

By the Committee on Appropriations; and Senators Bradley and Flores

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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; authorizing the South Florida
12 Water Management District and the Board of Trustees of
13 the Internal Improvement Trust Fund to negotiate the
14 amendment and termination of leases on lands within
15 the Everglades Agricultural Area for exchange or use
16 for the reservoir project; requiring certain lease
17 agreements for agricultural work programs to be
18 terminated in accordance with the lease terms;
19 requiring the district to identify certain lands;
20 requiring that the district contact the lessors or
21 landowners of any land identified by a certain date;
22 requiring the board to provide certain land to the
23 district; authorizing the district to acquire land
24 from willing sellers under certain circumstances;
25 prohibiting the total acreage necessary for additional
26 water treatment from exceeding the amount reasonably
27 required to meet state and federal water quality
28 standards; requiring the district to request that the
29 United States Army Corps of Engineers jointly develop

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30 a post-authorization change report for the Central
31 Everglades Planning Project; providing requirements
32 for the report; requiring the district to report the
33 status of the report to the Legislature by a certain
34 date; requiring the district to terminate an option
35 agreement under certain circumstances; requiring the
36 district, in coordination with the corps, to begin the
37 planning study for the Everglades Agricultural Area
38 reservoir project by a certain date under specified
39 conditions; requiring the district to give hiring
40 preferences to certain displaced agricultural workers;
41 authorizing the district to negotiate with the owners
42 of the C-51 reservoir project; providing requirements
43 for the C-51 reservoir project if state funds are
44 appropriated for the project; authorizing certain
45 costs to be funded using Florida Forever bond proceeds
46 under certain circumstances; specifying how such bond
47 proceeds shall be deposited; authorizing the use of
48 state funds for the reservoir project; requiring the
49 district to seek additional sources of funding;
50 requiring the district to request the corps, in the
51 corps' review of the regulation schedule, to consider
52 any repairs to the Herbert Hoover Dike and
53 implementation of certain projects to optimally
54 utilize the added storage capacity; creating s.
55 373.475, F.S.; providing legislative findings and
56 intent; defining terms; requiring the state, through
57 the Department of Environmental Protection, to provide
58 certain funding assistance to local governments and

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59 water supply entities for the development and
60 construction of water storage facilities; requiring
61 the department to adopt rules; specifying required
62 documentation for local government or water supply
63 entities; specifying that recipients need not request
64 certain advance payment; authorizing technical
65 assistance from the department and water management
66 districts to local governments or water supply
67 entities for a certain purpose; specifying certain
68 loan funding minimums and term requirements; requiring
69 a report; authorizing certain audits and servicing
70 fees; providing that the Water Protection and
71 Sustainability Program Trust Fund must be used to
72 carry out the purposes of the water storage facility
73 revolving loan fund; specifying certain default and
74 compliance provisions; amending s. 375.041, F.S.;
75 requiring certain distributions to be made from the
76 Land Acquisition Trust Fund; amending s. 403.890,
77 F.S.; revising the purposes for which distributions
78 may be made from and to the Water Protection and
79 Sustainability Program Trust Fund; creating s. 446.71,
80 F.S.; requiring the Department of Economic
81 Opportunity, in cooperation with CareerSource Florida,
82 Inc., to establish the Everglades Restoration
83 Agricultural Community Employment Training Program
84 within the department; providing requirements for the
85 program; providing a legislative finding; specifying
86 award restrictions; requiring the department to adopt
87 rules; amending s. 946.511, F.S.; prohibiting the use

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88 of inmates for correctional work programs in the
89 agricultural industry in certain areas; providing a
90 directive to the Division of Law Revision and
91 Information; providing appropriations; providing an
92 effective date.

93

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

95

96 Section 1. Paragraph (a) of subsection (3) of section
97 201.15, Florida Statutes, is amended to read:

98 201.15 Distribution of taxes collected.—All taxes collected
99 under this chapter are hereby pledged and shall be first made
100 available to make payments when due on bonds issued pursuant to
101 s. 215.618 or s. 215.619, or any other bonds authorized to be
102 issued on a parity basis with such bonds. Such pledge and
103 availability for the payment of these bonds shall have priority
104 over any requirement for the payment of service charges or costs
105 of collection and enforcement under this section. All taxes
106 collected under this chapter, except taxes distributed to the
107 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
108 are subject to the service charge imposed in s. 215.20(1).
109 Before distribution pursuant to this section, the Department of
110 Revenue shall deduct amounts necessary to pay the costs of the
111 collection and enforcement of the tax levied by this chapter.
112 The costs and service charge may not be levied against any
113 portion of taxes pledged to debt service on bonds to the extent
114 that the costs and service charge are required to pay any
115 amounts relating to the bonds. All of the costs of the
116 collection and enforcement of the tax levied by this chapter and

