

By Senator Book

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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

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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 II~~  
43 ~~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 ~~not~~ be  
57 available to support consumptive use permits only if such use is  
58 in accordance with district rules.

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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:

76 375.041 Land Acquisition Trust Fund.—

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

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

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

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

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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

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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.