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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2017	.	
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Appropriations Subcommittee on the Environment and Natural Resources (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Coast-to-Coast Comprehensive Water Resources Program."

Section 2. 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



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11 available to make payments when due on bonds issued pursuant to  
12 s. 215.613, s. 215.618, or s. 215.619, or any other bonds  
13 authorized to be issued on a parity basis with such bonds. Such  
14 pledge and availability for the payment of these bonds shall  
15 have priority over any requirement for the payment of service  
16 charges or costs of collection and enforcement under this  
17 section. All taxes collected under this chapter, except taxes  
18 distributed to the Land Acquisition Trust Fund pursuant to  
19 subsections (1) and (2), are subject to the service charge  
20 imposed in s. 215.20(1). Before distribution pursuant to this  
21 section, the Department of Revenue shall deduct amounts  
22 necessary to pay the costs of the collection and enforcement of  
23 the tax levied by this chapter. The costs and service charge may  
24 not be levied against any portion of taxes pledged to debt  
25 service on bonds to the extent that the costs and service charge  
26 are required to pay any amounts relating to the bonds. All of  
27 the costs of the collection and enforcement of the tax levied by  
28 this chapter and the service charge shall be available and  
29 transferred to the extent necessary to pay debt service and any  
30 other amounts payable with respect to bonds authorized before  
31 January 1, 2017, secured by revenues distributed pursuant to  
32 this section. All taxes remaining after deduction of costs shall  
33 be distributed as follows:

34 (1) Amounts necessary to make payments on bonds issued  
35 pursuant to s. 215.613, s. 215.618, or s. 215.619, as provided  
36 under paragraphs (3) (a), ~~and~~ (b), and (c) or on any other bonds  
37 authorized to be issued on a parity basis with such bonds shall  
38 be deposited into the Land Acquisition Trust Fund.

39 (2) If the amounts deposited pursuant to subsection (1) are



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40 less than 33 percent of all taxes collected after first  
41 deducting the costs of collection, an amount equal to 33 percent  
42 of all taxes collected after first deducting the costs of  
43 collection, minus the amounts deposited pursuant to subsection  
44 (1), shall be deposited into the Land Acquisition Trust Fund.

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

47 (a) Payment of debt service or funding of debt service  
48 reserve funds, rebate obligations, or other amounts payable with  
49 respect to water resource protection and development bonds  
50 issued pursuant to s. 215.613. The amount used for such purposes  
51 may not exceed \$300 million in each fiscal year.

52 (b) ~~(a)~~ Payment of debt service or funding of debt service  
53 reserve funds, rebate obligations, or other amounts payable with  
54 respect to Florida Forever bonds issued pursuant to s. 215.618.  
55 The amount used for such purposes may not exceed \$300 million in  
56 each fiscal year. It is the intent of the Legislature that all  
57 bonds issued to fund the Florida Forever Act be retired by  
58 December 31, 2040. Except for bonds issued to refund previously  
59 issued bonds, no series of bonds may be issued pursuant to this  
60 paragraph unless such bonds are approved and the debt service  
61 for the remainder of the fiscal year in which the bonds are  
62 issued is specifically appropriated in the General  
63 Appropriations Act.

64 (c) ~~(b)~~ Payment of debt service or funding of debt service  
65 reserve funds, rebate obligations, or other amounts due with  
66 respect to Everglades restoration bonds issued pursuant to s.  
67 215.619. Taxes distributed under paragraph (a), paragraph (b),  
68 and this paragraph must be collectively distributed on a pro



69 rata basis when the available moneys under this subsection are  
70 not sufficient to cover the amounts required under paragraph  
71 (a), paragraph (b), and this paragraph.

72  
73 Bonds issued pursuant to s. 215.613, s. 215.618, or s. 215.619  
74 are equally and ratably secured by moneys distributable to the  
75 Land Acquisition Trust Fund.

76 (4) After the required distributions to the Land  
77 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
78 deduction of the service charge imposed pursuant to s.  
79 215.20(1), the remainder shall be distributed as follows:

80 (a) The lesser of 24.18442 percent of the remainder or  
81 \$541.75 million in each fiscal year shall be paid into the State  
82 Treasury to the credit of the State Transportation Trust Fund.  
83 Of such funds, \$75 million for each fiscal year shall be  
84 transferred to the State Economic Enhancement and Development  
85 Trust Fund within the Department of Economic Opportunity.  
86 Notwithstanding any other law, the remaining amount credited to  
87 the State Transportation Trust Fund shall be used for:

88 1. Capital funding for the New Starts Transit Program,  
89 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
90 341.051, in the amount of 10 percent of the funds;

91 2. The Small County Outreach Program specified in s.  
92 339.2818, in the amount of 10 percent of the funds;

93 3. The Strategic Intermodal System specified in ss. 339.61,  
94 339.62, 339.63, and 339.64, in the amount of 75 percent of the  
95 funds after deduction of the payments required pursuant to  
96 subparagraphs 1. and 2.; and

97 4. The Transportation Regional Incentive Program specified



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98 in s. 339.2819, in the amount of 25 percent of the funds after  
99 deduction of the payments required pursuant to subparagraphs 1.  
100 and 2. The first \$60 million of the funds allocated pursuant to  
101 this subparagraph shall be allocated annually to the Florida  
102 Rail Enterprise for the purposes established in s. 341.303(5).

103 (b) The lesser of 0.1456 percent of the remainder or \$3.25  
104 million in each fiscal year shall be paid into the State  
105 Treasury to the credit of the Grants and Donations Trust Fund in  
106 the Department of Economic Opportunity to fund technical  
107 assistance to local governments.

108  
109 Moneys distributed pursuant to paragraphs (a) and (b) may not be  
110 pledged for debt service unless such pledge is approved by  
111 referendum of the voters.

112 (c) Eleven and twenty-four hundredths percent of the  
113 remainder in each fiscal year shall be paid into the State  
114 Treasury to the credit of the State Housing Trust Fund. Of such  
115 funds, the first \$35 million shall be transferred annually,  
116 subject to any distribution required under subsection (5), to  
117 the State Economic Enhancement and Development Trust Fund within  
118 the Department of Economic Opportunity. The remainder shall be  
119 used as follows:

120 1. Half of that amount shall be used for the purposes for  
121 which the State Housing Trust Fund was created and exists by  
122 law.

123 2. Half of that amount shall be paid into the State  
124 Treasury to the credit of the Local Government Housing Trust  
125 Fund and used for the purposes for which the Local Government  
126 Housing Trust Fund was created and exists by law.



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127           (d) Twelve and ninety-three hundredths percent of the  
128 remainder in each fiscal year shall be paid into the State  
129 Treasury to the credit of the State Housing Trust Fund. Of such  
130 funds, the first \$40 million shall be transferred annually,  
131 subject to any distribution required under subsection (5), to  
132 the State Economic Enhancement and Development Trust Fund within  
133 the Department of Economic Opportunity. The remainder shall be  
134 used as follows:

135           1. Twelve and one-half percent of that amount shall be  
136 deposited into the State Housing Trust Fund and expended by the  
137 Department of Economic Opportunity and the Florida Housing  
138 Finance Corporation for the purposes for which the State Housing  
139 Trust Fund was created and exists by law.

140           2. Eighty-seven and one-half percent of that amount shall  
141 be distributed to the Local Government Housing Trust Fund and  
142 used for the purposes for which the Local Government Housing  
143 Trust Fund was created and exists by law. Funds from this  
144 category may also be used to provide for state and local  
145 services to assist the homeless.

