

By Senator Bradley

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1 A bill to be entitled
2 An act relating to water resources; amending s.
3 201.15, F.S.; revising the requirements under which
4 certain bonds may be issued; amending s. 215.618,
5 F.S.; providing an exception to the requirement that
6 bonds issued for acquisition and improvement of land,
7 water areas, and related property interests and
8 resources be deposited into the Florida Forever Trust
9 Fund and distributed in a specified manner; creating
10 s. 373.4598, F.S.; providing legislative findings and
11 intent; defining terms; requiring the South Florida
12 Water Management District to seek proposals from
13 willing sellers of property within the Everglades
14 Agricultural Area for land that is suitable for the
15 reservoir project; clarifying that all appraisal
16 reports, offers, and counteroffers are confidential
17 and exempt from public records requirements; requiring
18 the district to assign the Entire Option Property Non-
19 Exclusive Option of a specified agreement to the Board
20 of Trustees of the Internal Improvement Trust Fund
21 under certain circumstances; requiring the district to
22 retain the agreement's option under certain
23 circumstances; requiring the board or the district, as
24 applicable, to exercise the specified option by a
25 certain date under certain circumstances; providing
26 requirements for the Proposed Option Property Purchase
27 Price; authorizing the disposal or exchange of certain
28 land or interests in land for certain purposes;
29 requiring the district to begin, seek permitting for,
30 and construct the reservoir project under certain
31 circumstances; requiring the district, in coordination
32 with the United States Army Corps of Engineers, to

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33 begin the planning study for the reservoir project by
34 a specified date under certain circumstances;
35 requiring the district to identify specified lands
36 under certain circumstances; providing requirements
37 for the planning study; requiring the district, in
38 coordination with the United States Army Corps of
39 Engineers, to seek Congressional authorization for the
40 reservoir project under certain circumstances;
41 authorizing certain costs to be funded using Florida
42 Forever bond proceeds under certain circumstances;
43 specifying how such bond proceeds shall be deposited;
44 authorizing the use of state funds for the reservoir
45 project; requiring the district to seek additional
46 sources of funding; requiring the district to seek
47 federal credits under certain circumstances; requiring
48 the district to request the United States Army Corps
49 of Engineers, in the Corps' review of the regulation
50 schedule, to consider any increase in southern outlet
51 capacity of Lake Okeechobee; amending s. 375.041,
52 F.S.; increasing the minimum annual funding for
53 certain Everglades projects under specified
54 circumstances; requiring the district and the board to
55 notify the Division of Law Revision and Information by
56 a certain date of specified land acquisitions;
57 providing a directive to the division; providing
58 contingent appropriations; providing effective dates,
59 one of which is contingent.

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61 Be It Enacted by the Legislature of the State of Florida:

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

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(3) Amounts on deposit in the Land Acquisition Trust Fund

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91 shall be used in the following order:

92 (a) Payment of debt service or funding of debt service
93 reserve funds, rebate obligations, or other amounts payable with
94 respect to Florida Forever bonds issued pursuant to s. 215.618.
95 The amount used for such purposes may not exceed \$300 million in
96 each fiscal year. It is the intent of the Legislature that all
97 bonds issued to fund the Florida Forever Act be retired by
98 December 31, 2040. Except for bonds issued to refund previously
99 issued bonds, no series of bonds may be issued pursuant to this
100 paragraph unless such bonds are approved and the debt service
101 for the remainder of the fiscal year in which the bonds are
102 issued is specifically appropriated in the General
103 Appropriations Act or other law with respect to bonds issued for
104 the purposes of s. 373.4598.

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106 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
107 and ratably secured by moneys distributable to the Land
108 Acquisition Trust Fund.

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

111 215.618 Bonds for acquisition and improvement of land,
112 water areas, and related property interests and resources.—

113 (5) The proceeds from the sale of bonds issued pursuant to
114 this section, less the costs of issuance, the costs of funding
115 reserve accounts, and other costs with respect to the bonds,
116 shall be deposited into the Florida Forever Trust Fund. The bond
117 proceeds deposited into the Florida Forever Trust Fund shall be
118 distributed by the Department of Environmental Protection as
119 provided in s. 259.105. This subsection does not apply to

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120 proceeds from the sale of bonds issued for the purposes of s.
121 373.4598.

