

201710er

1
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

201710er

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 to request the corps to initiate the project
37 implementation report for the Everglades Agricultural
38 Area reservoir project by a certain date under
39 specified conditions; requiring the district to give
40 hiring preferences to certain displaced agricultural
41 workers; authorizing the district to negotiate with
42 the owners of the C-51 reservoir project; providing
43 requirements for the C-51 reservoir project if state
44 funds are appropriated for the project; authorizing
45 certain costs to be funded using Florida Forever bond
46 proceeds under certain circumstances; specifying how
47 such bond proceeds shall be deposited; authorizing the
48 use of state funds for the reservoir project;
49 requiring the district to seek additional sources of
50 funding; requiring the district to request the corps,
51 in the corps' review of the regulation schedule, to
52 consider 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

201710er

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; authorizing technical assistance from the
64 department and water management districts to local
65 governments or water supply entities for a certain
66 purpose; specifying certain loan funding minimums and
67 term requirements; requiring a report; authorizing
68 certain audits and servicing fees; providing that the
69 Water Protection and Sustainability Program Trust Fund
70 must be used to carry out the purposes of the water
71 storage facility revolving loan fund; specifying
72 certain default and compliance provisions; amending s.
73 375.041, F.S.; requiring certain distributions to be
74 made from the Land Acquisition Trust Fund; amending s.
75 403.890, F.S.; revising the purposes for which
76 distributions may be made from and to the Water
77 Protection and Sustainability Program Trust Fund;
78 creating s. 446.71, F.S.; requiring the Department of
79 Economic Opportunity, in cooperation with CareerSource
80 Florida, Inc., to establish the Everglades Restoration
81 Agricultural Community Employment Training Program
82 within the department; providing requirements for the
83 program; providing a legislative finding; specifying
84 award restrictions; requiring the department to adopt
85 rules; amending s. 946.511, F.S.; prohibiting the use
86 of inmates for correctional work programs in the
87 agricultural industry in certain areas; providing a

201710er

88 directive to the Division of Law Revision and
89 Information; providing appropriations; providing an
90 effective date.

91

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

93

94 Section 1. Paragraph (a) of subsection (3) of section
95 201.15, Florida Statutes, is amended to read:

96 201.15 Distribution of taxes collected.—All taxes collected
97 under this chapter are hereby pledged and shall be first made
98 available to make payments when due on bonds issued pursuant to
99 s. 215.618 or s. 215.619, or any other bonds authorized to be
100 issued on a parity basis with such bonds. Such pledge and
101 availability for the payment of these bonds shall have priority
102 over any requirement for the payment of service charges or costs
103 of collection and enforcement under this section. All taxes
104 collected under this chapter, except taxes distributed to the
105 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
106 are subject to the service charge imposed in s. 215.20(1).
107 Before distribution pursuant to this section, the Department of
108 Revenue shall deduct amounts necessary to pay the costs of the
109 collection and enforcement of the tax levied by this chapter.
110 The costs and service charge may not be levied against any
111 portion of taxes pledged to debt service on bonds to the extent
112 that the costs and service charge are required to pay any
113 amounts relating to the bonds. All of the costs of the
114 collection and enforcement of the tax levied by this chapter and
115 the service charge shall be available and transferred to the
116 extent necessary to pay debt service and any other amounts

201710er

117 payable with respect to bonds authorized before January 1, 2017,
118 secured by revenues distributed pursuant to this section. All
119 taxes remaining after deduction of costs shall be distributed as
120 follows:

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

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

136
137 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
138 and ratably secured by moneys distributable to the Land
139 Acquisition Trust Fund.

