

<b>Tab 2</b>	<b>SPB 7002 by EN; Water Management Districts</b>
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ENVIRONMENT AND NATURAL RESOURCES**

**Senator Rodriguez, Chair**  
**Senator Ingoglia, Vice Chair**

**MEETING DATE:** Tuesday, February 18, 2025  
**TIME:** 11:00 a.m.—1:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Rodriguez, Chair; Senator Ingoglia, Vice Chair; Senators Arrington, Avila, Brodeur, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Panel discussion on the implementation of SB 64 (2021) eliminating nonbeneficial discharges from wastewater utilities to surface water bodies by 2032.		Discussed
Consideration of proposed bill:			
2	<b>SPB 7002</b>	Water Management Districts; Requiring the Commission on Ethics to investigate a lobbyist or principal who has made a prohibited expenditure and to provide the Governor with a report of its findings and recommendations regarding such investigation; requiring the South Florida Water Management District, in cooperation with the Department of Environmental Protection, to provide a detailed report that includes the total estimated remaining cost of implementation of the Everglades restoration comprehensive plan and the status of all performance indicators; authorizing the districts to levy ad valorem taxes on property by resolution adopted by a majority vote of the governing board, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
<b>(Preliminary Draft Available - final draft will be made available at least 48 hours prior to the meeting)</b>			
3	Other Related Meeting Documents		



# ELIMINATING NONBENEFICIAL SURFACE WATER DISCHARGES

**John A. Coates**

Division of Water Resource Management  
Florida Department of Environmental Protection

Senate Committee on Environment and Natural Resources | Feb. 18, 2025



# CHAPTER 2021-168, LAWS OF FLORIDA

## OVERVIEW

- Effective June 29, 2021
  - Referred to as Senate Bill (SB) 64 (2021)
- Goal: **eliminate nonbeneficial surface water discharges** by Jan. 1, 2032.
- Created section 403.064(16), Florida Statutes (F.S.)
  - By Nov. 1, 2021, domestic wastewater facilities were required to submit a plan to the Florida Department of Environmental Protection (DEP) for eliminating nonbeneficial surface water discharge by Jan. 1, 2032.
    - DEP was required to approve or deny the plans within nine months of receipt.
  - Statute provided options for continued discharges and exemptions from the elimination requirement.
  - Included penalties for failure to submit a plan or have it approved.
  - Requires DEP to submit an annual report to the Legislature.



# SB 64 PLANS

- In 2021, 162 plans were submitted and approved by DEP.
  - After June 29, 2021, any permit application that **includes a new or expanded surface water discharge** must submit a plan.
  - Plan modifications are allowable under the law; time extensions are not.
- Plans are required to include the following:
  - The volume of water that will no longer be discharged to surface waters of the state and the date of elimination.
  - The volume of surface water discharge that will continue if allowed by provisions of the statute and the level of treatment that the continuing surface water discharge will receive.
- SB 64 (2021) does not prohibit the inclusion of a plan for backup discharges under section 403.086(8)(a), F.S. (APRICOT Act).
  - Backup discharge is a surface water discharge that occurs as part of a functioning reuse system and is up to 30% of permitted reuse capacity on an annual basis.





# PLAN APPROVAL

- Plans are approved if all the required information is included and the plan results in one or more of the following:
  - **Eliminates** the surface water discharge.
  - Meets the requirements of section 403.086(10), F.S. (**elimination of ocean outfall discharges**).
  - Meets at least one of the **allowable statutory surface water discharge alternatives** if the discharge is not fully eliminated.
    - Discharge is associated with an **indirect potable reuse** project.
    - Discharge is a **permitted wet weather discharge**.
    - Discharge is into a **stormwater management system** and is subsequently **withdrawn for irrigation** purposes.
    - The facility **reuses a minimum of 90%** of its annual average flow.
    - Discharge provides **direct ecological or public water supply benefits**.



# EXEMPTIONS

- **Plans are not required from domestic wastewater treatment facilities that meet one of the following criteria:**
  - Located in a fiscally constrained county as described in section 218.67(1), F.S.
  - Located in a municipality that is entirely within a rural area of opportunity as designated pursuant to section 288.0656, F.S.
  - Located in a municipality that has less than \$10 million in total revenue, as determined by the municipality's most recent annual financial report submitted to the Florida Department of Financial Services in accordance with section 218.32, F.S.
  - Operated by an operator of a mobile home park as defined in section 723.003, F.S., and has a permitted capacity of less than 300,000 gallons per day (GPD).



# ANNUAL REPORTS

- In Dec. 2021, DEP adopted new rule language (subsection 62-600.680(3), Florida Administrative Code [F.A.C.]) requiring permittees to submit an annual progress report to DEP by Nov. 1 of each year.
- DEP is required to submit an annual report to the Legislature by Dec. 31 of each year.
- The progress report data is compiled and utilized to complete the annual report to the Legislature.







# 2024 ANNUAL LEGISLATIVE REPORT



- Required facilities: 162
  - Approved exemptions: 33
  - Approved plans: 129
    - Proposed total elimination: 23
    - Proposed continued discharge: 106
- Approximately 569 million GPD of surface water discharges will be eliminated by Jan. 1, 2032.
  - Approximately 176 million GPD have already been eliminated.
- Approximately 375 million GPD of surface water discharges will continue under the allowable alternatives.



# PROCESS IMPROVEMENTS

- Wastewater facility staff meet with DEP staff as needed for communication and coordination on permitting.
- Communicate with facilities throughout the year to ensure data quality.
- Meet with facilities to discuss projects and permitting milestones for modifications to facilities.
- Update the annual progress report form template for improved data collection.
- Improve data tracking for facility plans and annual progress reports.





# HOT TOPICS AND CHALLENGES

- **Permitting and Compliance and Enforcement Policy Decisions**
  - Scenarios for eliminating a surface water discharge.
  - How to confirm compliance after 2032?
  - Does having an APRICOT Act surface water discharge satisfy the SB 64 requirement?
- **Questions and Concerns from Utilities and Consultants**
  - Ability to timely comply with requirements of SB 64 (2021).
  - Class V Underground Injection Control (UIC) wells were an option for total elimination; however, the cost of these wells have increased.
  - Class I (deep) UIC wells do not preserve the water resource.
  - 90% reuse is challenging for areas with reduced demand or limited options.





# THANK YOU

**John A. Coates**

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Florida Department of Environmental Protection

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# **Panelists for Implementation of SB 64**

**Steve Swann**

**City Engineer**

**City of Atlantic Beach**

**Bill Freeman**

**City Engineer**

**City of Flagler Beach**

**Jeff Greenwell**

**Environmental Services Manager**

**Hillsborough County Public Utilities**

**Rob Zammataro**

**Chief Water Systems Officer**

**JEA**

**John Coates,**

**Director of the Division of Water Resource Management**

**Department of Environmental Protection**





The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

02-18-25

Meeting Date

SB64-

Bill Number or Topic

Natural Resource

Committee

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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02/18/2025

Meeting Date

SB 64 PANAEI

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

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For

Against

Information

OR

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In Support

Against

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I am a registered lobbyist, representing:

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S-001 (08/10/2021)

2/18/25

Meeting Date

# The Florida Senate APPEARANCE RECORD

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SB64 PAMEL

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

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I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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FEB 18, 2025

Meeting Date

SB 64

Bill Number or Topic

ENV. & NAT RESOURCES

Committee

Amendment Barcode (if applicable)

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[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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S-001 (08/10/2021)



# APPEARANCE RECORD

2/18/25

Meeting Date

SB 64 (2021)

Bill Number or Topic

S. Environment and Natural Resources

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

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I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

State Employee

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

Senate Bill 64

Bill Number or Topic

2/18/2025

Meeting Date

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Env. & Natural Resources

Committee

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[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/18/25

Meeting Date

SB 64

Bill Number or Topic

Env. & Nat Resources

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PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: SB 7002

INTRODUCER: Environment and Natural Resources Committee

SUBJECT: Water Management Districts

DATE: February 18, 2025      REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Carroll</u>	<u>Rogers</u>	_____	<b>EN Submitted as Comm. Bill/Fav</b>

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**I. Summary:**

SB 7002 amends laws concerning water management district funding, budgeting, and business practices, as well as Everglades restoration projects more generally. The bill provides direct appropriations for listed Everglades restoration projects.

*District Funding*

The bill provides that water management districts may not use state funds as a local match for any state grant program unless specifically appropriated for that purpose.

The bill authorizes a district to levy ad valorem taxes by referendum to finance the construction of capital improvement projects related to water supply, water quality, flood protection and floodplain management, and natural systems.

District projects in the Statewide Flooding and Sea Level Rise Resilience Plan will be funded through a new loan program. The bill authorizes the issuance of 20-year, interest-free loans to finance projects submitted by a district. The bill commits the lesser of 26.042 percent or \$100 million from the Indian Gaming Revenue Clearing Trust Fund for this purpose.

*District Budgets*

Concerning preliminary budgets: the bill requires each water management district to include a section in its capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated in the district's five-year capital improvement plan. The bill requires the South Florida Water Management District (SFWMD) to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan.

Concerning tentative budgets: the bill authorizes the Legislative Budget Commission to reject district budget proposals for any portion of the budget funded with state appropriations and any individual project in a district's five-year capital improvement plan.

The bill requires SFWMD to incorporate the amount of state revenues appropriated for the fiscal year in the sections of its tentative budget document on the costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

#### *District Business Practices*

The bill prohibits a lobbyist or a principal from making, and a water management district governing board member, executive director, or district employee who qualifies as a local officer from knowingly accepting, any expenditure from a lobbyist for the purpose of lobbying.

The bill specifies that a quorum is necessary for a water management district governing board to conduct official business. It defines quorum as a majority of the members of the board, including appointed members and any vacancies.

For contractual services for the design, engineering, or construction of capital improvement projects costing \$1 million or more, the bill requires districts to give preference to the lowest responsible and responsive bid, proposal, or reply that includes a 10-year construction bond or that provides proof of a comparable financial assurance mechanism.

#### *Everglades Restoration*

The bill requires SFWMD to include the total estimated remaining cost to implement the comprehensive plan for the Central and Southern Florida Project Comprehensive Review Study in its progress report on the comprehensive plan.

The bill provides that state and local members of the South Florida Ecosystem Restoration Task Force may not include the assumption of the future availability of state funds over a certain amount in their recommendations for updates to the Integrated Delivery Schedule for Everglades restoration projects.

#### *Everglades Restoration Funding*

The bill includes Everglades Restoration funding for projects requested by SFWMD for the 2025-2026 fiscal year totaling over \$750 million. Projects include:

- C-111 South Dade;
- Indian River Lagoon South;
- Central Everglades Planning Project South;
- Central Everglades Planning Project North;
- Loxahatchee River Watershed Restoration Project;
- Western Everglades Restoration Project;
- Comprehensive Everglades Restoration Project Planning and Design;
- Caloosahatchee River C-43 West Basin Storage;
- Central Everglades Planning Project Everglades Agricultural Area Reservoir;
- Northern Everglades and Estuaries Protection Program; and
- Lake Okeechobee Watershed Restoration Project Aquifer Storage and Recovery Wells.



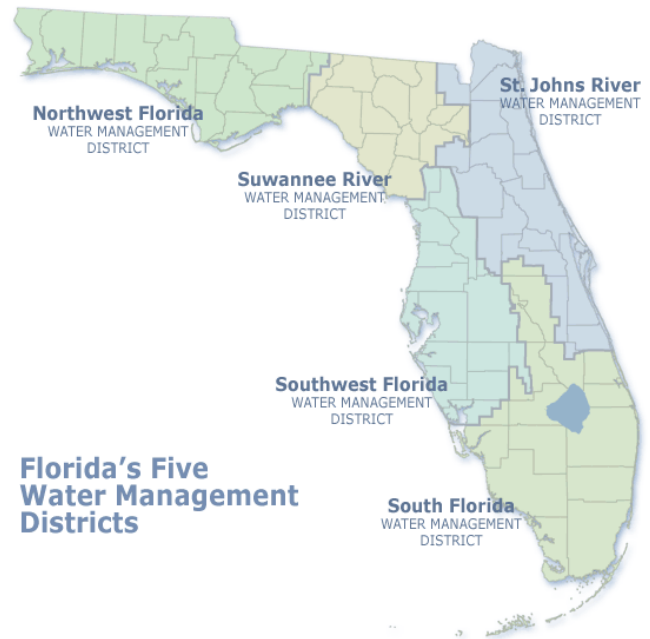
## II. Present Situation:

### Water Management Districts

Florida's water management districts are responsible for administering water resources at a regional level.<sup>1</sup> Their core focus is on water supply (including alternative water supply and the water resource development projects identified in a district's regional water supply plans), water quality, flood protection and floodplain management, and natural systems.<sup>2</sup>

Each water management district is directed by a governing board.<sup>3</sup> Each board includes nine members who reside in the district, except the Southwest Florida Water Management District board, which includes 13 members who reside in the district.<sup>4</sup> The Governor is tasked with appointing board members, subject to Senate confirmation.<sup>5</sup> Vacancies in governing boards prior to the expiration of the affected term must be filled for that term.<sup>6</sup>

Currently, the governing board for only one district – the St. Johns River Water Management District – has no vacancies.<sup>7</sup> The Northwest Florida, Suwannee River, and South Florida water management districts have eight out of nine possible members. The Southwest Florida Water Management District has 12 out of 13 possible members.<sup>8</sup>



<sup>1</sup> Florida Department of Environmental Protection (DEP), *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Feb. 14, 2025); section 373.069, F.S.

<sup>2</sup> DEP, *Water Management Districts*; s. 373.535(1)(a)2., F.S.

<sup>3</sup> Section 373.073, F.S.

<sup>4</sup> Section 373.073(1)(a), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 373.076, F.S.

