1 A bill to be entitled 2 An act relating to water resources; amending s. 3 259.032, F.S.; authorizing use and management 4 of lands acquired under the Conservation and 5 Recreation Lands Trust Fund for permittable 6 water resource development and water supply 7 development purposes; amending s. 259.101, F.S.; authorizing use of certain property 8 9 acquired under the Florida Preservation 2000 10 Act for such purposes; amending s. 373.0693, F.S.; correcting a cross reference; amending s. 11 12 373.073, F.S.; revising procedure for appointment of members to the water management 13 14 district governing boards; amending s. 373.139, 15 F.S.; authorizing use of property owned or controlled by a water management district for 16 17 permittable water resource development and 18 water supply development purposes; amending s. 19 373.236, F.S.; revising criteria relating to 20 duration of consumptive use permits; providing 21 for review and modification of certain permits; amending s. 373.507, F.S.; revising provisions 22 23 relating to district and basin audits, budgets, 24 and expense reports; requiring districts to 25 furnish copies of documents to specified 26 entities and to respond to comments; amending 27 s. 373.536, F.S.; providing requirements for 28 notice and advertisement of district budget 29 hearings and workshops and for budget 30 identification of administrative and operating expenses; revising requirements for submittal

1 of tentative budgets; amending s. 373.59, F.S.; 2 deleting obsolete language; correcting a cross reference; authorizing use of interests in 3 4 property acquired under the trust fund for permittable water resource development and water supply development purposes; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing 10 effective dates.

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

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Section 1. Subsection (4) and paragraph (a) of subsection (9) of section 259.032, Florida Statutes, 1996 Supplement, are amended to read:

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259.032 Conservation and Recreation Lands Trust Fund; purpose. --

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(4) Lands acquired under this section shall be for use as state-designated parks, recreation areas, preserves, reserves, historic or archaeological sites, geologic or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, urban open space, or other state-designated recreation or conservation lands; or they shall qualify for such state designation and use if they are to be managed by other governmental agencies or nonstate

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entities as provided for in this section. Lands acquired under 28 this section may be used for permittable water resource

development and water supply development purposes.

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(9)(a) All lands managed under this section shall be:

- 1. Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.
- 2. Managed for public outdoor recreation which is compatible with the conservation and protection of public lands.
- 3. Managed for the purposes for which the lands were acquired, consistent with paragraph (11)(a).

Management may include the following public uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and other related outdoor activities. Management may also include permittable water resource development and water supply development.

Section 2. Paragraph (a) of subsection (7) of section 259.101, Florida Statutes, 1996 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.--

- (7) ALTERNATE GOVERNMENTAL USE OF ACQUIRED LANDS. --
- (a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of any lands acquired pursuant to subsection (3), for any governmental use permitted by s. 17, Art. IX of the State Constitution of 1885, as adopted by s. 9(a), Art. XII of the State Constitution and which is determined by the board or the owning water management district to be compatible with the purposes for which such lands were acquired. Real property owned or controlled by the state or a water management

district may be used for permittable water resource development and water supply development purposes. 2 3 Section 3. Paragraph (a) of subsection (8) of section 373.0693, Florida Statutes, is amended to read: 4 373.0693 Basins; basin boards.--5 6 (8)(a) At 11:59 p.m. on June 30, 1988, the area 7 transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by 8 change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be a subdistrict or basin of the St. 10 Johns River Water Management District known as the Oklawaha 11 River Basin and said Oklawaha River Basin shall cease to 12 13 exist. However, any recognition of an Oklawaha River Basin or 14 an Oklawaha River Hydrologic Basin for regulatory purposes 15 shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River 16 Water Management District. There shall be established by the 17 18 governing board of the St. Johns River Water Management 19 District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management 20 21 District's governing board on water management issues 22 affecting the Oklawaha River Basin. The Oklawaha River Basin 23 Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and shall 24 25 include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns 26 27 River Water Management District's governing board member 28 currently serving pursuant to s. 373.073(2)(c)3. 29 373.073(1)(b)3.c., shall serve as chair of the Oklawaha River 30 Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their

services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 4. Section 373.073, Florida Statutes, is amended to read:

373.073 Governing board.--

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(1)(a) The governing board of each water management district shall be composed of 9 members who shall reside within the district, except that the Southwest Florida Water Management District shall be composed of 11 members who shall reside within the district. Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment creates a vacancy in the office to which the appointment was made. The term of office for a governing board member is 4 years and commences on March 2 of the year in which the appointment is made and terminates on March 1 of the 4th calendar year of the term. Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations. The term of office of members of the board shall be 4 years and shall be construed to commence on March 2 preceding the date of appointment and to terminate March 1 of the year of the end of a term. Members of the governing boards continued under this chapter shall be appointed from the district at large as vacancies occur on the governing boards. Such vacancies shall be filled according to the residency requirements of paragraph <del>(b).</del>

- (b) Commencing January 1, 1999, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:
- 1. In the first year of the Governor's term of office, the Governor shall appoint three members to the governing board of each district.
- 2. In the second year of the Governor's term of office, the Governor shall appoint three members to the governing board to the Southwest Florida Water Management District and two members to the governing board of each other district.
- 3. In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.
- 4. In the fourth year of the Governor's term of office, the Governor shall appoint two members to the governing board of each district.

For any governing board vacancy that occurs before the date scheduled for the office to be filled under this paragraph, the Governor shall appoint a person meeting the residency requirements of subsection (2) for a term that will expire on the date scheduled for the term of that office to terminate under this subsection.

(2)(b) Notwithstanding the provisions of any other general or special law to the contrary, vacancies in the governing boards of the water management districts shall be filled according to the following residency requirements, representing areas designated by the United States Water Resources Council in United States Geological Survey, River

Basin and Hydrological Unit Map of Florida--1975, Map Series No. 72:

(a) 1. Northwest Florida Water Management District:

- 1.a. One member shall reside in the area generally designated as the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay.
- 2.b. One member shall reside in the area generally designated as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay.
- 3.c. One member shall reside in the area generally designated as the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units.
- 4.d. One member shall reside in the area generally designated as the "Lower Chattahoochee-Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River Apalachicola Rivers-Apalachicola Bay coastal area and offshore islands" hydrologic units.
- <u>5.e.</u> One member shall reside in the area generally designated as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and coastal area between Aucilla and Ochlockonee River Basin" hydrologic units.
- $\underline{6.f.}$  Four members shall be appointed at large, except that no county shall have more than two members on the governing board.
  - (b) 2. Suwannee River Water Management District:

 $\underline{\text{1.a.}}$  One member shall reside in the area generally designated as the "Aucilla River Basin" hydrologic unit.

- 2.b. One member shall reside in the area generally designated as the "Coastal Area between Suwannee and Aucilla Rivers" hydrologic unit.
- 3.e. One member shall reside in the area generally designated as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee River Basin above the Withlacoochee River" hydrologic units.
- $\underline{4.d.}$  One member shall reside in the area generally designated as the "Suwannee River Basin below the Withlacoochee River excluding the Santa Fe River Basin" hydrologic unit.
- $\underline{5.e.}$  One member shall reside in the area generally designated as the "Santa Fe Basin-Waccasassa River and coastal area between Withlacoochee and Suwannee River" hydrologic units.
- $\underline{6.f.}$  Four members shall be appointed at large, except that no county shall have more than two members on the governing board.
  - (c)<del>3.</del> St. Johns River Water Management District:
- $\frac{1.a.}{a}$  One member shall reside in the area generally designated as the "St. Mary River Basin-Coastal area between St. Marys and St. Johns Rivers" hydrologic units.
- 2.b. One member shall reside in the area generally designated as the "St. Johns River Basin below Oklawaha River-Coastal area between the St. Johns River and Ponce de Leon Inlet" hydrologic units.
- $\underline{\text{3.e.}}$  One member shall reside in the area generally designated as the "Oklawaha River Basin" hydrologic unit.

1 4.<del>d.</del> One member shall reside in the area generally designated as the "St. Johns River Basin above the Oklawaha 2 3 River" hydrologic unit. 4 5.<del>e.</del> One member shall reside in the area generally 5 designated as the "Coastal area between Ponce de Leon Inlet 6 and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie 7 River" hydrologic units. 8 6.f. Four members shall be appointed at large, except 9 that no county shall have more than two members on the 10 governing board. (d) 4. South Florida Water Management District: 11 12 1.a. Two members shall reside in Dade County. 2.b. One member shall reside in Broward County. 13 3.<del>c.</del> One member shall reside in Palm Beach County. 14 15 4.<del>d.</del> One member shall reside in Collier County, Lee County, Hendry County, or Charlotte County. 16 17 5.e. One member shall reside in Glades County, Okeechobee County, Highlands County, Polk County, Orange 18 19 County, or Osceola County. 20 6.f. Two members, appointed at large, shall reside in an area consisting of St. Lucie, Martin, Palm Beach, Broward, 21 22 Dade, and Monroe Counties. 23 7.<del>q.</del> One member, appointed at large, shall reside in an area consisting of Collier, Lee, Charlotte, Hendry, Glades, 24 25 Osceola, Okeechobee, Polk, Highlands, and Orange Counties. 26 8.<del>h.</del> No county shall have more than three members on 27 the governing board. 28 (e) 5. Southwest Florida Water Management District: 29 1.a. Two members shall reside in Hillsborough County.