122 Section 3. Section 373.4598, Florida Statutes, is created
123 to read:

124 373.4598 Reservoir project in the Everglades Agricultural
125 Area.-

126 (1) LEGISLATIVE FINDINGS AND INTENT.-

127 (a) The Legislature declares that an emergency exists
128 regarding the St. Lucie and Caloosahatchee estuaries due to the
129 harmful freshwater discharges east and west of the lake. Such
130 discharges have manifested in widespread algae blooms, public
131 health impacts, and extensive environmental harm to wildlife and
132 the aquatic ecosystem. These conditions threaten the ecological
133 integrity of the estuaries and the economic viability of the
134 state and affected communities.

135 (b) The Legislature finds that the acquisition of
136 strategically located lands south of the lake and the
137 construction of the reservoir project will increase the
138 availability of water storage and reduce the harmful freshwater
139 discharges. Additionally, water storage south of the lake will
140 increase the availability of water for the Everglades and to
141 meet irrigation demands for the Everglades Agricultural Area;
142 restore the hydrological connection to the Everglades; and
143 provide flood protection by reducing, through additional storage
144 capacity, some of the demands on the Herbert Hoover Dike.

145 (c) The Legislature recognizes that the reservoir project
146 is authorized in the Water Resources Development Act of 2000 as
147 a project component of CERP. Unless other funding is available,
148 the Legislature directs the district in implementation of the

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149 reservoir project to abide by applicable state and federal law
150 in order to do that which is required to obtain federal credit
151 under CERP. If the district implements the reservoir project as
152 a project component as defined in s. 373.1501, the district must
153 abide by all applicable state and federal law relating to such
154 projects.

155 (d) Nothing in this section is intended to diminish the
156 commitments made by the state in chapter 2016-201, Laws of
157 Florida.

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

159 (a) "Agreement" means the Second Amended and Restated
160 Agreement for Sale and Purchase between the United States Sugar
161 Corporation, SBG Farms, Inc., Southern Garden Groves
162 Corporation, and the South Florida Water Management District,
163 dated August 12, 2010.

164 (b) "Board" means the Board of Trustees of the Internal
165 Improvement Trust Fund.

166 (c) "Comprehensive Everglades Restoration Plan" or "CERP"
167 has the same meaning as the term "comprehensive plan" as defined
168 in s. 373.470.

169 (d) "District" means the South Florida Water Management
170 District.

171 (e) "Everglades Agricultural Area" or "EAA" has the same
172 meaning as provided in s. 373.4592.

173 (f) "Lake" means Lake Okeechobee.

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

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178 (3) LAND ACQUISITION.—The Legislature declares that
179 acquiring land for the reservoir project is in the public
180 interest and that the governing board of the district and the
181 board may acquire fee title for the purpose of implementing the
182 reservoir project.

183 (a) Upon the effective date of this act, the district shall
184 seek proposals from willing sellers of property within the
185 Everglades Agricultural Area in order to acquire approximately
186 60,000 acres of land that is suitable for the reservoir project.
187 All appraisal reports, offers, and counteroffers are
188 confidential and exempt from s. 119.07(1), as provided in s.
189 373.139.

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

192 1. The district must assign, by January 31, 2018, the
193 agreement's Entire Option Property Non-Exclusive Option to the
194 board, as authorized in, and in accordance with, the agreement.
195 If, for any reason, the Seller, as defined in the agreement,
196 does not find the assignment to be reasonably acceptable in form
197 and substance, the district must retain the Entire Option
198 Property Non-Exclusive Option; and

199 2. The board or the district, whichever holds the option,
200 must, by March 1, 2018, exercise the option in accordance with
201 the agreement. The Buyer's Proposed Option Property Purchase
202 Price, as specified in the agreement, may not be less than the
203 average of \$7,400 per acre, unless the maximum offer allowed by
204 law is less than the average of \$7,400 per acre.

205 3. The board or the district, if applicable, may dispose of
206 or exchange any land or lease interest in the land that is

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207 acquired pursuant to this paragraph in order to achieve optimal
208 siting for the reservoir project or to dispose of land that is
209 not necessary for the reservoir project. Any such exchange or
210 disposition may not be in violation of the agreement.

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

214 (a) Once the land has been agreed upon for purchase, must
215 immediately begin the reservoir project with the goal of
216 providing adequate water storage and conveyance south of the
217 lake to reduce the volume of regulatory discharges of water from
218 the lake to the east and west; and

219 (b) Once the land is acquired, must expeditiously pursue
220 necessary permitting and begin implementation and construction
221 of the reservoir project as soon as practicable.