146           (e) The lesser of 0.017 percent of the remainder or  
147 \$300,000 in each fiscal year shall be paid into the State  
148 Treasury to the credit of the General Inspection Trust Fund to  
149 be used to fund oyster management and restoration programs as  
150 provided in s. 379.362(3).

151           (5) Distributions to the State Housing Trust Fund pursuant  
152 to paragraphs (4)(c) and (d) must be sufficient to cover amounts  
153 required to be transferred to the Florida Affordable Housing  
154 Guarantee Program's annual debt service reserve and guarantee  
155 fund pursuant to s. 420.5092(6)(a) and (b) up to the amount



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156 required to be transferred to such reserve and fund based on the  
157 percentage distribution of documentary stamp tax revenues to the  
158 State Housing Trust Fund which is in effect in the 2004-2005  
159 fiscal year.

160 (6) After the distributions provided in the preceding  
161 subsections, any remaining taxes shall be paid into the State  
162 Treasury to the credit of the General Revenue Fund.

163 Section 3. Section 215.613, Florida Statutes, is created to  
164 read:

165 215.613 Bonds for water resource protection and  
166 development.-

167 (1) The issuance of water resource protection and  
168 development bonds, not to exceed \$3.3 billion, to finance or  
169 refinance the cost of acquisition and improvement of land, water  
170 areas, or related property interests for the purposes of water  
171 resource protection and development, and for capital  
172 improvements to land or water areas which facilitate water  
173 resource protection and development is authorized, subject to s.  
174 373.475 and pursuant to s. 11(e), Art. VII of the State  
175 Constitution. The \$3.3 billion limitation on the issuance of  
176 water resource protection and development bonds does not apply  
177 to refunding bonds. The duration of each series of bonds issued  
178 may not exceed 20 annual maturities. No more than 58.25 percent  
179 of documentary stamp taxes collected may be taken into account  
180 for the purpose of satisfying an additional bonds test set forth  
181 in any authorizing resolution for bonds issued on or after July  
182 1, 2017.

183 (2) The state covenants with the holders of water resource  
184 protection and development bonds that it will not take any



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185 action that will materially and adversely affect the rights of  
186 such holders so long as such bonds are outstanding, including,  
187 but not limited to, a reduction in the portion of documentary  
188 stamp taxes distributable to the Land Acquisition Trust Fund for  
189 payment of debt service on water resource protection and  
190 development bonds.

191 (3) In accordance with s. 28, Art. X of the State  
192 Constitution, bonds issued pursuant to this section are payable  
193 from taxes distributable to the Land Acquisition Trust Fund  
194 pursuant to s. 201.15. Bonds issued pursuant to this section do  
195 not constitute a general obligation of, or a pledge of the full  
196 faith and credit of, the state. Water resource protection and  
197 development bonds are secured on a parity basis with Florida  
198 Forever bonds issued pursuant to s. 215.618 and Everglades  
199 restoration bonds issued pursuant to s. 215.619.

200 (4) The Department of Environmental Protection shall  
201 request the Division of Bond Finance of the State Board of  
202 Administration to issue the bonds authorized by this section.  
203 The Division of Bond Finance shall issue such bonds pursuant to  
204 the State Bond Act.

205 (5) The proceeds from the sale of bonds issued pursuant to  
206 this section, less the costs of issuance, the costs of funding  
207 reserve accounts, and other costs with respect to the bonds,  
208 shall be deposited into the Land Acquisition Trust Fund. The  
209 bond proceeds deposited into the Land Acquisition Trust Fund  
210 shall be distributed by the Department of Environmental  
211 Protection as provided in s. 373.475.

212 (6) There may not be any sale, disposition, lease,  
213 easement, license, or other use of any land, water areas, or





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214 related property interests acquired or improved with proceeds of  
215 water resource protection and development bonds which would  
216 cause all or any portion of the interest of such bonds to lose  
217 the exclusion from gross income for federal income tax purposes.

218 (7) The initial series of water resource protection and  
219 development bonds shall be validated in addition to any other  
220 bonds required to be validated pursuant to s. 215.82. Any  
221 complaint for validation of bonds issued pursuant to this  
222 section shall be filed only in the circuit court of the county  
223 where the seat of state government is situated, the notice  
224 required to be published by s. 75.06 shall be published only in  
225 the county where the complaint is filed, and the complaint and  
226 order of the circuit court shall be served only on the state  
227 attorney of the circuit in which the action is pending.

228 Section 4. Paragraph (a) of subsection (1) of section  
229 215.618, Florida Statutes, is amended to read:

230 215.618 Bonds for acquisition and improvement of land,  
231 water areas, and related property interests and resources.—

232 (1) (a) The issuance of Florida Forever bonds, not to exceed  
233 \$2 billion ~~\$5.3 billion~~, to finance or refinance the cost of  
234 acquisition and improvement of land, water areas, and related  
235 property interests and resources, in urban and rural settings,  
236 for the purposes of restoration, conservation, recreation, water  
237 resource development, or historical preservation, and for  
238 capital improvements to lands and water areas that accomplish  
239 environmental restoration, enhance public access and  
240 recreational enjoyment, promote long-term management goals, and  
241 facilitate water resource development is hereby authorized,  
242 subject to s. 259.105 and pursuant to s. 11(e), Art. VII of the



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243 State Constitution and, on or after July 1, 2015, to also  
244 finance or refinance the acquisition and improvement of land,  
245 water areas, and related property interests as provided in s.  
246 28, Art. X of the State Constitution. The \$2 billion ~~\$5.3~~  
247 ~~billion~~ limitation on the issuance of Florida Forever bonds does  
248 not apply to refunding bonds. The duration of each series of  
249 Florida Forever bonds issued may not exceed 20 annual  
250 maturities. Not more than 58.25 percent of documentary stamp  
251 taxes collected may be taken into account for the purpose of  
252 satisfying an additional bonds test set forth in any authorizing  
253 resolution for bonds issued on or after July 1, 2015.

254 Section 5. Section 373.4598, Florida Statutes, is created  
255 to read:

256 373.4598 Reservoir project in the Everglades Agricultural  
257 Area.—

258 (1) LEGISLATIVE FINDINGS AND INTENT.—

259 (a) The Legislature declares that an emergency exists  
260 regarding the St. Lucie and Caloosahatchee estuaries due to the  
261 harmful freshwater discharges east and west of the lake. Such  
262 discharges have manifested in widespread algae blooms, public  
263 health impacts, and extensive environmental harm to wildlife and  
264 the aquatic ecosystem. These conditions threaten the ecological  
265 integrity of the estuaries and the economic viability of the  
266 state and affected communities.

267 (b) The Legislature finds that the acquisition of  
268 strategically located lands south of the lake and the  
269 construction of the reservoir project will increase the  
270 availability of water storage and reduce the harmful freshwater  
271 discharges. Additionally, water storage south of the lake will



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272 increase the availability of water for the Everglades and to  
273 meet irrigation demands for the Everglades Agricultural Area;  
274 restore the hydrological connection to the Everglades; and  
275 provide flood protection by reducing, through additional storage  
276 capacity, some of the demands on the Herbert Hoover Dike.

277 (c) The Legislature recognizes that the reservoir project  
278 is authorized in the Water Resources Development Act of 2000 as  
279 a project component of CERP. Unless other funding is available,  
280 the Legislature directs the district in implementation of the  
281 reservoir project to abide by applicable state and federal law  
282 in order to do that which is required to obtain federal credit  
283 under the CERP. If the district implements the reservoir project  
284 as a project component as defined in s. 373.1501, the district  
285 must abide by all applicable state and federal law relating to  
286 such projects.