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117 the service charge shall be available and transferred to the
118 extent necessary to pay debt service and any other amounts
119 payable with respect to bonds authorized before January 1, 2017,
120 secured by revenues distributed pursuant to this section. All
121 taxes remaining after deduction of costs shall be distributed as
122 follows:

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

125 (a) Payment of debt service or funding of debt service
126 reserve funds, rebate obligations, or other amounts payable with
127 respect to Florida Forever bonds issued pursuant to s. 215.618.
128 The amount used for such purposes may not exceed \$300 million in
129 each fiscal year. It is the intent of the Legislature that all
130 bonds issued to fund the Florida Forever Act be retired by
131 December 31, 2040. Except for bonds issued to refund previously
132 issued bonds, no series of bonds may be issued pursuant to this
133 paragraph unless such bonds are approved and the debt service
134 for the remainder of the fiscal year in which the bonds are
135 issued is specifically appropriated in the General
136 Appropriations Act or other law with respect to bonds issued for
137 the purposes of s. 373.4598.

138
139 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
140 and ratably secured by moneys distributable to the Land
141 Acquisition Trust Fund.

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

144 215.618 Bonds for acquisition and improvement of land,
145 water areas, and related property interests and resources.-

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146 (5) The proceeds from the sale of bonds issued pursuant to
147 this section, less the costs of issuance, the costs of funding
148 reserve accounts, and other costs with respect to the bonds,
149 shall be deposited into the Florida Forever Trust Fund. The bond
150 proceeds deposited into the Florida Forever Trust Fund shall be
151 distributed by the Department of Environmental Protection as
152 provided in s. 259.105. This subsection does not apply to
153 proceeds from the sale of bonds issued for the purposes of s.
154 373.4598.

155 Section 3. Section 373.4598, Florida Statutes, is created
156 to read:

157 373.4598 Water storage reservoirs.—

158 (1) LEGISLATIVE FINDINGS AND INTENT.—

159 (a) The Legislature declares that an emergency exists
160 regarding the St. Lucie and Caloosahatchee estuaries due to the
161 high-volume freshwater discharges to the east and west of the
162 lake. Such discharges have manifested in widespread algae
163 blooms, public health impacts, and extensive environmental harm
164 to wildlife and the aquatic ecosystem. These conditions, as
165 outlined in the state of emergency declared by the Governor
166 under Executive Orders 16-59, 16-155, and 16-156, threaten the
167 ecological integrity of the estuaries and the economic viability
168 of the state and affected communities.

169 (b) The Legislature finds that increasing water storage is
170 necessary to reduce the high-volume freshwater discharges from
171 the lake to the estuaries and restore the hydrological
172 connection to the Everglades. CERP projects necessary to reduce
173 the discharges and improve the flows to the Everglades should
174 receive priority funding, such as the Lake Okeechobee Watershed

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175 project to the north of the lake; the Everglades Agricultural
176 Area reservoir project to the south of the lake; the C-43 West
177 Basin Reservoir Storage project to the west of the lake; and the
178 Indian River Lagoon-South project to the east of the lake.

179 (c) The Legislature finds that the rate of funding for CERP
180 must be increased if restoration will be achieved within the
181 timeframe originally envisioned and that the delay in
182 substantial progress toward completing critical elements of
183 restoration, such as southern storage, will cause irreparable
184 harm to natural systems and, ultimately, increase the cost of
185 restoration. A substantial commitment to the advancement of
186 projects identified as part of CERP will reduce ongoing
187 ecological damage to the St. Lucie and Caloosahatchee estuaries.

188 (d) The Legislature recognizes that the EAA reservoir
189 project was conditionally authorized in the Water Resources
190 Development Act of 2000 as a project component of CERP. Unless
191 other funding is available, the Legislature directs the
192 district, in the implementation of the reservoir project, to
193 abide by applicable state and federal law in order to do that
194 which is required to obtain federal credit under CERP. If the
195 district implements the EAA reservoir project as a project
196 component as defined in s. 373.1501, the district must abide by
197 all applicable state and federal law relating to such projects.

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

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

202 (a) "A-1 parcel" means an area of district-owned land
203 located between the Miami Canal and North New River Canal

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204 consisting of approximately 17,000 acres which is bordered to
205 the north by private agricultural lands, to the east by U.S.
206 Highway 27, to the south by Stormwater Treatment Area 3/4, and
207 to the west by the Holey Land Wildlife Management Area and the
208 A-2 parcel.