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

142 215.618 Bonds for acquisition and improvement of land,
143 water areas, and related property interests and resources.—

144 (5) The proceeds from the sale of bonds issued pursuant to
145 this section, less the costs of issuance, the costs of funding

201710er

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

153 Section 3. Section 373.4598, Florida Statutes, is created
154 to read:

155 373.4598 Water storage reservoirs.-

156 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

167 (b) The Legislature finds that increasing water storage is
168 necessary to reduce the high-volume freshwater discharges from
169 the lake to the estuaries and restore the hydrological
170 connection to the Everglades. CERP projects necessary to reduce
171 the discharges and improve the flows to the Everglades should
172 receive priority funding, such as the Lake Okeechobee Watershed
173 project to the north of the lake; the Everglades Agricultural
174 Area reservoir project to the south of the lake; the C-43 West

201710er

175 Basin Reservoir Storage project to the west of the lake; and the
176 Indian River Lagoon-South project to the east of the lake.

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

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

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

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

200 (a) "A-1 parcel" means an area of district-owned land
201 located between the Miami Canal and North New River Canal
202 consisting of approximately 17,000 acres which is bordered to
203 the north by private agricultural lands, to the east by U.S.

201710er

204 Highway 27, to the south by Stormwater Treatment Area 3/4, and
205 to the west by the Holey Land Wildlife Management Area and the
206 A-2 parcel.

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

213 (c) "Board" means the Board of Trustees of the Internal
214 Improvement Trust Fund.

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

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

222 (f) "Corps" means the United States Army Corps of
223 Engineers.

224 (g) "District" means the South Florida Water Management
225 District.

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

228 (i) "EAA reservoir project" means the Everglades
229 Agricultural Area storage reservoir, known as Component G of
230 CERP. The term includes any necessary water quality features
231 that are required to meet state and federal water quality
232 standards.

201710er

233 (j) "Lake" means Lake Okeechobee.

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

239 (3) EAA LEASE AGREEMENTS.—

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

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

201710er

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

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

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

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

289 (b) By July 31, 2017, the district shall contact the
290 lessors and landowners of the land identified pursuant paragraph

201710er

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

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

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

317 (5) POST-AUTHORIZATION CHANGE REPORT.-

318 (a) The district is directed to request, by July 1, 2017,
319 that the corps jointly develop a post-authorization change

201710er

320 report with the district for CEPP to revise the project
321 component located on the A-2 parcel with the goal of increasing
322 water storage provided by the project component to a minimum of
323 240,000 acre-feet. Upon agreement with the corps, development of
324 the report must begin by August 1, 2017, and does not preclude
325 the implementation of the remaining CEPP project components.

326 (b) Using the A-2 parcel and the additional land identified
327 pursuant to subsection (4) and without modifying the A-1 parcel,
328 the report must evaluate:

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

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

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

343 (d) Pending congressional approval of the report, the
344 district may begin the preliminary planning or construction of,
345 or modification to, the project site to the extent appropriate,
346 subject to the availability of funding. Upon receipt of
347 congressional approval of the report, construction of the EAA
348 reservoir project shall be completed parallel with construction

201710er

349 of the other CEPP project components, subject to the
350 availability of funding.

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

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

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

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

374 (7) PROJECT IMPLEMENTATION REPORT.—

375 (a) If, for any reason, the post-authorization change
376 report is not approved by the corps and submitted for
377 congressional approval by October 1, 2018, or the post-

201710er

378 authorization change report has not received congressional
379 approval by December 31, 2019, the district, unless granted an
380 extension by the Legislature, must request the corps to initiate
381 a project implementation report, as defined in s. 373.470, for
382 the EAA reservoir project and the district may proceed with the
383 implementation of CEPP project components in accordance with the
384 final project implementation report.

385 (b) The district, when developing the project
386 implementation report, must focus on the goals of the EAA
387 reservoir project as identified in CERP, which include providing
388 additional water storage and conveyance south of the lake to
389 reduce the volume of regulatory discharges of water from the
390 lake to the east and west.

391 (c) Upon finalization of the project implementation report,
392 as defined in s. 373.470, the district, in coordination with the
393 corps, shall seek congressional authorization for the EAA
394 reservoir project.

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

201710er

407 workers.

408 (9) C-51 RESERVOIR PROJECT.—

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

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

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

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

201710er

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

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

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

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

451 (10) FUNDING.—

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

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

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

201710er

465 reservoir project.