<sup>7</sup> Northwest Florida Water Management District, *Governing Board*, <https://nwfwater.com/about/governing-board/> (last visited Feb. 14, 2025); Suwannee River Water Management District, *Current Governing Board Members*, <https://www.mysuwanneeriver.com/134/Current-Board-Members> (last visited Feb. 14, 2025); St. Johns River Water Management District, *Governing Board*, <https://www.sjrwmd.com/governingboard/> (last visited Feb. 14, 2025); Southwest Florida Water Management District, *Governing Board*, <https://www.swfwmd.state.fl.us/about/about-the-district/governing-board> (last visited Feb. 14, 2025); South Florida Water Management District, *Governing Board*, <https://www.sfwmd.gov/who-we-are/governing-board> (last visited Feb. 14, 2025).

<sup>8</sup> *Id.*

A governing board is required to meet at least once a month and upon the call of the chair.<sup>9</sup> There is no statutory language defining a quorum for district governing board purposes.<sup>10</sup> The governing boards may conduct meetings by means of communications media technology.<sup>11</sup>

### ***Lobbying Water Management Districts and Ethics Investigations***

Ethics laws concerning lobbying before water management districts require a lobbyist<sup>12</sup> to register with the district they intend to lobby.<sup>13</sup> To register, a lobbyist must provide a statement signed by the principal<sup>14</sup> or principal's representative stating that the lobbyist is authorized to represent the principal. The principal must also identify its main business on the authorization statement.<sup>15</sup> The registration form requires each lobbyist to disclose certain information.<sup>16</sup>

The Commission on Ethics<sup>17</sup> is required to investigate a lobbyist or principal if it receives allegations that the lobbyist or principal has failed to register with a district or has knowingly submitted false information in a report or registration.<sup>18</sup>

### ***Water Management District Contracts***

Water management districts are authorized in statute to purchase commodities and contractual services that have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation.<sup>19</sup> This authorization does not extend to the purchase of commodities and contractual services that fall under the definition of "professional services" in s. 287.055, F.S.<sup>20</sup>

Professional services are defined in the Consultants' Competitive Negotiation Act to include services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping.<sup>21</sup> The Act requires a water management district to publicly announce when such professional services must be purchased for projects that

<sup>9</sup> Section 373.079(7), F.S.

<sup>10</sup> See section 373.079, F.S.

<sup>11</sup> Section 373.079(7), F.S. As used in section 120.54(5)(b)2., F.S., communications media technology is "the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available."

<sup>12</sup> A lobbyist is a person who is employed and receives payment for lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Section 112.3215(1)(h), F.S.

<sup>13</sup> Section 112.3261(2), F.S.

<sup>14</sup> A principal is the person, firm, corporation, or other entity that employs or retains a lobbyist. Section 112.3215(1)(i), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 112.3261(2)(a)-(d), F.S.

<sup>17</sup> The Commission on Ethics is created in statute to "serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state...and to serve as the independent commission provided for in s. 8(f), Art. II of the State Constitution." Section 112.320, F.S.

<sup>18</sup> Section 112.3261(7), F.S.

<sup>19</sup> Section 373.6075, F.S. Water management districts may purchase commodities and contractual services from the purchasing contracts of special districts, municipalities, counties, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, or the federal government. *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Section 287.055(2)(a), F.S.

meet certain threshold amounts.<sup>22</sup> For each proposed project, the district must select, in order of preference, at least three firms that are the most highly qualified to perform the required services.<sup>23</sup> To do this, the district must consider factors including, but not limited to, the ability level of professional personnel, whether a firm is a certified minority business enterprise, past performance, and willingness to meet time and budget requirements.<sup>24</sup>

### ***Water Management District Budget Development***

The water management district fiscal year begins on October 1 and ends on September 30 of the following year.<sup>25</sup> On January 15 of each year, the water management districts must submit a preliminary budget for the next fiscal year for legislative review.<sup>26</sup> The Legislature may review each preliminary budget by March 1 and submit comments to the districts.<sup>27</sup> Any district that receives comments must respond in writing to the Legislature and the Governor by March 15.<sup>28</sup>

Following the review of the preliminary budget, if the Legislature takes no action<sup>29</sup> by July 1, a water management district may proceed with the budget process.<sup>30</sup> By July 15 of each year, the budget officer of each district must develop a tentative budget and submit it for review and adoption by the governing board.<sup>31</sup> By August 1, the tentative budget must also be submitted for review to the Legislature, the Governor, the chairs of all legislative committees and subcommittees that have substantive or fiscal jurisdiction over water management districts, the secretary of the Florida Department of Environmental Protection (DEP), and the governing body of each county in which the district has jurisdiction or derives any funds for district operations.<sup>32</sup> The tentative budget submission must include a description of any significant changes from the preliminary budget.<sup>33</sup>

By September 5, the chairs of each legislative committee and subcommittee may submit comments and objections to the districts.<sup>34</sup> Each district's governing board must include its response in the record of the meeting in which the final budget is adopted.<sup>35</sup> The record must be transmitted to the Governor, the chairs of the legislative appropriations committees, and DEP.

<sup>22</sup> Section 287.055(3)(a)1., F.S. Threshold amounts for purchasing categories are as follows: Category 1 is \$20,000, Category 2 is \$35,000, Category 3 is \$65,000, Category 4 is \$195,000, and Category 5 is \$325,000. Section 287.017, F.S.

<sup>23</sup> Section 287.055(4)(b), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 373.536, F.S.

<sup>26</sup> Section 373.535(1)(a), F.S. The preliminary budget must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the chairs of each legislative committee and subcommittee having substantive or fiscal jurisdiction over water management districts, as applicable. *Id.*

<sup>27</sup> Section 373.535(2)(a), (b), F.S.

<sup>28</sup> Section 373.535(2)(b), F.S.

<sup>29</sup> The Legislature is required to annually review districts' preliminary budgets to ensure that taxes authorized by chapter 373, F.S., continue to be in proportion to the benefits derived by the parcels of real estate within the districts. Based on the review, the Legislature can set the authorized maximum millage rate or the maximum amount of property tax revenue to be raised by each district in the next fiscal year from the taxes levied. Section 373.503(4), F.S.

<sup>30</sup> Section 373.535(2)(c), F.S.

<sup>31</sup> Section 373.535(3), F.S.; section 373.536(2), F.S.

<sup>32</sup> Section 373.536(5)(d), F.S. The tentative budget must also be posted on the district's website at least two days prior to budget hearings. *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Section 373.536(5)(f), F.S.

<sup>35</sup> *Id.*

Then, by December 15, the Executive Office of the Governor must file with the Legislature a report that summarizes its review of the tentative budget.<sup>36</sup>

The Executive Office of the Governor may approve or disapprove all or part of the budget of each water management district.<sup>37</sup> The Legislative Budget Commission may also reject the following district budget proposals:

- A single purchase of land over \$10 million, except for land exchanges.
- Any cumulative purchase of land during a single fiscal year over \$50 million.
- Any issuance of debt on or after July 1, 2012.
- Program expenditures relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration<sup>38</sup> in excess of 15 percent of a district's total annual budget.
- Any individual variances in the tentative budget over 25 percent from the preliminary budget.<sup>39</sup>

Written disapproval of any provision in the tentative budget must be received by the district at least five business days before the final district budget adoption hearing.<sup>40</sup>

After the final budget adoption hearing, each district must submit copies of the following documents to the Governor, the Legislature, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over the districts, the secretary of DEP, and the governing board of each county in which the district has jurisdiction or derives any funds for the operation of the district:

- The adopted budget;
- A financial audit of the district's accounts and records;
- A five-year capital improvement plan, which will be included in the consolidated annual report<sup>41</sup> and which must include expected sources of revenue for planned improvement; and
- A five-year water resource development work program.<sup>42</sup>

### ***Water Management District Budget Contents***

Each preliminary budget must include the following:

- A section clearly identifying and justifying each proposed expenditure relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration.<sup>43</sup> It must also identify the source of funds for each proposed expenditure.

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<sup>36</sup> Section 373.536(5)(g), F.S.

<sup>37</sup> Section 373.536(5)(a), F.S.

<sup>38</sup> These expenditures are listed in s. 373.536(5)(e)4.e. and f., F.S.

<sup>39</sup> Section 373.536(5)(c), F.S.

<sup>40</sup> Section 373.536(5), F.S.

<sup>41</sup> The consolidated annual report is required under the Florida Water Plan in section 373.036(7), F.S.

<sup>42</sup> Section 373.536(6)(a), F.S.

<sup>43</sup> Section 373.535(1)(a), F.S.

- A section identifying the justification for proposed expenditures by core mission area of responsibility and the source of funds needed for activities related to water supply, water quality, flood protection and floodplain management, and natural systems.
- A section reviewing the adopted and proposed budget allocations by program area and the performance metrics of the prior year.
- An analysis of each preliminary budget to determine the adequacy of fiscal resources available to the district and the adequacy of proposed district expenditures relating to its core mission areas. The analysis must be based on the needs of each district for its core mission areas of responsibility.<sup>44</sup>

If applicable, the preliminary budget must specify that a district's first obligation for payment is the debt service on bonds and certificates of participation.<sup>45</sup>

Each preliminary budget must also include everything required in the tentative budget; the tentative budget must be based on the preliminary budget.<sup>46</sup> Both budgets must include, but are not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year:

- The estimated amount of funds remaining at the beginning of the fiscal year, which are obligated for the payment of outstanding commitments that are not completed.<sup>47</sup>
- The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, as well as an accounting of the source, balance, and projected future use of the unobligated funds and the estimated amount of funds that the district will raise through taxes or receive from other sources to meet the requirements of the district.
- The millage rates and the percentage increase above the rolled-back rate, an explanation of the necessity of the increase, and the percentage increase in taxable value from new construction in the district.
- The salaries and benefits, expenses, operating capital outlay, number of authorized positions, other personal services, and estimated amounts in the district budget for certain enumerated program areas.
- The total estimated amount in the district budget for each program area and for water resource, water supply, and alternative water supply development projects identified in the district's regional water supply plans.
- A description of each new, expanded, reduced, or eliminated program.
- The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user and permit fees for each program area.<sup>48</sup>

In addition to other program areas, the South Florida Water Management District must also include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.<sup>49</sup>

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<sup>44</sup> *Id.*

<sup>45</sup> Section 373.535(1)(b), F.S.

<sup>46</sup> Section 373.535(1)(a), F.S.; Section 373.536(5)(e), F.S.

<sup>47</sup> Section 373.536(5)(e), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*



### ***Water Management District Taxes***

General regulatory and administrative functions of the water management districts benefit all of the people of the state and therefore those functions may be financed by general appropriations. Water resources programs of the districts that are of particular benefit to limited groups of people should be financed by the people who are most directly benefited.<sup>50</sup> Because of this policy, water management districts may finance their activities in part through ad valorem taxes.<sup>51</sup>

The Florida Constitution sets maximum millage rates for water management purposes.<sup>52</sup> The constitutional maximum millage rate is 0.05 mill for the northwest portion of the state and 1.0 mill for the rest of the state.<sup>53</sup> This millage may only be levied by the water management districts.<sup>54</sup>

Water management districts may, if appropriate, separate the taxes they levy into a millage necessary for the purposes of the district and a millage necessary for financing basin functions.<sup>55</sup> Notwithstanding any other law, and subject to annual legislative review in the preliminary budgets of each district, the maximum total millage rates for district and basin purposes are as follows:

- Northwest Florida Water Management District: 0.05 mill.
- Suwannee River Water Management District: 0.75 mill.
- St. Johns River Water Management District: 0.60 mill.
- Southwest Florida Water Management District: 1.0 mill.<sup>56</sup> In the Southwest Florida Water Management District, the maximum millage assessed for district purposes may not exceed 50 percent of the total authorized millage if there are one or more basins in the district, and the maximum millage assessed for basin purposes may not exceed 50 percent of the total authorized millage.<sup>57</sup>
- South Florida Water Management District: 0.80 mill.<sup>58</sup> The apportionment of taxes raised by the South Florida Water Management District is a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes.<sup>59</sup>

### ***Resilience Funding***

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland

<sup>50</sup> Section 373.503(1), F.S.

<sup>51</sup> *Id.* An ad valorem tax is a tax imposed on the value of property. Ad valorem taxes are commonly imposed by states, counties, and cities on real estate. These taxes are levied on property in proportion to its value, as determined by assessment or appraisal. West's Tax Law Dictionary §A530.

<sup>52</sup> FLA. CONST. art. VII, s. 9(b).

<sup>53</sup> *Id.*

<sup>54</sup> Section 373.503(2)(a), F.S.

<sup>55</sup> Section 373.503(3), F.S. Basin functions include: preparing engineering plans for water resources development and holding related public hearings, developing and preparing the overall basin plan for secondary water control facilities, budgeting, considering and approval of final construction plans for works that will be constructed within the basin, managing basin affairs, and planning for and providing water supply and transmission facilities for water supply. Section 373.0695(1), F.S.

<sup>56</sup> Section 373.503(3)(a), F.S.

<sup>57</sup> Section 373.503(3)(c), F.S.

<sup>58</sup> Section 373.503(3)(a), F.S.

<sup>59</sup> Section 373.503(3)(b), F.S.

communities in the state.<sup>60</sup> Local governments and certain local districts may submit projects for funding. Water management districts may also submit projects for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.<sup>61</sup>

Each project included in the plan must have a minimum 50 percent cost share unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.<sup>62</sup> The total amount of funding proposed for each year of the plan may not be less than \$100 million.<sup>63</sup> The Legislature must review and, subject to appropriation, approve funding.<sup>64</sup>

The Resilient Florida Trust Fund is a source of funding for the Statewide Flooding and Sea-Level Rise Resilience Plan, including costs to operate the grant program, to develop the plan, and to provide grants to regional resilience coalitions.<sup>65</sup> The Resilient Florida Trust Fund is scheduled to be terminated on July 1, 2025. It is expected to be saved from repeal by another bill in the 2025 Session.