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

215 (c) "Board" means the Board of Trustees of the Internal
216 Improvement Trust Fund.

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

221 (e) "Comprehensive Everglades Restoration Plan" or "CERP"
222 has the same meaning as the term "comprehensive plan" as defined
223 in s. 373.470.

224 (f) "Corps" means the United States Army Corps of
225 Engineers.

226 (g) "District" means the South Florida Water Management
227 District.

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

230 (i) "EAA reservoir project" means the Everglades
231 Agricultural Area storage reservoir, known as Component G of
232 CERP. The term includes any necessary water quality features

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233 that are required to meet state and federal water quality
234 standards.

235 (j) "Lake" means Lake Okeechobee.

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

241 (3) EAA LEASE AGREEMENTS.—

242 (a) The district and the board are authorized to negotiate
243 the amendment or termination of leases on lands within the EAA
244 for exchange or use for the EAA reservoir project. Any such
245 lease must be terminated in accordance with the lease terms or
246 upon the voluntary agreement of the lessor and lessee. In the
247 event of any such lease termination, the lessee must be
248 permitted to continue to farm on a field-by-field basis until
249 such time as the lessee's operations are incompatible with
250 implementation of the EAA reservoir project, as reasonably
251 determined by the lessor. The district and the board may include
252 the swapping of land, assignment of leases, and other methods of
253 providing valuable consideration in negotiating the amendments
254 to or termination of such lease agreements.

255 (b) Any lease agreement relating to land in the EAA leased
256 to the Prison Rehabilitative Industries and Diversified
257 Enterprises, Inc., (PRIDE Enterprises) for an agricultural work
258 program is required to be terminated in accordance with the
259 terms of the lease agreement. Any such land previously leased
260 may be made available by the board to the district for exchange
261 for lands suitable for the EAA reservoir project or may be

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262 leased for agricultural purposes. The terms of any such lease
263 must include provisions authorizing the lessor to terminate the
264 lease at any time during the lease term as to any portion, or
265 all of the premises, to be used for an environmental restoration
266 purpose. The terms of the lease may not require more than 1
267 year's notice in order for such termination to be effective. Any
268 agricultural owner managing lands subject to an agreement with
269 PRIDE shall be given the right of first refusal in leasing any
270 such lands.

271 (c) If, after any termination of an EAA lease agreement,
272 ratoon, stubble, or residual crop remaining on the lease
273 premises is harvested or otherwise used by the lessor or any
274 third party, the lessee is entitled to be compensated for any
275 documented, unamortized planting costs, and any unamortized
276 capital costs associated with the lease and incurred prior to
277 notice.

278 (4) LAND ACQUISITION.—The Legislature declares that
279 acquiring land to increase water storage south of the lake is in
280 the public interest and that the governing board of the district
281 may acquire land, if necessary, to implement the EAA reservoir
282 project with the goal of providing at least 240,000 acre-feet of
283 water storage south of the lake. The use of eminent domain in
284 the EAA for the purpose of implementing the EAA reservoir
285 project is prohibited.

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

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291 (b) By July 31, 2017, the district shall contact the
292 lessors and landowners of the land identified pursuant paragraph
293 (a) to express the district's interest in acquiring land through
294 the purchase or exchange of lands or by the amendment or
295 termination of lease agreements. If land swaps or purchases are
296 necessary to assemble the required acreage, the participation of
297 private landowners must be voluntary. The district shall contact
298 the board to request that any lease of land identified pursuant
299 to paragraph (a), the title to which is vested in the board, be
300 amended or terminated. All appraisal reports, offers, and
301 counteroffers in relation to this subsection are confidential
302 and exempt from s. 119.07(1), as provided in s. 373.139.

303 (c) The board shall provide to the district, through direct
304 acquisition in fee or by a supplemental agreement, any land, the
305 title to which is vested in the board, that the district
306 identifies as necessary to construct the EAA reservoir project.

307 (d) The total acreage necessary for additional water
308 treatment may not exceed the amount reasonably required to meet
309 state and federal water quality standards as determined using
310 the water quality modeling tools of the district. The district
311 shall use the latest version of the Dynamic Model for Stormwater
312 Treatment Areas Model modeling tool and other modeling tools
313 that will be required in the planning and design of the EAA
314 reservoir project. If additional land not identified in
315 paragraph (a) is necessary for the EAA reservoir project, the
316 district shall acquire that land from willing sellers of
317 property in conjunction with the development of the
318 post-authorization change report.