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

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

477 Section 4. Section 373.475, Florida Statutes, is created to
478 read:

479 373.475 Water storage facility revolving loan fund.—

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

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

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

201710er

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

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

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

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

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

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

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

201710er

523 (a) Establish a priority system for loans based on
524 compliance with state requirements. The priority system must
525 give special consideration to:

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

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

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

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

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

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

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

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

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

201710er

552 consumptive use.

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

556 (a) A repayment schedule.

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

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

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

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

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

574 (6) The department and water management districts are
575 authorized to provide technical assistance to local governments
576 or water supply entities for water storage facilities funded
577 pursuant to this section.

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

580 (8) As part of the report required under s. 403.8532, the

201710er

581 department shall prepare a report at the end of each fiscal year
582 which details the financial assistance provided under this
583 section, service fees collected, interest earned, and loans
584 outstanding.

585 (9) The department may conduct an audit of the loan project
586 upon completion, or may require that a separate project audit,
587 prepared by an independent certified public accountant, be
588 submitted.

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

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

606 (12) (a) If a local governmental agency defaults under the
607 terms of its loan agreement, the department shall so certify to
608 the Chief Financial Officer, who shall forward the amount
609 delinquent to the department from any unobligated funds due to

201710er

610 the local governmental agency under any revenue-sharing or tax-
611 sharing fund established by the state, except as otherwise
612 provided by the State Constitution. Certification of delinquency
613 does not preclude the department from pursuing other remedies
614 available for default on a loan, including accelerating loan
615 repayments, eliminating all or part of the interest rate subsidy
616 on the loan, and court appointment of a receiver to manage the
617 public water system.

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

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

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

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

632 375.041 Land Acquisition Trust Fund.—

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

635 (a) First, to pay debt service or to fund debt service
636 reserve funds, rebate obligations, or other amounts payable with
637 respect to Florida Forever bonds issued under s. 215.618; and
638 pay debt service, provide reserves, and pay rebate obligations

201710er

639 and other amounts due with respect to Everglades restoration
640 bonds issued under s. 215.619; and

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

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

201710er

668 Everglades restoration projects that reduce harmful discharges
669 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee
670 estuaries in a timely manner. For the purpose of performing the
671 calculation provided in this subparagraph, the amount of debt
672 service paid pursuant to paragraph (a) for bonds issued after
673 July 1, 2016, for the purposes set forth under paragraph (b)
674 shall be added to the amount remaining after the payments
675 required under paragraph (a). The amount of the distribution
676 calculated shall then be reduced by an amount equal to the debt
677 service paid pursuant to paragraph (a) on bonds issued after
678 July 1, 2016, for the purposes set forth under this
679 subparagraph.

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

692 3. The sum of \$5 million shall be appropriated annually
693 each fiscal year through the 2025-2026 fiscal year to the St.
694 Johns River Water Management District for projects dedicated to
695 the restoration of Lake Apopka. This distribution shall be
696 reduced by an amount equal to the debt service paid pursuant to

201710er

697 paragraph (a) on bonds issued after July 1, 2016, for the
698 purposes set forth in this subparagraph.

699 4. The sum of \$64 million is appropriated and shall be
700 transferred to the Everglades Trust Fund for the 2018-2019
701 fiscal year, and each fiscal year thereafter, for the EAA
702 reservoir project pursuant to s. 373.4598. Any funds remaining
703 in any fiscal year shall be made available only for Phase II of
704 the C-51 reservoir project or projects identified in
705 subparagraph 1. and must be used in accordance with laws
706 relating to such projects. Any funds made available for such
707 purposes in a fiscal year is in addition to the amount
708 appropriated under subparagraph 1. This distribution shall be
709 reduced by an amount equal to the debt service paid pursuant to
710 paragraph (a) on bonds issued after July 1, 2017, for the
711 purposes set forth in this subparagraph.

712 Section 6. Section 403.890, Florida Statutes, is amended to
713 read:

714 403.890 Water Protection and Sustainability Program.—

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

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

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

724 (2) Revenues deposited into or appropriated to the Water
725 Protection and Sustainability Program Trust Fund for purposes of

201710er

726 the water storage facility revolving loan fund may only be used
727 for such purposes.

