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LEGISLATIVE ACTION

Senate	.	House
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05/06/2011 05:41 PM	.	
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The Conference Committee on SB 2142, 1st Eng. 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. Subsections (3), (4), and (5) of section
7 373.503, Florida Statutes, are amended to read:

8 373.503 Manner of taxation.—

9 (3)~~(a)~~ The districts may levy ad valorem taxes on property
10 within the district solely for the purposes of this chapter and
11 of chapter 25270, 1949, Laws of Florida, as amended, and chapter
12 61-691, Laws of Florida, as amended. ~~The authority to levy ad~~



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13 ~~valorem taxes as provided in this act shall commence with the~~
14 ~~year 1977. However, the taxes levied for 1977 by the governing~~
15 ~~boards pursuant to this section shall be prorated to ensure that~~
16 ~~no such taxes will be levied for the first 4 days of the tax~~
17 ~~year, which days will fall prior to the effective date of the~~
18 ~~amendment to s. 9(b), Art. VII of the State Constitution, which~~
19 ~~was approved March 9, 1976. If When appropriate, taxes levied by~~
20 each governing board may be separated by the governing board
21 into a millage necessary for the purposes of the district and a
22 millage necessary for financing basin functions specified in s.
23 373.0695. ~~Beginning with the taxing year 1977, and~~

24 (a) Notwithstanding ~~the provisions of~~ any other general or
25 special law ~~to the contrary,~~ and subject to subsection (4), the
26 maximum total millage rate for district and basin purposes shall
27 be:

- 28 1. Northwest Florida Water Management District: 0.05 mill.
- 29 2. Suwannee River Water Management District: 0.75 mill.
- 30 3. St. Johns River Water Management District: 0.6 mill.
- 31 4. Southwest Florida Water Management District: 1.0 mill.
- 32 5. South Florida Water Management District: 0.80 mill.

33 (b) The apportionment in the South Florida Water Management
34 District shall be a maximum of 40 percent for district purposes
35 and a maximum of 60 percent for basin purposes, respectively.

36 (c) Within the Southwest Florida Water Management District,
37 the maximum millage assessed for district purposes may ~~shall~~ not
38 exceed 50 percent of the total authorized millage if ~~when~~ there
39 are one or more basins in the district, and the maximum millage
40 assessed for basin purposes may ~~shall~~ not exceed 50 percent of
41 the total authorized millage.



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42 (4) (a) To ensure that taxes authorized by this chapter
43 continue to be in proportion to the benefits derived by the
44 parcels of real estate within the districts, the Legislature
45 shall annually review the preliminary budget for the next fiscal
46 year and the authorized millage rate for each district. Based
47 upon this review, the Legislature shall set the maximum amount
48 of revenue to be raised by each district in the next fiscal year
49 from the taxes levied. Except as provided in paragraph (b), if
50 the annual maximum amount of property tax revenue is not set by
51 the Legislature on or before July 1 of each year, the maximum
52 property tax revenue that may be raised reverts to the amount
53 authorized in the prior year.

54 (b) For the 2011-2012 fiscal year, the total ad valorem
55 taxes levied may not exceed \$3,946,969 for the Northwest Florida
56 Water Management District, \$5,412,674 for the Suwannee River
57 Water Management District, \$85,335,619 for the St. Johns Water
58 Management District, \$107,766,957 for the Southwest Florida
59 Water Management District, and \$284,901,967 for the South
60 Florida Water Management District.

61 (5)-(4) It is hereby determined that the taxes authorized by
62 this chapter are in proportion to the benefits to be derived by
63 the several parcels of real estate within the districts to which
64 territories are annexed and transferred. It is further
65 determined that the cost of conducting elections within the
66 respective districts or within the transferred or annexed
67 territories, including costs incidental thereto in preparing for
68 such election and in informing the electors of the issues
69 therein, is a proper expenditure of the department, of the
70 respective districts, and of the district to which such



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71 territory is or has been annexed or transferred.