222 (5) PLANNING STUDY.—

223 (a) If land is acquired pursuant to paragraph (3) (a) and
224 other funding is not available, the district must, in
225 coordination with the United States Army Corps of Engineers,
226 begin the planning study for the reservoir project by March 1,
227 2018.

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

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

235 2. If land is not acquired pursuant to paragraph (3) (b),

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236 the district must identify land that is suitable for the
237 reservoir project and the best option for securing such land.

238 (c) The district, when developing the planning study, must
239 focus on the goal of the reservoir project, which is to provide
240 adequate water storage and conveyance south of the lake to
241 reduce the volume of regulatory discharges of water from the
242 lake to the east and west.

243 (d) Upon completion of the planning study and the
244 finalization of the project implementation report, as defined in
245 s. 373.470, the district, in coordination with the United States
246 Army Corps of Engineers, shall seek Congressional authorization
247 for the reservoir project.

248 (6) FUNDING.—

249 (a) Pursuant to s. 11(e), Art. VII of the State
250 Constitution, state bonds are authorized under this section to
251 finance or refinance the acquisition and improvement of land,
252 water areas, and related property interests and resources for
253 the purposes of conservation, outdoor recreation, water resource
254 development, restoration of natural systems, and historic
255 preservation. In accordance with s. 17, Art. X of the State
256 Constitution, funds deposited into the Everglades Trust Fund may
257 be expended for the purposes of conservation and protection of
258 natural resources in the Everglades Protection Area and the
259 Everglades Agricultural Area.

260 (b) Any cost related to this section, including, but not
261 limited to, the costs for land acquisition, construction, and
262 operation and maintenance, may be funded using proceeds from
263 Florida Forever bonds issued under s. 215.618, as authorized
264 under that section. The Legislature determines that the

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265 authorization and issuance of such bonds is in the best interest
266 of the state and determines that the reservoir project should be
267 implemented. Notwithstanding any other provision of law,
268 proceeds from the sale of such bonds, less the costs of
269 issuance, the costs of funding reserve accounts, and other costs
270 with respect to the bonds, shall be deposited in the following
271 manner:

272 1. If land is acquired pursuant to paragraph (3)(a), the
273 amount of up to \$800 million in bond proceeds in the 2017-2018
274 fiscal year to the Everglades Trust Fund for the purposes of
275 this section, and the amount of up to \$400 million in bond
276 proceeds in the 2018-2019 fiscal year to the Everglades Trust
277 Fund for the purposes of this section; or

278 2. If land is acquired pursuant to paragraph (3)(b), the
279 amount of up to \$1.2 billion in bond proceeds in the 2018-2019
280 fiscal year to the Board of Trustees of the Internal Improvement
281 Trust Fund, or the Everglades Trust Fund, if applicable, to be
282 used for the purposes of this section.

283 (c) Notwithstanding s. 373.026(8)(b) or any other provision
284 of law, the use of state funds is authorized for the reservoir
285 project.

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

288 (e) If the reservoir project receives Congressional
289 authorization, the district must seek applicable federal credits
290 toward the state's share of funding the land acquisition and
291 implementation of the reservoir project.

292 (7) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district shall
293 request that the United States Army Corps of Engineers include

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294 in its evaluation of the regulation schedule for the lake any
295 increase in outlet capacity south of the lake which offsets the
296 harmful freshwater discharges to the St. Lucie and
297 Caloosahatchee estuaries.

298 Section 4. Effective January 1, 2019, and contingent upon
299 the failure of the district or board to acquire land by November
300 30, 2018, pursuant to section 373.4598(3)(a) or (b), Florida
301 Statutes, subsection (3) of section 375.041, Florida Statutes,
302 is amended to read:

303 375.041 Land Acquisition Trust Fund.—

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

306 (a) First, to pay debt service or to fund debt service
307 reserve funds, rebate obligations, or other amounts payable with
308 respect to Florida Forever bonds issued under s. 215.618; and
309 pay debt service, provide reserves, and pay rebate obligations
310 and other amounts due with respect to Everglades restoration
311 bonds issued under s. 215.619; and

