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1  
2 An act relating to water management districts;  
3 amending s. 121.021, F.S.; revising the definitions of  
4 the terms "regularly established position" and  
5 "temporary position" for purposes of district  
6 positions within the state retirement system; amending  
7 s. 373.503, F.S.; authorizing the Legislature to set  
8 the maximum millage rate for each district; removing a  
9 provision requiring that the maximum property tax  
10 revenue for water management districts revert to the  
11 amount authorized for the prior year if the  
12 Legislature does not set the amount; removing the  
13 maximum revenues for the 2011-2012 fiscal year;  
14 creating s. 373.535, F.S.; requiring each water  
15 management district to submit a preliminary budget for  
16 legislative review; requiring the preliminary budget  
17 to include certain information; providing for annual  
18 review of the preliminary budget for each district;  
19 authorizing the President of the Senate and the  
20 Speaker of the House of Representatives to submit  
21 comments regarding the preliminary budget to the  
22 district; requiring each district to respond to the  
23 comments; authorizing a water management district to  
24 proceed with budget development if the Legislature  
25 takes no action after the review; providing for the  
26 preliminary budget reviewed by the Legislature to be  
27 the basis for developing each district's tentative  
28 budget for the next fiscal year; amending s. 373.536,  
29 F.S.; requiring that budget amendments greater than a

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30 certain amount be reviewed and approved by the  
31 Executive Office of the Governor, which must notify  
32 the Legislative Budget Commission of such approval;  
33 requiring a district to provide a description of the  
34 budget control mechanisms to the Executive Office of  
35 the Governor for approval; providing that, upon review  
36 and approval by the Executive Office of the Governor  
37 and after providing notice of intention to amend to  
38 the Legislative Budget Commission, a water management  
39 district may amend unanticipated funds into its final  
40 budget; requiring the Executive Office of the Governor  
41 and the Legislative Budget Commission to be notified  
42 if a district governing board expends funds for a  
43 disaster or emergency; delaying the date that a  
44 district must begin providing, in the form and manner  
45 prescribed by the Department of Financial Services, a  
46 monthly financial statement to its governing board;  
47 providing criteria for the Legislative Budget  
48 Commission to use in approving the tentative budget of  
49 a district; authorizing the Legislative Budget  
50 Commission to reject certain district budget  
51 proposals; prohibiting a district from including a  
52 rejected proposition in its final budget or act  
53 through any other means without prior approval of the  
54 entity rejecting the provision; requiring that the  
55 district submit for review to a tentative budget and a  
56 description of any significant changes from the  
57 preliminary budget; revising components to be included  
58 in a district's tentative budget; requiring that a 5-

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59 year water resource development work program describe  
60 the district's implementation strategy and funding  
61 plan for water resource, water supply, and alternative  
62 water supply development components of each approved  
63 regional water supply plan; amending s. 373.605, F.S.;  
64 authorizing the governing board of a water management  
65 district to provide group insurance for its employees  
66 and the employees of another water management  
67 district; creating s. 373.618, F.S.; providing for  
68 each water management district to own, acquire,  
69 develop, construct, operate, and manage a public  
70 information system; exempting local government review  
71 or approval of such public information system;  
72 exempting the system from outdoor advertising  
73 regulations; prohibiting water management districts  
74 from using public funds; authorizing the collection of  
75 funds from private sponsors who display commercial  
76 messages; providing effective dates.

77  
78 Be It Enacted by the Legislature of the State of Florida:

79  
80 Section 1. Effective October 1, 2012, paragraph (b) of  
81 subsection (52) and paragraph (b) of subsection (53) of section  
82 121.021, Florida Statutes, are amended, and paragraph (c) is  
83 added to subsection (52) and paragraph (c) is added to  
84 subsection (53) of that section, to read:

85 121.021 Definitions.—The following words and phrases as  
86 used in this chapter have the respective meanings set forth  
87 unless a different meaning is plainly required by the context:

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88 (52) "Regularly established position" means:

89 (b) With respect to a local agency employer (district  
90 school board, county agency, Florida College System institution  
91 ~~community college~~, municipality, metropolitan planning  
92 organization, charter school, charter technical career center,  
93 or special district), other than a water management district  
94 operating pursuant to chapter 373, a regularly established  
95 position that will be in existence for a period beyond 6  
96 consecutive months, except as provided by rule.