As of 2024, revenues from the gaming compact between the Seminole Tribe of Florida and the State of Florida are distributed in part to the Resilient Florida Trust Fund for the Statewide Flooding and Sea Level Rise Resilience Plan.<sup>66</sup> Specifically, the lesser of 26.042 percent or \$100 million each fiscal year is deposited into the Resilient Florida Trust Fund for the plan.<sup>67</sup> Additionally, the Resilient Florida Trust Fund is funded by a percentage of documentary stamp tax revenues.<sup>68</sup> These funds may be used for planning and project grants.<sup>69</sup>

### ***The South Florida Water Management District***

The South Florida Water Management District (SFWMD) was created in 1949 and is the oldest and largest of Florida's water management districts.<sup>70</sup> SFWMD covers 16 counties and stretches from Orlando at its northernmost point to the Florida Keys at its southernmost point. It is responsible for managing the water resources for 9 million residents by balancing and improving flood control, water supply, water quality, and natural systems.<sup>71</sup>

Pursuant to its mission, SFWMD manages the Central and Southern Florida (C&SF) Project.<sup>72</sup> The C&SF Project was authorized in 1948 to provide flood control, water supply, saltwater intrusion prevention, fish and wildlife preservation, recreation, and navigation in Central and

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<sup>60</sup> Section 380.093(5)(a), F.S.

<sup>61</sup> Section 380.093(5)(a), F.S.

<sup>62</sup> Section 380.093(5)(e), F.S.

<sup>63</sup> Section 380.093(5)(h), F.S.

<sup>64</sup> *Id.*

<sup>65</sup> Section 380.0935(2), F.S.

<sup>66</sup> Section 380.095(2), F.S.; chapter 2024-58, Laws of Fla.

<sup>67</sup> Section 380.095(2)(c), F.S.

<sup>68</sup> Section 201.15(4)(g), F.S.

<sup>69</sup> *Id.*

<sup>70</sup> SFWMD, *Who We Are*, <https://www.sfwmd.gov/who-we-are> (last visited Feb. 14, 2025).

<sup>71</sup> *Id.*

<sup>72</sup> SFWMD, *2024 Consolidated Annual Report on Flood Resiliency*, 2 (Oct. 2024), available at [https://www.sfwmd.gov/sites/default/files/documents/Flood\\_Resiliency\\_SFWMD\\_2024\\_Consolidated\\_Annual\\_Report.pdf](https://www.sfwmd.gov/sites/default/files/documents/Flood_Resiliency_SFWMD_2024_Consolidated_Annual_Report.pdf).

South Florida.<sup>73</sup> The C&SF Project includes over 2,100 miles of canals and levees, 918 water control structures, and 89 pump stations.<sup>74</sup> Much of this infrastructure is over 60 years old and SFWMD has determined that it will need repair or replacement to address the risk of more frequent and significant flooding.<sup>75</sup>

### **Everglades Restoration**

At one time, the Everglades system covered well over 7 million acres of South Florida.<sup>76</sup> Water flowed uninterrupted from the Kissimmee River to Lake Okeechobee through the “River of Grass” that was the Everglades and then on to the Biscayne Bay estuaries, the Ten Thousand Islands, and Florida Bay.<sup>77</sup> By the early 1900s, land in the Everglades was being drained to make room for agriculture and development, with little concern for the increasingly damaged ecosystem.<sup>78</sup>

Early conservationists, scientists, and other advocates, however, were concerned about environmental degradation and with their support, the Everglades National Park was created in 1947.<sup>79</sup> The following year, Congress authorized the C&SF Project.<sup>80</sup> It addressed flood control, regional water supply, prevention of saltwater intrusion, water supply to Everglades National Park, wildlife preservation, recreation, and navigation.<sup>81</sup> The Project initially focused on the construction of levees and canals, water control structures, pump stations, and other projects.<sup>82</sup>

In spite of its stated purpose, the construction and operation of the C&SF Project had unintended adverse effects on the Everglades system.<sup>83</sup> Some of these included extreme fluctuations in the water levels of Lake Okeechobee, extreme fluctuations in the salinity levels of the Caloosahatchee and St. Lucie estuaries caused by major changes in freshwater discharges, detrimental changes in hydrologic conditions in freshwater wetland habitats, and fluctuations in the salinity levels of Florida and Biscayne bays caused by unsuitable freshwater flows. Wading bird populations are indicative of ecosystem health; by 1999, those populations had decreased by 85-90 percent and were steadily declining.<sup>84</sup> Further, the C&SF Project created water supply shortages in Central and South Florida during dry periods, because the canals drained water off the land too quickly without allowing for storage.<sup>85</sup>

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<sup>73</sup> SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i, 1-1 (April 1999), available at [https://www.sfwmd.gov/sites/default/files/documents/CENTRAL\\_AND\\_SOUTHERN\\_FLORIDA\\_PROJECT\\_COMPREHENSIVE\\_REVIEW\\_STUDY.pdf](https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf).

<sup>74</sup> SFWMD, *2024 Consolidated Annual Report on Flood Resiliency* at 2.

<sup>75</sup> *Id.*

<sup>76</sup> SFWMD, *Everglades*, <https://www.sfwmd.gov/our-work/everglades> (last visited Feb. 14, 2025).

<sup>77</sup> *Id.*; National Park Service, *Everglades*, <https://www.nps.gov/ever/learn/historyculture/index.htm> (last visited Feb. 14, 2025).

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> The Flood Control Act of 1948. Pub. L. No. 858, s. 203, 62 Stat. 1176.

<sup>81</sup> SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* at i.

<sup>82</sup> *Id.*; SFWMD, *2024 Consolidated Annual Report on Flood Resiliency* at 2.

<sup>83</sup> *Id.* at iii.

<sup>84</sup> *Id.*

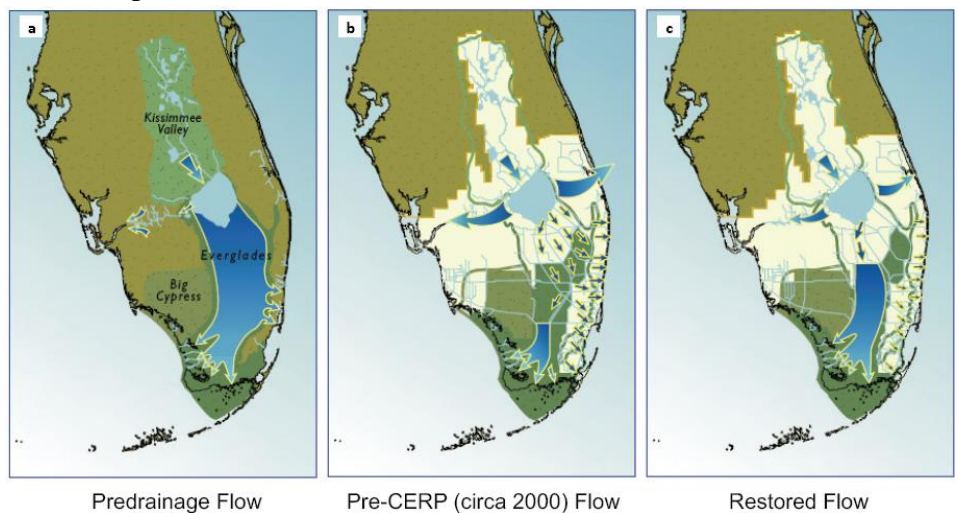
<sup>85</sup> *Id.* at iii.

In 1994, in response to litigation over water quality issues in the Everglades, the State of Florida adopted the Everglades Forever Act.<sup>86</sup> The State also began to implement the Everglades Construction Project, which focused on the construction of stormwater treatment areas and the implementation of best management practices to improve water quality flowing south.<sup>87</sup>

The federal government was increasingly concerned about the environmental consequences of the C&SF Project and in 1992 and 1996, Congress authorized the Comprehensive Review Study (Restudy).<sup>88</sup> The Restudy reexamined the C&SF Project to evaluate modifications that would help restore the Everglades ecosystem. Following the reexamination of the C&SF Project, the Restudy recommended a comprehensive plan that included structural and operational changes to the project in 1999.

In response to the Restudy, Congress authorized the Comprehensive Everglades Restoration Plan (CERP) in the Water Resources Development Act of 2000.<sup>89</sup> CERP is a framework for

modifications and operational changes to the C&SF Project that are necessary to restore, preserve, and protect the South Florida ecosystem, while providing for other water-related needs of the region, including water supply and flood protection.<sup>90</sup> CERP contains over 68 individual components comprising more than 50 projects.<sup>91</sup>



<sup>86</sup> SFWMD, *Conceptual Design Document* (1994), available at <https://www.sfwmd.gov/sites/default/files/documents/epp%20conceptual%20design.pdf>; DEP, *Everglades Forever Act*, <https://floridadep.gov/owper/eco-restoration/content/everglades-forever-act-efa> (last visited Feb. 14, 2025); Keith W. Rizzardi, *Alligators and Litigators: A Recent History of Everglades Regulation and Litigation*, *The Florida Bar*, vol. 75, no. 3, 18 (March 2001), available at <https://www.floridabar.org/the-florida-bar-journal/alligators-and-litigators-a-recent-history-of-everglades-regulation-and-litigation/>.

<sup>87</sup> See, section 373.4592(2)(g) defining the Everglades Construction Project as a project described in the February 15, 1994, conceptual design document together with construction and operation schedules on file with the South Florida Water Management District, except as modified by this section and further described in the Long-Term Plan. SFWMD, *Conceptual Design Document* (1994); DEP, *Everglades Forever Act*.

<sup>88</sup> SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* at 1-3.

<sup>89</sup> Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601, 114 Stat. 2680 (2000); U.S. Army Corps of Engineers, *Central & Southern Florida (C&SF) Project*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/C-SF-Project-C/> (last visited Feb. 14, 2025).

<sup>90</sup> National Park Service, *Everglades: Comprehensive Everglades Restoration Plan (CERP)*, <https://www.nps.gov/ever/learn/nature/ceerp.htm> (last visited Feb. 14, 2025).

<sup>91</sup> U.S. Army Corps of Engineers, *Central & Southern Florida (C&SF) Project*; see generally SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*. The April 1999 Central and Southern Florida Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, commonly known as the “Yellow Book,” contains the original CERP plan authorized by Congress. The plan identifies CERP components using a code of letters.



These components improve delivery and timing within the Everglades system by increasing the size of natural areas, improving water quality, releasing water to mimic historical flow patterns, and storing and distributing water for urban, agricultural, and ecological uses.<sup>92</sup> CERP covers around 18,000 square miles, including all or part of 18 counties in central and southern Florida.<sup>93</sup>

The federal legislation provides the framework for CERP as a 50/50 cost-share program between the state and federal government.<sup>94</sup> The Army Corps of Engineers is the federal sponsor for the partnership and SFWMD is the lead non-federal sponsor.<sup>95</sup> The agencies track the cost-sharing based on their total respective spending on CERP initiatives. In 2009, the Army Corps of Engineers and SFWMD executed a Master Agreement, an umbrella agreement for CERP projects that established conditions for cost-sharing and for project partnership agreements.<sup>96</sup> Project partnership agreements establish project-specific responsibilities for the implementing agencies and provide project-specific credit to SFWMD for its land acquisition and project construction efforts completed prior to the agreement.<sup>97</sup> At the time of the agreement, the State of Florida and SFWMD had invested approximately \$2.4 billion for CERP, including approximately \$300 million for construction.<sup>98</sup>

### ***South Florida Ecosystem Restoration Task Force***

Congress established the intergovernmental South Florida Ecosystem Restoration Task Force in 1996.<sup>99</sup> The task force brings together federal, state, Tribal, and local agencies involved in Everglades restoration.<sup>100</sup> There are 15 members of the task force, including seven federal, two Tribal, and six state and local government representatives at the senior leadership level.<sup>101</sup> The task force's role is to coordinate the conservation, restoration, and research efforts for the Everglades ecosystem.<sup>102</sup> To coordinate restoration projects, the task force compiles the Integrated Delivery Schedule.<sup>103</sup>

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<sup>92</sup> *Restudy*, at vii-x.

<sup>93</sup> U.S. Army Corps of Engineers, *Central & Southern Florida (C&SF) Project*. The figure on this page shows the changing water flow in the Everglades. National Academy of Sciences, *Progress Toward Restoring the Everglades: Ninth Biennial Review – 2022*, 24 (2022), available at <https://nap.nationalacademies.org/read/26706/chapter/4#24>.

<sup>94</sup> Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601(e), 114 Stat. 2684 (2000).

<sup>95</sup> U.S. Army Corps of Engineers, *Central & Southern Florida (C&SF) Project*.

<sup>96</sup> See SFWMD, *News Release: Momentum for Everglades Restoration Continues with Historic State-Federal Agreements* (Aug. 13, 2009), available at [https://www.sfwmd.gov/sites/default/files/documents/nr\\_2009\\_0813\\_master\\_agreement.pdf](https://www.sfwmd.gov/sites/default/files/documents/nr_2009_0813_master_agreement.pdf).

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> Everglades Restoration, U.S. Department of the Interior, Office of Everglades Restoration Initiatives, *The South Florida Ecosystem Restoration Task Force: About Us*, <https://www.evergladesrestoration.gov/overview> (last visited Feb. 14, 2025).

<sup>100</sup> South Florida Ecosystem Restoration Task Force, *2022 Biennial Report*, i (Dec. 2022), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/63a493a62905c4171d028c83/1671730088082/December+2022+Final+Biennial+Report.pdf>.

<sup>101</sup> Department of the Interior, *South Florida Ecosystem Restoration Task Force Charter*, 2-3 (Sept. 2023), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/651d6ab2891e7229053fdde4/1696426676989/Charter.pdf>.

<sup>102</sup> South Florida Ecosystem Restoration Task Force, *2022 Biennial Report* at i.

<sup>103</sup> *Id.* at 2.