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

315 1. A minimum of the lesser of 30 ~~25~~ percent or \$250 ~~\$200~~
316 million shall be appropriated annually for Everglades projects
317 that implement the Comprehensive Everglades Restoration Plan as
318 set forth in s. 373.470, including the Central Everglades
319 Planning Project subject to Congressional authorization; the
320 Long-Term Plan as defined in s. 373.4592(2); and the Northern
321 Everglades and Estuaries Protection Program as set forth in s.
322 373.4595. From these funds, \$32 million shall be distributed

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323 each fiscal year through the 2023-2024 fiscal year to the South
324 Florida Water Management District for the Long-Term Plan as
325 defined in s. 373.4592(2). After deducting the \$32 million
326 distributed under this subparagraph, from the funds remaining, a
327 minimum of the lesser of 80 ~~76.5~~ percent or \$150 ~~\$100~~ million
328 shall be appropriated each fiscal year through the 2025-2026
329 fiscal year for the planning, design, engineering, and
330 construction of the Comprehensive Everglades Restoration Plan as
331 set forth in s. 373.470, including the Everglades Agricultural
332 Area Storage Reservoir, component G, and including the Central
333 Everglades Planning Project subject to Congressional
334 authorization. The Department of Environmental Protection and
335 the South Florida Water Management District shall give
336 preference to those Everglades restoration projects that reduce
337 harmful discharges of water from Lake Okeechobee to the St.
338 Lucie or Caloosahatchee estuaries in a timely manner. For the
339 purpose of performing the calculation provided in this
340 subparagraph, the amount of debt service paid pursuant to
341 paragraph (a) for bonds issued after July 1, 2016, for the
342 purposes set forth under paragraph (b) shall be added to the
343 amount remaining after the payments required under paragraph
344 (a). The amount of the distribution calculated shall then be
345 reduced by an amount equal to the debt service paid pursuant to
346 paragraph (a) on bonds issued after July 1, 2016, for the
347 purposes set forth under this subparagraph.

348 2. A minimum of the lesser of 7.6 percent or \$50 million
349 shall be appropriated annually for spring restoration,
350 protection, and management projects. For the purpose of
351 performing the calculation provided in this subparagraph, the

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352 amount of debt service paid pursuant to paragraph (a) for bonds
353 issued after July 1, 2016, for the purposes set forth under
354 paragraph (b) shall be added to the amount remaining after the
355 payments required under paragraph (a). The amount of the
356 distribution calculated shall then be reduced by an amount equal
357 to the debt service paid pursuant to paragraph (a) on bonds
358 issued after July 1, 2016, for the purposes set forth under this
359 subparagraph.

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

367 Section 5. The South Florida Water Management District and
368 the Board of Trustees of the Internal Improvement Trust Fund
369 shall notify the Division of Law Revision and Information no
370 later than December 1, 2018, whether they have acquired land
371 pursuant to s. 373.4598, Florida Statutes.

372 Section 6. The Division of Law Revision and Information is
373 directed to replace the phrase "the effective date of this act"
374 wherever it occurs in this act with the date the act becomes a
375 law.

376 Section 7. Contingent upon bonds being issued for the
377 purposes of s. 373.4598, Florida Statutes, and if land is
378 acquired pursuant to s. 373.4598(3)(a), Florida Statutes, the
379 sum of \$64,000,000 in recurring funds from the Land Acquisition
380 Trust Fund is appropriated for the 2017-2018 fiscal year to pay

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381 debt service on bonds that implement this act and are issued
382 pursuant to s. 215.618, Florida Statutes.

383 Section 8. Contingent upon bonds being issued for the
384 purposes of s. 373.4598, Florida Statutes, and if land is
385 acquired pursuant to s. 373.4598(3)(a), Florida Statutes, the
386 sum of \$36,000,000 in recurring funds from the Land Acquisition
387 Trust Fund is appropriated for the 2018-2019 fiscal year to pay
388 debt service on bonds that implement this act and are issued
389 pursuant to s. 215.618, Florida Statutes.

390 Section 9. Contingent upon bonds being issued for the
391 purposes of s. 373.4598, Florida Statutes, and if land is
392 acquired pursuant to s. 373.4598(3)(b), Florida Statutes, the
393 sum of \$100,000,000 in recurring funds from the Land Acquisition
394 Trust Fund is appropriated for the 2018-2019 fiscal year to pay
395 debt service on bonds that implement this act and are issued
396 pursuant to s. 215.618, Florida Statutes.

397 Section 10. Except as otherwise expressly provided in this
398 act, this act shall take effect upon becoming a law.