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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2017	.	
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The Committee on Appropriations (Bradley and Latvala)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete 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



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



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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.

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



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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 CERP  
89 must be increased if restoration will be achieved within the  
90 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



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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  
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



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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.

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



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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.

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 year's 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



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185 capital costs associated with the lease and incurred prior to  
186 notice.

187 (4) LAND ACQUISITION.—The Legislature declares that  
188 acquiring land to increase water storage south of the lake is in  
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. However, the district may not  
193 exercise eminent domain in the EAA for the purpose of  
194 implementing the EAA reservoir project.

195 (a) Upon the effective date of this act, the district shall  
196 identify the lessees of the approximately 3,200 acres of land  
197 owned by the state or the district west of the A-2 parcel and  
198 east of the Miami Canal and the private property owners of the  
199 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 direct  
213 acquisition in fee or by a supplemental agreement, any land, the





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

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

228 (5) POST-AUTHORIZATION CHANGE REPORT.—

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

237 (b) Using the A-2 parcel and the additional land identified  
238 pursuant to paragraph (4) (a) and without modifying the A-1  
239 parcel, the report must evaluate:

- 240 1. The optimal configuration of the EAA reservoir project  
241 for providing at least 240,000 acre-feet of water storage; and  
242 2. Any necessary increases in canal conveyance capacity to



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243 reduce the discharges to the St. Lucie or Caloosahatchee  
244 estuaries.

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

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

262 (e) The district must report the status of the post-  
263 authorization change report to the Legislature by January 9,  
264 2018. The report must include information on the district's  
265 ability to obtain lease modifications and land acquisitions as  
266 provided in subsection (4). If the district in good faith  
267 believes that the post-authorization change report will receive  
268 ultimate approval but that an extension of the deadline provided  
269 in paragraph (7)(a) is needed, the district must include such a  
270 request in its report and may be granted an extension by the  
271 Legislature. Any such extension must include a corresponding



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272 date by which the district, in coordination with the corps, must  
273 begin the planning study for the EAA reservoir project and  
274 proceed with the A-2 parcel project component of CEPP in  
275 accordance with paragraph (7) (a).

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

278 (a) The post-authorization change report receives  
279 congressional approval; or

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

284 (7) PLANNING STUDY.—

285 (a) If, for any reason, the post-authorization change  
286 report does not receive congressional approval by October 1,  
287 2018, and the district has not been granted an extension by the  
288 Legislature, the district must, in coordination with the corps,  
289 begin the planning study for the EAA reservoir project by  
290 October 31, 2018, and proceed with the A-2 parcel project  
291 component of CEPP in accordance with the final project  
292 implementation report dated July 2014.

293 (b) The district, when developing the planning study, must  
294 focus on the goal of the EAA reservoir project, which is to  
295 provide additional water storage and conveyance south of the  
296 lake to reduce the volume of regulatory discharges of water from  
297 the lake to the east and west.

298 (c) Upon completion of the planning study and the  
299 finalization of the project implementation report, as defined in  
300 s. 373.470, the district, in coordination with the corps, shall



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301 seek congressional authorization for the EAA reservoir project.

302 (8) AGRICULTURAL WORKERS.—The district shall give  
303 preferential consideration to the hiring of former agricultural  
304 workers primarily employed during 36 of the past 60 months in  
305 the Everglades Agricultural Area, consistent with their  
306 qualifications and abilities, for the construction and operation  
307 of the EAA reservoir project. Any contract or subcontract for  
308 the construction and operation of the EAA reservoir project in  
309 which 50 percent or more of the cost is paid from state-  
310 appropriated funds must provide preference and priority in the  
311 hiring of such agricultural workers. The district shall give  
312 preferential consideration to contract proposals that include in  
313 the contractor's hiring practices training programs for such  
314 workers.

315 (9) C-51 RESERVOIR PROJECT.—

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

324 (b) Phase I of the project will provide approximately  
325 14,000 acre-feet of storage and will hydraulically connect to  
326 the district's L-8 Flow Equalization Basin. Phase II of the  
327 project will provide approximately 46,000 acre-feet of water  
328 storage, for a total increase of 60,000 acre-feet of water  
329 storage.