The Integrated Delivery Schedule lists Everglades restoration projects to reflect upcoming design and program schedules and programmatic costs.<sup>104</sup> The image on this page is included in the 2024 Integrated Delivery Schedule update and shows the South Florida Ecosystem Restoration investment through fiscal year 2023.<sup>105</sup> The Integrated Delivery Schedule does not include the funding needed for completed work or land acquisition.<sup>106</sup> Further, it does not require agency action and is not a decision document.<sup>107</sup>

The Integrated Delivery Schedule serves the purpose of the Master Implementation Sequencing Plan described in the original CERP plan.<sup>108</sup> CERP requires the Army Corps of Engineers and SFWMD, in consultation with other federal, state, Tribal, and local agencies to develop the Master Implementation Sequencing Plan, which provides sequencing and scheduling for the implementation of all included projects based on the best scientific, technical, funding, contracting, and other information available. The Army Corps of Engineers and SFWMD must also consult with the South Florida Ecosystem Restoration Task Force in preparing the Master Implementation Sequencing Plan.<sup>109</sup>

SOUTH FLORIDA ECOSYSTEM RESTORATION (SFER) INVESTMENT THROUGH FY2023 (Millions)					
	FEDERAL			NON-FEDERAL	GRAND TOTAL
	USACE	DOI	TOTAL	MULTIPLE AGENCIES	
Modified Water Deliveries to ENP	\$ 78	\$ 317	\$ 395	-	\$ 395
Critical Projects	\$ 89	-	\$ 89	\$ 88	\$ 177
Kissimmee River Restoration	\$ 487	-	\$ 487	\$ 438	\$ 925
C&S Non-CERP	\$ 788	\$ 52	\$ 840	\$ 227	\$ 1,067
C&S CERP	\$ 2,524	\$ 112	\$ 2,637	\$ 2,823	\$ 5,460
C&S CERP, to be credited	-	-	-	\$ 984	\$ 984
<b>TOTAL SFER</b>	<b>\$ 3,965</b>	<b>\$ 482</b>	<b>\$ 4,446</b>	<b>\$ 4,560</b>	<b>\$ 9,008</b>
Herbert Hoover Dike Restoration Strategies and ECP	\$ 1,559	-	\$ 1,559	\$ 100	\$ 1,659
	-	-	-	\$ 2,612	\$ 2,612

**State Funding for Everglades Restoration**

Everglades restoration projects receive funding from the state through general appropriations and through the Land Acquisition Trust Fund within DEP.<sup>110</sup> The Land Acquisition Trust Fund is designated in the Florida Constitution to receive certain documentary stamp tax revenues.<sup>111</sup> For fiscal year 2023-2024, \$1.1 billion was deposited into the Land Acquisition Trust Fund from documentary stamp tax revenues.<sup>112</sup> Funds distributed into the Land Acquisition Trust Fund must be applied first to pay debt service or to fund debt service reserve funds, rebate obligations, or

<sup>104</sup> *Id.*; South Florida Ecosystem Restoration Task Force, *Integrated Delivery Schedule 2024 Update*, 1 (2024), available at [https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/6759afacafb52e728f61dd9d/1733930924242/IDS\\_2024.pdf](https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/6759afacafb52e728f61dd9d/1733930924242/IDS_2024.pdf); U.S. Army Corps of Engineers, *Integrated Delivery Schedule*, <https://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/Integrated-Delivery-Schedule/> (last visited Feb. 14, 2025).

<sup>105</sup> South Florida Ecosystem Restoration Task Force, *Integrated Delivery Schedule 2024 Update* at 1.

<sup>106</sup> U.S. Army Corps of Engineers, *Integrated Delivery Schedule*.

<sup>107</sup> *Id.*; South Florida Ecosystem Restoration Task Force, *Integrated Delivery Schedule 2024 Update* at 1.

<sup>108</sup> South Florida Ecosystem Restoration Task Force, *Integrated Delivery Schedule 2024 Update* at 1.

<sup>109</sup> 33 CFR §385.30.

<sup>110</sup> Section 375.041, F.S.

<sup>111</sup> Section 373.041(1), F.S.

<sup>112</sup> Office of Economic and Demographic Research, *Conference Results: Documentary Stamp Tax Collections and Distributions*, 1 (Aug. 2024), available at <https://edr.state.fl.us/Content/conferences/docstamp/docstampresults.pdf>.

other amounts payable with respect to Florida Forever bonds.<sup>113</sup> Of the funds remaining, but before funds may be appropriated, pledged, or dedicated for other uses:

- A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement CERP, the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program, with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
  - \$32 million annually through the 2023-2024 fiscal year for the Long-Term Plan;
  - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 fiscal year for CERP; and
  - Any remaining funds for Everglades projects under CERP, the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
- \$5 million annually through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka;
- \$64 million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area Reservoir project and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or the Northern Everglades and Estuaries Protection Program;
- \$50 million annually to SFWMD for the Lake Okeechobee Watershed Restoration Project; and
- \$100 million annually to DEP for the acquisition of land.

Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.<sup>114</sup>

### ***Restoration Projects Funded in the Bill***

The Northern Everglades and Estuaries Protection Program (NEEPP) includes a phased, comprehensive, and innovative protection program that involves the creation of watershed protection plans to improve the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem.<sup>115</sup> NEEPP includes the Lake Okeechobee, St. Lucie, and Caloosahatchee watershed protection plans. The plan for each watershed requires research and monitoring, best management practices implementation, refinement of current regulations, and structural and nonstructural projects.<sup>116</sup>

The Western Everglades Restoration Project will use a series of water management and water quality features and will make alterations to existing canals and levees to improve the quantity,

<sup>113</sup> Section 373.041(3)(a), F.S.

<sup>114</sup> Section 375.041(2)(b), F.S.

<sup>115</sup> Section 373.4595, F.S.; SFWMD, *Northern Everglades Watershed Protection Plans (WPPs)*, <https://www.sfwmd.gov/our-work/wpps> (last visited Feb. 14, 2025).

<sup>116</sup> *Id.*

timing, quality, and distribution of water in the western Everglades.<sup>117</sup> The project will restore sheet flow across the Big Cypress Seminole Indian Reservation and into Big Cypress National Park, provide flood protection on Seminole Tribal lands, and ensure that the water is meeting water quality standards.<sup>118</sup>

The C-111 South Dade Project is a CERP project that will restore hydrologic conditions in Taylor Slough and the eastern panhandle of Everglades National Park, while also providing flood protection in southern Dade County.<sup>119</sup> It will include the construction of a hydraulic ridge to prevent groundwater from seeping out of Everglades National Park, which will allow additional water to flow south into Florida Bay.<sup>120</sup>

The Indian River Lagoon-South Restoration Project is projected to reverse the damaging effects of pollution and large freshwater discharges into the Indian River Lagoon.<sup>121</sup> The project will feature an aboveground storage reservoir, stormwater treatment areas, restored wetlands, and muck removal.<sup>122</sup>

The Central Everglades Planning Project will increase storage, treatment, and conveyance of water south of Lake Okeechobee, remove canals and levees in the Everglades, and retain water in Everglades National Park to prevent flooding.<sup>123</sup> Due to the size and complexity of the project, it has been divided into three implementation phases, two of which are “North” and “South.” The North Phase includes project features in the northern Water Conservation Area 3A and the South Phase includes project features in the southern Water Conservation Areas 3A and 3B, as well as Everglades National Park.<sup>124</sup> The project also includes construction of the 240,000 acre-foot Everglades Agricultural Area Reservoir and a 6,500 acre-foot stormwater treatment area.<sup>125</sup>

The Loxahatchee River Watershed Restoration Project is a CERP project that will restore and sustain the overall quantity, quality, timing, and distribution of fresh water to the federally designated “National Wild and Scenic” Northwest Fork of the Loxahatchee River.<sup>126</sup> It will also reconnect the wetlands and watersheds that make up the Loxahatchee River headwaters. The

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<sup>117</sup> U.S. Army Corps of Engineers, *Western Everglades Restoration Project*, <https://www.saj.usace.army.mil/WERP/> (last visited Feb. 14, 2025).

<sup>118</sup> *Id.*

<sup>119</sup> U.S. Army Corps of Engineers, *C-111 South Dade Project*, <https://www.saj.usace.army.mil/C111SouthDade/> (last visited Feb. 14, 2025).

<sup>120</sup> *Id.*

<sup>121</sup> U.S. Army Corps of Engineers, *Indian River Lagoon-South: Facts and Information*, 1 (Nov. 2022), available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/5921>.

<sup>122</sup> *Id.*

<sup>123</sup> U.S. Army Corps of Engineers, *Central Everglades Planning Project*, <https://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/Central-Everglades-Planning-Project/#:~:text=The%20Central%20Everglades%20Planning%20Project%20will%20identify%20and,is%20a%20major%20component%20of%20this%20planning%20effort> (last visited Feb. 14, 2025).

<sup>124</sup> U.S. Army Corps of Engineers, *Central Everglades Planning Project South*, <https://www.saj.usace.army.mil/CEPPSouth/> (last visited Feb. 14, 2025).

<sup>125</sup> U.S. Army Corps of Engineers, *Central Everglades Planning Project – Everglades Agricultural Area (EAA) Reservoir*, <https://www.saj.usace.army.mil/CEPPEAA/> (last visited Feb. 14, 2025).

<sup>126</sup> U.S. Army Corps of Engineers, *Loxahatchee River Watershed Restoration Project*, <https://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/Loxahatchee-River-Watershed-Restoration-Project/> (last visited Feb. 14, 2025).

Project area includes approximately 753 square miles in central and northern Palm Beach County and southern Martin County.<sup>127</sup>

The Caloosahatchee River C-43 West Basin Storage Reservoir is a CERP project that will store approximately 170,000 acre-feet of stormwater runoff and releases from Lake Okeechobee.<sup>128</sup> The added storage will reduce the volume of discharges from Lake Okeechobee to the Caloosahatchee Estuary during the wet season and will provide added flow to the estuary during the dry season.<sup>129</sup>

The Lake Okeechobee Watershed Restoration Project includes the installation of up to 55 aquifer storage and recovery wells in northern Everglades watersheds that will reduce harmful discharges from Lake Okeechobee to the Caloosahatchee and St. Lucie estuaries.<sup>130</sup> The project is designed to increase water storage capacity in the watershed, resulting in improved Lake Okeechobee water levels, improved quantity, timing, and distribution of water to the northern estuaries, to improve water supply for existing legal Lake Okeechobee Service Area users, and to restore wetlands within the project area.<sup>131</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 112.3261, F.S., which regulates lobbying before water management districts. The bill requires the Commission on Ethics to investigate a lobbyist or principal if the Commission receives a complaint alleging that the lobbyist or principal has made a prohibited expenditure. The bill defines “expenditure” as a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.<sup>132</sup>

The bill also prohibits, notwithstanding any law to the contrary, a lobbyist or principal from making, directly or indirectly, and a district governing board member, executive director, or any district employee who is a local officer<sup>133</sup> from knowingly accepting, directly or indirectly, any expenditure.

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<sup>127</sup> *Id.*

<sup>128</sup> SFWMD, *C-43 West Basin Storage Reservoir Water Quality Component Working Group*, <https://www.sfwmd.gov/our-work/c43waterqualitystudy> (last visited Feb. 14, 2025).

<sup>129</sup> *Id.*

<sup>130</sup> SFWMD, *2024 South Florida Environmental Report* at 8A-25.

<sup>131</sup> USACE, *Integrated Project Implementation Report and Supplemental Environmental Impact Statement*, <https://www.saj.usace.army.mil/LOWRP/> (last visited Feb. 14, 2025).

<sup>132</sup> The term “expenditure” does not include contributions or expenditures reported pursuant to state campaign financing law, federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by political organizations that are exempt under 26 U.S.C. § 527 or certain non-profit civic leagues or organizations that are exempt under 26 U.S.C. § 501(c)(4). “Expenditure” has the same meaning as it does in s. 112.3215, F.S.

<sup>133</sup> “Local officer” is defined in section 112.3145(1), F.S., to mean every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such elected office; any appointed member of the listed boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state; and any person holding one or more position, as listed.



**Section 2** amends s. 373.079, F.S., to specify requirements for water management district governing board quorums. The bill states that a quorum is necessary for a governing board to conduct official business. The bill defines a quorum as a majority of all possible members of a governing board, which includes appointed members and any vacancies.

The bill requires a board member's appearance at a board meeting to be counted for the determination of a quorum, whether they appear in person or through the use of communication media technology. The bill specifies that action may be taken by the governing board only upon an affirmative vote of a majority of the members of the governing board.

The bill clarifies a citation.

**Section 3** amends the annual reporting requirements in s. 373.470, F.S., which is the Everglades Restoration Investment Act.

The Everglades Restoration Investment Act currently requires the South Florida Water Management District (SFWMD), in cooperation with the Florida Department of Environmental Protection (DEP), to provide a detailed report on progress made in the implementation of the comprehensive plan,<sup>134</sup> including the status of all project components initiated after the effective date of the Everglades Restoration Investment Act or after the date of the last detailed report, whichever is later.

The bill additionally requires the report to include the total estimated remaining cost to implement the comprehensive plan, as well as the applicable performance indicators of all project components. The bill requires project components to be subdivided in the report into the following categories based on the project's status:

- Planning and design phase.
- Construction phase, for which the performance indicators must include, but are not limited to, whether the project is on time and on budget based on a schedule performance index.
- Operational phase, for which the performance indicators must include, but are not limited to, whether the project is operating in accordance with the draft operating manual included in the project implementation report, and an explanation of any significant modification to the final project operating manual.
- Pending projects phase, which includes project components that have not yet entered the planning or design phase.

The bill removes the requirement that only project components initiated after certain dates must be included in the report.

The bill also addresses the Integrated Delivery Schedule. It provides that, in order to ensure accountability in the planning process, the Integrated Delivery Schedule must be developed to maximize the achievement of the goals and purposes of the comprehensive plan at the earliest possible time and to the extent practicable given funding, engineering, and other contractual

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<sup>134</sup> The "comprehensive plan" is the recommended comprehensive plan contained in the Central and Southern Florida Project Comprehensive Review Study's *Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*. For more information, see the "Everglades Restoration" section of this analysis.

constraints. The bill prohibits state and local members of the South Florida Ecosystem Restoration Task Force from including in their recommendations for Integrated Delivery Schedule updates the assumption that state funds will be available in the future above the amounts provided by the Land Acquisition Trust Fund.