97 (c) With respect only to a water management district  
98 operating pursuant to chapter 373, a position authorized in the  
99 district's final adopted budget and compensated from a salaries  
100 and benefits appropriation or account.

101 (53) "Temporary position" means:

102 (b) With respect to a local agency employer, other than a  
103 water management district operating pursuant to chapter 373, a  
104 position that will exist for less than 6 consecutive months, or  
105 other position as determined by rule of the division, regardless  
106 of whether it will exist for 6 consecutive months or longer.

107 (c) With respect only to a water management district  
108 operating pursuant to chapter 373, a position not authorized in  
109 the district's final adopted budget, and designated as a  
110 temporary position by the district.

111 Section 2. Subsection (4) of section 373.503, Florida  
112 Statutes, is amended to read:

113 373.503 Manner of taxation.—

114 (4) ~~(a)~~ To ensure that taxes authorized by this chapter  
115 continue to be in proportion to the benefits derived by the  
116 parcels of real estate within the districts, the Legislature

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117 shall annually review the preliminary budget for each district  
118 for the next fiscal year as provided in s. 373.535 ~~and the~~  
119 ~~authorized millage rate for each district.~~ Based upon the this  
120 review, the Legislature may enact legislation to ~~shall~~ set the  
121 authorized maximum millage rate or the maximum amount of  
122 property tax revenue to be raised by each district in the next  
123 fiscal year from the taxes levied. ~~Except as provided in~~  
124 ~~paragraph (b), if the annual maximum amount of property tax~~  
125 ~~revenue is not set by the Legislature on or before July 1 of~~  
126 ~~each year, the maximum property tax revenue that may be raised~~  
127 ~~reverts to the amount authorized in the prior year.~~

128 ~~(b) For the 2011-2012 fiscal year, the total ad valorem~~  
129 ~~taxes levied may not exceed \$3,946,969 for the Northwest Florida~~  
130 ~~Water Management District, \$5,412,674 for the Suwannee River~~  
131 ~~Water Management District, \$85,335,619 for the St. Johns Water~~  
132 ~~Management District, \$107,766,957 for the Southwest Florida~~  
133 ~~Water Management District, and \$284,901,967 for the South~~  
134 ~~Florida Water Management District.~~

135 Section 3. Section 373.535, Florida Statutes, is created to  
136 read:

137 373.535 Preliminary district budgets.-

138 (1) BUDGET DEVELOPMENT.-

139 (a) By January 15 of each year, each water management  
140 district shall submit a preliminary budget for the next fiscal  
141 year for legislative review to the President of the Senate, the  
142 Speaker of the House of Representatives, and the chairs of each  
143 legislative committee and subcommittee having substantive or  
144 fiscal jurisdiction over water management districts, as  
145 determined by the President of the Senate or the Speaker of the

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146 House of Representatives, as applicable, in the form and manner  
147 prescribed in s. 373.536(5) (e). Each preliminary budget must  
148 also include:

149 1. A section that clearly identifies and provides  
150 justification for each proposed expenditure listed in s.  
151 373.536(5) (e)4.e.-f. and identifies the source of funds for each  
152 proposed expenditure.

153 2. A section identifying the justification for proposed  
154 expenditures by core mission area of responsibility and the  
155 source of funds needed for activities related to water supply,  
156 including alternative water supply and water resource  
157 development projects identified in the district's regional water  
158 supply plans, water quality, flood protection and floodplain  
159 management, and natural systems.

160 3. A section reviewing the adopted and proposed budget  
161 allocations by program area and the performance metrics for the  
162 prior year.