319 (5) POST-AUTHORIZATION CHANGE REPORT.-

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320 (a) The district is directed to request, by July 1, 2017,
321 that the corps jointly develop a post-authorization change
322 report with the district for CEPP to revise the project
323 component located on the A-2 parcel with the goal of increasing
324 water storage provided by the project component to a minimum of
325 240,000 acre-feet. Upon agreement with the corps, development of
326 the report must begin by August 1, 2017, and does not preclude
327 the implementation of the remaining CEPP project components.

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

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

333 2. Any necessary increases in canal conveyance capacity to
334 reduce the discharges to the St. Lucie or Caloosahatchee
335 estuaries.

336 (c) If the district and the corps determine that an
337 alternate configuration of water storage and water quality
338 features providing for significantly more water storage, but no
339 less than 360,000 acre-feet of water storage, south of the lake
340 can be implemented on a footprint that includes modification to
341 the A-1 parcel, the district is authorized to recommend such an
342 alternative configuration in the report. Any such recommendation
343 must include sufficient water quality treatment capacity to meet
344 state and federal water quality standards.

345 (d) Pending congressional approval of the report, the
346 district may begin the preliminary planning or construction of,
347 or modification to, the project site to the extent appropriate,
348 subject to the availability of funding. Upon receipt of

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349 congressional approval of the report, construction of the EAA
350 reservoir project shall be completed parallel with construction
351 of the other CEPP project components, subject to the
352 availability of funding.

353 (e) The district must report the status of the post-
354 authorization change report to the Legislature by January 9,
355 2018. The report must include information on the district's
356 ability to obtain lease modifications and land acquisitions as
357 provided in subsection (4). If the district in good faith
358 believes that the post-authorization change report will receive
359 ultimate approval but that an extension of the deadline provided
360 in paragraph (7) (a) is needed, the district must include such a
361 request in its report and may be granted an extension by the
362 Legislature. Any such extension must include a corresponding
363 date by which the district, in coordination with the corps, must
364 begin the planning study for the EAA reservoir project and
365 proceed with the A-2 parcel project component of CEPP in
366 accordance with paragraph (7) (a).

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

369 (a) The post-authorization change report receives
370 congressional approval; or

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

375 (7) PLANNING STUDY.—

376 (a) If, for any reason, the post-authorization change
377 report does not receive congressional approval by October 1,

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378 2018, and the district has not been granted an extension by the
379 Legislature, the district must, in coordination with the corps,
380 begin the planning study for the EAA reservoir project by
381 October 31, 2018, and proceed with the A-2 parcel project
382 component of CEPP in accordance with the final project
383 implementation report dated July 2014.

384 (b) The district, when developing the planning study, must
385 focus on the goal of the EAA reservoir project, which is to
386 provide additional water storage and conveyance south of the
387 lake to reduce the volume of regulatory discharges of water from
388 the lake to the east and west.

389 (c) Upon completion of the planning study and the
390 finalization of the project implementation report, as defined in
391 s. 373.470, the district, in coordination with the corps, shall
392 seek congressional authorization for the EAA reservoir project.

393 (8) AGRICULTURAL WORKERS.—The district shall give
394 preferential consideration to the hiring of former agricultural
395 workers primarily employed during 36 of the past 60 months in
396 the Everglades Agricultural Area, consistent with their
397 qualifications and abilities, for the construction and operation
398 of the EAA reservoir project. Any contract or subcontract for
399 the construction and operation of the EAA reservoir project in
400 which 50 percent or more of the cost is paid from state-
401 appropriated funds must provide preference and priority in the
402 hiring of such agricultural workers. The district shall give
403 preferential consideration to contract proposals that include in
404 the contractor's hiring practices training programs for such
405 workers.

406 (9) C-51 RESERVOIR PROJECT.—

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407 (a) The C-51 reservoir project is a water storage facility
408 as defined in s. 373.475. The C-51 reservoir project is located
409 in western Palm Beach County south of the lake and consists of
410 in-ground reservoirs and conveyance structures that will provide
411 water supply and water management benefits to participating
412 water supply utilities and will also provide environmental
413 benefits by reducing freshwater discharges to tide and making
414 water available for natural systems.

415 (b) Phase I of the project will provide approximately
416 14,000 acre-feet of storage and will hydraulically connect to
417 the district's L-8 Flow Equalization Basin. Phase II of the
418 project will provide approximately 46,000 acre-feet of water
419 storage, for a total increase of 60,000 acre-feet of water
420 storage.