728 ~~(2) Twenty-two and five-tenths percent for the~~
729 ~~implementation of best management practices and capital project~~
730 ~~expenditures necessary for the implementation of the goals of~~
731 ~~the total maximum daily load program established in s. 403.067.~~
732 ~~Of these funds, 83.33 percent shall be transferred to the credit~~
733 ~~of the Department of Environmental Protection Water Quality~~
734 ~~Assurance Trust Fund to address water quality impacts associated~~
735 ~~with nonagricultural nonpoint sources. Sixteen and sixty-seven~~
736 ~~hundredths percent of these funds shall be transferred to the~~
737 ~~Department of Agriculture and Consumer Services General~~
738 ~~Inspection Trust Fund to address water quality impacts~~
739 ~~associated with agricultural nonpoint sources. These funds shall~~
740 ~~be used for research, development, demonstration, and~~
741 ~~implementation of the total maximum daily load program under s.~~
742 ~~403.067, suitable best management practices or other measures~~
743 ~~used to achieve water quality standards in surface waters and~~
744 ~~water segments identified pursuant to s. 303(d) of the Clean~~
745 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
746 ~~Implementation of best management practices and other measures~~
747 ~~may include cost share grants, technical assistance,~~
748 ~~implementation tracking, and conservation leases or other~~
749 ~~agreements for water quality improvement. The Department of~~
750 ~~Environmental Protection and the Department of Agriculture and~~
751 ~~Consumer Services may adopt rules governing the distribution of~~
752 ~~funds for implementation of capital projects, best management~~
753 ~~practices, and other measures. These funds shall not be used to~~
754 ~~abrogate the financial responsibility of those point and~~

201710er

755 ~~nonpoint sources that have contributed to the degradation of~~
756 ~~water or land areas. Increased priority shall be given by the~~
757 ~~department and the water management district governing boards to~~
758 ~~those projects that have secured a cost-sharing agreement~~
759 ~~allocating responsibility for the cleanup of point and nonpoint~~
760 ~~sources.~~

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

764 ~~(3)(4)~~ On June 30, 2009, and every 24 months thereafter,
765 the Department of Environmental Protection shall request the
766 return of all unencumbered funds distributed for the purposes of
767 the alternative water supply program pursuant to this section.
768 These funds shall be deposited into the Water Protection and
769 Sustainability Program Trust Fund and redistributed for such
770 purposes pursuant to the provisions of this section.

771 Section 7. Section 446.71, Florida Statutes, is created to
772 read:

773 446.71 Everglades Restoration Agricultural Community
774 Employment Training Program.—

775 (1) The Department of Economic Opportunity, in cooperation
776 with CareerSource Florida, Inc., shall establish the Everglades
777 Restoration Agricultural Community Employment Training Program
778 within the Department of Economic Opportunity. The Department of
779 Economic Opportunity shall use funds appropriated to the program
780 by the Legislature to provide grants to stimulate and support
781 training and employment programs that seek to match persons who
782 complete such training programs to nonagricultural employment
783 opportunities in areas of high agricultural unemployment, and to

201710er

784 provide other training, educational, and information services
785 necessary to stimulate the creation of jobs in the areas of high
786 agricultural unemployment. In determining whether to provide
787 funds to a particular program, the Department of Economic
788 Opportunity shall consider the location of the program in
789 proximity to the program's intended participants.

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, unless the training program is
808 located within a rural area of opportunity, in which case the
809 grant may exceed 50 percent of the total cost of the program and
810 up to 100 percent. Matching contributions may include in-kind
811 services, including, but not limited to, the provision of
812 training instructors, equipment, and training facilities.

201710er

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

818 (a) An identification of the personnel necessary to conduct
819 the instructional program, the qualifications of such personnel,
820 and the respective responsibilities of the parties for paying
821 costs associated with the employment of such personnel.

822 (b) An identification of the estimated length of the
823 instructional program.