2.b. One member shall reside in the area consisting of

31 Hillsborough and Pinellas Counties.

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           3.c. Two members shall reside in Pinellas County.
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           4.<del>d.</del> One member shall reside in Manatee County.
           5.e. One member shall reside in Polk County.
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           6.f. One member shall reside in Pasco County.
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           7.g. One member shall be appointed at large from Levy,
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   Marion, Citrus, Sumter, Hernando, and Lake Counties.
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           8.<del>h.</del> One member shall be appointed at large from
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    Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.
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           9.i. One member shall be appointed at large from Levy,
   Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee,
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    DeSoto, Charlotte, and Highlands Counties.
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   No county described in subparagraph 7., subparagraph 8., or
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    subparagraph 9. sub-subparagraphs g., h., or i. shall have
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   more than one member on the governing board.
          (2) Members of the governing boards shall be appointed
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   by the Governor, subject to confirmation by the Senate at the
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   next regular session of the Legislature, and the refusal or
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   failure of the Senate to confirm an appointment shall create a
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   vacancy in the office to which the appointment was made.
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           Section 5. Subsections (2) through (7) of section
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    373.139, Florida Statutes, 1996 Supplement, are renumbered as
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    subsections (3) through (8), respectively, and a new
    subsection (2) is added to said section to read:
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           373.139 Acquisition of real property.--
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          (2) Real property owned or controlled by a water
   management district may be used for permittable water resource
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    development and water supply development purposes.
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           Section 6. Section 373.236, Florida Statutes, is
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    amended to read:
           373.236 Duration of permits.--
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1 (1) Permits which do not cause harm to the water 2 resource shall may be granted for a any period of time not exceeding 20 years, provided sufficient data is available to 3 provide reasonable assurance that the amount of water 4 5 requested will be available and the proposed use of water: 6 (a) Is a reasonable-beneficial use; 7 (b) Will not interfere with any presently existing 8 legal use of water; and 9 (c) Is consistent with the public interest. 10 Permits may be issued for shorter durations, or may be 11 12 13 14

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- reviewed and modified during the term of the permit, where required by circumstances specific to the permit. governing board or the department may base duration of permits on a reasonable system of classification according to source of supply or type of use, or both.
- (2) The governing board or the department may authorize a permit of duration of up to 50 years in the case of a public water utility, municipality, or other governmental body or of a public works or public service corporation when that where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities.
- Section 7. Section 373.507, Florida Statutes, is amended to read:
- 373.507 Districts and basins; postaudits, budgets, basins, and taxing authorities; budget and expense reports; audits.--
- (1) Each district and basin referred to in this chapter must shall furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and

the governing body of each county in which the district or basin has jurisdiction or derives any funds for the operations of the district or basin.

- (2) Each district and basin referred to in this chapter must, basin, and taxing authority shall make provision for an annual postaudit of its financial accounts. The postaudit must These postaudits shall be made in accordance with the rules of the Auditor General adopted under promulgated pursuant to ss. 166.241 and 11.47.
- (3)(a) Each district referred to in this chapter must furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or appropriations jurisdiction over districts, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district:
  - 1. The tentative budget.
  - 2. The adopted budget.
  - 3. The past year's expenditures.
  - 4. The postaudit described in subsection (2).
- (b) The documents must be furnished by the earlier of 10 days following completion of each document or as otherwise provided by law.
- (c) If any entity in paragraph (a) provides written comments to the district regarding any document furnished, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

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Section 8. Subsections (1) and (3), and paragraph (c) of subsection (5), of section 373.536, Florida Statutes, 1996 Supplement, are amended to read:

373.536 District budget and hearing thereon.--

(1) The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year. The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. Unless alternative notice requirements are otherwise provided by law, notice of all budget hearings conducted by the governing board or district staff must be published in a newspaper of general circulation in each county in which the district lies not less than 5 days nor more than 15 days before the hearing. Budget workshops conducted for the public and not governed by s. 200.065 must be advertised in a newspaper of general circulation in the community or area in which the workshop will occur not less than 5 days nor more than 15 days before the workshop. The tentative budget shall be adopted in accordance with the provisions of s. 200.065; however, if the mailing of the notice of proposed property taxes is delayed beyond September 3 in any county in which the district lies, the district shall advertise its intention to adopt a tentative budget and millage rate, pursuant to s. 200.065(3)(g), in a newspaper of general paid circulation in that county. The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, for operation and

maintenance of the district works, for the conduct of the affairs of the district generally, and for other purposes, to which may be added an amount to be held as a reserve. District administrative and operating expenses must be identified in the budget and allocated among district activities and programs in proportion to the time, personnel, and resources devoted to the specific activity or program.