287 (d) The Legislature finds that the rate of funding for the  
288 CERP must be increased if restoration will be achieved within  
289 the timeframes originally envisioned and that the delay in  
290 substantial progress toward completing critical elements of  
291 restoration, such as southern storage, will cause irreparable  
292 harm to natural systems and ultimately increase the cost of  
293 restoration. A substantial commitment to the advancement of  
294 projects identified as part of the CERP will reduce ongoing  
295 ecological damage to the St. Lucie and Caloosahatchee estuaries.

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

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

300 (a) "Agreement" means the Second Amended and Restated



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301 Agreement for Sale and Purchase between the United States Sugar  
302 Corporation, SBG Farms, Inc., Southern Garden Groves  
303 Corporation, and the South Florida Water Management District,  
304 dated August 12, 2010.

305 (b) "Board" means the Board of Trustees of the Internal  
306 Improvement Trust Fund.

307 (c) "Comprehensive Everglades Restoration Plan" or "CERP"  
308 has the same meaning as the term "comprehensive plan" as defined  
309 in s. 373.470.

310 (d) "District" means the South Florida Water Management  
311 District.

312 (e) "Everglades Agricultural Area" or "EAA" has the same  
313 meaning as defined in s. 373.4592.

314 (f) "Lake" means Lake Okeechobee.

315 (g) "Reservoir project" means a project to construct one or  
316 two above-ground reservoirs that have a total water storage  
317 capacity of approximately 360,000 acre-feet and are located in  
318 the EAA.

319 (3) LAND ACQUISITION.—The Legislature declares that  
320 acquiring land for the reservoir project is in the public  
321 interest and that the governing board of the district and the  
322 board may acquire fee title for the purpose of implementing the  
323 reservoir project. However, the district may not exercise  
324 eminent domain for the purpose of implementing the reservoir  
325 project.

326 (a) Upon the effective date of this act, the district shall  
327 seek proposals from willing sellers of property within the  
328 Everglades Agricultural Area in order to acquire approximately  
329 60,000 acres of land that is suitable for the reservoir project.



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330 All appraisal reports, offers, and counteroffers are  
331 confidential and exempt from s. 119.07(1), as provided in s.  
332 373.139.

333 (b) If the district does not acquire land pursuant to  
334 paragraph (a) by December 31, 2017:

335 1. The district must assign, by January 31, 2018, the  
336 agreement's Entire Option Property Non-Exclusive Option to the  
337 board, as authorized in, and in accordance with, the agreement.  
338 If, for any reason, the Seller, as defined in the agreement,  
339 does not find the assignment to be reasonably acceptable in form  
340 and substance, the district must retain the Entire Option  
341 Property Non-Exclusive Option;

342 2. The board or the district, whichever holds the option,  
343 must, by March 1, 2018, exercise the option in accordance with  
344 the agreement. The Buyer's Proposed Option Property Purchase  
345 Price, as specified in the agreement, may not be less than the  
346 average of \$7,400 per acre, unless the maximum offer allowed by  
347 law is less than the average of \$7,400 per acre; and

348 3. The board or the district, if applicable, may dispose of  
349 or exchange any land or lease interest in the land that is  
350 acquired pursuant to this paragraph in order to achieve optimal  
351 siting for the reservoir project or to dispose of land that is  
352 not necessary for the reservoir project. Any such exchange or  
353 disposition may not be in violation of the agreement.

354 (4) DESIGN, PERMITTING, AND CONSTRUCTION.—If the district  
355 finds willing sellers of property pursuant to paragraph (3)(a),  
356 the district:

357 (a) Once the land has been agreed upon for purchase, must  
358 immediately begin the reservoir project with the goal of



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359 providing adequate water storage and conveyance south of the  
360 lake to reduce the volume of regulatory discharges of water from  
361 the lake to the east and west;

362 (b) Once the land is acquired, must expeditiously pursue  
363 necessary permitting and begin implementation and construction  
364 of the reservoir project as soon as practicable; and

365 (c) The district shall give preferential consideration to  
366 the hiring of agricultural workers displaced as a result of the  
367 reservoir project, consistent with their qualifications and  
368 abilities, for the construction and operation of the reservoir  
369 project.

370 (5) PLANNING STUDY.—

371 (a) If land is acquired pursuant to paragraph (3) (a) and  
372 other funding is not available, the district must, in  
373 coordination with the United States Army Corps of Engineers,  
374 begin the planning study for the reservoir project by March 1,  
375 2018.

376 (b) If land is not acquired pursuant to paragraph (3) (a) by  
377 December 31, 2017, the district must, in coordination with the  
378 United States Army Corps of Engineers, begin the planning study  
379 for the reservoir project by October 1, 2019.

380 1. If land is acquired pursuant to paragraph (3) (b), the  
381 district must identify which of the acquired land is suitable  
382 for the reservoir project.

383 2. If land is not acquired pursuant to paragraph (3) (b),  
384 the district must identify land that is suitable for the  
385 reservoir project and the best option for securing such land.

386 (c) The district, when developing the planning study, must  
387 focus on the goal of the reservoir project, which is to provide



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388 adequate water storage and conveyance south of the lake to  
389 reduce the volume of regulatory discharges of water from the  
390 lake to the east and west.

391 (d) Upon completion of the planning study and the  
392 finalization of the project implementation report, as defined in  
393 s. 373.470, the district, in coordination with the United States  
394 Army Corps of Engineers, shall seek Congressional authorization  
395 for the reservoir project.

396 (6) FUNDING.—

397 (a) Pursuant to s. 11(e), Art. VII of the State  
398 Constitution, up to \$1.2 billion in state bonds are authorized  
399 under this section to finance or refinance the acquisition and  
400 improvement of land, water areas, and related property interests  
401 and resources for the purposes of conservation, outdoor  
402 recreation, water resource protection and development,  
403 restoration of natural systems, and historic preservation.

404 (b) Any cost related to this section, including, but not  
405 limited to, the costs for land acquisition, planning,  
406 construction, and operation and maintenance, may be funded using  
407 proceeds from water resource protection and development bonds  
408 issued under s. 215.613.

409 (c) The Legislature determines that the authorization and  
410 issuance of such bonds is in the best interest of the state and  
411 determines that the reservoir project should be implemented.

412 (d) Notwithstanding any other provision of law, proceeds  
413 from the sale of such bonds, less the costs of issuance, the  
414 costs of funding reserve accounts, and other costs with respect  
415 to the bonds, shall be distributed in the following manner:

416 1. If land is to be acquired pursuant to paragraph (3)(a),



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417 the amount of up to \$800 million in bond proceeds in the 2017-  
418 2018 fiscal year to the Land Acquisition Trust Fund for the  
419 purposes of this section, and the amount of up to \$400 million  
420 in bond proceeds in the 2018-2019 fiscal year to the Land  
421 Acquisition Trust Fund for the purposes of this section; or

422 2. If land is to be acquired pursuant to paragraph (3) (b),  
423 the amount of up to \$1.2 billion in bond proceeds in the 2018-  
424 2019 fiscal year to the Board of Trustees of the Internal  
425 Improvement Trust Fund, or the Land Acquisition Trust Fund, if  
426 applicable, to be used for the purposes of this section.

427 (e) Notwithstanding s. 373.026(8) (b) or any other provision  
428 of law, the use of state funds is authorized for the reservoir  
429 project.

430 (f) The district shall actively seek additional sources of  
431 funding, including federal funding, for the reservoir project.

432 (g) If the reservoir project receives Congressional  
433 authorization, the district must seek applicable federal credits  
434 toward the state's share of funding the land acquisition and  
435 implementation of the reservoir project.

