

## CHAPTER 2021-40

### Senate Bill No. 2516

An act relating to water storage north of Lake Okeechobee; creating s. 373.4599, F.S.; defining terms; requiring the South Florida Water Management District to request that the United States Army Corps of Engineers seek congressional approval of a project implementation report for the Lake Okeechobee Watershed Restoration Project by a specified date; requiring the district to seek a project partnership agreement with the corps upon such approval; requiring the district, in partnership with the corps, to expedite the development and implementation of aquifer storage and recovery wells; requiring the district to perform necessary scientific investigation and monitoring with implementation of such storage and recovery; requiring the district to expedite implementation of the aquifer storage and recovery science plan developed by the district and the corps; providing an implementation schedule for project sites; requiring the district, in partnership with the corps, to pursue expeditious implementation of certain wetland restoration projects; requiring the district to submit a report to the Legislature by a specified date; providing requirements for the report; amending s. 375.041, F.S.; requiring an annual appropriation from the Land Acquisition Trust Fund for the Lake Okeechobee Watershed Restoration Project; providing a directive to the Division of Law Revision; providing an effective date.

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 mean those described in 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 the corps.

(b) *Aquifer storage and recovery.*—

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

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

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

4. LOWRP watershed aquifer storage and recovery wells.—

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

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

c. For all other feasible currently or subsequently proposed LOWRP watershed aquifer storage and recovery cluster sites not colocated with the

wetland attenuation feature, the district shall, by December 31, 2022, execute contracts for the construction of any necessary exploratory and monitoring wells on each site, in addition to any other necessary evaluations, to evaluate site suitability for well clusters. By March 30, 2027, the district shall ensure that all feasible aquifer storage and recovery wells on those sites with suitable locations are operational.

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

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

Section 2. Subsection (3) of section 375.041, Florida 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 each fiscal year through the 2025-2026 fiscal year for the planning, design,

engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

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

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

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

5. The sum of \$50 million shall be appropriated annually to the South Florida Water Management District for the Lake Okeechobee Watershed Restoration Project in accordance with s. 373.4599. This distribution must

be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2021, for the purposes set forth in this subparagraph.

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

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

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

Approved by the Governor June 2, 2021.

Filed in Office Secretary of State June 2, 2021.