163 4. An analysis of each preliminary budget to determine the  
164 adequacy of fiscal resources available to the district and the  
165 adequacy of proposed district expenditures related to the core  
166 mission areas of responsibility for water supply, including  
167 alternative water supply and water resource development projects  
168 identified in the district's regional water supply plans, water  
169 quality, flood protection and floodplain management, and natural  
170 systems. The analysis must be based on the particular needs  
171 within each district for core mission areas of responsibility.  
172 The water supply analysis must specifically include a  
173 determination of the adequacy of each district's fiscal  
174 resources provided in the district's preliminary budget to

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175 achieve appropriate progress toward meeting the districtwide 20-  
176 year projected water supply demands, including funding for  
177 alternative water supply development and conservation projects.

178 (b) If applicable, the preliminary budget for each district  
179 must specify that the district's first obligation for payment is  
180 the debt service on bonds and certificates of participation.

181 (2) LEGISLATIVE REVIEW.—

182 (a) The Legislature may annually review the preliminary  
183 budget for each district, including, but not limited to, those  
184 items listed in s. 373.536(5)(e)4.d.-f., specific to regulation,  
185 outreach, management, and administration program areas.

186 (b) On or before March 1 of each year, the President of the  
187 Senate and the Speaker of the House of Representatives may  
188 submit comments regarding the preliminary budget to the  
189 districts, and provide a copy of the comments to the Executive  
190 Office of the Governor. Each district shall respond to the  
191 comments in writing on or before March 15 of each year to the  
192 President of the Senate, the Speaker of the House of  
193 Representatives, and the Executive Office of the Governor.

194 (c) If, following such review, the Legislature does not  
195 take any action pursuant to s. 373.503 on or before July 1 of  
196 each year, a water management district may proceed with budget  
197 development as provided in subsection (3) and s. 373.536.

198 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the  
199 preliminary budget as submitted pursuant to subsection (1), and  
200 as may be amended by the district in response to review by the  
201 Legislature pursuant to this section and s. 373.503, as the  
202 basis for developing the tentative budget for the next fiscal  
203 year as provided in s. 373.536(5).

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204 Section 4. Subsections (4), (5), and (6) of section  
205 373.536, Florida Statutes, are amended to read:

206 373.536 District budget and hearing thereon.—

207 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

208 (a) The final adopted budget for the district ~~is will~~  
209 ~~thereupon be~~ the operating and fiscal guide for the district for  
210 the ensuing year; however, transfers of funds may be made within  
211 the budget by action of the governing board at a public meeting  
212 of the governing board. A budget amendment greater than \$1  
213 million must be reviewed and approved by the Executive Office of  
214 the Governor. The office shall provide notice of approval to the  
215 Legislative Budget Commission.

216 (b) The district shall control its budget, at a minimum, by  
217 funds and shall submit ~~provide~~ to the Executive Office of the  
218 Governor a description of its budget control mechanisms for  
219 approval.

220 (c) If ~~Should~~ the district receives ~~receive~~ unanticipated  
221 funds after the adoption of the final budget, the final budget  
222 may be amended, following review and approval by the Executive  
223 Office of the Governor, by including such funds, if so long as  
224 notice of intention to amend is provided to the Legislative  
225 Budget Commission and is published in the notice of the  
226 governing board meeting at which the amendment will be  
227 considered, pursuant to s. 120.525. The notice must ~~shall~~ set  
228 forth a summary of the proposed amendment.

229 (d) ~~However,~~ In the event of a disaster or of an emergency  
230 arising to prevent or avert the same, the governing board is  
231 ~~shall~~ not be limited by the budget but may expend ~~shall have~~  
232 ~~authority to apply such funds as may be~~ available for the

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233 disaster or emergency ~~therefor~~ or as may be procured for such  
234 purpose. In such an event, the governing board shall notify the  
235 Executive Office of the Governor and the Legislative Budget  
236 Commission as soon as practical, but within 30 days after the  
237 governing board's action.