436 (7) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district shall  
437 request that the United States Army Corps of Engineers pursue  
438 the reevaluation of the Lake Okeechobee Regulation Schedule as  
439 expeditiously as possible taking into consideration the repairs  
440 made to the Herbert Hoover Dike and any increase in outlet  
441 capacity south of the lake which offsets the harmful freshwater  
442 discharges to the St. Lucie and Caloosahatchee estuaries.

443 Section 6. Section 373.475, Florida Statutes, is created to  
444 read:

445 373.475 Water resource protection and development





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446 financing.-

447 (1) The Legislature finds and declares that:

448 (a) The continued alteration and development of the state's  
449 natural and rural areas to accommodate the state's growing  
450 population has contributed to the degradation of water  
451 resources.

452 (b) The state's groundwater, surface waters, and springs  
453 are under tremendous pressure due to population growth and  
454 economic expansion and require special protection and  
455 restoration efforts, including the protection of uplands and  
456 springsheds that provide vital recharge to aquifer systems and  
457 are critical to the protection of water quality and water  
458 quantity of the aquifers and springs.

459 (c) To ensure that sufficient quantities of water are  
460 available to meet the current and future needs of the natural  
461 systems and citizens of the state and to help achieve the  
462 overall goals of the department and the water management  
463 districts, water resource protection and development projects  
464 and capital improvements to land or water areas that facilitate  
465 water resource protection and development are necessary.

466 (d) Many of the state's unique ecosystems, such as the  
467 Everglades, are facing ecological collapse due to the state's  
468 burgeoning population growth and economic activities. To  
469 preserve these valuable ecosystems for future generations,  
470 essential parcels of land must be acquired and improvements to  
471 such lands must be made to facilitate ecosystem restoration.

472 (e) The Legislature recognizes that the acquisition of  
473 lands in fee simple is only one way to achieve water resource  
474 goals. The Legislature encourages the use of alternatives to fee



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475 simple acquisition techniques and the development of  
476 partnerships between governmental agencies and private  
477 landowners.

478 (f) There is a need to change the focus and direction of  
479 the state's major land acquisition programs and to shift funding  
480 and bonding capabilities from land acquisition for conservation  
481 purposes towards land acquisition and improvements to land and  
482 water areas to protect, restore, and develop water resources.

483 (g) Water resource protection and development projects are  
484 necessary to secure water resources to meet current and future  
485 water demands.

486 (2) The department shall distribute bond proceeds from the  
487 Land Acquisition Trust Fund for the purposes of financing water  
488 resource protection and development projects, including projects  
489 pursuant to s. 373.4598.

490 (3) Water resource protection and development bond proceeds  
491 shall be expended in a fiscally responsible manner. Any agency  
492 that receives bond proceeds pursuant to this section may not  
493 maintain a balance of unencumbered funds in its water resource  
494 protection and development subaccount beyond 3 fiscal years from  
495 the date of deposit of funds from each bond issue. All funds  
496 that have not been expended or encumbered after 3 fiscal years  
497 from the date of deposit shall be distributed by the Legislature  
498 during its next regular session for use in the water resource  
499 protection and development program.

500 Section 7. Section 373.478, Florida Statutes, is created to  
501 read:

502 373.478 Water storage facility revolving loan fund.—

503 (1) (a) In recognition that waters of the state are among



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504 the state's most basic resources, the Legislature declares that  
505 such waters should be managed to conserve and protect water  
506 resources and to realize the full beneficial use of such  
507 resources.

508 (b) As natural storage within the system has been lost due  
509 to development, the Legislature finds that additional water  
510 storage, natural or man-made, is necessary to capture water and  
511 prevent water from being discharged to tide or otherwise lost to  
512 protect the waters of the state.

513 (c) The Legislature finds that establishing infrastructure  
514 financing and providing technical assistance to local  
515 governments or water supply entities for water storage  
516 facilities is necessary to conserve and protect the waters of  
517 the state.

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

519 (a) "Local governmental agency" means any municipality,  
520 county, district, or authority, or any agency thereof, or a  
521 combination of such acting jointly in connection with a project,  
522 having jurisdiction over a water storage facility.

523 (b) "Water storage facility" or "facility" means all  
524 facilities, including land, necessary for surface or underground  
525 water storage. Such facilities may be publicly owned, privately  
526 owned, investor-owned, or cooperatively held.

527 (3) The state through the department shall provide funding  
528 assistance to local governments or water supply entities for the  
529 development and construction of water storage facilities to  
530 increase the availability of sufficient water for all existing  
531 and future reasonable-beneficial uses and natural systems.

532 (a) The department may make loans, provide loan guarantees,



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533 purchase loan insurance, and refinance local debt through the  
534 issue of new loans for water storage facilities approved by the  
535 department. Local governments or water supply entities may  
536 borrow funds made available pursuant to this section and may  
537 pledge any revenues or other adequate security available to them  
538 to repay any funds borrowed.

539 (b) The department may award loan amounts for up to 75  
540 percent of the costs of planning, designing, constructing,  
541 upgrading, or replacing water resource infrastructure or  
542 facilities, whether natural or man-made, including the  
543 acquisition of real property for water storage facilities.

544 (4) The department shall adopt rules to carry out the  
545 purposes of this section. Such rules shall:

546 (a) Set forth a priority system for loans based on  
547 compliance with state requirements. The priority system shall  
548 give special consideration to:

549 1. Projects that provide for the development of alternative  
550 water supply projects and management techniques in areas where  
551 existing source waters are limited or threatened by saltwater  
552 intrusion, excessive drawdowns, contamination, or other  
553 problems;

554 2. Projects that contribute to the sustainability of  
555 regional water sources;

556 3. Projects that produce additional water available for  
557 consumptive uses or natural systems;

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

561 5. Projects that provide flexibility in addressing the



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562 unpredictability of water conditions from water year to water  
563 year.

564 (b) Establish the requirements for the award and repayment  
565 of financial assistance.

566 (c) Require evidence of credit worthiness and adequate  
567 security, including an identification of revenues to be pledged,  
568 and documentation of their sufficiency for loan repayment and  
569 pledged revenue coverage, to ensure that each loan recipient can  
570 meet its loan repayment requirements.

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

573 (e) Require each project to be self-supporting if the  
574 project is primarily for the purpose of water supply for  
575 consumptive use.

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

579 (a) A repayment schedule.

580 (b) Evidence of the permissibility or implementability of  
581 the facility proposed for financial assistance.

582 (c) Plans and specifications, biddable contract documents,  
583 or other documentation of appropriate procurement of goods and  
584 services.

585 (d) Provide assurance that records will be kept using  
586 generally accepted accounting principles and that the department  
587 or its agents and the Auditor General will have access to all  
588 records pertaining to the loan.

589 (e) Document that the facility will be self-supporting, if  
590 such facility is required to be self-supporting according to



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591 paragraph (4) (e).

592 (f) Document that the water management district whose  
593 boundaries in which the facility is planned has approved of such  
594 facility. If the facility crosses jurisdictional boundaries,  
595 approval from each applicable district must be provided to the  
596 department.

597 (6) Recipients of financial assistance under this section  
598 may receive disbursements based upon invoiced costs and are not  
599 required to request advance payment pursuant to s. 216.181(16).  
600 Proof of payment of invoiced costs must be submitted before or  
601 concurrent with the recipient's next disbursement request.

602 (7) The department and water management districts are  
603 authorized to provide technical assistance to local governments  
604 or water supply entities for water storage facilities funded  
605 pursuant to this section.

606 (8) In order to ensure that public moneys are managed in an  
607 equitable, prudent, and cost-effective manner, the total amount  
608 of money loaned to any local government or water supply entity  
609 during a fiscal year may not be more than 25 percent of the  
610 total funds available for making loans during that year. The  
611 minimum amount of a loan shall be \$75,000. The term of loans  
612 made pursuant to this section may not exceed 30 years.