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330 (c) For Phase II of the C-51 reservoir project the district  
331 may negotiate with the owners of the C-51 reservoir project site  
332 for the acquisition of the project or to enter into a  
333 public-private partnership. The district may acquire land near  
334 the C-51 reservoir through the purchase or exchange of land that  
335 is owned by the district or the state as necessary to implement  
336 Phase II of the project. The state and the district may consider  
337 potential swaps of land that is owned by the state or the  
338 district to achieve an optimal combination of water quality and  
339 water storage. The district may not exercise eminent domain for  
340 the purpose of implementing the C-51 reservoir project.

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

343 1. The district shall operate the reservoir to maximize the  
344 reduction of high-volume Lake Okeechobee regulatory releases to  
345 the St. Lucie or Caloosahatchee estuaries in addition to  
346 providing relief to the Lake Worth Lagoon;

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

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

352 (e) Phase I of the C-51 reservoir project may be funded  
353 through the water storage facility revolving loan fund as  
354 provided in s. 373.475. Phase II of the C-51 reservoir project  
355 may be funded pursuant to this section, pursuant to s. 373.475,  
356 as a project component of CERP, or pursuant to s.  
357 375.041(3)(b)4.

358 (10) FUNDING.—



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

363 (b) Any cost related to this section, including, but not  
364 limited to, the costs for land acquisition, planning,  
365 construction, and operation and maintenance, may be funded using  
366 proceeds from Florida Forever bonds issued under s. 215.618, in  
367 an amount of up to 1.2 billion, as authorized under that  
368 section. The bond proceeds from bonds issued for the purposes of  
369 this section shall be deposited into the Everglades Trust Fund.

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

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

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

384 Section 4. Section 373.475, Florida Statutes, is created to  
385 read:

386 373.475 Water storage facility revolving loan fund.—

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



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388 the state's most basic resources, the Legislature declares that  
389 such waters should be managed to conserve and protect water  
390 resources and to realize the full beneficial use of such  
391 resources.

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

396 (c) The Legislature finds that establishing infrastructure  
397 financing and providing technical assistance to local  
398 governments or water supply entities for water storage  
399 facilities is necessary to conserve and protect the waters of  
400 the state.

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

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

406 (b) "Water storage facility" or "facility" means all  
407 facilities, including land, necessary for an above-ground or in-  
408 ground reservoir. Such facilities may be publicly owned,  
409 privately owned, investor-owned, or cooperatively held.

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

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



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417 purchase loan insurance, and refinance local debt through the  
418 issue of new loans for water storage facilities approved by the  
419 department. Local governments or water supply entities may  
420 borrow funds made available pursuant to this section and may  
421 pledge any revenues or other adequate security available to them  
422 to repay any funds borrowed.

423 (b) The department may award loan amounts for up to 75  
424 percent of the costs of planning, designing, constructing,  
425 upgrading, or replacing water resource infrastructure or  
426 facilities, whether natural or man-made, including the  
427 acquisition of real property for water storage facilities.

428 (4) Subject to appropriation, the department shall adopt  
429 rules to carry out the purposes of this section. Such rules  
430 must:

431 (a) Establish a priority system for loans based on  
432 compliance with state requirements. The priority system must  
433 give special consideration to:

434 1. Projects that provide for the development of alternative  
435 water supply projects and management techniques in areas where  
436 existing source waters are limited or threatened by saltwater  
437 intrusion, excessive drawdowns, contamination, or other  
438 problems;

439 2. Projects that contribute to the sustainability of  
440 regional water sources;

441 3. Projects that produce additional water available for  
442 consumptive uses or natural systems;

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





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446 5. Projects that provide flexibility in addressing the  
447 unpredictability of water conditions from water year to water  
448 year.

449 (b) Establish the requirements for the award and repayment  
450 of financial assistance.

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

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

458 (e) Require each project to be self-supporting if the  
459 project is primarily for the purpose of water supply for  
460 consumptive use.

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

464 (a) A repayment schedule.

465 (b) Evidence of the permissibility or implementability of  
466 the facility proposed for financial assistance.

467 (c) Plans and specifications, biddable contract documents,  
468 or other documentation of appropriate procurement of goods and  
469 services.