421 (c) For Phase II of the C-51 reservoir project, the
422 district may negotiate with the owners of the C-51 reservoir
423 project site for the acquisition of the project or to enter into
424 a public-private partnership. The district may acquire land near
425 the C-51 reservoir through the purchase or exchange of land that
426 is owned by the district or the state as necessary to implement
427 Phase II of the project. The state and the district may consider
428 potential swaps of land that is owned by the state or the
429 district to achieve an optimal combination of water quality and
430 water storage. The district may not exercise eminent domain for
431 the purpose of implementing the C-51 reservoir project.

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

434 1. The district shall operate the reservoir to maximize the
435 reduction of high-volume Lake Okeechobee regulatory releases to

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436 the St. Lucie or Caloosahatchee estuaries, in addition to
437 providing relief to the Lake Worth Lagoon;

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

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

443 (e) Phase I of the C-51 reservoir project may be funded
444 through the water storage facility revolving loan fund as
445 provided in s. 373.475. Phase II of the C-51 reservoir project
446 may be funded pursuant to this section, pursuant to s. 373.475,
447 as a project component of CERP, or pursuant to s.
448 375.041(3)(b)4.

449 (10) FUNDING.—

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

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

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

464 (d) The district shall actively seek additional sources of

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465 funding, including federal funding, for the reservoir project.

466 (11) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district
467 shall request that the corps pursue the reevaluation of the Lake
468 Okeechobee Regulation Schedule as expeditiously as possible,
469 taking into consideration the repairs made to the Herbert Hoover
470 Dike and implementation of projects designed to reduce
471 high-volume freshwater discharges from the lake, in order to
472 optimally utilize the added water storage capacity to reduce the
473 high-volume freshwater discharges to the St. Lucie and
474 Caloosahatchee estuaries.

475 Section 4. Section 373.475, Florida Statutes, is created to
476 read:

477 373.475 Water storage facility revolving loan fund.—

478 (1) (a) In recognition that waters of the state are among
479 the state's most basic resources, the Legislature declares that
480 such waters should be managed to conserve and protect water
481 resources and to realize the full beneficial use of such
482 resources.

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

487 (c) The Legislature finds that establishing infrastructure
488 financing and providing technical assistance to local
489 governments or water supply entities for water storage
490 facilities is necessary to conserve and protect the waters of
491 the state.

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

493 (a) "Local governmental agency" means any municipality,

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494 county, district, or authority, or any agency thereof, or a
495 combination of such, acting jointly in connection with a
496 project, which has jurisdiction over a water storage facility.

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

501 (3) The state, through the department, shall provide
502 funding assistance to local governments or water supply entities
503 for the development and construction of water storage facilities
504 to increase the availability of sufficient water for all
505 existing and future reasonable-beneficial uses and natural
506 systems.

507 (a) The department may make loans, provide loan guarantees,
508 purchase loan insurance, and refinance local debt through the
509 issue of new loans for water storage facilities approved by the
510 department. Local governments or water supply entities may
511 borrow funds made available pursuant to this section and may
512 pledge any revenues or other adequate security available to them
513 to repay any funds borrowed.

514 (b) The department may award loan amounts for up to 75
515 percent of the costs of planning, designing, constructing,
516 upgrading, or replacing water resource infrastructure or
517 facilities, whether natural or man-made, including the
518 acquisition of real property for water storage facilities.

519 (4) Subject to appropriation, the department shall adopt
520 rules to carry out the purposes of this section. Such rules
521 must:

522 (a) Establish a priority system for loans based on

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523 compliance with state requirements. The priority system must
524 give special consideration to:

525 1. Projects that provide for the development of alternative
526 water supply projects and management techniques in areas where
527 existing source waters are limited or threatened by saltwater
528 intrusion, excessive drawdowns, contamination, or other
529 problems;

530 2. Projects that contribute to the sustainability of
531 regional water sources;

532 3. Projects that produce additional water available for
533 consumptive uses or natural systems;

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

537 5. Projects that provide flexibility in addressing the
538 unpredictability of water conditions from water year to water
539 year.

540 (b) Establish the requirements for the award and repayment
541 of financial assistance.

542 (c) Require evidence of credit worthiness and adequate
543 security, including an identification of revenues to be pledged
544 and documentation of their sufficiency for loan repayment and
545 pledged revenue coverage to ensure that each loan recipient can
546 meet its loan repayment requirements.

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

549 (e) Require each project to be self-supporting if the
550 project is primarily for the purpose of water supply for
551 consumptive use.

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

555 (a) A repayment schedule.

556 (b) Evidence of the permissibility or implementability of
557 the facility proposed for financial assistance.

558 (c) Plans and specifications, biddable contract documents,
559 or other documentation of appropriate procurement of goods and
560 services.

561 (d) Written assurance that records will be kept using
562 generally accepted accounting principles and that the department
563 or its agents and the Auditor General will have access to all
564 records pertaining to the loan.