824 (c) An identification of all direct, training-related
825 costs, including tuition and fees, curriculum development, books
826 and classroom materials, and overhead or indirect costs.

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

829 (6) The Department of Economic Opportunity may grant up to
830 100 percent of the tuition for a training program participant
831 who currently resides, and has resided for at least 3 of the 5
832 immediately preceding years within the Everglades Agricultural
833 Area as described in s. 373.4592 and in counties that provide
834 for water storage and dispersed water storage that is located in
835 Rural Areas of Opportunity as described in s. 288.0656.

836 (7) Programs established in the Everglades Agricultural
837 Area must include opportunities to obtain the qualifications and
838 skills necessary for jobs related to federal and state
839 restoration projects, the Airglades Airport in Hendry County, an
840 inland port in Palm Beach County, or other industries with
841 verifiable, demonstrated interest in operating within the

201710er

842 Everglades Agricultural Area and in counties that provide for
843 water storage and dispersed water storage that is located in
844 Rural Areas of Opportunity as described in s. 288.0656.

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

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

849 946.511 Inmate labor to operate correctional work
850 programs.—

851 (3) Beginning July 1, 2017, the use of inmates for
852 correctional work programs in the agricultural industry in the
853 Everglades Agricultural Area or in any area experiencing high
854 unemployment rates in the agricultural sector is prohibited. Any
855 lease agreement relating to land in the Everglades Agricultural
856 Area leased to the Prison Rehabilitative Industries and
857 Diversified Enterprises, Inc., (PRIDE Enterprises) for an
858 agricultural work program is required to be terminated in
859 accordance with the terms of the lease agreement.

860 Section 9. The Division of Law Revision and Information is
861 directed to replace the phrase "the effective date of this act"
862 wherever it occurs in this act with the date the act becomes a
863 law.

864 Section 10. For the 2017-2018 fiscal year, the sum of \$30
865 million in nonrecurring funds from the Land Acquisition Trust
866 Fund is appropriated to the Everglades Trust Fund for the
867 purposes of acquiring land or negotiating leases to implement
868 the Everglades Agricultural Area reservoir project pursuant to
869 s. 373.4598, Florida Statutes, or for any cost related to the
870 planning or construction of the Everglades Agricultural Area

201710er

871 reservoir project as defined in s. 373.4598, Florida Statutes.

872 Section 11. For the 2017-2018 fiscal year, the sum of \$3
873 million in nonrecurring funds from the Land Acquisition Trust
874 Fund is appropriated to the Everglades Trust Fund for the
875 purposes of developing the post-authorization change report
876 pursuant to s. 373.4598, Florida Statutes, and the sum of \$1
877 million in nonrecurring funds from the Land Acquisition Trust
878 Fund is appropriated to the Everglades Trust Fund for the
879 purposes of negotiating Phase II of the C-51 reservoir project
880 pursuant to s. 373.4598, Florida Statutes.

881 Section 12. For the 2017-2018 fiscal year, the sum of \$30
882 million in nonrecurring funds from the General Revenue Trust
883 Fund is appropriated to the Water Resource Protection and
884 Sustainability Program Trust Fund for the purpose of providing a
885 loan to implement Phase I of the C-51 reservoir project. The
886 loan must have a 30-year term, may be prepaid at any time, and
887 shall accrue interest until repayment. The loan shall be repaid
888 from the proceeds of the sale of unreserved capacity in the
889 water storage facility, or other appropriate payment, at time of
890 receipt less reasonable expenses. The loan must be secured by a
891 first mortgage lien on the water storage facility and a
892 collateral assignment of unreserved capacity as adequate
893 security for the loan. The loan does not reserve for use by the
894 state or the district any capacity authorized pursuant to the
895 consumptive use permit for Phase I of the C-51 Reservoir. Once
896 the Department of Environmental Protection adopts rules pursuant
897 to s. 373.475, Florida Statutes, the department may modify the
898 terms of the loan agreement to ensure that the loan agreement is
899 in accordance with such rules, except that any terms

201710er

900 specifically stated herein may not be modified.

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