470 (d) Provide assurance that records will be kept using  
471 generally accepted accounting principles and that the department  
472 or its agents and the Auditor General will have access to all  
473 records pertaining to the loan.

474 (e) If the facility is required to be self-supporting



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475 according to paragraph (4)(e), document that it will be self-  
476 supporting.

477 (f) Document that the water management district within  
478 whose boundaries the facility will be located has approved the  
479 facility. If the facility crosses jurisdictional boundaries,  
480 approval from each applicable district must be documented and  
481 provided to the department.

482 (6) Recipients of financial assistance under this section  
483 may receive disbursements based on invoiced costs and are not  
484 required to request advance payment pursuant to s. 216.181(16).  
485 Proof of payment of invoiced costs must be submitted before or  
486 concurrent with the recipient's next disbursement request.

487 (7) The department and water management districts are  
488 authorized to provide technical assistance to local governments  
489 or water supply entities for water storage facilities funded  
490 pursuant to this section.

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

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

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

502 (11) The department may require reasonable service fees on  
503 loans made to local governments or water supply entities to



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504 ensure that the program will be operated in perpetuity and to  
505 implement the purposes authorized under this section. Service  
506 fees may not be less than 2 percent or greater than 4 percent of  
507 the loan amount exclusive of the service fee. Service fee  
508 revenues shall be deposited into the department's Grants and  
509 Donations Trust Fund. The fee revenues, and interest earnings  
510 thereon, shall be used exclusively for the purposes of this  
511 section.

512 (12) The Water Protection and Sustainability Program Trust  
513 Fund established under s. 403.891 shall be used for the purposes  
514 of this section. Any funds that are not needed for immediate  
515 financial assistance shall be invested pursuant to s. 215.49.  
516 State funds and investment earnings shall be deposited into the  
517 fund. The principal and interest of all loans repaid, and  
518 investment earnings thereon, shall be deposited into the fund.

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

531 (b) If a water storage facility owned by a person other  
532 than a local governmental agency defaults under the terms of its



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533 loan agreement, the department may take all actions available  
534 under law to remedy the default.

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

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

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

545 375.041 Land Acquisition Trust Fund.—

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

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

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

557 1. A minimum of the lesser of 25 percent or \$200 million  
558 shall be appropriated annually for Everglades projects that  
559 implement the Comprehensive Everglades Restoration Plan as set  
560 forth in s. 373.470, including the Central Everglades Planning  
561 Project subject to Congressional authorization; the Long-Term



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562 Plan as defined in s. 373.4592(2); and the Northern Everglades  
563 and Estuaries Protection Program as set forth in s. 373.4595.  
564 From these funds, \$32 million shall be distributed each fiscal  
565 year through the 2023-2024 fiscal year to the South Florida  
566 Water Management District for the Long-Term Plan as defined in  
567 s. 373.4592(2). After deducting the \$32 million distributed  
568 under this subparagraph, from the funds remaining, a minimum of  
569 the lesser of 76.5 percent or \$100 million shall be appropriated  
570 each fiscal year through the 2025-2026 fiscal year for the  
571 planning, design, engineering, and construction of the  
572 Comprehensive Everglades Restoration Plan as set forth in s.  
573 373.470, including the Central Everglades Planning Project, the  
574 Everglades Agricultural Area Storage Reservoir Project, the Lake  
575 Okeechobee Watershed Project, the C-43 West Basin Storage  
576 Reservoir Project, the Indian River Lagoon-South Project, the  
577 Western Everglades Restoration Project, the C-111 South-Dade  
578 Project, and the Picayune Strand Restoration Project ~~subject to~~  
579 ~~Congressional authorization~~. The Department of Environmental  
580 Protection and the South Florida Water Management District shall  
581 give preference to those Everglades restoration projects that  
582 reduce harmful discharges of water from Lake Okeechobee to the  
583 St. Lucie or Caloosahatchee estuaries in a timely manner. For  
584 the purpose of performing the calculation provided in this  
585 subparagraph, the amount of debt service paid pursuant to  
586 paragraph (a) for bonds issued after July 1, 2016, for the  
587 purposes set forth under paragraph (b) shall be added to the  
588 amount remaining after the payments required under paragraph  
589 (a). The amount of the distribution calculated shall then be  
590 reduced by an amount equal to the debt service paid pursuant to



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591 paragraph (a) on bonds issued after July 1, 2016, for the  
592 purposes set forth under this subparagraph.

