

1 A bill to be entitled
2 An act relating to the C-51 reservoir project;
3 amending s. 373.4598, F.S.; revising the portions of
4 the C-51 reservoir project for which the South Florida
5 Water Management District may negotiate; revising
6 water storage and use requirements specified for the
7 project if state funds are appropriated for the
8 project; specifying that Phase II of the project may
9 be funded by appropriation, in addition to other
10 sources; authorizing the district to enter into
11 certain capacity allocation agreements and to request
12 a waiver for repayment of certain loans; authorizing
13 the Department of Environmental Protection to waive
14 such loan repayment under certain conditions;
15 specifying that the district is not responsible for
16 repayment of such waived loans; amending s. 375.041,
17 F.S.; clarifying the projects for which distributions
18 from the Land Acquisition Trust Fund remaining in any
19 fiscal year may be made available; making technical
20 changes; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraphs (c), (d), and (e) of subsection (9)
25 of section 373.4598, Florida Statutes, are amended, and

26 | paragraph (f) is added to that subsection, to read:

27 | 373.4598 Water storage reservoirs.—

28 | (9) C-51 RESERVOIR PROJECT.—

29 | (c) ~~For Phase II of the C-51 reservoir project,~~ The
 30 | district may negotiate with the owners of the C-51 reservoir
 31 | project site for the acquisition of any portion of the project
 32 | not already committed to utilities for alternative water supply
 33 | purposes or to enter into a public-private partnership. The
 34 | district may acquire land near the C-51 reservoir through the
 35 | purchase or exchange of land that is owned by the district or
 36 | the state as necessary to implement ~~Phase II of~~ the project. The
 37 | state and the district may consider potential swaps of land that
 38 | is owned by the state or the district to achieve an optimal
 39 | combination of water quality and water storage. The district may
 40 | not exercise eminent domain for the purpose of implementing the
 41 | C-51 reservoir project.

42 | (d) If state funds are appropriated for ~~Phase I or Phase~~
 43 | ~~II of~~ the C-51 reservoir project:

44 | 1. The district, to the extent practicable, must ~~shall~~
 45 | operate the reservoir project to maximize the reduction of high-
 46 | volume Lake Okeechobee regulatory releases to the St. Lucie or
 47 | Caloosahatchee estuaries, in addition to maximizing the
 48 | reduction of harmful discharges ~~providing relief~~ to the Lake
 49 | Worth Lagoon. However, the operation of Phase I of the C-51
 50 | reservoir project must be in accordance with any operation and

51 maintenance agreement adopted by the district;

52 2. In addition to any permitted amounts for water supply,
53 water made available by the reservoir project must ~~shall~~ be used
54 for natural systems ~~in addition to any allocated amounts for~~
55 ~~water supply;~~ and

56 3. ~~Any~~ Water received from Lake Okeechobee may only ~~not~~ be
57 available to support consumptive use permits if such use is in
58 accordance with district rules.

59 (e) Phase I of the C-51 reservoir project may be funded by
60 appropriation or through the water storage facility revolving
61 loan fund as provided in s. 373.475. Phase II of the C-51
62 reservoir project may be funded by appropriation, pursuant to
63 this section, pursuant to s. 373.475, as a project component of
64 CERP, or pursuant to s. 375.041(3)(b)4.

65 (f) The district may enter into a capacity allocation
66 agreement with a water supply entity for a pro rata share of
67 unreserved capacity in the water storage facility and may
68 request the department to waive repayment of all or a portion of
69 a loan issued pursuant to s. 373.475. The department may
70 authorize such waiver if, in its determination, it has received
71 reasonable value for such waiver. The district is not
72 responsible for repaying any portion of a loan issued pursuant
73 to s. 373.475 which is waived pursuant to this paragraph.

74 Section 2. Subsection (3) of section 375.041, Florida
75 Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

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

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

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

1. A minimum of the lesser of 25 percent or \$200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated

101 each fiscal year through the 2025-2026 fiscal year for the
102 planning, design, engineering, and construction of the
103 Comprehensive Everglades Restoration Plan as set forth in s.
104 373.470, including the Central Everglades Planning Project, the
105 Everglades Agricultural Area Storage Reservoir Project, the Lake
106 Okeechobee Watershed Project, the C-43 West Basin Storage
107 Reservoir Project, the Indian River Lagoon-South Project, the
108 Western Everglades Restoration Project, and the Picayune Strand
109 Restoration Project. The Department of Environmental Protection
110 and the South Florida Water Management District shall give
111 preference to those Everglades restoration projects that reduce
112 harmful discharges of water from Lake Okeechobee to the St.
113 Lucie or Caloosahatchee estuaries in a timely manner. For the
114 purpose of performing the calculation provided in this
115 subparagraph, the amount of debt service paid pursuant to
116 paragraph (a) for bonds issued after July 1, 2016, for the
117 purposes set forth under paragraph (b) shall be added to the
118 amount remaining after the payments required under paragraph
119 (a). The amount of the distribution calculated shall then be
120 reduced by an amount equal to the debt service paid pursuant to
121 paragraph (a) on bonds issued after July 1, 2016, for the
122 purposes set forth under this subparagraph.

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

126 performing the calculation provided in this subparagraph, the
127 amount of debt service paid pursuant to paragraph (a) for bonds
128 issued after July 1, 2016, for the purposes set forth under
129 paragraph (b) shall be added to the amount remaining after the
130 payments required under paragraph (a). The amount of the
131 distribution calculated shall then be reduced by an amount equal
132 to the debt service paid pursuant to paragraph (a) on bonds
133 issued after July 1, 2016, for the purposes set forth under this
134 subparagraph.

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

142 4. The sum of \$64 million is appropriated and shall be
143 transferred to the Everglades Trust Fund for the 2018-2019
144 fiscal year, and each fiscal year thereafter, for the EAA
145 reservoir project pursuant to s. 373.4598. Any funds remaining
146 in any fiscal year shall be made available only for ~~Phase II of~~
147 the C-51 reservoir project or projects identified in
148 subparagraph 1. and must be used in accordance with laws
149 relating to such projects. Any funds made available for such
150 purposes in a fiscal year are in addition to the amount

151 appropriated under subparagraph 1. This distribution shall be
152 reduced by an amount equal to the debt service paid pursuant to
153 paragraph (a) on bonds issued after July 1, 2017, for the
154 purposes set forth in this subparagraph.

155 ~~5. Notwithstanding subparagraph 3., for the 2018-2019~~
156 ~~fiscal year, funds shall be appropriated as provided in the~~
157 ~~General Appropriations Act. This subparagraph expires July 1,~~
158 ~~2019.~~

159 Section 3. This act shall take effect July 1, 2019.