613 (9) As part of the report required under s. 403.8532, the  
614 department shall prepare a report at the end of each fiscal  
615 year, detailing the financial assistance provided under this  
616 section, service fees collected, interest earned, and loans  
617 outstanding.

618 (10) The department may conduct an audit of the loan  
619 project upon completion, or may require that a separate project



620 audit, prepared by an independent certified public accountant,  
621 be submitted.

622 (11) The department may require reasonable service fees on  
623 loans made to local governments or water supply entities to  
624 ensure that the program will be operated in perpetuity and to  
625 implement the purposes authorized under this section. Service  
626 fees may not be less than 2 percent or greater than 4 percent of  
627 the loan amount exclusive of the service fee. Service fee  
628 revenues shall be deposited into the department's Grants and  
629 Donations Trust Fund. The fee revenues, and interest earnings  
630 thereon, shall be used exclusively to carry out the purposes of  
631 this section.

632 (12) The Water Protection and Sustainability Program Trust  
633 Fund established under s. 403.891 shall be used to carry out the  
634 purposes of this section. Any funds that are not needed on an  
635 immediate basis for financial assistance shall be invested  
636 pursuant to s. 215.49. State funds and investment earnings shall  
637 be deposited into the fund. The principal and interest of all  
638 loans repaid and investment earnings thereon shall be deposited  
639 into the fund.

640 (13) (a) If a local governmental agency defaults under the  
641 terms of its loan agreement, the department shall so certify to  
642 the Chief Financial Officer, who shall forward the amount  
643 delinquent to the department from any unobligated funds due to  
644 the local governmental agency under any revenue-sharing or tax-  
645 sharing fund established by the state, except as otherwise  
646 provided by the State Constitution. Certification of delinquency  
647 does not limit the department from pursuing other remedies  
648 available for default on a loan, including accelerating loan



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649 repayments, eliminating all or part of the interest rate subsidy  
650 on the loan, and court appointment of a receiver to manage the  
651 public water system.

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

656 (c) The department may impose a penalty for delinquent loan  
657 payments in the amount of 6 percent of the amount due, in  
658 addition to charging the cost to handle and process the debt.  
659 Penalty interest accrues on any amount due and payable beginning  
660 on the 30th day following the date upon which payment is due.

661 (14) The department may terminate or rescind a financial  
662 assistance agreement when the recipient fails to comply with the  
663 terms and conditions of the agreement.

664 Section 8. Subsections (1) and (3) of section 375.041,  
665 Florida Statutes, are amended to read:

666 375.041 Land Acquisition Trust Fund.—

667 (1) There is created a Land Acquisition Trust Fund within  
668 the Department of Environmental Protection. The Land Acquisition  
669 Trust Fund is designated by s. 28, Art. X of the State  
670 Constitution for receipt of certain documentary stamp tax  
671 revenue for the uses prescribed therein. The Land Acquisition  
672 Trust Fund shall be held and administered by the department. The  
673 Land Acquisition Trust Fund shall continue for as long as bonds  
674 are outstanding pursuant to s. 215.613, s. 215.618, or s.  
675 215.619, or any bonds secured on a parity basis with such bonds,  
676 or until the requirement of s. 28, Art. X of the State  
677 Constitution expires, whichever is later. All moneys deposited





678 into the Land Acquisition Trust Fund shall be trust funds for  
679 the uses and purposes herein set forth, within the meaning of s.  
680 215.32(1)(b); and such moneys shall not become or be commingled  
681 with the General Revenue Fund of the state, as defined by s.  
682 215.32(1)(a).

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

685 (a) First, to pay debt service or to fund debt service  
686 reserve funds, rebate obligations, or other amounts payable with  
687 respect to water resource protection and development bonds  
688 issued under s. 215.613; pay debt service or to fund debt  
689 service reserve funds, rebate obligations, or other amounts  
690 payable with respect to Florida Forever bonds issued under s.  
691 215.618; and pay debt service, provide reserves, and pay rebate  
692 obligations and other amounts due with respect to Everglades  
693 restoration bonds issued under s. 215.619; and

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

697 1. A minimum of the lesser of 25 percent or \$200 million  
698 shall be appropriated annually for Everglades projects that  
699 implement the Comprehensive Everglades Restoration Plan as set  
700 forth in s. 373.470, including the Central Everglades Planning  
701 Project subject to Congressional authorization; the Long-Term  
702 Plan as defined in s. 373.4592(2); and the Northern Everglades  
703 and Estuaries Protection Program as set forth in s. 373.4595.  
704 From these funds, \$32 million shall be distributed each fiscal  
705 year through the 2023-2024 fiscal year to the South Florida  
706 Water Management District for the Long-Term Plan as defined in



707 s. 373.4592(2). After deducting the \$32 million distributed  
708 under this subparagraph, from the funds remaining, a minimum of  
709 the lesser of 76.5 percent or \$100 million shall be appropriated  
710 each fiscal year through the 2025-2026 fiscal year for the  
711 planning, design, engineering, and construction of the  
712 Comprehensive Everglades Restoration Plan as set forth in s.  
713 373.470, including the Central Everglades Planning Project, the  
714 Everglades Agricultural Area Storage Reservoir Project, the Lake  
715 Okeechobee Watershed Project, the C-43 West Basin Storage  
716 Reservoir Project, the C-44 Reservoir Project, the Western  
717 Everglades Restoration Project, the C-111 South-Dade Project,  
718 and the Picayune Strand Restoration Project ~~subject to~~  
719 ~~Congressional authorization~~. The Department of Environmental  
720 Protection and the South Florida Water Management District shall  
721 give preference to those Everglades restoration projects that  
722 reduce harmful discharges of water from Lake Okeechobee to the  
723 St. Lucie or Caloosahatchee estuaries in a timely manner. For  
724 the purpose of performing the calculation provided in this  
725 subparagraph, the amount of debt service paid pursuant to  
726 paragraph (a) for bonds issued after July 1, 2016, for the  
727 purposes set forth under paragraph (b) shall be added to the  
728 amount remaining after the payments required under paragraph  
729 (a). The amount of the distribution calculated shall then be  
730 reduced by an amount equal to the debt service paid pursuant to  
731 paragraph (a) on bonds issued after July 1, 2016, for the  
732 purposes set forth under this subparagraph.

733 2. A minimum of the lesser of 7.6 percent or \$50 million  
734 shall be appropriated annually for spring restoration,  
735 protection, and management projects. For the purpose of



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736 performing the calculation provided in this subparagraph, the  
737 amount of debt service paid pursuant to paragraph (a) for bonds  
738 issued after July 1, 2016, for the purposes set forth under  
739 paragraph (b) shall be added to the amount remaining after the  
740 payments required under paragraph (a). The amount of the  
741 distribution calculated shall then be reduced by an amount equal  
742 to the debt service paid pursuant to paragraph (a) on bonds  
743 issued after July 1, 2016, for the purposes set forth under this  
744 subparagraph.

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

752         4. The sum of \$35 million shall be appropriated annually to  
753 the St. Johns River Water Management District for projects  
754 dedicated to the restoration of the St. Johns River and its  
755 tributaries or the Keystone Heights Lake Region. Such funds may  
756 be used for land management and acquisition and for recreational  
757 opportunity and public access improvements connected with these  
758 areas. This distribution shall be reduced by an amount equal to  
759 the debt service paid pursuant to paragraph (a) on bonds issued  
760 after July 1, 2017, for the purposes set forth in this  
761 subparagraph.