**Section 4** amends s. 373.501, F.S., to prohibit water management districts from using state funds as a local match for any state grant program, unless the funds have been specifically appropriated to the water management district for that purpose.

**Section 5** amends s. 373.503, F.S., to clarify that a water management district may levy ad valorem taxes by resolution adopted by a majority vote of its governing board<sup>135</sup> and to authorize a district to levy ad valorem taxes by referendum.

The bill provides that a district may, by referendum, levy separate ad valorem taxes on property within the district or basin to finance the construction of capital improvement projects related to:

- Water supply, including alternative water supply and water resource development projects identified in the water management district's regional water supply plans,
- Water quality,
- Flood protection and floodplain management, and
- Natural systems.

To finance capital improvement projects through separate ad valorem taxes, a district governing board must adopt a resolution to be approved by a majority vote of the electors in the district or basin voting in a referendum held at a general election.<sup>136</sup>

The bill requires the resolution to include the millage that will be levied, a description of the capital improvement projects, the expected completion date for each project, and the date when the millage will expire. The millage may not be levied beyond the date of a project's expected date of completion.

The bill allows the millage to be levied up to an amount that, when it is combined with the millage levied by an adopted resolution, does not exceed maximum total millage rates.<sup>137</sup> Following approval by a majority vote in a general election, the resolution will take effect on January 1. The bill directs the referendum to be conducted consistent with the laws governing bond referenda.<sup>138</sup>

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<sup>135</sup> Current law authorizes a district to levy ad valorem taxes on property within the district, however the current statutory language does not specify that this is done by resolution adopted by a majority vote of its governing board.

<sup>136</sup> A general election is "an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law." Section 97.021(17), F.S.

<sup>137</sup> The maximum millage rates for district and basin purposes are provided in section 373.501(3)(c), F.S., and are 0.05 mill. for the Northwest Florida Water Management District, 0.75 mill. for the Suwannee River Water Management District, 0.6 mill. for the St. Johns Water Management District, 1.0 mill. for the Southwest Florida Water Management District, and 0.80 mill. for the South Florida Water Management District.

<sup>138</sup> As provided in sections 100.201-.351, F.S.

The bill specifies that the millage raised by SFWMD by a majority vote in a general election is excluded from the current statutory requirement that SFWMD must direct no more than 40 percent of its ad valorem tax income to district purposes and no more than 60 percent to basin purposes.

**Section 6** amends s. 373.535, F.S., to require each water management district to include in its preliminary budget a section that includes the district's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated as part of its 5-year capital improvement plan. The bill requires this section to include the following information for each project in the capital improvement plan:

- Estimated beginning and ending date.
- Current status, such as planning, construction, or operations.
- Funding distribution, broken down by federal, state, or other.
- Total cost of the project.
- Whether the project is funded from reserves.
- Total expenditures made to date, by fiscal year.
- Current year estimated expenditures.
- Annual budget, including future budget requests, until project completion, by funding source.
- Project description.
- State program code, such as operations and maintenance or ecosystems restoration.

The bill also requires SFWMD to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan. The information must be provided on a project-by-project basis, must include the source of funds, and must include, for each project, the following:

- The project title and a brief description.
- The total estimated cost of the project, broken down by federal and nonfederal sponsor obligations. The local sponsor obligations must be further broken down by state and district obligations.
- The timeline for the project.
- The total expenditures to date and estimated remaining expenditures needed for project completion.
- The estimate for expenditures for the current year and the next year by source of fund.
- For expenditures funded by state appropriations, SFWMD must indicate which fiscal year the appropriation is from. In estimating expenditures for the next fiscal year, SFWMD may only incorporate state revenues in an amount up to the funds provided for Everglades restoration projects in the Land Acquisition Trust Fund.<sup>139</sup> SFWMD may incorporate state revenues beyond what is authorized in statute only if the district commits district revenues on a dollar-for-dollar basis for any amount over the amount specifically provided in the Land Acquisition Trust Fund.

**Section 7** amends s. 373.536, F.S., relating to the content and submission of water management district tentative budgets. The bill authorizes the Legislative Budget Commission to reject any individual part of a water management district's tentative budget that is funded with state

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<sup>139</sup> Specific amounts can be found in section 375.041(3)(b)1., 4., and 5., F.S.

appropriations, as well as any individual project in a district's 5-year capital improvement plan. The Legislative Budget Commission may not reject specifically appropriated proposals.

Current law requires SFWMD to include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan in its tentative budget. The bill adds that these sections must incorporate the amount of state revenues appropriated for the fiscal year.

The bill requires a water management district's tentative budget to include its capital improvement plan for the current fiscal year and the next fiscal year, in the same format as required in the preliminary budget.

**Section 8** amends s. 373.6075, F.S., to provide that for contractual services for the design, engineering, or construction of capital improvement projects costing \$1 million or more, a water management district must give preference to the lowest responsible and responsive bid, proposal, or reply that includes a 10-year construction bond or that provides proof of a comparable financial assurance mechanism, which has been defined by district rule.

The bill explains that the purpose of the 10-year construction bond or comparable financial assurance mechanism is to ensure that the capital improvement project functions as it was designed to function for at least 10 years. It directs that, for the purpose of the competitive selection process for certain professional services,<sup>140</sup> the agency<sup>141</sup> must consider whether a firm has included in its bid, proposal, or reply a 10-year construction bond or proof of a comparable financial assurance mechanism.

**Section 9** amends the Statewide Flooding and Sea Level Rise Resilience Plan in s. 380.093, F.S. Current law requires the Plan to consist of ranked projects that address the risks of flooding and sea level rise. The bill requires all of the eligible projects submitted by a water management district to be ranked on a separate list.

Current law requires each project included in the Statewide Flooding and Sea Level Rise Resilience Plan to have a minimum 50 percent cost-share, with an exception for projects that assist or are within a community eligible for a reduced cost share. The bill adds an exception for projects submitted by a water management district because water management district projects included in the plan will be financed by the loan program described below.

The bill provides that the total amount of funding proposed for each year of the Statewide Flooding and Sea Level Rise Resilience Plan may include funds that have been repaid by a water management district for projects submitted by the district. The only funding a water management district may receive under the Statewide Flooding and Sea Level Rise Resilience Plan is through the loan program created by the bill.

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<sup>140</sup> Section 287.055(4), F.S., the Consultant's Competitive Negotiation Act.

<sup>141</sup> The term agency is defined in the Consultant's Competitive Negotiation Act as "the state, a state agency, a municipality, a political subdivision, a school district, or a school board." Section 387.055(2)(b), F.S.

The loan program authorizes DEP to issue 20-year, interest-free loans to finance projects submitted by a water management district. These loans must be issued through promissory notes or another form of written agreement evidencing an obligation to repay the borrowed funds to DEP. The district may borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to it, other than state revenues, to repay any funds borrowed. The loans must be repaid in equal installments for no more than 20 years, which commences within 12 months after the execution of the loan agreement.

The bill further authorizes DEP to impose a penalty of six percent of the amount due for delinquent loan payments, in addition to charging the cost to handle and process the debt. The bill provides that penalty interest accrues on any amount due and payable beginning on the 30<sup>th</sup> day following the date the payment was due. DEP may not issue additional state loans or grants to a water management district that defaults under the terms of its loan agreement until its default has been remedied.

The bill authorizes DEP to adopt rules to implement the revolving loan program.

**Section 10** amends the Resilient Florida Trust Fund in s. 380.0935, F.S. The bill directs DEP to create and maintain a separate account in the trust fund for funds received from the gaming compact between the Seminole Tribe of Florida and the State of Florida.<sup>142</sup> These funds must be used to administer a revolving loan program for water management district projects included in the Statewide Flooding and Sea Level Rise Resilience Plan.

The bill provides that all repayments must be returned to the revolving loan program and made available for other water management district projects in the Statewide Flooding and Sea Level Rise Resilience Plan. Funds appropriated for the loan program are not subject to reversion.

**Section 11** amends s. 380.095, F.S., to direct the distribution of funds deposited in the Indian Gaming Revenue Clearing Trust Fund. The lesser of 26.042 percent or \$100 million per fiscal year is distributed into the Resilient Florida Trust Fund for the projects in the Statewide Flooding and Sea Level Rise Resilience Plan. The bill specifies that these funds must be distributed into the fund for the revolving loan program for water management district projects included in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Section 12** appropriates for the 2025-2026 fiscal year \$236,665,971 in nonrecurring funds from the General Revenue Fund and \$64 million in recurring funds and \$328,684,029 in nonrecurring funds from the Land Acquisition Trust Fund.

These funds are appropriated to DEP and must be distributed to SFWMD for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan. The funds must be allocated in the following fixed capital outlay appropriation categories:

- For nonrecurring funds from the General Revenue Fund:
  - C-111 South Dade - \$69,473,191.
  - Indian River Lagoon South - \$65,905,639.
  - Central Everglades Planning Project South - \$15,330,142.

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<sup>142</sup> Funds are distributed pursuant to section 380.095, F.S.



- Central Everglades Planning Project North - \$27,572,071.
- Loxahatchee River Watershed Restoration Project - \$24,430,721.
- Western Everglades Restoration Project - \$25,756,289.
- Comprehensive Everglades Restoration Project Planning and Design - \$8,197,918.
- For nonrecurring funds from the Land Acquisition Trust Fund:
  - Indian River Lagoon South - \$30,110,627.
  - Caloosahatchee River C-43 West Basin Storage - \$95,530,738.
  - Central Everglades Planning Project North - \$123,542,359
  - Central Everglades Planning Project Everglades Agricultural Area Reservoir - \$79,500,305.
- For recurring funds of \$64 million in the Everglades restoration appropriation category from the Land Acquisition Trust Fund, transfer to the Everglades Trust Fund within SFWMD.<sup>143</sup>

**Section 13** appropriates for the 2025-2026 fiscal year \$39,876,213 in recurring funds and \$33,151,846 in nonrecurring funds from the Land Acquisition Trust Fund to DEP to be used to implement the Northern Everglades and Estuaries Protection Program.

**Section 14** appropriates for the 2025-2026 fiscal year \$50 million in recurring funds from the Land Acquisition Trust Fund in the Fixed Capital Outlay Lake Okeechobee Watershed Restoration Project Aquifer Storage and Recovery Wells appropriation category for Everglades restoration.

**Section 15** reenacts s. 373.0697, F.S., to incorporate an amendment made by this bill to s. 373.503, F.S., which is referenced in the reenacted section.

**Section 16** reenacts s. 373.026, F.S., to incorporate an amendment made by this bill to s. 373.536, F.S., which is referenced in the reenacted section.

**Section 17** provides an effective date of July 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>143</sup> Pursuant to section 375.041(3)(b)4., F.S., the Land Acquisition Trust Fund.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill authorizes water management districts to, by referendum, levy separate ad valorem taxes on property within the district or basin to finance the construction of capital improvement projects. The millage may not be levied beyond the date of a project's expected date of completion. The total amount of the millage may not be more than what is currently authorized by law.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The bill authorizes specific appropriations for Everglades restoration projects. The bill appropriates for the 2025-2026 fiscal year \$236,665,971 in nonrecurring funds from the General Revenue Fund and \$64 million in recurring funds and \$328,684,029 in nonrecurring funds from the Land Acquisition Trust Fund. The South Florida Water Management District will receive this funding for the specific projects listed in the bill.

The bill also appropriates for the 2025-2026 fiscal year, \$39,876,213 in recurring funds and \$33,151,846 in nonrecurring funds from the Land Acquisition Trust Fund to the Florida Department of Environmental Protection to be used to implement the Northern Everglades and Estuaries Protection Program.

It also appropriates for the 2025-2026 fiscal year, \$50 million in recurring funds from the Land Acquisition Trust Fund in the Fixed Capital Outlay Lake Okeechobee Watershed Restoration Project Aquifer Storage and Recovery Wells appropriation category for Everglades restoration.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 112.3261, 373.079, 373.470, 373.501, 373.503, 373.535, 373.536, 373.6075, 380.093, 380.0935, and 380.095 of the Florida Statutes.

