

By Representatives Constantine, K. Pruitt, Laurent,  
Sembler, Bronson and Rayson

1                                   A bill to be entitled  
2           An act relating to oversight and accountability  
3           of the South Florida Water Management District;  
4           creating s. 11.80, F.S.; creating the Joint  
5           Legislative Committee on Everglades Oversight;  
6           providing membership; providing  
7           responsibilities; requiring the South Florida  
8           Water Management District to provide notice to  
9           the committee of certain plans, permits,  
10          agreements, or land acquisitions; amending s.  
11          338.26, F.S., relating to Alligator Alley toll  
12          road; providing for deposit of certain funds in  
13          the Everglades Trust Fund; requiring a district  
14          report of differences between a Clean Water Act  
15          permit received for completion of the  
16          Everglades Construction Project and the  
17          Everglades Program; providing definitions;  
18          providing requirements relating to district  
19          financing proposals for fixed or operating  
20          capital outlay projects; requiring publication  
21          of a truth-in-borrowing statement; providing  
22          legislative findings and intent; providing  
23          requirements for district administration of the  
24          Everglades Trust Fund; providing requirements  
25          for deposits and expenditures; requiring an  
26          annual status report; requiring quarterly  
27          distribution of trust fund expenditure  
28          information; providing effective dates.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Section 11.80, Florida Statutes, is created  
2 to read:

3           11.80 Joint Legislative Committee on Everglades  
4 Oversight.--

5           (1) A Joint Legislative Committee on Everglades  
6 Oversight is created to monitor the implementation of the  
7 Everglades Forever Act. The committee shall be comprised of  
8 six members: three members of the House of Representatives  
9 appointed by the Speaker of the House of Representatives and  
10 three Senators appointed by the President of the Senate. The  
11 chair and vice chair shall be appointed for 1-year terms with  
12 the appointments alternating between the Speaker of the House  
13 of Representatives and the President of the Senate. The chair  
14 and vice chair may not be members of the same house of the  
15 Legislature. Staff of the committee, at the discretion of the  
16 chair, may be assigned to onsite monitoring of the district's  
17 activities and operations pertaining to the Everglades  
18 Construction Project.

19           (2) The joint committee shall be responsible for  
20 monitoring all funding and expenditures, agreements, schedules  
21 of projects, land acquisition, and plans for acquisition,  
22 permits, and permit modifications associated with the  
23 implementation of the Everglades Forever Act.

24           (3) The South Florida Water Management District shall  
25 give notice to the Joint Legislative Committee on Everglades  
26 Oversight of any plan, or modification of such plan, developed  
27 by the district for implementation of the Everglades Forever  
28 Act, or of any associated permit, permit modification,  
29 agreement, agreement modification, land acquisition, or land  
30 acquisition plan to which the district is a party. Notice  
31 shall be given at least 14 days prior to any such district

1 action. Notice shall include a justification of any such  
2 action and an estimate of how program costs will be affected  
3 by the action. Within 14 days after receipt of the notice, the  
4 chair and vice chair shall provide comments in writing to the  
5 district stating whether the proposed action is deemed to  
6 exceed the authority delegated to the district for the  
7 implementation of the Everglades Forever Act or is  
8 inconsistent with the original intent of the act. Activities  
9 deemed to be inconsistent may include, but are not limited to,  
10 actions that may have the effect of delaying implementation of  
11 the Everglades Construction Project. The chair shall report  
12 all such correspondence to the presiding officers of the House  
13 of Representatives and the Senate.