762         5. The sum of \$2 million shall be appropriated annually to  
763 the Department of Environmental Protection to be distributed in  
764 accordance with the existing interlocal agreement among the



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765 Village of Islamorada, the Key Largo Wastewater Treatment  
766 District, the City of Marathon, the Monroe County/Florida Keys  
767 Aqueduct Authority, the City of Key West, and Key Colony Beach,  
768 to address water quality issues and for the purposes of  
769 constructing sewage collection, treatment, and disposal  
770 facilities; implementing stormwater collection and treatment  
771 systems; canal restoration and muck remediation projects; and  
772 projects that protect and enhance water supply in the Florida  
773 Keys Area of Critical State Concern and the City of Key West  
774 Area of Critical State Concern; or, for the purposes of land  
775 acquisition within the Florida Keys Area of Critical Concern as  
776 authorized pursuant to s. 259.045 with increased priority given  
777 to those acquisitions that achieve a combination of conservation  
778 goals, including protecting Florida's water resources and  
779 natural groundwater recharge. A local government requesting  
780 disbursement pursuant to this appropriation shall provide the  
781 Department of Environmental Protection with such documentation  
782 as the department deems necessary to verify that the costs are  
783 properly incurred and work has been performed.

784 6. A sum of \$20 million shall be appropriated annually to  
785 offset or partially offset property owner costs incurred to  
786 retrofit onsite sewage treatment and disposal systems determined  
787 by the Department of Environmental Protection to be individually  
788 or collectively contributing excess nutrient pollution in the  
789 counties contributing to the Indian River Lagoon, the St. Lucie  
790 and Caloosahatchee estuaries, and their watersheds; to connect  
791 properties with such onsite systems to central sewer systems; or  
792 to conduct muck dredging and large-scale stormwater improvements  
793 in counties contributing to the Indian River Lagoon, the St.



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794 Lucie and Caloosahatchee estuaries, and their watersheds. The  
795 Department of Environmental Protection is authorized to use the  
796 appropriated funds to make grants or provide other forms of  
797 financial assistance to local governments and other entities for  
798 these purposes.

799       Section 9. Effective January 1, 2019, and contingent upon  
800 the failure of the district or board to acquire land by November  
801 30, 2018, pursuant to section 373.4598(3)(a) or (b), Florida  
802 Statutes, subsection (3) of section 375.041, Florida Statutes,  
803 as amended by this act, is amended to read:

804       375.041 Land Acquisition Trust Fund.—

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

807       (a) First, to pay debt service or to fund debt service  
808 reserve funds, rebate obligations, or other amounts payable with  
809 respect to water resource protection and development bonds  
810 issued under s. 215.613; pay debt service or to fund debt  
811 service reserve funds, rebate obligations, or other amounts  
812 payable with respect to Florida Forever bonds issued under s.  
813 215.618; and pay debt service, provide reserves, and pay rebate  
814 obligations and other amounts due with respect to Everglades  
815 restoration bonds issued under s. 215.619; and

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

819       1. A minimum of the lesser of 30 ~~25~~ percent or \$250 ~~\$200~~  
820 million shall be appropriated annually for Everglades projects  
821 that implement the Comprehensive Everglades Restoration Plan as  
822 set forth in s. 373.470, including the Central Everglades



823 Planning Project subject to Congressional authorization; the  
824 Long-Term Plan as defined in s. 373.4592(2); and the Northern  
825 Everglades and Estuaries Protection Program as set forth in s.  
826 373.4595. From these funds, \$32 million shall be distributed  
827 each fiscal year through the 2023-2024 fiscal year to the South  
828 Florida Water Management District for the Long-Term Plan as  
829 defined in s. 373.4592(2). After deducting the \$32 million  
830 distributed under this subparagraph, from the funds remaining, a  
831 minimum of the lesser of 80 ~~76.5~~ percent or \$150 ~~\$100~~ million  
832 shall be appropriated each fiscal year through the 2025-2026  
833 fiscal year for the planning, design, engineering, and  
834 construction of the Comprehensive Everglades Restoration Plan as  
835 set forth in s. 373.470, including the Central Everglades  
836 Planning Project, the Everglades Agricultural Area Storage  
837 Reservoir Project, the Lake Okeechobee Watershed Project, the C-  
838 43 West Basin Storage Reservoir Project, the C-44 Reservoir  
839 Project, the Western Everglades Restoration Project, the C-111  
840 South-Dade Project, and the Picayune Strand Restoration Project.  
841 The Department of Environmental Protection and the South Florida  
842 Water Management District shall give preference to those  
843 Everglades restoration projects that reduce harmful discharges  
844 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee  
845 estuaries in a timely manner. For the purpose of performing the  
846 calculation provided in this subparagraph, the amount of debt  
847 service paid pursuant to paragraph (a) for bonds issued after  
848 July 1, 2016, for the purposes set forth under paragraph (b)  
849 shall be added to the amount remaining after the payments  
850 required under paragraph (a). The amount of the distribution  
851 calculated shall then be reduced by an amount equal to the debt



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

855 2. A minimum of the lesser of 7.6 percent or \$50 million  
856 shall be appropriated annually for spring restoration,  
857 protection, and management projects. For the purpose of  
858 performing the calculation provided in this subparagraph, the  
859 amount of debt service paid pursuant to paragraph (a) for bonds  
860 issued after July 1, 2016, for the purposes set forth under  
861 paragraph (b) shall be added to the amount remaining after the  
862 payments required under paragraph (a). The amount of the  
863 distribution calculated shall then be reduced by an amount equal  
864 to the debt service paid pursuant to paragraph (a) on bonds  
865 issued after July 1, 2016, for the purposes set forth under this  
866 subparagraph.

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

874 4. The sum of \$35 million shall be appropriated annually to  
875 the St. Johns River Water Management District for projects  
876 dedicated to the restoration of the St. Johns River and its  
877 tributaries or the Keystone Heights Lake Region. Such funds may  
878 be used for land management and acquisition and for recreational  
879 opportunity and public access improvements connected with these  
880 areas. This distribution shall be reduced by an amount equal to



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881 the debt service paid pursuant to paragraph (a) on bonds issued  
882 after July 1, 2017, for the purposes set forth in this  
883 subparagraph.

884         5. The sum of \$2 million shall be appropriated annually to  
885 the Department of Environmental Protection to be distributed in  
886 accordance with the existing interlocal agreement among the  
887 Village of Islamorada, the Key Largo Wastewater Treatment  
888 District, the City of Marathon, the Monroe County/Florida Keys  
889 Aqueduct Authority, the City of Key West, and Key Colony Beach,  
890 to address water quality issues and for the purposes of  
891 constructing sewage collection, treatment, and disposal  
892 facilities; implementing stormwater collection and treatment  
893 systems; canal restoration and muck remediation projects; and  
894 projects that protect and enhance water supply in the Florida  
895 Keys Area of Critical State Concern and the City of Key West  
896 Area of Critical State Concern; or, for the purposes of land  
897 acquisition within the Florida Keys Area of Critical Concern as  
898 authorized pursuant to s. 259.045 with increased priority given  
899 to those acquisitions that achieve a combination of conservation  
900 goals, including protecting Florida's water resources and  
901 natural groundwater recharge. A local government requesting  
902 disbursement pursuant to this appropriation shall provide the  
903 Department of Environmental Protection with such documentation  
904 as the department deems necessary to verify that the costs are  
905 properly incurred and work has been performed.