This bill reenacts sections 373.026 and 373.0697 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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**FOR CONSIDERATION** By the Committee on Environment and Natural Resources

592-01930-25

20257002pb

1                   A bill to be entitled  
2       An act relating to water management districts;  
3       amending s. 112.3261, F.S.; defining the term  
4       "expenditure"; requiring the Commission on Ethics to  
5       investigate a lobbyist or principal who has made a  
6       prohibited expenditure and to provide the Governor  
7       with a report of its findings and recommendations  
8       regarding such investigation; prohibiting certain  
9       persons from making or accepting expenditures;  
10      amending s. 373.079, F.S.; requiring a quorum for the  
11      conduct of official business by the governing board of  
12      a water management district; providing requirements  
13      for a quorum; requiring an affirmative vote of a  
14      majority of the members of the governing board before  
15      any action may be taken by the board; amending s.  
16      373.470, F.S.; requiring the South Florida Water  
17      Management District, in cooperation with the  
18      Department of Environmental Protection, to provide a  
19      detailed report that includes the total estimated  
20      remaining cost of implementation of the Everglades  
21      restoration comprehensive plan and the status of all  
22      performance indicators; requiring the subdivision of  
23      the project components into specified categories based  
24      on the project's status; requiring the integrated  
25      delivery schedule to be developed using estimates of  
26      actual state funding levels and other constraints;  
27      prohibiting certain recommendations; amending s.  
28      373.501, F.S.; prohibiting a water management district  
29      from using state funds for a specified purpose;

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30 amending s. 373.503, F.S.; authorizing the districts  
31 to levy ad valorem taxes on property by resolution  
32 adopted by a majority vote of the governing board;  
33 authorizing the districts to levy certain ad valorem  
34 taxes on specified property; defining the term  
35 "capital improvement projects"; requiring a governing  
36 board levying ad valorem taxes for certain projects to  
37 adopt a resolution approved by a majority vote of the  
38 voting electors in the district or basin; providing  
39 requirements for such resolution; prohibiting a  
40 governing board from levying millage beyond a certain  
41 date; providing requirements for such millage;  
42 requiring that such resolution take effect on a  
43 specified date; providing construction for such  
44 referenda; providing requirements for the maximum  
45 total millage rate for all purposes; providing that  
46 the apportionment in the South Florida Water  
47 Management District excludes certain millage;  
48 reenacting and amending s. 373.535, F.S.; requiring  
49 that the preliminary budget for each water management  
50 district include a section that contains the  
51 district's capital improvement plan for the current  
52 fiscal year and the next fiscal year; requiring the  
53 that the section contain specified information;  
54 requiring the South Florida Water Management District  
55 to include a section in its preliminary budget for all  
56 projects within the Comprehensive Everglades  
57 Restoration Plan; requiring that the section contain  
58 specified information; providing that the South



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59 Florida Water Management District may only incorporate  
60 state revenues up to a specified amount when  
61 estimating expenditures for the next fiscal year;  
62 providing an exception; amending s. 373.536, F.S.;

63 authorizing the Legislative Budget Commission to  
64 reject certain district budget proposals; providing an  
65 exception; requiring the South Florida Water  
66 Management District to include in its budget document  
67 certain sections that incorporate the actual amount of  
68 state revenues appropriated for the fiscal year;  
69 requiring a water management district's tentative  
70 budget for its proposed operations and funding  
71 requirements to include the district's capital  
72 improvement plan for the current year and the next  
73 fiscal year; amending s. 373.6075, F.S.; requiring a  
74 water management district to give preference to  
75 certain bids, proposals, or replies for the design,  
76 engineering, or construction of capital improvement  
77 projects in excess of a specified amount; providing  
78 the purpose for the 10-year construction bond or  
79 comparable financial assurance mechanism; providing  
80 requirements for the competitive selection process;  
81 amending s. 380.093, F.S.; requiring that certain  
82 projects submitted by water management districts to  
83 the department for the Statewide Flooding and Sea  
84 Level Rise Resilience Plan be ranked on a separate  
85 list; providing applicability; requiring that each  
86 project included in such plan have a certain percent  
87 cost share unless the project was submitted by a water

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88 management district; specifying the composition of the  
89 total amount of funding for such plan; requiring  
90 specified financing for projects submitted by a water  
91 management district for such plan; restricting funding  
92 available to water management districts; authorizing  
93 the department to issue certain loans by specified  
94 means to finance projects submitted by a water  
95 management district; authorizing the district to  
96 borrow certain funds and pledge certain revenues to  
97 repay such funds; providing for the repayment of such  
98 loan; providing a penalty; prohibiting the department  
99 from issuing additional loans or grants to a water  
100 management district that defaults under the terms of  
101 its loan until the default is remedied; requiring the  
102 department to adopt rules necessary to administer the  
103 revolving loan program to finance projects submitted  
104 by water management districts; amending s. 380.0935,  
105 F.S.; requiring the department to create and maintain  
106 a separate account in the Resilient Florida Trust Fund  
107 for certain funds received to administer the revolving  
108 loan program for certain projects submitted by water  
109 management districts within the Statewide Flooding and  
110 Sea Level Rise Resilience Plan; requiring that all  
111 repayments be returned to the revolving loan program  
112 and made available for the eligible projects in the  
113 plan; providing that funds appropriated for the loan  
114 program are not subject to reversion; amending s.  
115 380.095, F.S.; requiring that a specified amount of  
116 funds deposited into the Indian Gaming Revenue

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117 Clearing Trust Fund be distributed to the Resilient  
118 Florida Trust Fund for the revolving loan program for  
119 specified uses; providing appropriations; reenacting  
120 s. 373.0697, F.S., relating to basin taxes, to  
121 incorporate the amendment made to s. 373.503, F.S., in  
122 a reference thereto; reenacting s. 373.026(8)(d),  
123 F.S., relating to general powers and duties of the  
124 Department of Environmental Protection, to incorporate  
125 the amendment made to s. 373.536, F.S., in a reference  
126 thereto; providing an effective date.

127  
128 Be It Enacted by the Legislature of the State of Florida:

129  
130 Section 1. Present paragraphs (b), (c), and (d) of  
131 subsection (1) of section 112.3261, Florida Statutes, are  
132 redesignated as paragraphs (c), (d), and (e), respectively, a  
133 new paragraph (b) is added to that subsection, subsection (9) is  
134 added to that section, and subsection (7) of that section is  
135 amended, to read:

136 112.3261 Lobbying before water management districts;  
137 registration and reporting.—

138 (1) As used in this section, the term:

139 (b) "Expenditure" has the same meaning as in s. 112.3215.

140 (7) Upon receipt of a sworn complaint alleging that a  
141 lobbyist or principal has failed to register with a district,  
142 has made a prohibited expenditure, or has knowingly submitted  
143 false information in a report or registration required under  
144 this section, the commission shall investigate a lobbyist or  
145 principal pursuant to the procedures established under s.

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146 112.324. The commission shall provide the Governor with a report  
147 of its findings and recommendations in any investigation  
148 conducted pursuant to this subsection. The Governor is  
149 authorized to enforce the commission's findings and  
150 recommendations.

151 (9) Notwithstanding s. 112.3148, s. 112.3149, or any other  
152 law, a lobbyist or principal may not make, directly or  
153 indirectly, and a district governing board member, executive  
154 director, or any district employee that qualifies as a local  
155 officer as defined in s. 112.3145(1) may not knowingly accept,  
156 directly or indirectly, any expenditure.

157 Section 2. Subsection (7) of section 373.079, Florida  
158 Statutes, is amended to read:

159 373.079 Members of governing board; oath of office; staff.-

160 (7) The governing board shall meet at least once a month  
161 and upon call of the chair. A quorum is necessary for the board  
162 to conduct official business. A majority of the members of the  
163 governing board, which includes both appointed members and  
164 vacancies, constitutes a quorum. A board member's appearance at  
165 a board meeting, whether such appearance is in person or through  
166 the use of communications media technology, must be counted for  
167 the determination of a quorum. Except where otherwise provided  
168 by law, action may be taken by the governing board only upon an  
169 affirmative vote of a majority of the members of the governing  
170 board. The governing board, a basin board, a committee, or an  
171 advisory board may conduct meetings by means of communications  
172 media technology in accordance with rules adopted pursuant to s.  
173 120.54(5)(b) ~~s. 120.54~~.

174 Section 3. Paragraph (c) of subsection (7) of section

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175 373.470, Florida Statutes, is amended, and subsection (8) is  
176 added to that section, to read:

177 373.470 Everglades restoration.—

178 (7) ANNUAL REPORT.—To provide enhanced oversight of and  
179 accountability for the financial commitments established under  
180 this section and the progress made in the implementation of the  
181 comprehensive plan, the following information must be prepared  
182 annually as part of the consolidated annual report required by  
183 s. 373.036(7):

184 (c) The district, in cooperation with the department, shall  
185 provide a detailed report on progress made in the implementation  
186 of the comprehensive plan, including the total estimated  
187 remaining cost of implementation of the comprehensive plan. The  
188 report must also include the status of and applicable  
189 performance indicators for all project components. The project  
190 components must be subdivided into the following categories  
191 based on the project's status:

192 1. Planning and design phase.

193 2. Construction phase, for which the performance indicators  
194 must include, but are not limited to, whether the project is on  
195 time and on budget based on a schedule performance index.

196 3. Operational phase, for which the performance indicators  
197 must include, but are not limited to, whether the project is  
198 operating in accordance with the draft operating manual included  
199 in the project implementation report, and an explanation of any  
200 significant modification to the final project operating manual.

201 4. Pending projects phase, which includes project  
202 components that have not yet entered the planning or design  
203 phase initiated after the effective date of this act or the date

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204 ~~of the last report prepared under this subsection, whichever is~~  
205 ~~later.~~

206  
207 The information required in paragraphs (a), (b), and (c) shall  
208 be provided as part of the consolidated annual report required  
209 by s. 373.036(7). Each annual report is due by March 1.

210 (8) INTEGRATED DELIVERY SCHEDULE.-In order to ensure  
211 accountability in the planning process, the integrated delivery  
212 schedule must be developed to maximize the achievement of the  
213 goals and purposes of the comprehensive plan at the earliest  
214 possible time to the extent practical given funding,  
215 engineering, and other contractual constraints. Therefore, state  
216 and local members of the South Florida Ecosystem Restoration  
217 Task Force may not include in their recommendations for any  
218 update to the integrated delivery schedule the assumption of a  
219 future availability of state funds per fiscal year above the  
220 amounts provided pursuant to s. 375.041(3)(b)1., 4., and 5.

221 Section 4. Subsection (3) is added to section 373.501,  
222 Florida Statutes, to read:

223 373.501 Appropriation of funds to water management  
224 districts.-

225 (3) A water management district may not use state funds as  
226 a local match for any state grant program unless such funds have  
227 been specifically appropriated to the district for such purpose.

228 Section 5. Subsection (3) of section 373.503, Florida  
229 Statutes, is amended to read:

230 373.503 Manner of taxation.-

231 (3)(a)1. The districts may, by resolution adopted by a  
232 majority vote of the governing board, levy ad valorem taxes on



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233 property within the district solely for the purposes of this  
234 chapter and of chapter 25270, 1949, Laws of Florida, as amended,  
235 and chapter 61-691, Laws of Florida, as amended. If appropriate,  
236 taxes levied by each governing board may be separated by the  
237 governing board into a millage necessary for the purposes of the  
238 district and a millage necessary for financing basin functions  
239 specified in s. 373.0695.

240 2.a. The districts may, by referendum, levy separate ad  
241 valorem taxes on property within the district or basin for the  
242 purposes of the construction of capital improvement projects.  
243 For purposes of this subparagraph, the term "capital improvement  
244 projects" means projects related to water supply, including  
245 alternative water supply and water resource development projects  
246 identified in the district's regional water supply plans, water  
247 quality, flood protection and floodplain management, and natural  
248 systems.

249 b. A governing board exercising the option to levy separate  
250 ad valorem taxes for the purposes of the construction of capital  
251 improvement projects pursuant to this subparagraph shall adopt a  
252 resolution to be approved by a majority vote of the electors in  
253 the district or basin voting in a referendum held at a general  
254 election as defined in s. 97.021. The resolution must include  
255 the millage to be levied, a description of the capital  
256 improvement projects, such projects' expected dates of  
257 completion, and the date when the millage levied under this  
258 subparagraph shall expire. No millage may be levied beyond the  
259 date of a project's expected date of completion. Such millage  
260 levied may be up to an amount that, when combined with millage  
261 levied under subparagraph 1., does not exceed the maximum total

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262 millage rate under paragraph (b). The resolution must take  
263 effect on the January 1 immediately succeeding approval. The  
264 referendum must be conducted consistent with the laws governing  
265 bond referenda as provided in ss. 100.201-100.351.

266 (b)(a) Notwithstanding any other general or special law,  
267 and subject to subsection (4), the maximum total millage rate  
268 for all district and basin purposes authorized under this  
269 section shall be:

- 270 1. Northwest Florida Water Management District: 0.05 mill.
- 271 2. Suwannee River Water Management District: 0.75 mill.
- 272 3. St. Johns River Water Management District: 0.6 mill.
- 273 4. Southwest Florida Water Management District: 1.0 mill.
- 274 5. South Florida Water Management District: 0.80 mill.

275 (c)(b) The apportionment in the South Florida Water  
276 Management District shall be a maximum of 40 percent for  
277 district purposes and a maximum of 60 percent for basin  
278 purposes, respectively. This calculation excludes millage raised  
279 pursuant to subparagraph (a)2.

280 (d)(e) Within the Southwest Florida Water Management  
281 District, the maximum millage assessed for district purposes may  
282 not exceed 50 percent of the total authorized millage if there  
283 are one or more basins in the district, and the maximum millage  
284 assessed for basin purposes may not exceed 50 percent of the  
285 total authorized millage.

286 Section 6. Subsection (1) of section 373.535, Florida  
287 Statutes, is amended, and subsections (2) and (3) of that  
288 section are reenacted, to read:

289 373.535 Preliminary district budgets.—

290 (1) BUDGET DEVELOPMENT.—

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291 (a) By January 15 of each year, each water management  
292 district shall submit a preliminary budget for the next fiscal  
293 year for legislative review to the President of the Senate, the  
294 Speaker of the House of Representatives, and the chairs of each  
295 legislative committee and subcommittee having substantive or  
296 fiscal jurisdiction over water management districts, as  
297 determined by the President of the Senate or the Speaker of the  
298 House of Representatives, as applicable, in the form and manner  
299 prescribed in s. 373.536(5) (e).

300 (b) Each preliminary budget must also include:

301 1. A section that clearly identifies and provides  
302 justification for each proposed expenditure listed in s.  
303 373.536(5) (e)4.e. and f. and identifies the source of funds for  
304 each proposed expenditure.

305 2. A section identifying the justification for proposed  
306 expenditures by core mission area of responsibility and the  
307 source of funds needed for activities related to water supply,  
308 including alternative water supply and water resource  
309 development projects identified in the district's regional water  
310 supply plans, water quality, flood protection and floodplain  
311 management, and natural systems.

312 3. A section that includes the district's capital  
313 improvement plan for the current fiscal year and the next fiscal  
314 year, which will be incorporated as part of the district's 5-  
315 year capital improvement plan. The following information must be  
316 included for each project contained in the capital improvement  
317 plan:

318 a. Estimated beginning and ending date.

