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LEGISLATIVE ACTION

Senate

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House

The Conference Committee on SB 2516 recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 373.4599 Water storage north of Lake Okeechobee.—

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

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



820320

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

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

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

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

29 (4) PROJECT IMPLEMENTATION.—

30 (a) Projects, locations, or structures.—Projects,
31 locations, or structures referred to in this subsection shall
32 mean those described in the Lake Okeechobee Watershed
33 Restoration Project Final Integrated Project Implementation
34 Report and Environmental Impact Statement dated August 2020 or
35 as amended by the district and the corps.

36 (b) Aquifer storage and recovery.—

37 1. Expedition of the LOWRP.—The district, in partnership
38 with the corps, shall expedite the development and
39 implementation of the LOWRP aquifer storage and recovery wells.
40 Implementation of this subsection must comply with all



820320

41 applicable federal and state laws and rules, including the
42 department's underground injection control program.

43 2. Investigation and monitoring.—The district shall perform
44 any necessary scientific investigation and monitoring
45 concurrently with the implementation of the LOWRP aquifer
46 storage and recovery wells. To ensure public health and safety,
47 technical feasibility, and achievement of environmental
48 benefits, implementation of the LOWRP aquifer storage and
49 recovery wells must use a phased approach that confirms
50 feasibility and site suitability and addresses uncertainties
51 identified in the aquifer storage and recovery science plan
52 developed by the district and the corps.

53 3. Aquifer storage and recovery science plan.—The district
54 shall expedite implementation of the aquifer storage and
55 recovery science plan developed by the district and the corps.

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

57 a. For the Kissimmee River Basin site with the existing
58 Kissimmee River Aquifer Storage and Recovery Pilot Project
59 system, the district shall, by January 30, 2022, reactivate the
60 existing aquifer storage and recovery system on the site,
61 including any necessary testing. By March 30, 2027, the district
62 shall ensure that all other feasible aquifer storage and
63 recovery wells on the site are operational.

64 b. For all remaining feasible cluster sites in the
65 Kissimmee River Basin and Taylor Creek/Nubbin Slough Basin, the
66 district shall, by August 1, 2021, construct or execute
67 contracts for any necessary exploratory and monitoring wells on
68 each site, in addition to any other necessary evaluations, to
69 evaluate or confirm site suitability for well clusters. By March



820320

70 30, 2027, the district shall ensure that all feasible aquifer
71 storage and recovery wells on those sites with suitable
72 locations are operational.

73 c. For all other feasible currently or subsequently
74 proposed LOWRP watershed aquifer storage and recovery cluster
75 sites not colocated with the wetland attenuation feature, the
76 district shall, by December 31, 2022, execute contracts for the
77 construction of any necessary exploratory and monitoring wells
78 on each site, in addition to any other necessary evaluations, to
79 evaluate site suitability for well clusters. By March 30, 2027,
80 the district shall ensure that all feasible aquifer storage and
81 recovery wells on those sites with suitable locations are
82 operational.

83 (c) Wetland restoration.—The district, in partnership with
84 the corps, shall pursue expeditious implementation of the
85 Paradise Run wetland restoration project and the Kissimmee River
86 Center wetland restoration project.

87 (5) REPORT.—By November 1, 2021, the district shall submit
88 to the Legislature a report describing the district's compliance
89 with this section, including steps taken and any plans necessary
90 for ongoing compliance. The report must include updates on
91 congressional approval for the LOWRP project implementation
92 report; the aquifer storage and recovery science plan; any
93 scientific investigations; and designs, construction, and
94 operations.

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

97 375.041 Land Acquisition Trust Fund.—

98 (3) Funds distributed into the Land Acquisition Trust Fund



820320

99 pursuant to s. 201.15 shall be applied:

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

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

109 1. A minimum of the lesser of 25 percent or \$200 million
110 shall be appropriated annually for Everglades projects that
111 implement the Comprehensive Everglades Restoration Plan as set
112 forth in s. 373.470, including the Central Everglades Planning
113 Project subject to Congressional authorization; the Long-Term
114 Plan as defined in s. 373.4592(2); and the Northern Everglades
115 and Estuaries Protection Program as set forth in s. 373.4595.
116 From these funds, \$32 million shall be distributed each fiscal
117 year through the 2023-2024 fiscal year to the South Florida
118 Water Management District for the Long-Term Plan as defined in
119 s. 373.4592(2). After deducting the \$32 million distributed
120 under this subparagraph, from the funds remaining, a minimum of
121 the lesser of 76.5 percent or \$100 million shall be appropriated
122 each fiscal year through the 2025-2026 fiscal year for the
123 planning, design, engineering, and construction of the
124 Comprehensive Everglades Restoration Plan as set forth in s.
125 373.470, including the Central Everglades Planning Project, the
126 Everglades Agricultural Area Storage Reservoir Project, the Lake
127 Okeechobee Watershed Project, the C-43 West Basin Storage



