

By the Committee on Appropriations

576-03661-21

20212516\_\_

1                                   A bill to be entitled  
2           An act relating to water storage north of Lake  
3           Okeechobee; creating s. 373.4599, F.S.; defining  
4           terms; requiring the South Florida Water Management  
5           District to request that the United States Army Corps  
6           of Engineers seek congressional approval of a project  
7           implementation report for the Lake Okeechobee  
8           Watershed Restoration Project by a specified date;  
9           requiring the district to seek a project partnership  
10          agreement with the corps upon such approval; requiring  
11          the district, in partnership with the corps, to  
12          expedite the development and implementation of aquifer  
13          storage and recovery wells; requiring the district to  
14          perform necessary scientific investigation and  
15          monitoring with implementation of such storage and  
16          recovery; requiring the district to expedite  
17          implementation of the aquifer storage and recovery  
18          science plan developed by the district and the corps;  
19          providing an implementation schedule for project  
20          sites; requiring the district, in partnership with the  
21          corps, to pursue expeditious implementation of certain  
22          wetland restoration projects; requiring the district  
23          to submit a report to the Legislature by a specified  
24          date; providing requirements for the report; amending  
25          s. 375.041, F.S.; requiring an annual appropriation  
26          from the Land Acquisition Trust Fund for the Lake  
27          Okeechobee Watershed Restoration Project; providing a  
28          directive to the Division of Law Revision; providing  
29          an effective date.

576-03661-21

20212516\_\_

30  
31 Be It Enacted by the Legislature of the State of Florida:

32  
33 Section 1. Section 373.4599, Florida Statutes, is created  
34 to read:

35 373.4599 Water storage north of Lake Okeechobee.—

36 (1) DEFINITIONS.—As used in this section, the term:

37 (a) "Corps" means the United States Army Corps of  
38 Engineers.

39 (b) "District" means the South Florida Water Management  
40 District.

41 (c) "Lake Okeechobee Watershed Restoration Project" or  
42 "LOWRP" means the recommended plan contained within the Lake  
43 Okeechobee Watershed Restoration Project Final Integrated  
44 Project Implementation Report and Environmental Impact Statement  
45 dated August 2020 or as amended by the district and corps.

46 (2) PROJECT IMPLEMENTATION REPORT.—Upon the effective date  
47 of this act, the district shall request that the corps seek  
48 congressional approval of a project implementation report for  
49 the LOWRP before passage of the Water Resources Development Act  
50 of 2022.

51 (3) AGREEMENTS.—Immediately following congressional  
52 approval of the LOWRP, the district shall seek to execute with  
53 the corps a project partnership agreement for the LOWRP. The  
54 project partnership agreement must be consistent with this  
55 section.

56 (4) PROJECT IMPLEMENTATION.—

57 (a) *Projects, locations, or structures.*—Projects,  
58 locations, or structures referred to in this subsection shall

576-03661-21

20212516\_\_

59 mean those described in the Lake Okeechobee Watershed  
60 Restoration Project Final Integrated Project Implementation  
61 Report and Environmental Impact Statement dated August 2020 or  
62 as amended by the district and the corps.

63 (b) Aquifer storage and recovery.—

64 1. Expedition of the LOWRP.—The district, in partnership  
65 with the corps, shall expedite the development and  
66 implementation of the LOWRP aquifer storage and recovery wells.  
67 Implementation of this subsection must comply with all  
68 applicable federal and state laws and rules, including the  
69 department's underground injection control program.

70 2. Investigation and monitoring.—The district shall perform  
71 any necessary scientific investigation and monitoring  
72 concurrently with the implementation of the LOWRP aquifer  
73 storage and recovery wells. To ensure public health and safety,  
74 technical feasibility, and achievement of environmental  
75 benefits, implementation of the LOWRP aquifer storage and  
76 recovery wells must use a phased approach that confirms  
77 feasibility and site suitability and addresses uncertainties  
78 identified in the aquifer storage and recovery science plan  
79 developed by the district and the corps.

80 3. Aquifer storage and recovery science plan.—The district  
81 shall expedite implementation of the aquifer storage and  
82 recovery science plan developed by the district and the corps.

83 4. LOWRP watershed aquifer storage and recovery wells.—

84 a. For the Kissimmee River Basin site with the existing  
85 Kissimmee River Aquifer Storage and Recovery Pilot Project  
86 system, the district shall, by January 30, 2022, reactivate the  
87 existing aquifer storage and recovery system on the site,

576-03661-21

20212516\_\_

88 including any necessary testing. By March 30, 2027, the district  
89 shall ensure that all other feasible aquifer storage and  
90 recovery wells on the site are operational.

91 b. For all remaining feasible cluster sites in the  
92 Kissimmee River Basin and Taylor Creek/Nubbin Slough Basin, the  
93 district shall, by August 1, 2021, construct or execute  
94 contracts for any necessary exploratory and monitoring wells on  
95 each site, in addition to any other necessary evaluations, to  
96 evaluate or confirm site suitability for well clusters. By March  
97 30, 2027, the district shall ensure that all feasible aquifer  
98 storage and recovery wells on those sites with suitable  
99 locations are operational.

100 c. For all other feasible currently or subsequently  
101 proposed LOWRP watershed aquifer storage and recovery cluster  
102 sites not colocated with the wetland attenuation feature, the  
103 district shall, by December 31, 2022, execute contracts for the  
104 construction of any necessary exploratory and monitoring wells  
105 on each site, in addition to any other necessary evaluations, to  
106 evaluate site suitability for well clusters. By March 30, 2027,  
107 the district shall ensure that all feasible aquifer storage and  
108 recovery wells on those sites with suitable locations are  
109 operational.

110 (c) Wetland restoration.—The district, in partnership with  
111 the corps, shall pursue expeditious implementation of the  
112 Paradise Run wetland restoration project and the Kissimmee River  
113 Center wetland restoration project.

114 (5) REPORT.—By November 1, 2021, the district shall submit  
115 to the Legislature a report describing the district's compliance  
116 with this section, including steps taken and any plans necessary

576-03661-21

20212516\_\_

117 for ongoing compliance. The report must include updates on  
118 congressional approval for the LOWRP project implementation  
119 report; the aquifer storage and recovery science plan; any  
120 scientific investigations; and designs, construction, and  
121 operations.

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

124 375.041 Land Acquisition Trust Fund.—

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

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

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

136 1. A minimum of the lesser of 25 percent or \$200 million  
137 shall be appropriated annually for Everglades projects that  
138 implement the Comprehensive Everglades Restoration Plan as set  
139 forth in s. 373.470, including the Central Everglades Planning  
140 Project subject to Congressional authorization; the Long-Term  
141 Plan as defined in s. 373.4592(2); and the Northern Everglades  
142 and Estuaries Protection Program as set forth in s. 373.4595.  
143 From these funds, \$32 million shall be distributed each fiscal  
144 year through the 2023-2024 fiscal year to the South Florida  
145 Water Management District for the Long-Term Plan as defined in

576-03661-21

20212516\_\_

146 s. 373.4592(2). After deducting the \$32 million distributed  
147 under this subparagraph, from the funds remaining, a minimum of  
148 the lesser of 76.5 percent or \$100 million shall be appropriated  
149 each fiscal year through the 2025-2026 fiscal year for the  
150 planning, design, engineering, and construction of the  
151 Comprehensive Everglades Restoration Plan as set forth in s.  
152 373.470, including the Central Everglades Planning Project, the  
153 Everglades Agricultural Area Storage Reservoir Project, the Lake  
154 Okeechobee Watershed Project, the C-43 West Basin Storage  
155 Reservoir Project, the Indian River Lagoon-South Project, the  
156 Western Everglades Restoration Project, and the Picayune Strand  
157 Restoration Project. The Department of Environmental Protection  
158 and the South Florida Water Management District shall give  
159 preference to those Everglades restoration projects that reduce  
160 harmful discharges of water from Lake Okeechobee to the St.  
161 Lucie or Caloosahatchee estuaries in a timely manner. For the  
162 purpose of performing the calculation provided in this  
163 subparagraph, the amount of debt service paid pursuant to  
164 paragraph (a) for bonds issued after July 1, 2016, for the  
165 purposes set forth under paragraph (b) shall be added to the  
166 amount remaining after the payments required under paragraph  
167 (a). The amount of the distribution calculated shall then be  
168 reduced by an amount equal to the debt service paid pursuant to  
169 paragraph (a) on bonds issued after July 1, 2016, for the  
170 purposes set forth under this subparagraph.

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

576-03661-21

20212516\_\_

175 amount of debt service paid pursuant to paragraph (a) for bonds  
176 issued after July 1, 2016, for the purposes set forth under  
177 paragraph (b) shall be added to the amount remaining after the  
178 payments required under paragraph (a). The amount of the  
179 distribution calculated shall then be reduced by an amount equal  
180 to the debt service paid pursuant to paragraph (a) on bonds  
181 issued after July 1, 2016, for the purposes set forth under this  
182 subparagraph.

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

190 4. The sum of \$64 million is appropriated and shall be  
191 transferred to the Everglades Trust Fund for the 2018-2019  
192 fiscal year, and each fiscal year thereafter, for the EAA  
193 reservoir project pursuant to s. 373.4598. Any funds remaining  
194 in any fiscal year shall be made available only for Phase II of  
195 the C-51 reservoir project or projects identified in  
196 subparagraph 1. and must be used in accordance with laws  
197 relating to such projects. Any funds made available for such  
198 purposes in a fiscal year are in addition to the amount  
199 appropriated under subparagraph 1. This distribution shall be  
200 reduced by an amount equal to the debt service paid pursuant to  
201 paragraph (a) on bonds issued after July 1, 2017, for the  
202 purposes set forth in this subparagraph.

203 5. The sum of \$50 million shall be appropriated annually to

576-03661-21

20212516\_\_

204 the South Florida Water Management District for the Lake  
205 Okeechobee Watershed Restoration Project in accordance with s.  
206 373.4599. This distribution must be reduced by an amount equal  
207 to the debt service paid pursuant to paragraph (a) on bonds  
208 issued after July 1, 2021, for the purposes set forth in this  
209 subparagraph.

210 6. Notwithstanding subparagraph 3., for the 2020-2021  
211 fiscal year, funds shall be appropriated as provided in the  
212 General Appropriations Act. This subparagraph expires July 1,  
213 2021.

214 Section 3. The Division of Law Revision is directed to  
215 replace the phrase "the effective date of this act" wherever it  
216 occurs in this act with the date this act becomes a law.

217 Section 4. This act shall take effect upon becoming a law.