906         6. A sum of \$20 million shall be appropriated annually to  
907 offset or partially offset property owner costs incurred to  
908 retrofit onsite sewage treatment and disposal systems determined  
909 by the Department of Environmental Protection to be individually





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910 or collectively contributing excess nutrient pollution in the  
911 counties contributing to the Indian River Lagoon, the St. Lucie  
912 and Caloosahatchee estuaries, and their watersheds; to connect  
913 properties with such onsite systems to central sewer systems; or  
914 to conduct muck dredging and large-scale stormwater improvements  
915 in counties contributing to the Indian River Lagoon, the St.  
916 Lucie and Caloosahatchee estuaries, and their watersheds. The  
917 Department of Environmental Protection is authorized to use the  
918 appropriated funds to make grants or provide other forms of  
919 financial assistance to local governments and other entities for  
920 these purposes.

921 Section 10. Section 403.0878, Florida Statutes, is created  
922 to read:

923 403.0878 Water reuse grant program.—The department shall  
924 establish a water reuse grant program. The department shall use  
925 funds specifically appropriated to award grants under this  
926 section to assist wastewater treatment facilities to expand the  
927 facilities' capacity to make reclaimed water available for  
928 reuse.

929 (1) In accordance with rules adopted by the department  
930 pursuant to this section, the department may provide grants,  
931 from funds specifically appropriated for this purpose, to  
932 wastewater facilities for up to 100 percent of the costs of  
933 planning, designing, constructing, upgrading, or replacing  
934 wastewater collection, transmission, and treatment designed to  
935 expand the facility's capacity to make reclaimed water available  
936 for reuse.

937 (2) The department's rules must:

938 (a) Require that projects to plan, design, construct,



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939 upgrade, or replace wastewater collection, transmission,  
940 treatment, and reuse facilities be cost-effective,  
941 environmentally sound, permittable, and implementable.

942 (b) Require grant applications to be submitted on  
943 appropriate forms with appropriate supporting documentation, and  
944 require records to be maintained.

945 (c) Establish a system to determine eligibility of grant  
946 applications.

947 (d) Establish a system to determine the relative priority  
948 of grant applications. The system must consider public health  
949 protection and water pollution abatement.

950 (e) Establish requirements for competitive procurement of  
951 engineering and construction services, materials, and equipment.

952 (f) Provide for termination of grants when program  
953 requirements are not met.

954 (3) The department must perform adequate overview of each  
955 awarded grant, including technical review, regular inspections,  
956 disbursement approvals, and auditing, to successfully implement  
957 this section.

958 (4) The department may use up to 2 percent of the grant  
959 funds made available each year for the costs of program  
960 administration.

961 (5) Recipients of financial assistance under this section  
962 may receive disbursements based upon invoiced costs and are not  
963 required to request advance payment pursuant to s. 216.181(16).  
964 Proof of payment of invoiced costs shall be submitted before or  
965 concurrent with the recipient's next disbursement request.

966 Section 11. The Legislature finds that sufficient water  
967 availability is a paramount concern for existing and future



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968 reasonable-beneficial uses and natural systems in this state.  
969 The projected population of this state is estimated to exceed 25  
970 million by the year 2040, and cooperative efforts between  
971 municipalities, counties, utility companies, private landowners,  
972 water consumers, water management districts, regional water  
973 supply authorities, the Department of Environmental Protection,  
974 and the Department of Agriculture and Consumer Services are  
975 necessary in order to meet water needs in a manner that will  
976 supply adequate and dependable supplies of water where needed  
977 without causing adverse effects in the area from which water is  
978 withdrawn. Water supply projects should employ all practical  
979 means of obtaining water, including, but not limited to,  
980 withdrawals of surface water and groundwater, reclaimed water,  
981 and desalination, and properly implementing these projects will  
982 require cooperation and well-coordinated activities. Therefore,  
983 it is the policy of this state that projects to increase water  
984 supply be planned on a regional basis.

985 Section 12. Present paragraph (f) of subsection (5) of  
986 section 215.44, Florida Statutes, is redesignated as paragraph  
987 (g), and a new paragraph (f) is added to that subsection, to  
988 read:

989 215.44 Board of Administration; powers and duties in  
990 relation to investment of trust funds.-

991 (5) On or before January 1 of each year, the board shall  
992 provide to the Legislature a report including the following  
993 items for each fund which, by law, has been entrusted to the  
994 board for investment:

995 (f) A summary of the type and amount of potential water  
996 supply investments that will have the effect of increasing water



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997 supply in the state on a regional basis.

998 Section 13. Section 403.890, Florida Statutes, is amended  
999 to read:

1000 403.890 Water Protection and Sustainability Program.—

1001 (1) Revenues deposited into or appropriated to the Water  
1002 Protection and Sustainability Program Trust Fund shall be  
1003 distributed by the Department of Environmental Protection for  
1004 the following purposes in the following manner:

1005 (a) (1) Sixty-five percent to the Department of  
1006 Environmental Protection for The implementation of an  
1007 alternative water supply program as provided in s. 373.707.

1008 (b) The water storage facility revolving loan fund as  
1009 provided in s. 373.478.

1010 (2) Revenues deposited into or appropriated to the Water  
1011 Protection and Sustainability Program Trust Fund for purposes of  
1012 the water storage facility revolving loan fund may only be used  
1013 for such purposes.

1014 ~~(2) Twenty-two and five-tenths percent for the~~  
1015 ~~implementation of best management practices and capital project~~  
1016 ~~expenditures necessary for the implementation of the goals of~~  
1017 ~~the total maximum daily load program established in s. 403.067.~~  
1018 ~~Of these funds, 83.33 percent shall be transferred to the credit~~  
1019 ~~of the Department of Environmental Protection Water Quality~~  
1020 ~~Assurance Trust Fund to address water quality impacts associated~~  
1021 ~~with nonagricultural nonpoint sources. Sixteen and sixty-seven~~  
1022 ~~hundredths percent of these funds shall be transferred to the~~  
1023 ~~Department of Agriculture and Consumer Services General~~  
1024 ~~Inspection Trust Fund to address water quality impacts~~  
1025 ~~associated with agricultural nonpoint sources. These funds shall~~



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1026 ~~be used for research, development, demonstration, and~~  
1027 ~~implementation of the total maximum daily load program under s.~~  
1028 ~~403.067, suitable best management practices or other measures~~  
1029 ~~used to achieve water quality standards in surface waters and~~  
1030 ~~water segments identified pursuant to s. 303(d) of the Clean~~  
1031 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~  
1032 ~~Implementation of best management practices and other measures~~  
1033 ~~may include cost-share grants, technical assistance,~~  
1034 ~~implementation tracking, and conservation leases or other~~  
1035 ~~agreements for water quality improvement. The Department of~~  
1036 ~~Environmental Protection and the Department of Agriculture and~~  
1037 ~~Consumer Services may adopt rules governing the distribution of~~  
1038 ~~funds for implementation of capital projects, best management~~  
1039 ~~practices, and other measures. These funds shall not be used to~~  
1040 ~~abrogate the financial responsibility of those point and~~  
1041 ~~nonpoint sources that have contributed to the degradation of~~  
1042 ~~water or land areas. Increased priority shall be given by the~~  
1043 ~~department and the water management district governing boards to~~  
1044 ~~those projects that have secured a cost-sharing agreement~~  
1045 ~~allocating responsibility for the cleanup of point and nonpoint~~  
1046 ~~sources.~~

1047 ~~(3) Twelve and five tenths percent to the Department of~~  
1048 ~~Environmental Protection for the Disadvantaged Small Community~~  
1049 ~~Wastewater Grant Program as provided in s. 403.1838.~~

1050 ~~(3)-(4) On June 30, 2009, and every 24 months thereafter,~~  
1051 ~~the Department of Environmental Protection shall request the~~  
1052 ~~return of all unencumbered funds distributed for the purposes of~~  
1053 ~~the alternative water supply program pursuant to this section.~~  
1054 ~~These funds shall be deposited into the Water Protection and~~



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1055 Sustainability Program Trust Fund and redistributed for such  
1056 purposes pursuant to the provisions of this section.

