

By the Committee on Environmental Protection and
Representatives Constantine, K. Pruitt, Laurent, Sembler,
Bronson, Rayson, Betancourt and Putnam

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; requiring publication of a
21 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.

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30 Be It Enacted by the Legislature of the State of Florida:
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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
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1 shall include a justification of any such action and an
2 estimate of how program costs will be affected by the action.

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

5 338.26 Alligator Alley toll road.--

6 (3) Fees generated from tolls shall be deposited in
7 the State Transportation Trust Fund, and any amount of funds
8 generated annually in excess of that required to reimburse
9 outstanding contractual obligations, to operate and maintain
10 the highway and toll facilities, including reconstruction and
11 restoration, and to pay for those projects that are funded
12 with Alligator Alley toll revenues and that are contained in
13 the 1993-1994 adopted work program or the 1994-1995 tentative
14 work program submitted to the Legislature on February 22,
15 1994, shall be deposited in the Everglades Trust Fund pursuant
16 to paragraph (4)(a) of section 5 of this act, may be
17 ~~transferred to the Everglades Fund of the South Florida Water~~
18 ~~Management District~~ for environmental projects to restore the
19 natural values of the Everglades, subject to compliance with
20 any applicable federal laws and regulations. Projects shall be
21 limited to:

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

24 (b) Water conveyance projects to enable more water
25 resources to reach Florida Bay to replenish marine estuary
26 functions.

27 (c) Engineering design plans for wastewater treatment
28 facilities as recommended in the Water Quality Protection
29 Program Document for the Florida Keys National Marine
30 Sanctuary.

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

4 (e) Other Everglades Construction Projects as
5 described in the February 15, 1994, conceptual design
6 document.

7 Section 3. South Florida Water Management District;
8 permit for completion of Everglades Construction Project;
9 report.--Within 60 days after receipt of any permit issued
10 pursuant to s. 404 of the Clean Water Act, 33 U.S.C. s. 1344,
11 for the completion of the Everglades Construction Project, as
12 defined by s. 373.4592(2)(f), Florida Statutes, the South
13 Florida Water Management District shall submit a report to the
14 Governor, the President of the Senate, and the Speaker of the
15 House of Representatives that details the differences between
16 the permit and the Everglades Program as defined by s.
17 373.4592(2)(g), Florida Statutes, and identifies any changes
18 to the schedule or funding for the Everglades Program that
19 result from the permit. The South Florida Water Management
20 District shall include in the report a complete chronological
21 record of any negotiations related to conditions included in
22 the permit. Such record shall be documented by inclusion of
23 all relevant correspondence in the report. If any condition of
24 the permit affects the schedule or costs of the Everglades
25 Construction Project, the South Florida Water Management
26 District shall include in the report a detailed explanation of
27 why the condition was imposed and a detailed analysis of
28 whether the condition would promote or hinder the progress of
29 the project.

30 Section 4. South Florida Water Management District;
31 Everglades truth in borrowing.--

1 (1) Definitions.--As used in this section, unless the
2 context otherwise indicates:
3 (a) "Debt" means any evidence of indebtedness,
4 including, but not limited to, an agreement to pay principal
5 and any interest thereon, whether in the form of a contract to
6 repay borrowed money or otherwise, and includes moneys
7 borrowed from any source that are directed to a purpose for
8 which they were not originally budgeted.
9 (b) "District" means the South Florida Water
10 Management District.
11 (c) "Interest" means the compensation for the use or
12 detention of money or its equivalent.
13 (d) "Interest rate" means the annual percentage of the
14 outstanding debt or obligation payable as interest.
15 (e) "Obligation" means an agreement to pay principal
16 and interest thereon, other than a debt, whether in the form
17 of a lease, lease-purchase, installment purchase, or
18 otherwise, and includes a share, participation, or other
19 interest in any such agreement.
20 (f) "Outstanding debt" means any debt or obligation of
21 which the principal has not been paid or for which an amount
22 sufficient to provide for the payment of such debt or
23 obligation and the interest on such debt or obligation to the
24 maturity or early redemption of such debt or obligation has
25 not been set aside for the benefit of the holders of such debt
26 or obligation.
27 (g) "Principal" means the face value of the debt or
28 obligation proposed to be issued or incurred.
29 (2) Whenever the South Florida Water Management
30 District proposes to borrow or to otherwise finance with debt
31 any fixed capital outlay projects or operating capital outlay,

1 it shall develop the following documents to explain the
2 issuance of a debt or obligation:

3 (a) A summary of outstanding debt, including
4 borrowing.

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

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

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

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

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

11 5. A schedule of annual debt service payments for each
12 proposed debt or obligation.

13 (c) A truth-in-borrowing statement, developed from the
14 information compiled pursuant to this section, in
15 substantially the following form:

16 The South Florida Water Management District is
17 proposing to incur \$ (insert principal) of debt or obligation
18 through borrowing for the purpose of (insert purpose). This
19 debt or obligation is expected to be repaid over a period of
20 (insert term of issue from subparagraph (b)5.) years from the
21 following sources: (list sources). At a forecasted interest
22 rate of (insert rate of interest from subparagraph (b)4.),
23 total interest paid over the life of the debt or obligation
24 will be \$ (insert sum of interest payments).

25 The truth-in-borrowing statement shall be published as a
26 notice in one or more newspapers having a combined general
27 circulation in the counties having land in the district. Such
28 notice must be at least 6 inches square in size and shall not
29 be placed in that portion of the newspaper where legal notices
30 and classified advertisements appear.

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1 Section 5. (1) Everglades Trust Fund; allocation of
2 revenues and expenditure of funds for conservation and
3 protection of natural resources and abatement of water
4 pollution.--

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

7 (a) The Everglades ecological system is unique in the
8 world and one of Florida's great treasures. The Legislature
9 has responded to adverse changes in water quality, and in
10 quantity, distribution, and timing of flows, that endanger the
11 Everglades ecological system, by enacting the Everglades
12 Forever Act. The act authorized the Everglades Construction
13 Project, which is by far the largest environmental cleanup and
14 restoration program of this type ever undertaken and will
15 require substantial expenditures.

16 (b) In consideration of both the environmental
17 benefits and public costs of the Everglades Construction
18 Project, the Legislature finds that enhanced oversight and
19 accountability is necessary to ensure that the Everglades
20 Construction Project is completed in a timely manner and
21 within the limits of the funds made available for its
22 completion. The Legislature further finds that the
23 implementation of the Everglades Forever Act is conservation
24 and protection of natural resources and abatement of water
25 pollution in the Everglades Protection Area and the Everglades
26 Agricultural Area.

27 (2) The South Florida Water Management District shall
28 administer the Everglades Trust Fund consistent with the
29 requirements of this section, as well as all other applicable
30 laws.

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1 (3) The Comptroller shall authorize expenditures from
2 this fund upon receipt of vouchers approved by the South
3 Florida Water Management District. Any balance in the trust
4 fund at the end of a fiscal year shall remain in the trust
5 fund and be available for carrying out the purposes of this
6 fund.

7 (4) The following funds shall be deposited into the
8 Everglades Trust Fund specifically for the implementation of
9 the Everglades Forever Act.

10 (a) Alligator Alley toll revenues pursuant to s.
11 338.26(3), Florida Statutes.

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

14 (c) Federal funds appropriated by the United States
15 Congress for any component of the Everglades Construction
16 Project.

17 (d) Preservation 2000 funds for acquisition of lands
18 necessary for implementation of the Everglades Forever Act as
19 prescribed in an annual appropriation.

20 (e) Any additional funds specifically appropriated by
21 the Legislature for this purpose.

22 (f) Gifts designated for implementation of the
23 Everglades Forever Act from individuals, corporations, and
24 other entities.

25 (g) Any additional funds that become available for
26 this purpose from any other source.

27 (5) Funds deposited into the Everglades Trust Fund
28 pursuant to this section shall be expended for implementation
29 of the Everglades Forever Act as provided by s. 373.4592,
30 Florida Statutes.

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1 (6) Funds from other sources shall be used consistent
2 with the purposes for which they were received.

3 (7) Annually, no later than March 1, the South Florida
4 Water Management District shall report to the Legislature on
5 the status of the implementation of the Everglades Forever
6 Act. Such report shall include, but is not limited to:

7 (a) Progress on the Everglades Construction Project.

8 (b) Changes to the Everglades Construction Project.

9 (c) Actual revenues, compared to projected revenues.

10 (d) The unencumbered balance which remains in the
11 Everglades Trust Fund at the end of each fiscal year.

12 (e) The revenues deposited in the Everglades Trust
13 Fund pursuant to this section, by source, and the record of
14 expenditures from the Everglades Trust Fund.

15 (f) Projected acquisition costs, construction costs,
16 operation and maintenance costs, and projected revenues, over
17 the succeeding 5 years.

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19 Additionally, the South Florida Water Management District
20 shall, on a quarterly basis, make available to the public and
21 distribute, in any format that is easy to understand, the
22 record of expenditures of moneys from the Everglades Trust
23 Fund.

24 (2) This section shall take effect July 1, 1998.

25 Section 6. Except as otherwise provided herein, this
26 act shall take effect July 1, 1997.

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