(3) As provided in s. 200.065(2)(d), the board shall publish one or more notices of its intention to finally adopt a budget for the district for the ensuing fiscal year. The notice shall appear adjacent to an advertisement which shall set forth the tentative budget in full. The notice and advertisement shall be published in one or more newspapers having a combined general circulation in the counties having land in the district. Districts may include explanatory phrases and examples in budget advertisements published under s. 200.065 to clarify or illustrate the effect that the district budget may have on ad valorem taxes.

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(c) Each water management district shall, by August 1 for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or appropriations jurisdiction over water management districts, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget, which must include to the Department of Environmental Protection, the Executive Office of the Governor, and the chairs of the appropriations committees of the Legislature for

review a tentative budget that includes, but is 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, in a standard format prescribed by the <a href="Executive Office of the Governor"><u>Executive Office of the Governor</u></a> department which is generally consistent with the format prescribed by legislative budget instructions for state agencies and the format requirements of s. 216.031:

- 1. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction;
- 2. For each program area, the salary and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services;
- 3. A description of each new, expanded, reduced, or eliminated program;
  - 4. A 5-year capital improvements plan; and
- 5. 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 fees and permit fees for each program area.

Section 9. Subsection (1) and paragraph (a) of subsection (4) of section 373.59, Florida Statutes, 1996 Supplement, are amended to read:

373.59 Water Management Lands Trust Fund. --

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management,

maintenance, capital improvements, payments in lieu of taxes, and administration of the fund in accordance with the 3 provisions of this section. In addition, for fiscal year 1995-1996, moneys in the fund that are not revenues from the 4 sale of any bonds and that are not required for debt service 5 for any bond issue may be used to fund activities authorized 6 7 under the Surface Water Improvement and Management Act, pursuant to ss. 373.451-373.4595, and for the control of 8 9 aquatic weeds pursuant to part II of chapter 369. Up to 25 percent of the moneys in the fund may be allocated annually to 10 the districts for management, maintenance, and capital 11 12 improvements pursuant to subsection(8)(7). 13 (4)(a) Moneys from the Water Management Lands Trust 14 Fund shall be used for acquiring the fee or other interest in 15 lands necessary for water management, water supply, and the conservation and protection of water resources, except that 16 such moneys shall not be used for the acquisition of 17 18 rights-of-way for canals or pipelines. Such moneys shall also 19 be used for management, maintenance, and capital improvements. 20 Interests in real property acquired by the districts under this section may be used for permittable water resource 21 22 development and water supply development purposes.Lands 23 acquired with moneys from the fund shall be managed and maintained in an environmentally acceptable manner and, to the 24 extent practicable, in such a way as to restore and protect 25 their natural state and condition. 26 27 Section 10. Effective January 1, 1999, section 28 373.0735, Florida Statutes, is hereby repealed. 29 Section 11. Except as otherwise provided herein, this

act shall take effect July 1, 1997.

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## HOUSE SUMMARY

Authorizes use and management of lands acquired under the Conservation and Recreation Lands (CARL) program, use of real property acquired by the state or a water management district under the Florida Preservation 2000 Act, use of real property owned or controlled by a district, and use of interests in real property acquired under the Water Management Lands Trust Fund, for permittable water resource development and water supply development purposes. Revises procedure for appointment of members to the district governing boards, and provides a schedule of appointments beginning in 1999. Requires issuance of 20-year permits for consumptive use of water when described permit conditions are reasonably assured. Authorizes issuance of permits for shorter durations, and review and modification of permits issued. Authorizes issuance of 50-year permits for public water utilities. Revises provisions relating to district and basin audits, budgets, and expense reports, and requires districts to furnish copies of such financial documents to specified entities and to respond, in writing, to comments. Provides requirements relating to district budgets, hearings thereon, notice and advertisements thereof, and tentative budget submittals. See bill for details.

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