14 Section 2. Effective July 1, 1998, subsection (3) of  
15 section 338.26, Florida Statutes, is amended to read:

16 338.26 Alligator Alley toll road.--

17 (3) Fees generated from tolls shall be deposited in  
18 the State Transportation Trust Fund, and any amount of funds  
19 generated annually in excess of that required to reimburse  
20 outstanding contractual obligations, to operate and maintain  
21 the highway and toll facilities, including reconstruction and  
22 restoration, and to pay for those projects that are funded  
23 with Alligator Alley toll revenues and that are contained in  
24 the 1993-1994 adopted work program or the 1994-1995 tentative  
25 work program submitted to the Legislature on February 22,  
26 1994, shall be deposited in the Everglades Trust Fund pursuant  
27 to paragraph (4)(a) of section 5 of this act, may be  
28 ~~transferred to the Everglades Fund of the South Florida Water~~  
29 ~~Management District~~ for environmental projects to restore the  
30 natural values of the Everglades, subject to compliance with  
31

1 any applicable federal laws and regulations. Projects shall be  
2 limited to:

3 (a) Highway redesign to allow for improved sheet flow  
4 of water across the southern Everglades.

5 (b) Water conveyance projects to enable more water  
6 resources to reach Florida Bay to replenish marine estuary  
7 functions.

8 (c) Engineering design plans for wastewater treatment  
9 facilities as recommended in the Water Quality Protection  
10 Program Document for the Florida Keys National Marine  
11 Sanctuary.

12 (d) Acquisition of lands to move STA 3/4 out of the  
13 Toe of the Boot, provided such lands are located within 1 mile  
14 of the northern border of STA 3/4.

15 (e) Other Everglades Construction Projects as  
16 described in the February 15, 1994, conceptual design  
17 document.

18 Section 3. South Florida Water Management District;  
19 permit for completion of Everglades Construction Project;  
20 report.--Within 60 days after receipt of any permit issued  
21 pursuant to s. 404 of the Clean Water Act, 33 U.S.C. s. 1344,  
22 for the completion of the Everglades Construction Project, as  
23 defined by s. 373.4592(2)(f), Florida Statutes, the South  
24 Florida Water Management District shall submit a report to the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House of Representatives that details the differences between  
27 the permit and the Everglades Program as defined by s.  
28 373.4592(2)(g), Florida Statutes, and identifies any changes  
29 to the schedule or funding for the Everglades Program that  
30 result from the permit. The South Florida Water Management  
31 District shall include in the report a complete chronological

1 record of any negotiations related to conditions included in  
2 the permit. Such record shall be documented by inclusion of  
3 all relevant correspondence in the report. If any condition of  
4 the permit affects the schedule or costs of the Everglades  
5 Construction Project, the South Florida Water Management  
6 District shall include in the report a detailed explanation of  
7 why the condition was imposed and a detailed analysis of  
8 whether the condition would promote or hinder the progress of  
9 the project.

10 Section 4. South Florida Water Management District;  
11 Everglades truth in borrowing.--

12 (1) Definitions.--As used in this section, unless the  
13 context otherwise indicates:

14 (a) "Debt" means any evidence of indebtedness,  
15 including, but not limited to, an agreement to pay principal  
16 and any interest thereon, whether in the form of a contract to  
17 repay borrowed money or otherwise, and includes moneys  
18 borrowed from any source that are directed to a purpose for  
19 which they were not originally budgeted.

20 (b) "District" means the South Florida Water  
21 Management District.

22 (c) "Interest" means the compensation for the use or  
23 detention of money or its equivalent.

24 (d) "Interest rate" means the annual percentage of the  
25 outstanding debt or obligation payable as interest.

26 (e) "Obligation" means an agreement to pay principal  
27 and interest thereon, other than a debt, whether in the form  
28 of a lease, lease-purchase, installment purchase, or  
29 otherwise, and includes a share, participation, or other  
30 interest in any such agreement.

31

1       (f) "Outstanding debt" means any debt or obligation of  
2 which the principal has not been paid or for which an amount  
3 sufficient to provide for the payment of such debt or  
4 obligation and the interest on such debt or obligation to the  
5 maturity or early redemption of such debt or obligation has  
6 not been set aside for the benefit of the holders of such debt  
7 or obligation.

8       (g) "Principal" means the face value of the debt or  
9 obligation proposed to be issued or incurred.