319 b. Current status, such as planning, construction, or

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- 320 operations.
- 321 c. Funding distribution, broken down by federal, state,
- 322 local, or other.
- 323 d. Total cost of the project.
- 324 e. Whether the project is funded from reserves.
- 325 f. Total expenditures made to date, by fiscal year.
- 326 g. Current year estimated expenditures.
- 327 h. Annual budget, including future budget requests, until
- 328 project completion, by funding source.
- 329 i. Project description.
- 330 j. State program code, such as operations and maintenance
- 331 or ecosystems restoration.
- 332 ~~4.3.~~ A section reviewing the adopted and proposed budget
- 333 allocations by program area and the performance metrics for the
- 334 prior year.
- 335 ~~5.4.~~ An analysis of each preliminary budget to determine
- 336 the adequacy of fiscal resources available to the district and
- 337 the adequacy of proposed district expenditures related to the
- 338 core mission areas of responsibility for water supply, including
- 339 alternative water supply and water resource development projects
- 340 identified in the district's regional water supply plans, water
- 341 quality, flood protection and floodplain management, and natural
- 342 systems. The analysis must be based on the particular needs
- 343 within each district for core mission areas of responsibility.
- 344 The water supply analysis must specifically include a
- 345 determination of the adequacy of each district's fiscal
- 346 resources provided in the district's preliminary budget to
- 347 achieve appropriate progress toward meeting the districtwide 20-
- 348 year projected water supply demands, including funding for

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349 alternative water supply development and conservation projects.

350 (c)~~(b)~~ If applicable, the preliminary budget for each  
351 district must specify that the district's first obligation for  
352 payment is the debt service on bonds and certificates of  
353 participation.

354 (d) In addition to the information that must be included  
355 for projects carried out pursuant to the capital improvement  
356 plan in subparagraph (b)3., the South Florida Water Management  
357 District must include a separate section in its preliminary  
358 budget for all projects within the Comprehensive Everglades  
359 Restoration Plan. The information for the separate section must  
360 be provided on a project-by-project basis and include the source  
361 of funds. For each project, all of the following information  
362 must be included:

363 1. The project title and a brief description.

364 2. The total estimated cost of the project, broken down by  
365 federal and nonfederal sponsor obligations. The local sponsor  
366 obligations must be further broken down by state and district  
367 obligations.

368 3. The timeline for the project.

369 4. The total expenditures to date and estimated remaining  
370 expenditures needed for project completion.

371 5. The estimate of expenditures for the current year.

372 6. The estimate of expenditures for the next fiscal year.

373 (e) For expenditures funded by state appropriations, the  
374 South Florida Water Management District must indicate which  
375 fiscal year the appropriation is from. In estimating  
376 expenditures for the next fiscal year, the district may only  
377 incorporate state revenues in an amount up to the amount of

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378 funds specifically provided in s. 375.041(3)(b)1., 4., and 5.,  
379 unless the district commits district revenues on a dollar-for-  
380 dollar basis for any amount over such amount specifically  
381 provided.

382 (2) LEGISLATIVE REVIEW.—

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

387 (b) On or before March 1 of each year, the President of the  
388 Senate and the Speaker of the House of Representatives may  
389 submit comments regarding the preliminary budget to the  
390 districts, and provide a copy of the comments to the Executive  
391 Office of the Governor. Each district shall respond to the  
392 comments in writing on or before March 15 of each year to the  
393 President of the Senate, the Speaker of the House of  
394 Representatives, and the Executive Office of the Governor.

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

399 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the  
400 preliminary budget as submitted pursuant to subsection (1), and  
401 as may be amended by the district in response to review by the  
402 Legislature pursuant to this section and s. 373.503, as the  
403 basis for developing the tentative budget for the next fiscal  
404 year as provided in s. 373.536(5).

405 Section 7. Paragraphs (c) and (e) of subsection (5) of  
406 section 373.536, Florida Statutes, are amended to read:



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407 373.536 District budget and hearing thereon.—

408 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
409 APPROVAL.—

410 (c) The Legislative Budget Commission may reject any of the  
411 following district budget proposals unless specifically  
412 appropriated by the Legislature:

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

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

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

418 4. Any program expenditure ~~expenditures~~ as described in  
419 sub-subparagraphs (e)4.e. and f. in excess of 15 percent of a  
420 district's total annual budget.

421 5. Any individual variance ~~variances~~ in a district's  
422 tentative budget which is in excess of 25 percent from a  
423 district's preliminary budget.

424 6. Any individual portion of a district's tentative budget  
425 funded with state appropriations.

426 7. Any individual project in the district's 5-year capital  
427 improvement plan.

428

429 Written disapproval of any provision in the tentative budget  
430 must be received by the district at least 5 business days before  
431 the final district budget adoption hearing conducted under s.  
432 200.065(2) (d). If written disapproval is not received at least 5  
433 business days before the final budget adoption hearing, the  
434 governing board may proceed with final adoption. Any provision  
435 rejected by the Executive Office of the Governor or the

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436 Legislative Budget Commission may not be included in a  
437 district's final budget and may not be acted upon through any  
438 other means without the prior approval of the entity rejecting  
439 the provision.

440 (e) The tentative budget must be based on the preliminary  
441 budget as submitted to the Legislature, and as may be amended by  
442 the district in response to review by the Legislature pursuant  
443 to ss. 373.503 and 373.535, as the basis for developing the  
444 tentative budget for the next fiscal year as provided in this  
445 subsection, and must set forth the proposed expenditures of the  
446 district, to which may be added an amount to be held as reserve.  
447 The tentative budget must include, but is not limited to, the  
448 following information for the preceding fiscal year and the  
449 current fiscal year, and the proposed amounts for the upcoming  
450 fiscal year, in a standard format prescribed by the Executive  
451 Office of the Governor, in consultation with the Legislature:

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

455 2. The estimated amount of unobligated funds or net cash  
456 balance on hand at the beginning of the fiscal year; an  
457 accounting of the source, balance, and projected future use of  
458 the unobligated funds; and the estimated amount of funds to be  
459 raised by district taxes or received from other sources to meet  
460 the requirements of the district.

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

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

468 a. Water resource planning and monitoring;

469 b. Land acquisition, restoration, and public works;

470 c. Operation and maintenance of works and lands;

471 d. Regulation;

472 e. Outreach for which the information provided must contain  
473 a full description and accounting of expenditures for water  
474 resources education; public information and public relations,  
475 including public service announcements and advertising in any  
476 media; and lobbying activities related to local, regional, state  
477 and federal governmental affairs, whether incurred by district  
478 staff or through contractual services; and

479 f. Management and administration.  
480

481 In addition to the program areas reported by all water  
482 management districts, the South Florida Water Management  
483 District shall include in its budget document separate sections  
484 on all costs associated with the Everglades Construction Project  
485 and the Comprehensive Everglades Restoration Plan, incorporating  
486 the amount of state revenues appropriated for the fiscal year.

487 5. The total estimated amount in the district budget for  
488 each area of responsibility listed in subparagraph 4. and for  
489 water resource, water supply, and alternative water supply  
490 development projects identified in the district's regional water  
491 supply plans.

492 6. A description of each new, expanded, reduced, or  
493 eliminated program.

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494 7. The funding sources, including, but not limited to, ad  
495 valorem taxes, Surface Water Improvement and Management Program  
496 funds, other state funds, federal funds, and user fees and  
497 permit fees for each program area.

498 8. The water management district's capital improvement plan  
499 for the current fiscal year and the next fiscal year, in the  
500 same format as required in the preliminary budget.

501 Section 8. Section 373.6075, Florida Statutes, is amended  
502 to read:

503 373.6075 Purchases from contracts of other entities.—

504 (1) A water management district may purchase commodities  
505 and contractual services, excluding services subject to s.  
506 287.055, from the purchasing contracts of special districts,  
507 municipalities, counties, other political subdivisions,  
508 educational institutions, other states, nonprofit entities,  
509 purchasing cooperatives, or the Federal Government, which have  
510 been procured pursuant to competitive bid, request for proposal,  
511 request for qualification, competitive selection, or competitive  
512 negotiation, and which are otherwise in compliance with general  
513 law if the purchasing contract of the other entity is procured  
514 by a process that meets the procurement requirements of the  
515 water management district.

516 (2) For contractual services for the design, engineering,  
517 or construction of capital improvement projects costing \$1  
518 million or more, a water management district shall give  
519 preference to the lowest responsible and responsive bid,  
520 proposal, or reply that includes a 10-year construction bond or  
521 that provides proof of a comparable financial assurance  
522 mechanism, which has been defined by district rule. The purpose

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523 of the 10-year construction bond or a comparable financial  
524 assurance mechanism is to ensure that the capital improvement  
525 project functions as it was designed to function for at least 10  
526 years. For the purpose of the competitive selection process in  
527 s. 287.055(4), the agency shall consider whether a firm has  
528 included in its bid, proposal, or reply a 10-year construction  
529 bond or proof of a comparable financial assurance mechanism.

530 Section 9. Present paragraph (i) of subsection (5) of  
531 section 380.093, Florida Statutes, is redesignated as paragraph  
532 (j) and amended, a new paragraph (i) is added to that  
533 subsection, and paragraphs (a), (c), (d), (e), and (h) of that  
534 subsection are amended, to read:

535 380.093 Resilient Florida Grant Program; comprehensive  
536 statewide flood vulnerability and sea level rise data set and  
537 assessment; Statewide Flooding and Sea Level Rise Resilience  
538 Plan; regional resilience entities.—

539 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

540 (a) By December 1 of each year, the department shall  
541 develop a Statewide Flooding and Sea Level Rise Resilience Plan  
542 on a 3-year planning horizon and submit it to the Governor, the  
543 President of the Senate, and the Speaker of the House of  
544 Representatives. The plan must consist of ranked projects that  
545 address risks of flooding and sea level rise to coastal and  
546 inland communities in the state. All eligible projects submitted  
547 to the department pursuant to this section must be ranked and  
548 included in the plan. All eligible projects submitted by a water  
549 management district must be ranked on a separate list. Each plan  
550 must include a detailed narrative overview describing how the  
551 plan was developed, including a description of the methodology

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552 used by the department to determine project eligibility, a  
553 description of the methodology used to rank projects, the  
554 specific scoring system used, the project proposal application  
555 form, a copy of each submitted project proposal application form  
556 separated by eligible projects and ineligible projects, the  
557 total number of project proposals received and deemed eligible,  
558 the total funding requested, and the total funding requested for  
559 eligible projects.

560 (c) Each plan submitted by the department pursuant to this  
561 subsection must include all of the following information for  
562 each recommended project:

- 563 1. A description of the project.
- 564 2. The location of the project.
- 565 3. An estimate of how long the project will take to  
566 complete.
- 567 4. An estimate of the cost of the project.
- 568 5. The cost-share percentage available for the project, if  
569 applicable.
- 570 6. A summary of the priority score assigned to the project.
- 571 7. The project sponsor.

572 (d)1. By September 1 of each year, all of the following  
573 entities may submit to the department a list of proposed  
574 projects that address risks of flooding or sea level rise  
575 identified in the comprehensive statewide flood vulnerability  
576 and sea level rise assessment or vulnerability assessments that  
577 meet the requirements of subsection (3):

- 578 a. Counties.
- 579 b. Municipalities.
- 580 c. Special districts as defined in s. 189.012 which are



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581 responsible for the management and maintenance of inlets and  
582 intracoastal waterways or for the operation and maintenance of a  
583 potable water facility, a wastewater facility, an airport, or a  
584 seaport facility.

585 d. Regional resilience entities acting on behalf of one or  
586 more member counties or municipalities.

587

588 For the plans submitted by December 1, 2024, such entities may  
589 submit projects identified in existing vulnerability assessments  
590 that do not comply with subsection (3) only if the entity is  
591 actively developing a vulnerability assessment that is either  
592 under a signed grant agreement with the department pursuant to  
593 subsection (3) or funded by another state or federal agency, or  
594 is self-funded and intended to meet the requirements of  
595 paragraph (3)(d) or if the existing vulnerability assessment was  
596 completed using previously compliant statutory requirements.  
597 Projects identified from this category of vulnerability  
598 assessments will be eligible for submittal until the prior  
599 vulnerability assessment has been updated to meet most recent  
600 statutory requirements.

601 2. By September 1 of each year, all of the following  
602 entities may submit to the department a list of any proposed  
603 projects that address risks of flooding or sea level rise  
604 identified in the comprehensive statewide flood vulnerability  
605 and sea level rise assessment or vulnerability assessments that  
606 meet the requirements of subsection (3), or that mitigate the  
607 risks of flooding or sea level rise on water supplies or water  
608 resources of the state and a corresponding evaluation of each  
609 project:

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- 610 a. Water management districts.
- 611 b. Drainage districts.
- 612 c. Erosion control districts.
- 613 d. Flood control districts.
- 614 e. Regional water supply authorities.
- 615 3. Each project submitted to the department pursuant to
- 616 this paragraph for consideration by the department for inclusion
- 617 in the plan must include all of the following information:
- 618 a. A description of the project.
- 619 b. The location of the project.
- 620 c. An estimate of how long the project will take to
- 621 complete.
- 622 d. An estimate of the cost of the project.
- 623 e. The cost-share percentage available for the project, if
- 624 applicable.
- 625 f. The project sponsor.
- 626 (e) Each project included in the plan must have a minimum
- 627 50 percent cost share unless the project was submitted by a
- 628 water management district, or assists or is within a community
- 629 eligible for a reduced cost share. For purposes of this section,
- 630 the term "community eligible for a reduced cost share" means:
- 631 1. A municipality that has a population of 10,000 or less
- 632 ~~fewer~~, according to the most recent April 1 population estimates
- 633 posted on the Office of Economic and Demographic Research's
- 634 website, and a per capita annual income that is less than the
- 635 state's per capita annual income as shown in the most recent
- 636 release from the Bureau of the Census of the United States
- 637 Department of Commerce that includes both measurements;
- 638 2. A county that has a population of 50,000 or less ~~fewer~~,

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639 according to the most recent April 1 population estimates posted  
640 on the Office of Economic and Demographic Research's website,  
641 and a per capita annual income that is less than the state's per  
642 capita annual income as shown in the most recent release from  
643 the Bureau of the Census of the United States Department of  
644 Commerce that includes both measurements; or

645 3. A municipality or county that has a per capita annual  
646 income that is equal to or less than 75 percent of the state's  
647 per capita annual income as shown in the most recent release  
648 from the Bureau of the Census of the United States Department of  
649 Commerce.