238 (e) ~~(d)~~ By September 1, 2012 ~~2011~~, each ~~water management~~  
239 district shall provide a monthly financial statement in the form  
240 and manner prescribed by the Department of Financial Services to  
241 the district's ~~its~~ governing board and make such monthly  
242 financial statement available for public access on its website.

243 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
244 APPROVAL.—

245 (a) The Executive Office of the Governor may approve or ~~and~~  
246 ~~the Legislative Budget Commission are authorized to~~ disapprove,  
247 in whole or in part, the budget of each water management  
248 district. The Executive Office of the Governor shall analyze  
249 each budget as to the adequacy of fiscal resources available to  
250 the district and the adequacy of district expenditures related  
251 to water supply, including water resource development projects  
252 identified in the district's regional water supply plans; water  
253 quality; flood protection and floodplain management; and natural  
254 systems. This analysis shall be based on the particular needs  
255 within each water management district in those four areas of  
256 responsibility and shall be provided to the Legislative Budget  
257 Commission.

258 (b) The Executive Office of the Governor, the Legislative  
259 Budget Commission, and the ~~water management~~ districts shall  
260 develop a process to facilitate review and communication  
261 regarding the tentative budgets of districts ~~water management~~

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262 ~~district budgets~~, as necessary.

263 (c) The Legislative Budget Commission may reject any of the  
264 following district budget proposals:

265 1. A single purchase of land in excess of \$10 million,  
266 except for land exchanges.

267 2. Any cumulative purchase of land during a single fiscal  
268 year in excess of \$50 million.

269 3. Any issuance of debt on or after July 1, 2012.

270 4. Any program expenditures as described in sub-  
271 subparagraphs (e)4.e.-f. in excess of 15 percent of a district's  
272 total annual budget.

273 5. Any individual variances in a district's tentative  
274 budget in excess of 25 percent from a district's preliminary  
275 budget.

276  
277 Written disapproval of any provision in the tentative budget  
278 must be received by the district at least 5 business days before  
279 ~~prior to~~ the final district budget adoption hearing conducted  
280 under s. 200.065(2) (d). If written disapproval ~~of any portion of~~  
281 ~~the budget~~ is not received at least 5 business days before ~~prior~~  
282 ~~to~~ the final budget adoption hearing, the governing board may  
283 proceed with final adoption. Any provision rejected by the  
284 Executive Office of the Governor or the Legislative Budget  
285 Commission ~~may shall~~ not be included in a district's final  
286 budget and may not be acted upon through any other means without  
287 the prior approval of the entity rejecting the provision.

288 (d) ~~(e)~~ Each ~~water management~~ district shall, by August 1 of  
289 each year, submit for review a tentative budget and a  
290 description of any significant changes from the preliminary

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291 budget submitted to the Legislature pursuant to s. 373.535 to  
292 the Governor, the President of the Senate, the Speaker of the  
293 House of Representatives, the chairs of all legislative  
294 committees and subcommittees having substantive or fiscal  
295 jurisdiction over water management districts, as determined by  
296 the President of the Senate or the Speaker of the House of  
297 Representatives, as applicable ~~the Legislative Budget~~  
298 ~~Commission~~, the secretary of the department, and the governing  
299 body of each county in which the district has jurisdiction or  
300 derives any funds for the operations of the district. The  
301 tentative budget must be posted on the ~~water management~~  
302 district's official website at least 2 days before budget  
303 hearings held pursuant to s. 200.065 or other law.

304 (e) ~~(d)~~ The tentative budget must be based on the  
305 preliminary budget as submitted to the Legislature, and as may  
306 be amended by the district in response to review by the  
307 Legislature pursuant to ss. 373.503 and 373.535, as the basis  
308 for developing the tentative budget for the next fiscal year as  
309 provided in this subsection, and must set forth the proposed  
310 expenditures of the district, to which may be added an amount to  
311 be held as reserve. The tentative budget must include, but is  
312 not limited to, the following information for the preceding  
313 fiscal year and the current fiscal year, and the proposed  
314 amounts for the upcoming fiscal year, in a standard format  
315 prescribed by the Executive Office of the Governor, in  
316 consultation with the Legislature:

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

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320           2. The estimated amount of unobligated funds or net cash  
321 balance on hand at the beginning of the fiscal year; an  
322 accounting of the source, balance, and projected future use of  
323 the unobligated funds;~~7~~ and the estimated amount of funds to be  
324 raised by district taxes or received from other sources to meet  
325 the requirements of the district.