10       (2) Whenever the South Florida Water Management  
11 District proposes to borrow or to otherwise finance with debt  
12 any fixed capital outlay projects or operating capital outlay  
13 requests, it shall develop one or more of the following  
14 documents to explain the issuance of a debt or obligation:

15       (a) A summary of outstanding debt, including  
16 borrowing.

17       (b) A statement of proposed financing, which shall  
18 include the following items:

19           1. A listing of the purpose of the debt or obligation.

20           2. The source of repayment of the debt or obligation.

21           3. The principal amount of the debt or obligation.

22           4. The interest rate on the debt or obligation.

23           5. A schedule of annual debt service payments for each  
24 proposed debt or obligation.

25       (c) A truth-in-borrowing statement, developed from the  
26 information compiled pursuant to this section, in  
27 substantially the following form:

28           The South Florida Water Management District is  
29 proposing to incur \$ (insert principal) of debt or obligation  
30 through borrowing for the purpose of (insert purpose). This  
31 debt or obligation is expected to be repaid over a period of

1 (insert term of issue from subparagraph (b)5.) years from the  
2 following sources: (list sources). At a forecasted interest  
3 rate of (insert rate of interest from subparagraph (b)4.),  
4 total interest paid over the life of the debt or obligation  
5 will be \$ (insert sum of interest payments).  
6 The truth-in-borrowing statement shall be published as a  
7 notice in one or more newspapers having a combined general  
8 circulation in the counties having land in the district. Such  
9 notice must be at least 6 inches square in size and shall not  
10 be placed in that portion of the newspaper where legal notices  
11 and classified advertisements appear.

12 Section 5. (1) Everglades Trust Fund; allocation of  
13 revenues and expenditure of funds for conservation and  
14 protection of natural resources and abatement of water  
15 pollution.--

16 (1) Legislative findings and intent.--The Legislature  
17 finds and declares the following:

18 (a) The Everglades ecological system is unique in the  
19 world and one of Florida's great treasures. The Legislature  
20 has responded to adverse changes in water quality, and in  
21 quantity, distribution, and timing of flows, that endanger the  
22 Everglades ecological system, by enacting the Everglades  
23 Forever Act. The act authorized the Everglades Construction  
24 Project, which is by far the largest environmental cleanup and  
25 restoration program of this type ever undertaken. The  
26 magnitude of the Everglades Construction Project will require  
27 substantial costs to be borne by taxpayers.

28 (b) In consideration of both the environmental  
29 benefits and public costs of the Everglades Construction  
30 Project, the Legislature finds that enhanced oversight and  
31 accountability is necessary to ensure that the Everglades

1 Construction Project is completed in a timely manner and  
2 within the limits of the funds made available for its  
3 completion. The Legislature further finds that the  
4 implementation of the Everglades Forever Act is conservation  
5 and protection of natural resources and abatement of water  
6 pollution in the Everglades Protection Area and the Everglades  
7 Agricultural Area.

8 (2) The South Florida Water Management District shall  
9 administer the Everglades Trust Fund consistent with the  
10 requirements of this section, as well as all other applicable  
11 laws.

12 (3) The Comptroller shall authorize expenditures from  
13 this fund upon receipt of vouchers approved by the South  
14 Florida Water Management District. Any balance in the trust  
15 fund at the end of a fiscal year shall remain in the trust  
16 fund and be available for carrying out the purposes of this  
17 fund.

18 (4) The following funds shall be deposited into the  
19 Everglades Trust Fund specifically for the implementation of  
20 the Everglades Forever Act.

21 (a) Alligator Alley toll revenues pursuant to s.  
22 338.26(3), Florida Statutes.

23 (b) Everglades agricultural privilege tax revenues  
24 pursuant to s. 373.4592(6), Florida Statutes.

25 (c) Federal funds designated by the United States  
26 Congress for Everglades restoration.

27 (d) Preservation 2000 funds for acquisition of lands  
28 associated with Everglades restoration as prescribed in an  
29 annual appropriation.

30 (e) Any additional funds specifically appropriated by  
31 the Legislature for this purpose.