72 ~~(6)~~⁽⁵⁾ Each water management district created under this
73 chapter which does not receive state shared revenues under part
74 II of chapter 218 shall, before January 1 of each year, certify
75 compliance or noncompliance with s. 200.065 to the Department of
76 Financial Services. Specific grounds for noncompliance must
77 ~~shall~~ be stated in the certification. In its annual report
78 required by s. 218.32(2), the Department of Financial Services
79 shall report to the Governor and the Legislature those water
80 management districts certifying noncompliance or not reporting.

81 Section 2. Subsections (4) and (5) of section 373.536,
82 Florida Statutes, are amended to read:

83 373.536 District budget and hearing thereon.—

84 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

85 (a) The final adopted budget for the district will
86 thereupon be the operating and fiscal guide for the district for
87 the ensuing year; however, transfers of funds may be made within
88 the budget by action of the governing board at a public meeting
89 of the governing board.

90 (b) The district shall control its budget, at a minimum, by
91 funds and shall provide to the Executive Office of the Governor
92 a description of its budget control mechanisms.

93 (c) Should the district receive unanticipated funds after
94 the adoption of the final budget, the final budget may be
95 amended by including such funds, so long as notice of intention
96 to amend is published in the notice of the governing board
97 meeting at which the amendment will be considered, pursuant to
98 s. 120.525. The notice shall set forth a summary of the proposed
99 amendment. However, in the event of a disaster or of an



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100 emergency arising to prevent or avert the same, the governing
101 board shall not be limited by the budget but shall have
102 authority to apply such funds as may be available therefor or as
103 may be procured for such purpose.

104 (d) By September 1, 2011, each water management district
105 shall provide a monthly financial statement to its governing
106 board and make such monthly financial statement available for
107 public access on its website.

108 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
109 APPROVAL.—

110 (a) The Executive Office of the Governor and the
111 Legislative Budget Commission ~~are is~~ authorized to ~~approve or~~
112 ~~disapprove~~, in whole or in part, the budget of each water
113 management district. The Executive Office of the Governor and
114 shall analyze each budget as to the adequacy of fiscal resources
115 available to the district and the adequacy of district
116 expenditures related to water supply, including water resource
117 development projects identified in the district's regional water
118 supply plans; water quality; flood protection and floodplain
119 management; and natural systems. This analysis shall be based on
120 the particular needs within each water management district in
121 those four areas of responsibility and shall be provided to the
122 Legislative Budget Commission.

123 (b) The Executive Office of the Governor, the Legislative
124 Budget Commission, and the water management districts shall
125 develop a process to facilitate review and communication
126 regarding water management district budgets, as necessary.
127 Written disapproval of any provision in the tentative budget
128 must be received by the district at least 5 business days prior



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129 to the final district budget adoption hearing conducted under s.
130 200.065(2)(d). If written disapproval of any portion of the
131 budget is not received at least 5 business days prior to the
132 final budget adoption hearing, the governing board may proceed
133 with final adoption. Any provision rejected by the Governor or
134 the Legislative Budget Commission shall not be included in a
135 district's final budget.

136 (c) Each water management district shall, by August 1 of
137 each year, submit for review a tentative budget to the Governor,
138 the President of the Senate, the Speaker of the House of
139 Representatives, the Legislative Budget Commission, ~~the chairs~~
140 ~~of all legislative committees and subcommittees with substantive~~
141 ~~or fiscal jurisdiction over water management districts, as~~
142 ~~determined by the President of the Senate or the Speaker of the~~
143 ~~House of Representatives as applicable,~~ the secretary of the
144 department, and the governing body of each county in which the
145 district has jurisdiction or derives any funds for the
146 operations of the district.