565 (e) If the facility is required to be self-supporting
566 according to paragraph (4)(e), documentation that it will be
567 self-supporting.

568 (f) Documentation that the water management district within
569 whose boundaries the facility will be located has approved the
570 facility. If the facility crosses jurisdictional boundaries,
571 approval from each applicable district must be documented and
572 provided to the department.

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

578 (7) The department and water management districts are
579 authorized to provide technical assistance to local governments
580 or water supply entities for water storage facilities funded

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581 pursuant to this section.

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

584 (9) As part of the report required under s. 403.8532, the
585 department shall prepare a report at the end of each fiscal year
586 which details the financial assistance provided under this
587 section, service fees collected, interest earned, and loans
588 outstanding.

589 (10) The department may conduct an audit of the loan
590 project upon completion, or may require that a separate project
591 audit, prepared by an independent certified public accountant,
592 be submitted.

593 (11) The department may require reasonable service fees on
594 loans made to local governments or water supply entities to
595 ensure that the program will be operated in perpetuity and to
596 implement the purposes authorized under this section. Service
597 fees may not be less than 2 percent or greater than 4 percent of
598 the loan amount exclusive of the service fee. Service fee
599 revenues shall be deposited into the department's Grants and
600 Donations Trust Fund. The fee revenues, and interest earnings
601 thereon, shall be used exclusively for the purposes of this
602 section.

603 (12) The Water Protection and Sustainability Program Trust
604 Fund established under s. 403.891 shall be used for the purposes
605 of this section. Any funds that are not needed for immediate
606 financial assistance shall be invested pursuant to s. 215.49.
607 State funds and investment earnings shall be deposited into the
608 fund. The principal and interest of all loans repaid, and
609 investment earnings thereon, shall be deposited into the fund.

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610 (13) (a) If a local governmental agency defaults under the
611 terms of its loan agreement, the department shall so certify to
612 the Chief Financial Officer, who shall forward the amount
613 delinquent to the department from any unobligated funds due to
614 the local governmental agency under any revenue-sharing or tax-
615 sharing fund established by the state, except as otherwise
616 provided by the State Constitution. Certification of delinquency
617 does not preclude the department from pursuing other remedies
618 available for default on a loan, including accelerating loan
619 repayments, eliminating all or part of the interest rate subsidy
620 on the loan, and court appointment of a receiver to manage the
621 public water system.

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

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

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

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

636 375.041 Land Acquisition Trust Fund.—

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

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639 (a) First, to pay debt service or to fund debt service
640 reserve funds, rebate obligations, or other amounts payable with
641 respect to Florida Forever bonds issued under s. 215.618; and
642 pay debt service, provide reserves, and pay rebate obligations
643 and other amounts due with respect to Everglades restoration
644 bonds issued under s. 215.619; and

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

648 1. A minimum of the lesser of 25 percent or \$200 million
649 shall be appropriated annually for Everglades projects that
650 implement the Comprehensive Everglades Restoration Plan as set
651 forth in s. 373.470, including the Central Everglades Planning
652 Project subject to Congressional authorization; the Long-Term
653 Plan as defined in s. 373.4592(2); and the Northern Everglades
654 and Estuaries Protection Program as set forth in s. 373.4595.
655 From these funds, \$32 million shall be distributed each fiscal
656 year through the 2023-2024 fiscal year to the South Florida
657 Water Management District for the Long-Term Plan as defined in
658 s. 373.4592(2). After deducting the \$32 million distributed
659 under this subparagraph, from the funds remaining, a minimum of
660 the lesser of 76.5 percent or \$100 million shall be appropriated
661 each fiscal year through the 2025-2026 fiscal year for the
662 planning, design, engineering, and construction of the
663 Comprehensive Everglades Restoration Plan as set forth in s.
664 373.470, including the Central Everglades Planning Project, the
665 Everglades Agricultural Area Storage Reservoir Project, the Lake
666 Okeechobee Watershed Project, the C-43 West Basin Storage
667 Reservoir Project, the Indian River Lagoon-South Project, the

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668 Western Everglades Restoration Project, the C-111 South-Dade
669 Project, and the Picayune Strand Restoration Project ~~subject to~~
670 ~~Congressional authorization.~~ The Department of Environmental
671 Protection and the South Florida Water Management District shall
672 give preference to those Everglades restoration projects that
673 reduce harmful discharges of water from Lake Okeechobee to the
674 St. Lucie or Caloosahatchee estuaries in a timely manner. For
675 the purpose of performing the calculation provided in this
676 subparagraph, the amount of debt service paid pursuant to
677 paragraph (a) for bonds issued after July 1, 2016, for the
678 purposes set forth under paragraph (b) shall be added to the
679 amount remaining after the payments required under paragraph
680 (a). The amount of the distribution calculated shall then be
681 reduced by an amount equal to the debt service paid pursuant to
682 paragraph (a) on bonds issued after July 1, 2016, for the
683 purposes set forth under this subparagraph.