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

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

- 333           a. Water resource planning and monitoring;
- 334           b. Land acquisition, restoration, and public works;
- 335           c. Operation and maintenance of works and lands;
- 336           d. Regulation;
- 337           e. Outreach for which the information provided must contain  
338 a full description and accounting of expenditures for water  
339 resources education; public information and public relations,  
340 including public service announcements and advertising in any  
341 media; and lobbying activities related to local, regional, state  
342 and federal governmental affairs, whether incurred by district  
343 staff or through contractual services; and
- 344           f. Management and administration.

345  
346 In addition to the program areas reported by all water  
347 management districts, the South Florida Water Management  
348 District shall include in its budget document separate sections

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349 on all costs associated with the Everglades Construction Project  
350 and the Comprehensive Everglades Restoration Plan.

351 5. The total estimated amount in the district budget for  
352 each area of responsibility listed in subparagraph 4. and for  
353 water resource, water supply, and alternative water supply  
354 development projects identified in the district's regional water  
355 supply plans.

356 6. A description of each new, expanded, reduced, or  
357 eliminated program.

358 7. The funding sources, including, but not limited to, ad  
359 valorem taxes, Surface Water Improvement and Management Program  
360 funds, other state funds, federal funds, and user fees and  
361 permit fees for each program area.

362 (f) By September 5 of the year in which the budget is  
363 submitted, the chairs of each legislative committee and  
364 subcommittee having substantive or fiscal jurisdiction may  
365 transmit to each district comments and objections to the  
366 proposed budgets. Each district governing board shall include a  
367 response to such comments and objections in the record of the  
368 governing board meeting where final adoption of the budget takes  
369 place, and the record of this meeting shall be transmitted to  
370 the Executive Office of the Governor, the department, and the  
371 chairs of the legislative appropriations committees.

372 (g) ~~(e)~~ The Executive Office of the Governor shall annually,  
373 on or before December 15, file with the Legislature a report  
374 that summarizes its review of the water management districts'  
375 tentative budgets and displays the adopted budget allocations by  
376 program area. The report must identify the districts that are  
377 not in compliance with the reporting requirements of this

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378 section. State funds shall be withheld from a water management  
379 district that fails to comply with these reporting requirements.

380 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
381 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

382 (a) Each district must, by the date specified for each  
383 item, furnish copies of the following documents to the Governor,  
384 the President of the Senate, the Speaker of the House of  
385 Representatives, the chairs of all legislative committees and  
386 subcommittees having substantive or fiscal jurisdiction over the  
387 districts, as determined by the President of the Senate or the  
388 Speaker of the House of Representatives as applicable, the  
389 secretary of the department, and the governing board of each  
390 county in which the district has jurisdiction or derives any  
391 funds for the operations of the district:

392 1. The adopted budget, to be furnished within 10 days after  
393 its adoption.

394 2. A financial audit of its accounts and records, to be  
395 furnished within 10 days after its acceptance by the governing  
396 board. The audit must be conducted in accordance with ~~the~~  
397 ~~provisions of~~ s. 11.45 and the rules adopted thereunder. In  
398 addition to the entities named above, the district must provide  
399 a copy of the audit to the Auditor General within 10 days after  
400 its acceptance by the governing board.

401 3. A 5-year capital improvements plan, to be included in  
402 the consolidated annual report required by s. 373.036(7). The  
403 plan must include expected sources of revenue for planned  
404 improvements and must be prepared in a manner comparable to the  
405 fixed capital outlay format set forth in s. 216.043.