147 (d) The tentative budget must set forth the proposed
148 expenditures of the district, to which may be added an amount to
149 be held as reserve. The tentative budget must include, but is
150 not limited to, the following information for the preceding
151 fiscal year and the current fiscal year, and the proposed
152 amounts for the upcoming fiscal year, in a standard format
153 prescribed by the Executive Office of the Governor:

154 1. The estimated amount of funds remaining at the beginning
155 of the fiscal year which have been obligated for the payment of
156 outstanding commitments not yet completed.

157 2. The estimated amount of unobligated funds or net cash



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158 balance on hand at the beginning of the fiscal year, and the
159 estimated amount of funds to be raised by district taxes or
160 received from other sources to meet the requirements of the
161 district.

162 3. The millage rates and the percentage increase above the
163 rolled-back rate, together with a summary of the reasons the
164 increase is required, and the percentage increase in taxable
165 value resulting from new construction within the district.

166 4. The salaries and benefits, expenses, operating capital
167 outlay, number of authorized positions, and other personal
168 services for the following program areas of the district:

- 169 a. Water resource planning and monitoring;
- 170 b. Land acquisition, restoration, and public works;
- 171 c. Operation and maintenance of works and lands;
- 172 d. Regulation;
- 173 e. Outreach for which the information provided must contain
174 a full description and accounting of expenditures for water
175 resources education; public information and public relations,
176 including public service announcements and advertising in any
177 media; and lobbying activities related to local, regional, state
178 and federal governmental affairs, whether incurred by district
179 staff or through contractual services; and
- 180 f. Management and administration.

181
182 In addition to the program areas reported by all water
183 management districts, the South Florida Water Management
184 District shall include in its budget document separate sections
185 on all costs associated with the Everglades Construction Project
186 and the Comprehensive Everglades Restoration Plan.



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187 5. The total estimated amount in the district budget for
188 each area of responsibility listed in subparagraph 4. and for
189 water resource development projects identified in the district's
190 regional water supply plans.

191 6. A description of each new, expanded, reduced, or
192 eliminated program.

193 7. The funding sources, including, but not limited to, ad
194 valorem taxes, Surface Water Improvement and Management Program
195 funds, other state funds, federal funds, and user fees and
196 permit fees for each program area.

197 ~~(e) By September 5 of the year in which the budget is~~
198 ~~submitted, the House and Senate appropriations and appropriate~~
199 ~~substantive committee chairs may transmit to each district~~
200 ~~comments and objections to the proposed budgets. Each district~~
201 ~~governing board shall include a response to such comments and~~
202 ~~objections in the record of the governing board meeting where~~
203 ~~final adoption of the budget takes place, and the record of this~~
204 ~~meeting shall be transmitted to the Executive Office of the~~
205 ~~Governor, the department, and the chairs of the House and Senate~~
206 ~~appropriations committees.~~

207 (e)~~(f)~~ The Executive Office of the Governor shall annually,
208 on or before December 15, file with the Legislature a report
209 that summarizes its review of the water management districts'
210 tentative budgets and displays the adopted budget allocations by
211 program area. The report must identify the districts that are
212 not in compliance with the reporting requirements of this
213 section. State funds shall be withheld from a water management
214 district that fails to comply with these reporting requirements.

215 Section 3. This act shall take effect upon becoming a law.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to water management districts;
amending s. 373.503, F.S.; removing obsolete
provisions; requiring the Legislature to annually
review the preliminary budget and authorized millage
rate for each water management district and set the
amount of revenue a district may raise through its ad
valorem tax authority; providing for the maximum
amount of property tax raised by a district to revert
to the amount authorized in the prior year if the
Legislature fails to set the amount; providing a limit
on total ad valorem taxes levied for the 2011-2012
fiscal year for each water management district;
amending s. 373.536, F.S.; requiring each water
management district to provide a monthly financial
statement to its governing board; requiring that each
district make budget information available to the
public through the district's website; revising
provisions relating to the development of district
budgets and review by the Executive Office of the
Governor and Legislative Budget Commission; providing
an effective date.