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

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

612         4. The sum of \$100 million is appropriated and shall be  
613 transferred to the Everglades Trust Fund for the 2018-2019  
614 fiscal year, and each fiscal year thereafter, for reservoir  
615 projects that implement s. 373.4598. Any funds remaining in any  
616 fiscal year shall be made available only for projects identified  
617 in 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



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620 appropriated under that subparagraph. 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 to  
625 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  
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~~



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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~~  
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~~





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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  
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.

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



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707 region.

708 (3) Funds may be used for grants for tuition for public or  
709 private technical or vocational programs and matching grants to  
710 employers to conduct employer-based training programs, or for  
711 the purchase of equipment to be used for training purposes, the  
712 hiring of instructors, or any other purpose directly associated  
713 with the program.

714 (4) The Department of Economic Opportunity may not award a  
715 grant to any given training program which exceeds 50 percent of  
716 the total cost of the program. Matching contributions may  
717 include in-kind services, including, but not limited to, the  
718 provision of training instructors, equipment, and training  
719 facilities.

720 (5) The Department of Economic Opportunity may grant up to  
721 100 percent of the tuition for a training program participant  
722 primarily employed during 36 of the previous 60 months in the  
723 Everglades Agricultural Area.

724 (6) Programs established in the Everglades Agricultural  
725 Area must include opportunities to obtain the qualifications and  
726 skills necessary for jobs related to federal and state  
727 restoration projects, Airglades Airport in Hendry County, or an  
728 inland port in Palm Beach County.

729 (7) The Department of Economic Opportunity shall adopt  
730 rules to implement this section.

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

733 946.511 Inmate labor to operate correctional work  
734 programs.—

735 (3) Beginning July 1, 2017, the use of inmates for



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736 correctional work programs in the agricultural industry in the  
737 EAA or in any area experiencing high unemployment rates in the  
738 agricultural sector is prohibited. Any lease agreement relating  
739 to land in the EAA leased to the Prison Rehabilitative  
740 Industries and Diversified Enterprises, Inc., (PRIDE  
741 Enterprises) for an agricultural work program is required to be  
742 terminated in accordance with the terms of the lease agreement.

743 Section 9. The Division of Law Revision and Information is  
744 directed to replace the phrase "the effective date of this act"  
745 wherever it occurs in this act with the date the act becomes a  
746 law.

747 Section 10. For the 2017-2018 fiscal year, the sum of \$30  
748 million in nonrecurring funds from the Land Acquisition Trust  
749 Fund is appropriated to the Everglades Trust Fund for the  
750 purposes of acquiring land or negotiating leases pursuant to s.  
751 373.4598(4), Florida Statutes, or for any cost related to the  
752 planning or construction of the EAA reservoir project as defined  
753 in s. 373.4598, Florida Statutes.

754 Section 11. For the 2017-2018 fiscal year, the sum of \$3  
755 million in nonrecurring funds from the Land Acquisition Trust  
756 Fund is appropriated to the Everglades Trust Fund for the  
757 purposes of developing the post-authorization change report  
758 pursuant to s. 373.4598, Florida Statutes, and the sum of \$1  
759 million in nonrecurring funds from the Land Acquisition Trust  
760 Fund is appropriated to the Everglades Trust Fund for the  
761 purposes of negotiating Phase II of the C-51 reservoir project  
762 pursuant to s. 373.4598, Florida Statutes.

763 Section 12. For the 2017-2018 fiscal year, the sum of \$30  
764 million in nonrecurring funds from the Land Acquisition Trust



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765 Fund is appropriated to the Water Resource Protection and  
766 Sustainability Program Trust Fund for the purpose of  
767 implementing Phase I of the C-51 reservoir project as a water  
768 storage facility in accordance with ss. 373.4598 and 373.475,  
769 Florida Statutes.