684 2. A minimum of the lesser of 7.6 percent or \$50 million
685 shall be appropriated annually for spring restoration,
686 protection, and management projects. For the purpose of
687 performing the calculation provided in this subparagraph, the
688 amount of debt service paid pursuant to paragraph (a) for bonds
689 issued after July 1, 2016, for the purposes set forth under
690 paragraph (b) shall be added to the amount remaining after the
691 payments required under paragraph (a). The amount of the
692 distribution calculated shall then be reduced by an amount equal
693 to the debt service paid pursuant to paragraph (a) on bonds
694 issued after July 1, 2016, for the purposes set forth under this
695 subparagraph.

696 3. The sum of \$5 million shall be appropriated annually

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697 each fiscal year through the 2025-2026 fiscal year to the St.
698 Johns River Water Management District for projects dedicated to
699 the restoration of Lake Apopka. This distribution shall be
700 reduced by an amount equal to the debt service paid pursuant to
701 paragraph (a) on bonds issued after July 1, 2016, for the
702 purposes set forth in this subparagraph.

703 4. The sum of \$100 million is appropriated and shall be
704 transferred to the Everglades Trust Fund for the 2018-2019
705 fiscal year, and each fiscal year thereafter, for reservoir
706 projects that implement s. 373.4598. Any funds remaining in any
707 fiscal year shall be made available only for projects identified
708 in subparagraph 1. and must be used in accordance with laws
709 relating to such projects. Any funds made available for such
710 purposes in a fiscal year is in addition to the amount
711 appropriated under that subparagraph. This distribution shall be
712 reduced by an amount equal to the debt service paid pursuant to
713 paragraph (a) on bonds issued after July 1, 2017, for the
714 purposes set forth in this subparagraph.

715 Section 6. Section 403.890, Florida Statutes, is amended to
716 read:

717 403.890 Water Protection and Sustainability Program.—

718 (1) Revenues deposited into or appropriated to the Water
719 Protection and Sustainability Program Trust Fund shall be
720 distributed by the Department of Environmental Protection for
721 the following purposes in the following manner:

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

725 (b) The water storage facility revolving loan fund as

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726 provided in s. 373.475.

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

731 ~~(2) Twenty two and five tenths percent for the~~
732 ~~implementation of best management practices and capital project~~
733 ~~expenditures necessary for the implementation of the goals of~~
734 ~~the total maximum daily load program established in s. 403.067.~~
735 ~~Of these funds, 83.33 percent shall be transferred to the credit~~
736 ~~of the Department of Environmental Protection Water Quality~~
737 ~~Assurance Trust Fund to address water quality impacts associated~~
738 ~~with nonagricultural nonpoint sources. Sixteen and sixty-seven~~
739 ~~hundredths percent of these funds shall be transferred to the~~
740 ~~Department of Agriculture and Consumer Services General~~
741 ~~Inspection Trust Fund to address water quality impacts~~
742 ~~associated with agricultural nonpoint sources. These funds shall~~
743 ~~be used for research, development, demonstration, and~~
744 ~~implementation of the total maximum daily load program under s.~~
745 ~~403.067, suitable best management practices or other measures~~
746 ~~used to achieve water quality standards in surface waters and~~
747 ~~water segments identified pursuant to s. 303(d) of the Clean~~
748 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
749 ~~Implementation of best management practices and other measures~~
750 ~~may include cost-share grants, technical assistance,~~
751 ~~implementation tracking, and conservation leases or other~~
752 ~~agreements for water quality improvement. The Department of~~
753 ~~Environmental Protection and the Department of Agriculture and~~
754 ~~Consumer Services may adopt rules governing the distribution of~~

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755 ~~funds for implementation of capital projects, best management~~
756 ~~practices, and other measures. These funds shall not be used to~~
757 ~~abrogate the financial responsibility of those point and~~
758 ~~nonpoint sources that have contributed to the degradation of~~
759 ~~water or land areas. Increased priority shall be given by the~~
760 ~~department and the water management district governing boards to~~
761 ~~those projects that have secured a cost-sharing agreement~~
762 ~~allocating responsibility for the cleanup of point and nonpoint~~
763 ~~sources.~~

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

767 ~~(3)(4)~~ On June 30, 2009, and every 24 months thereafter,
768 the Department of Environmental Protection shall request the
769 return of all unencumbered funds distributed for the purposes of
770 the alternative water supply program pursuant to this section.
771 These funds shall be deposited into the Water Protection and
772 Sustainability Program Trust Fund and redistributed for such
773 purposes pursuant to the provisions of this section.