650 (h) The total amount of funding proposed for each year of  
651 the plan must ~~may not~~ be at least ~~less than~~ \$100 million and,  
652 for projects submitted by a water management district, may  
653 include funds that have been repaid by a water management  
654 district. Upon review and subject to appropriation, the  
655 Legislature shall approve funding for the projects as specified  
656 in the plan. The only funding available to water management  
657 districts under this subsection is through the loan program  
658 pursuant to paragraph (i). Multiyear projects that receive  
659 funding for the first year of the project must be included in  
660 subsequent plans and funded until the project is complete,  
661 provided that the project sponsor has complied with all  
662 contractual obligations and funds are available.

663 (i) To finance projects submitted by a water management  
664 district, the department may issue 20-year, interest-free loans  
665 through a promissory note or other form of written agreement  
666 evidencing an obligation to repay the borrowed funds to the  
667 department. The district may borrow funds made available

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668 pursuant to this section and may pledge any revenues or other  
669 adequate security available to it, other than state revenues, to  
670 repay any funds borrowed. The loans must be repaid in equal  
671 installments over a period not to exceed 20 years, commencing  
672 within 12 months after the execution of the loan agreement.

673 1. The department may impose a penalty for delinquent loan  
674 payments in the amount of 6 percent of the amount due, in  
675 addition to charging the cost to handle and process the debt.  
676 Penalty interest accrues on any amount due and payable beginning  
677 on the 30th day following the date that the payment was due.

678 2. If a water management district defaults under the terms  
679 of its loan agreement, no additional state loans or grants may  
680 be issued to that water management district until the default  
681 has been remedied.

682 (j)(i) The department shall adopt rules to implement this  
683 section, including, but not limited to, rules necessary to  
684 administer the revolving loan program to finance projects  
685 submitted by water management districts.

686 Section 10. Present subsection (3) of section 380.0935,  
687 Florida Statutes, is redesignated as subsection (4), a new  
688 subsection (3) is added to that section, and subsection (2) of  
689 that section is amended, to read:

690 380.0935 Resilient Florida Trust Fund.—

691 (2) Moneys deposited in the fund are available as a funding  
692 source for the department for the Resilient Florida Grant  
693 Program and the Statewide Flooding and Sea Level ~~Sea-Level~~ Rise  
694 Resilience Plan, including costs to operate the grant program,  
695 to develop the plan, and to provide grants to regional  
696 resilience coalitions pursuant to s. 380.093. The department may

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697 also use moneys deposited in the fund for administrative and  
698 operational costs of the Florida Flood Hub for Applied Research  
699 and Innovation pursuant to s. 380.0933 and coastal resilience  
700 initiatives.

701 (3) The department shall create and maintain a separate  
702 account in the trust fund for funds received pursuant to s.  
703 380.095 to administer a revolving loan program for eligible  
704 projects submitted by water management districts within the  
705 Statewide Flooding and Sea Level Rise Resilience Plan. All  
706 repayments must be returned to the revolving loan program and  
707 made available for the eligible projects submitted by water  
708 management districts in the plan. Notwithstanding s. 216.301,  
709 funds appropriated for the loan program are not subject to  
710 reversion.

711 Section 11. Paragraph (c) of subsection (2) of section  
712 380.095, Florida Statutes, is amended to read:

713 380.095 Dedicated funding for conservation lands,  
714 resiliency, and clean water infrastructure.—

715 (2) DISTRIBUTION.—Notwithstanding s. 285.710, the  
716 Department of Revenue shall, upon receipt, deposit 96 percent of  
717 any revenue share payment received under the compact as defined  
718 in s. 285.710 into the Indian Gaming Revenue Clearing Trust Fund  
719 within the Department of Financial Services. The funds deposited  
720 into the trust fund shall be distributed as follows:

721 (c) The lesser of 26.042 percent or \$100 million each  
722 fiscal year to the Resilient Florida Trust Fund within the  
723 Department of Environmental Protection for the revolving loan  
724 fund within the Statewide Flooding and Sea Level Rise Resilience  
725 Plan to be used to fund eligible projects submitted by water

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726 management districts in accordance with s. 380.093.

727

728 Allocations to trust funds shall be transferred monthly by  
729 nonoperating authority to the named trust fund.

730 Section 12. (1) For the 2025-2026 fiscal year, the sum of  
731 \$236,665,971 in nonrecurring funds from the General Revenue Fund  
732 and \$64 million in recurring funds and \$328,684,029 in  
733 nonrecurring funds from the Land Acquisition Trust Fund are  
734 appropriated to the Department of Environmental Protection and  
735 must be distributed to the South Florida Water Management  
736 District for the planning, design, engineering, and construction  
737 of the Comprehensive Everglades Restoration Plan and allocated  
738 in the following fixed capital outlay appropriation categories:

739 (a) Nonrecurring funds from the General Revenue Fund:

740 1. C-111 South Dade - \$69,473,191.

741 2. Indian River Lagoon South - \$65,905,639.

742 3. Central Everglades Planning Project South - \$15,330,142.

743 4. Central Everglades Planning Project North - \$27,572,071.

744 5. Loxahatchee River Watershed Restoration Project -  
745 \$24,430,721.

746 6. Western Everglades Restoration Project - \$25,756,289.

747 7. Comprehensive Everglades Restoration Project Planning  
748 and Design - \$8,197,918.

749 (b) Nonrecurring funds from the Land Acquisition Trust  
750 Fund:

751 1. Indian River Lagoon South - \$30,110,627.

752 2. Caloosahatchee River C-43 West Basin Storage -  
753 \$95,530,738.

754 3. Central Everglades Planning Project North -

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755 \$123,542,359.756 4. Central Everglades Planning Project EAA Reservoir -  
757 \$79,500,305.758 (c) Recurring funds of \$64 million in the Everglades  
759 Restoration appropriation category from the Land Acquisition  
760 Trust Fund to transfer to the Everglades Trust Fund within the  
761 South Florida Water Management District pursuant to s.  
762 375.041(3)(b)4., Florida Statutes.763 Section 13. For the 2025-2026 fiscal year, the sum  
764 \$39,876,213 in recurring funds and \$33,151,846 in nonrecurring  
765 funds from the Land Acquisition Trust Fund are appropriated to  
766 the Department of Environmental Protection and must be used to  
767 implement the Northern Everglades and Estuaries Protection  
768 Program, pursuant to s. 373.4595, Florida Statutes.769 Section 14. For the 2025-2026 fiscal year, the sum of \$50  
770 million in recurring funds from the Land Acquisition Trust Fund  
771 are appropriated in the Fixed Capital Outlay Lake Okeechobee  
772 Watershed Restoration Project ASR Wells appropriation category  
773 for Everglades Restoration.774 Section 15. For the purpose of incorporating the amendment  
775 made by this act to section 373.503, Florida Statutes, in a  
776 reference thereto, section 373.0697, Florida Statutes, is  
777 reenacted to read:778 373.0697 Basin taxes.—The respective basins may, pursuant  
779 to s. 9(b), Art. VII of the State Constitution, by resolution  
780 request the governing board of the district to levy ad valorem  
781 taxes within such basin. Upon receipt of such request, a basin  
782 tax levy shall be made by the governing board of the district to  
783 finance basin functions enumerated in s. 373.0695,



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784 notwithstanding the provisions of any other general or special  
785 law to the contrary, and subject to the provisions of s.  
786 373.503(3).

787 (1) The amount of money to be raised by said tax levy shall  
788 be determined by the adoption of an annual budget by the  
789 district board of governors, and the average millage for the  
790 basin shall be that amount required to raise the amount called  
791 for by the annual budget when applied to the total assessment of  
792 the basin as determined for county taxing purposes. However, no  
793 such tax shall be levied within the basin unless and until the  
794 annual budget and required tax levy shall have been approved by  
795 formal action of the basin board, and no county in the district  
796 shall be taxed under this provision at a rate to exceed 1 mill.

797 (2) The taxes provided for in this section shall be  
798 extended by the county property appraiser on the county tax roll  
799 in each county within, or partly within, the basin and shall be  
800 collected by the tax collector in the same manner and time as  
801 county taxes, and the proceeds therefrom paid to the district  
802 for basin purposes. Said taxes shall be a lien, until paid, on  
803 the property against which assessed and enforceable in like  
804 manner as county taxes. The property appraisers, tax collectors,  
805 and clerks of the circuit court of the respective counties shall  
806 be entitled to compensation for services performed in connection  
807 with such taxes at the same rates as apply to county taxes.

808 (3) It is hereby determined that the taxes authorized by  
809 this subsection are in proportion to the benefits to be derived  
810 by the several parcels of real estate within the basin from the  
811 works authorized herein.

812 Section 16. For the purpose of incorporating the amendment

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813 made by this act to section 373.536, Florida Statutes, in a  
814 reference thereto, paragraph (d) of subsection (8) of section  
815 373.026, Florida Statutes, is reenacted to read:

816       373.026 General powers and duties of the department.—The  
817 department, or its successor agency, shall be responsible for  
818 the administration of this chapter at the state level. However,  
819 it is the policy of the state that, to the greatest extent  
820 possible, the department may enter into interagency or  
821 interlocal agreements with any other state agency, any water  
822 management district, or any local government conducting programs  
823 related to or materially affecting the water resources of the  
824 state. All such agreements shall be subject to the provisions of  
825 s. 373.046. In addition to its other powers and duties, the  
826 department shall, to the greatest extent possible:

827       (8)

828       (d) The Executive Office of the Governor, pursuant to its  
829 duties under s. 373.536(5) to approve or disapprove, in whole or  
830 in part, the budget of each water management district, shall  
831 review all proposed expenditures for project components in the  
832 district's budget.

833       Section 17. This act shall take effect July 1, 2025.

# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** Senate Environment and Natural Resources Committee

**Case No.:**

**Type:**  
**Judge:**

**Started:** 2/18/2025 11:01:18 AM

**Ends:** 2/18/2025 11:46:53 AM

**Length:** 00:45:36

11:01:21 AM Chair Rodriguez calls meeting to order  
11:01:23 AM Roll call  
11:01:37 AM Quorum present  
11:01:41 AM Senator DiCeglie excused  
11:02:01 AM Pledge of Allegiance  
11:02:04 AM Chair Rodriguez makes opening remarks  
11:02:29 AM Tab 1 - Panel discussion on implementation of SB 64 (2021)  
11:03:06 AM Mr. John Coates, Division of Water Resource Management, FL Dept. of Environmental Protection, presents  
11:14:53 AM No questions  
11:14:56 AM Panel Discussion Introductions:  
11:15:07 AM Bill Freeman, City Engineer City of Flagler Beach  
11:15:15 AM Stephen Swann, City Engineer City of Atlantic Beach  
11:15:19 AM Robert Zammataro, Chief Water Systems Operator JEA  
11:15:23 AM Jeff Greenwell, Environmental Services Division Hillsborough County  
11:15:49 AM Bill Freeman presents overview  
11:19:13 AM Steve Swann presents overview  
11:23:36 AM Robert Zammataro presents overview  
11:28:00 AM Jeff Greenwell presents overview  
11:33:52 AM Questions:  
11:33:57 AM Senator Smith  
11:34:32 AM Mr. Swann replies  
11:35:07 AM Mr. Zammataro replies  
11:35:44 AM Mr. Freeman replies  
11:36:29 AM Mr. Greenwell replies  
11:37:24 AM Appearance forms:  
11:37:29 AM Alicia Keeter, FL Rural Water Association speaking for information  
11:40:59 AM Michael Chase, FI Rural Water Association in support  
11:41:30 AM Chair Rodriguez thanks panel  
11:41:43 AM Tab 2 - SPB 7002 by Environment and Natural Resources  
11:41:55 AM Senator Brodeur explains the proposed bill  
11:43:26 AM Questions:  
11:43:31 AM Senator Smith  
11:44:36 AM Senator Brodeur  
11:45:48 AM No appearance forms  
11:45:52 AM No debate  
11:45:56 AM Senator Ingoglia moves SPB 7002 approved as committee bill  
11:46:10 AM Roll call  
11:46:26 AM SPB 7002 reported favorably as a committee bill  
11:46:39 AM Senator Avila moves to adjourn  
11:46:42 AM Meeting adjourned



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations Committee on  
Transportation, Tourism,  
and Economic Development, *Chair*  
Governmental Oversight and  
Accountability, *Vice Chair*  
Appropriations  
Appropriations Committee on Agriculture,  
Environment,  
and General Government  
Commerce and Tourism  
Environment and Natural Resources  
Judiciary  
Rules

## SELECT COMMITTEE:

Joint Select Committee on Collective  
Bargaining

## SENATOR NICK DICEGLIE

18th District

February 17, 2025

The Honorable Senator Rodriguez  
410 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

REF: EXCUSAL LETTER

Honorable Chair Rodriguez,

Please excuse my absence from the Committee on Environment and Natural Resources on  
February 18, 2025.

Thank you for your understanding, and if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie  
State Senator, District 18

CC: Ellen Rogers, Staff Director  
Kim Bonn, Committee Administrative Assistant  
Paloma Alvarez-Garrandes, Legislative Aide

## REPLY TO:

- 9800 4th Street North, #200, St. Petersburg, Florida 33702 (727) 563-1910
- 414 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Committee on Higher  
Education, *Chair*  
Health Policy, *Vice Chair*  
Appropriations  
Appropriations Committee on Health and  
Human Services  
Children, Families, and Elder Affairs  
Education Postsecondary  
Environment and Natural Resources  
Rules

**SENATOR GAYLE HARRELL**

31st District

February 18, 2025

Honorable Ana Maria Rodriguez, Chair  
Senate Committee on Environment and Natural Resources  
325 Knott Building  
Committee Mailing Address:  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Rodrigues:

I would like to request and excused absence from today's Committee on Environment and Natural Resources. I was presenting bills in two other committees.

Thank you for your consideration.

Sincerely,

  
Gayle Harrell, Senator  
District 31

Cc: Ellen Rogers, Staff Director  
Kim Bonn, Administrative Assistant

**REPLY TO:**

- 312 SE Denver Avenue, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
- 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore