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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.

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

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

373.4599 Water storage north of Lake Okeechobee.—

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

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

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

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

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

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

(4) PROJECT IMPLEMENTATION.—

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

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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,

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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

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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

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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

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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

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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.