774 Section 7. Section 446.71, Florida Statutes, is created to
775 read:

776 446.71 Everglades Restoration Agricultural Community
777 Employment Training Program.—

778 (1) The Department of Economic Opportunity, in cooperation
779 with CareerSource Florida, Inc., shall establish the Everglades
780 Restoration Agricultural Community Employment Training Program
781 within the Department of Economic Opportunity. The Department of
782 Economic Opportunity shall use funds appropriated to the program
783 by the Legislature to provide grants to stimulate and support

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784 training and employment programs that seek to match persons who
785 complete such training programs to nonagricultural employment
786 opportunities in areas of high agricultural unemployment, and to
787 provide other training, educational, and information services
788 necessary to stimulate the creation of jobs in the areas of high
789 agricultural unemployment.

790 (2) The Legislature supports projects that improve the
791 economy in the Everglades Agricultural Area. In recognition of
792 the employment opportunities and economic development generated
793 by new and expanding industries in the area, such as the
794 Airglades Airport in Hendry County and the development of an
795 inland port in Palm Beach County, the Legislature finds that
796 training the citizens of the state to fill the needs of these
797 industries significantly enhances the economic viability of the
798 region.

799 (3) Funds may be used for grants for tuition for public or
800 private technical or vocational programs and matching grants to
801 employers to conduct employer-based training programs, or for
802 the purchase of equipment to be used for training purposes, the
803 hiring of instructors, or any other purpose directly associated
804 with the program.

805 (4) The Department of Economic Opportunity may not award a
806 grant to any given training program which exceeds 50 percent of
807 the total cost of the program. Matching contributions may
808 include in-kind services, including, but not limited to, the
809 provision of training instructors, equipment, and training
810 facilities.

811 (5) The Department of Economic Opportunity may grant up to
812 100 percent of the tuition for a training program participant

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813 primarily employed during 36 of the previous 60 months in the
814 Everglades Agricultural Area.

815 (6) Programs established in the Everglades Agricultural
816 Area must include opportunities to obtain the qualifications and
817 skills necessary for jobs related to federal and state
818 restoration projects, the Airlades Airport in Hendry County, or
819 an inland port in Palm Beach County.

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

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

824 946.511 Inmate labor to operate correctional work
825 programs.—

826 (3) Beginning July 1, 2017, the use of inmates for
827 correctional work programs in the agricultural industry in the
828 EAA or in any area experiencing high unemployment rates in the
829 agricultural sector is prohibited. Any lease agreement relating
830 to land in the EAA leased to the Prison Rehabilitative
831 Industries and Diversified Enterprises, Inc., (PRIDE
832 Enterprises) for an agricultural work program is required to be
833 terminated in accordance with the terms of the lease agreement.

834 Section 9. The Division of Law Revision and Information is
835 directed to replace the phrase "the effective date of this act"
836 wherever it occurs in this act with the date the act becomes a
837 law.

838 Section 10. For the 2017-2018 fiscal year, the sum of \$30
839 million in nonrecurring funds from the Land Acquisition Trust
840 Fund is appropriated to the Everglades Trust Fund for the
841 purposes of acquiring land or negotiating leases pursuant to s.

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842 373.4598(4), Florida Statutes, or for any cost related to the
843 planning or construction of the EAA reservoir project as defined
844 in s. 373.4598, Florida Statutes.

845 Section 11. For the 2017-2018 fiscal year, the sum of \$3
846 million in nonrecurring funds from the Land Acquisition Trust
847 Fund is appropriated to the Everglades Trust Fund for the
848 purposes of developing the post-authorization change report
849 pursuant to s. 373.4598, Florida Statutes, and the sum of \$1
850 million in nonrecurring funds from the Land Acquisition Trust
851 Fund is appropriated to the Everglades Trust Fund for the
852 purposes of negotiating Phase II of the C-51 reservoir project
853 pursuant to s. 373.4598, Florida Statutes.

854 Section 12. For the 2017-2018 fiscal year, the sum of \$30
855 million in nonrecurring funds from the Land Acquisition Trust
856 Fund is appropriated to the Water Resource Protection and
857 Sustainability Program Trust Fund for the purpose of
858 implementing Phase I of the C-51 reservoir project as a water
859 storage facility in accordance with ss. 373.4598 and 373.475,
860 Florida Statutes.

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

862