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

771  
772 ===== T I T L E A M E N D M E N T =====

773 And the title is amended as follows:

774 Delete everything before the enacting clause  
775 and insert:

776 A bill to be entitled  
777 An act relating to water resources; amending s.  
778 201.15, F.S.; revising the requirements under which  
779 certain bonds may be issued; amending s. 215.618,  
780 F.S.; providing an exception to the requirement that  
781 bonds issued for acquisition and improvement of land,  
782 water areas, and related property interests and  
783 resources be deposited into the Florida Forever Trust  
784 Fund and distributed in a specified manner; creating  
785 s. 373.4598, F.S.; providing legislative findings and  
786 intent; defining terms; authorizing the South Florida  
787 Water Management District and the Board of Trustees of  
788 the Internal Improvement Trust Fund to negotiate the  
789 amendment and termination of leases on lands within  
790 the Everglades Agricultural Area for exchange or use  
791 for the reservoir project; requiring certain lease  
792 agreements for agricultural work programs to be  
793 terminated in accordance with the lease terms;



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794 requiring the district to identify certain lands;  
795 requiring that the district contact the lessors or  
796 landowners of any land identified by a certain date;  
797 requiring the board to provide certain land to the  
798 district; authorizing the district to acquire land  
799 from willing sellers under certain circumstances;  
800 prohibiting the total acreage necessary for additional  
801 water treatment from exceeding the amount reasonably  
802 required to meet state and federal water quality  
803 standards; requiring the district to request that the  
804 United States Army Corps of Engineers jointly develop  
805 a post-authorization change report for the Central  
806 Everglades Planning Project; providing requirements  
807 for the report; requiring the district to report the  
808 status of the report to the Legislature by a certain  
809 date; requiring the district to terminate an option  
810 agreement under certain circumstances; requiring the  
811 district, in coordination with the corps, to begin the  
812 planning study for the Everglades Agricultural Area  
813 reservoir project by a certain date under specified  
814 conditions; requiring the district to give hiring  
815 preferences to certain displaced agricultural workers;  
816 authorizing the district to negotiate with the owners  
817 of the C-51 reservoir project; providing requirements  
818 for the C-51 reservoir project if state funds are  
819 appropriated for the project; authorizing certain  
820 costs to be funded using Florida Forever bond proceeds  
821 under certain circumstances; specifying how such bond  
822 proceeds shall be deposited; authorizing the use of



823 state funds for the reservoir project; requiring the  
824 district to seek additional sources of funding;  
825 requiring the district to request the corps, in the  
826 corps' review of the regulation schedule, to consider  
827 any repairs to the Herbert Hoover Dike and  
828 implementation of certain projects to optimally  
829 utilize the added storage capacity; creating s.  
830 373.475, F.S.; providing legislative findings and  
831 intent; defining terms; requiring the state, through  
832 the Department of Environmental Protection, to provide  
833 certain funding assistance to local governments and  
834 water supply entities for the development and  
835 construction of water storage facilities; requiring  
836 the department to adopt rules; specifying required  
837 documentation for local government or water supply  
838 entities; specifying that recipients need not request  
839 certain advance payment; authorizing technical  
840 assistance from the department and water management  
841 districts to local governments or water supply  
842 entities for a certain purpose; specifying certain  
843 loan funding minimums and term requirements; requiring  
844 a report; authorizing certain audits and servicing  
845 fees; providing that the Water Protection and  
846 Sustainability Program Trust Fund must be used to  
847 carry out the purposes of the water storage facility  
848 revolving loan fund; specifying certain default and  
849 compliance provisions; amending s. 375.041, F.S.;  
850 requiring certain distributions to be made from the  
851 Land Acquisition Trust Fund; amending s. 403.890,



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852 F.S.; revising the purposes for which distributions  
853 may be made from and to the Water Protection and  
854 Sustainability Program Trust Fund; creating s. 446.71,  
855 F.S.; requiring the Department of Economic  
856 Opportunity, in cooperation with CareerSource Florida,  
857 Inc., to establish the Everglades Restoration  
858 Agricultural Community Employment Training Program  
859 within the department; providing requirements for the  
860 program; providing a legislative finding; specifying  
861 award restrictions; requiring the department to adopt  
862 rules; amending s. 946.511, F.S.; prohibiting the use  
863 of inmates for correctional work programs in the  
864 agricultural industry in certain areas; providing a  
865 directive to the Division of Law Revision and  
866 Information; providing appropriations; providing an  
867 effective date.