820320

128 Reservoir Project, the Indian River Lagoon-South Project, the
129 Western Everglades Restoration Project, and the Picayune Strand
130 Restoration Project. The Department of Environmental Protection
131 and the South Florida Water Management District shall give
132 preference to those Everglades restoration projects that reduce
133 harmful discharges of water from Lake Okeechobee to the St.
134 Lucie or Caloosahatchee estuaries in a timely manner. For the
135 purpose of performing the calculation provided in this
136 subparagraph, the amount of debt service paid pursuant to
137 paragraph (a) for bonds issued after July 1, 2016, for the
138 purposes set forth under paragraph (b) shall be added to the
139 amount remaining after the payments required under paragraph
140 (a). The amount of the distribution calculated shall then be
141 reduced by an amount equal to the debt service paid pursuant to
142 paragraph (a) on bonds issued after July 1, 2016, for the
143 purposes set forth under this subparagraph.

144 2. A minimum of the lesser of 7.6 percent or \$50 million
145 shall be appropriated annually for spring restoration,
146 protection, and management projects. For the purpose of
147 performing the calculation provided in this subparagraph, the
148 amount of debt service paid pursuant to paragraph (a) for bonds
149 issued after July 1, 2016, for the purposes set forth under
150 paragraph (b) shall be added to the amount remaining after the
151 payments required under paragraph (a). The amount of the
152 distribution calculated shall then be reduced by an amount equal
153 to the debt service paid pursuant to paragraph (a) on bonds
154 issued after July 1, 2016, for the purposes set forth under this
155 subparagraph.

156 3. The sum of \$5 million shall be appropriated annually



820320

157 each fiscal year through the 2025-2026 fiscal year to the St.
158 Johns River Water Management District for projects dedicated to
159 the restoration of Lake Apopka. This distribution shall be
160 reduced by an amount equal to the debt service paid pursuant to
161 paragraph (a) on bonds issued after July 1, 2016, for the
162 purposes set forth in this subparagraph.

163 4. The sum of \$64 million is appropriated and shall be
164 transferred to the Everglades Trust Fund for the 2018-2019
165 fiscal year, and each fiscal year thereafter, for the EAA
166 reservoir project pursuant to s. 373.4598. Any funds remaining
167 in any fiscal year shall be made available only for Phase II of
168 the C-51 reservoir project or projects identified in
169 subparagraph 1. and must be used in accordance with laws
170 relating to such projects. Any funds made available for such
171 purposes in a fiscal year are in addition to the amount
172 appropriated under subparagraph 1. This distribution shall be
173 reduced by an amount equal to the debt service paid pursuant to
174 paragraph (a) on bonds issued after July 1, 2017, for the
175 purposes set forth in this subparagraph.

176 5. The sum of \$50 million shall be appropriated annually to
177 the South Florida Water Management District for the Lake
178 Okeechobee Watershed Restoration Project in accordance with s.
179 373.4599. This distribution must be reduced by an amount equal
180 to the debt service paid pursuant to paragraph (a) on bonds
181 issued after July 1, 2021, for the purposes set forth in this
182 subparagraph.

183 6. Notwithstanding subparagraph 3., for the 2020-2021
184 fiscal year, funds shall be appropriated as provided in the
185 General Appropriations Act. This subparagraph expires July 1,



820320

186 2021.

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

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

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192 ===== T I T L E A M E N D M E N T =====

193 And the title is amended as follows:

194 Delete everything before the enacting clause
195 and insert:

196 A bill to be entitled
197 An act relating to water storage north of Lake
198 Okeechobee; creating s. 373.4599, F.S.; defining
199 terms; requiring the South Florida Water Management
200 District to request that the United States Army Corps
201 of Engineers seek congressional approval of a project
202 implementation report for the Lake Okeechobee
203 Watershed Restoration Project by a specified date;
204 requiring the district to seek a project partnership
205 agreement with the corps upon such approval; requiring
206 the district, in partnership with the corps, to
207 expedite the development and implementation of aquifer
208 storage and recovery wells; requiring the district to
209 perform necessary scientific investigation and
210 monitoring with implementation of such storage and
211 recovery; requiring the district to expedite
212 implementation of the aquifer storage and recovery
213 science plan developed by the district and the corps;
214 providing an implementation schedule for project



820320

215 sites; requiring the district, in partnership with the
216 corps, to pursue expeditious implementation of certain
217 wetland restoration projects; requiring the district
218 to submit a report to the Legislature by a specified
219 date; providing requirements for the report; amending
220 s. 375.041, F.S.; requiring an annual appropriation
221 from the Land Acquisition Trust Fund for the Lake
222 Okeechobee Watershed Restoration Project; providing a
223 directive to the Division of Law Revision; providing
224 an effective date.