

834 the Everglades Agricultural Area for exchange or use

835 for the reservoir project; requiring certain lease

836 agreements for agricultural work programs to be

837 terminated in accordance with the lease terms;

838 requiring the district to identify certain lands;

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839 requiring that the district contact the lessors or
840 landowners of any land identified by a certain date;
841 requiring the board to provide certain land to the
842 district; authorizing the district to acquire land
843 from willing sellers under certain circumstances;
844 prohibiting the total acreage necessary for additional
845 water treatment from exceeding the amount reasonably
846 required to meet state and federal water quality
847 standards; requiring the district to request that the
848 United States Army Corps of Engineers jointly develop
849 a post-authorization change report for the Central
850 Everglades Planning Project; providing requirements
851 for the report; requiring the district to report the
852 status of the report to the Legislature by a certain
853 date; requiring the district to terminate an option
854 agreement under certain circumstances; requiring the
855 district to request the corps to initiate the project
856 implementation report for the Everglades Agricultural
857 Area reservoir project by a certain date under
858 specified conditions; requiring the district to give
859 hiring preferences to certain displaced agricultural
860 workers; authorizing the district to negotiate with
861 the owners of the C-51 reservoir project; providing
862 requirements for the C-51 reservoir project if state
863 funds are appropriated for the project; authorizing

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864 certain costs to be funded using Florida Forever bond
865 proceeds under certain circumstances; specifying how
866 such bond proceeds shall be deposited; authorizing the
867 use of state funds for the reservoir project;
868 requiring the district to seek additional sources of
869 funding; requiring the district to request the corps,
870 in the corps' review of the regulation schedule, to
871 consider any repairs to the Herbert Hoover Dike and
872 implementation of certain projects to optimally
873 utilize the added storage capacity; creating s.
874 373.475, F.S.; providing legislative findings and
875 intent; defining terms; requiring the state, through
876 the Department of Environmental Protection, to provide
877 certain funding assistance to local governments and
878 water supply entities for the development and
879 construction of water storage facilities; requiring
880 the department to adopt rules; specifying required
881 documentation for local government or water supply
882 entities; authorizing technical assistance from the
883 department and water management districts to local
884 governments or water supply entities for a certain
885 purpose; specifying certain loan funding minimums and
886 term requirements; requiring a report; authorizing
887 certain audits and servicing fees; providing that the
888 Water Protection and Sustainability Program Trust Fund

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889 must be used to carry out the purposes of the water
890 storage facility revolving loan fund; specifying
891 certain default and compliance provisions; amending s.
892 375.041, F.S.; requiring certain distributions to be
893 made from the Land Acquisition Trust Fund; amending s.
894 403.890, F.S.; revising the purposes for which
895 distributions may be made from and to the Water
896 Protection and Sustainability Program Trust Fund;
897 creating s. 446.71, F.S.; requiring the Department of
898 Economic Opportunity, in cooperation with CareerSource
899 Florida, Inc., to establish the Everglades Restoration
900 Agricultural Community Employment Training Program
901 within the department; providing requirements for the
902 program; providing a legislative finding; specifying
903 award restrictions; requiring the department to adopt
904 rules; amending s. 946.511, F.S.; prohibiting the use
905 of inmates for correctional work programs in the
906 agricultural industry in certain areas; providing a
907 directive to the Division of Law Revision and
908 Information; providing appropriations; providing an
909 effective date.

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