406 4. A 5-year water resource development work program to be

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407 furnished within 30 days after the adoption of the final budget.  
408 The program must describe the district's implementation strategy  
409 and funding plan for the water resource, water supply, and  
410 alternative water supply development components ~~component~~ of  
411 each approved regional water supply plan developed or revised  
412 under s. 373.709. The work program must address all the elements  
413 of the water resource development component in the district's  
414 approved regional water supply plans and must identify which  
415 projects in the work program which will provide water;7 explain  
416 how each water resource, water supply, and alternative water  
417 supply development project will produce additional water  
418 available for consumptive uses;7 estimate the quantity of water  
419 to be produced by each project;7 and provide an assessment of  
420 the contribution of the district's regional water supply plans  
421 in providing sufficient water needed to timely meet the water  
422 supply needs of existing and future reasonable-beneficial uses  
423 for a 1-in-10-year drought event.

424 (b) Within 30 days after its submittal, the department  
425 shall review the proposed work program and submit its findings,  
426 questions, and comments to the district. The review must include  
427 a written evaluation of the program's consistency with the  
428 furtherance of the district's approved regional water supply  
429 plans, and the adequacy of proposed expenditures. As part of the  
430 review, the department shall give interested parties the  
431 opportunity to provide written comments on each district's  
432 proposed work program. Within 45 days after receipt of the  
433 department's evaluation, the governing board shall state in  
434 writing to the department which of the changes recommended in  
435 the evaluation it will incorporate into its work program

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436 submitted as part of the March 1 consolidated annual report  
437 required by s. 373.036(7) or specify the reasons for not  
438 incorporating the changes. The department shall include the  
439 district's responses in a final evaluation report and shall  
440 submit a copy of the report to the Governor, the President of  
441 the Senate, and the Speaker of the House of Representatives.

442 (c) ~~(b)~~ If any entity listed in paragraph (a) provides  
443 written comments to the district regarding any document  
444 furnished under this subsection, the district must respond to  
445 the comments in writing and furnish copies of the comments and  
446 written responses to the other entities.

447 (d) ~~(e)~~ The final adopted budget must be posted on the water  
448 management district's official website within 30 days after  
449 adoption.

450 Section 5. Section 373.605, Florida Statutes, is amended to  
451 read:

452 373.605 Group insurance for water management districts.—

453 ~~(1)~~ The governing board of a any water management district  
454 may is hereby authorized and empowered to provide group  
455 insurance for its employees, and the employees of another water  
456 management district, in the same manner and with the same  
457 provisions and limitations authorized for other public employees  
458 under by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

459 ~~(2) Any and all insurance agreements in effect as of~~  
460 ~~October 1, 1974, which conform to the provisions of this section~~  
461 ~~are hereby ratified.~~

462 Section 6. Section 373.618, Florida Statutes, is created to  
463 read:

464 373.618 Public service warnings, alerts, and

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465 announcements.—The Legislature believes it is in the public  
466 interest that all water management districts created pursuant to  
467 s. 373.069 own, acquire, develop, construct, operate, and manage  
468 public information systems. Public information systems may be  
469 located on property owned by the water management district, upon  
470 terms and conditions approved by the water management district,  
471 and must display messages to the general public concerning water  
472 management services, activities, events, and sponsors, as well  
473 as other public service announcements, including watering  
474 restrictions, severe weather reports, amber alerts, and other  
475 essential information needed by the public. Local government  
476 review or approval is not required for a public information  
477 system owned or hereafter acquired, developed, or constructed by  
478 the water management district on its own property. A public  
479 information system is exempt from the requirements of chapter  
480 479. Water management district funds may not be used to pay the  
481 cost to acquire, develop, construct, operate, or manage a public  
482 information system. Any necessary funds for a public information  
483 system shall be paid for and collected from private sponsors who  
484 may display commercial messages.

485       Section 7. Except as otherwise expressly provided in this  
486 act, this act shall take effect July 1, 2012.