1057 Section 14. The South Florida Water Management District and  
1058 the Board of Trustees of the Internal Improvement Trust Fund  
1059 shall notify the Division of Law Revision and Information no  
1060 later than December 1, 2018, whether they have acquired land  
1061 pursuant to s. 373.4598, Florida Statutes.

1062 Section 15. The Division of Law Revision and Information is  
1063 directed to replace the phrase "the effective date of this act"  
1064 wherever it occurs in this act with the date the act becomes a  
1065 law.

1066 Section 16. Contingent upon bonds being issued for the  
1067 purposes of s. 373.4598, Florida Statutes, and if land is  
1068 acquired pursuant to s. 373.4598(3)(a), Florida Statutes, the  
1069 sum of \$64 million in recurring funds from the Land Acquisition  
1070 Trust Fund is appropriated for the 2017-2018 fiscal year to pay  
1071 debt service on bonds that implement this act and are issued  
1072 pursuant to s. 215.613, Florida Statutes.

1073 Section 17. Contingent upon bonds being issued for the  
1074 purposes of s. 373.4598, Florida Statutes, and if land is  
1075 acquired pursuant to s. 373.4598(3)(a), Florida Statutes, the  
1076 sum of \$36 million in recurring funds from the Land Acquisition  
1077 Trust Fund is appropriated for the 2018-2019 fiscal year to pay  
1078 debt service on bonds that implement this act and are issued  
1079 pursuant to s. 215.613, Florida Statutes.

1080 Section 18. Contingent upon bonds being issued for the  
1081 purposes of s. 373.4598, Florida Statutes, and if land is  
1082 acquired pursuant to s. 373.4598(3)(b), Florida Statutes, the  
1083 sum of \$100 million in recurring funds from the Land Acquisition



1084 Trust Fund is appropriated for the 2018-2019 fiscal year to pay  
1085 debt service on bonds that implement this act and are issued  
1086 pursuant to s. 215.613, Florida Statutes.

1087 Section 19. Except as otherwise expressly provided in this  
1088 act, this act shall take effect upon becoming a law.

1089  
1090 ===== T I T L E A M E N D M E N T =====

1091 And the title is amended as follows:

1092 Delete everything before the enacting clause  
1093 and insert:

1094 A bill to be entitled  
1095 An act relating to water resources; providing a short  
1096 title; amending s. 201.15, F.S.; requiring that the  
1097 debt service on certain bonds be paid first from  
1098 amounts on deposit in the Land Acquisition Trust Fund;  
1099 creating s. 215.613, F.S.; authorizing water resource  
1100 protection and development bonds to be issued;  
1101 providing a cap on such bonds; establishing certain  
1102 covenants with regard to such bonds; specifying that  
1103 the bonds do not constitute a general obligation of,  
1104 or a pledge of the full faith and credit of, the state  
1105 and are secured on a parity basis with certain other  
1106 bonds; requiring the Department of Environmental  
1107 Protection to distribute bond proceeds through the  
1108 Land Acquisition Trust Fund; prohibiting certain  
1109 property transactions and uses that would have  
1110 specified tax impacts; specifying certain validation  
1111 requirements; amending s. 215.618, F.S.; reducing the  
1112 bonding authority for Florida Forever bonds; creating



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1113 s. 373.4598, F.S.; providing legislative findings and  
1114 intent; defining terms; requiring the South Florida  
1115 Water Management District to seek proposals from  
1116 willing sellers of property within the Everglades  
1117 Agricultural Area for land that is suitable for the  
1118 reservoir project; clarifying that all appraisal  
1119 reports, offers, and counteroffers are confidential  
1120 and exempt from public records requirements; requiring  
1121 the district to assign the Entire Option Property Non-  
1122 Exclusive Option of a specified agreement to the Board  
1123 of Trustees of the Internal Improvement Trust Fund  
1124 under certain circumstances; requiring the district to  
1125 retain the agreement's option under certain  
1126 circumstances; requiring the board or the district, as  
1127 applicable, to exercise the specified option by a  
1128 certain date under certain circumstances; providing  
1129 requirements for the Proposed Option Property Purchase  
1130 Price; authorizing the disposal or exchange of certain  
1131 land or interests in land for certain purposes;  
1132 requiring the district to begin, seek permitting for,  
1133 and construct the reservoir project under certain  
1134 circumstances; requiring the district, in coordination  
1135 with the United States Army Corps of Engineers, to  
1136 begin the planning study for the reservoir project by  
1137 a specified date under certain circumstances;  
1138 requiring the district to identify specified lands  
1139 under certain circumstances; providing requirements  
1140 for the planning study; requiring the district, in  
1141 coordination with the United States Army Corps of





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1142 Engineers, to seek Congressional authorization for the  
1143 reservoir project under certain circumstances;  
1144 authorizing certain costs to be funded using water  
1145 resource protection and development bond proceeds  
1146 under certain circumstances; specifying how such bond  
1147 proceeds shall be deposited; authorizing the use of  
1148 state funds for the reservoir project; requiring the  
1149 district to seek additional sources of funding;  
1150 requiring the district to seek federal credits under  
1151 certain circumstances; requiring the district to  
1152 request the United States Army Corps of Engineers, in  
1153 the Corps' review of the regulation schedule, to  
1154 consider any repairs to the Herbert Hoover Dike or  
1155 increase in southern outlet capacity of Lake  
1156 Okeechobee; creating s. 373.475, F.S.; providing  
1157 legislative findings and intent; requiring the  
1158 department to distribute certain bond proceeds for the  
1159 purposes of financing water resource protection and  
1160 development projects; requiring proceeds to be  
1161 expended in a fiscally responsible manner; creating s.  
1162 373.478, F.S.; providing legislative findings and  
1163 intent; defining terms; requiring the state through  
1164 the department to provide certain funding assistance  
1165 to local governments and water supply entities for the  
1166 development and construction of water storage  
1167 facilities; requiring the department to adopt rules;  
1168 specifying required documentation for local government  
1169 or water supply entities; specifying that recipients  
1170 need not request certain advance payment; authorizing



1171 technical assistance; specifying certain loan funding  
1172 maximums, minimums, and term requirements; requiring a  
1173 report; authorizing certain audits and servicing fees;  
1174 providing that the Water Protection and Sustainability  
1175 Program Trust Fund shall be used to carry out the  
1176 purposes of the revolving loan fund; specifying  
1177 certain default and compliance provisions; amending s.  
1178 375.041, F.S.; requiring certain distributions to be  
1179 made from the Land Acquisition Trust Fund; amending s.  
1180 375.041, F.S.; contingently increasing the minimum  
1181 annual funding for certain Everglades projects;  
1182 creating s. 403.0878, F.S.; requiring the department  
1183 to establish a water reuse grant program; providing  
1184 requirements for such program; requiring the  
1185 department to adopt rules; requiring certain review of  
1186 grants; authorizing a certain percentage of grant  
1187 funds to be used for program administration;  
1188 specifying that recipients need not request certain  
1189 advance payment; providing legislative findings;  
1190 amending s. 215.44, F.S.; requiring the Board of  
1191 Administration to include a summary of potential water  
1192 supply investments in its annual report to the  
1193 Legislature; amending s. 403.890, F.S.; revising the  
1194 purposes for which distributions may be made from and  
1195 to the Water Protection and Sustainability Program  
1196 Trust Fund; requiring the district and the board to  
1197 notify the Division of Law Revision and Information by  
1198 a certain date of specified land acquisitions;  
1199 providing a directive to the division; providing



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contingent appropriations; providing effective dates,  
one of which is contingent.