

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; requiring an
11 annual status report; amending s. 338.26, F.S.,
12 relating to Alligator Alley toll road;
13 providing for deposit of certain funds in the
14 Everglades Trust Fund; requiring a district
15 report of differences between a Clean Water Act
16 permit received for completion of the
17 Everglades Construction Project and the
18 Everglades Program; providing definitions;
19 providing requirements relating to district
20 financing proposals for fixed or operating
21 capital outlay; requiring publication of a
22 truth-in-borrowing statement; providing
23 legislative findings and intent; providing
24 requirements for district administration of the
25 Everglades Trust Fund; requiring quarterly
26 distribution of trust fund expenditure
27 information; providing for a postaudit; for
28 deposits and expenditures; requiring annual
29 reporting; providing effective dates.
30
31 Be It Enacted by the Legislature of the State of Florida:

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

1 shall include a justification of any such action and an
2 estimate of how program costs will be affected by the action.

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

8 (a) Progress on the Everglades Construction Project.

9 (b) Changes to the Everglades Construction Project.

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

11 (d) Projected acquisition costs, construction costs,
12 operation and maintenance costs, and projected revenues, over
13 the succeeding 5 years.

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, may be transferred to the Everglades Fund of the South
27 Florida Water Management District. The South Florida Water
28 Management District shall deposit funds for projects
29 undertaken pursuant to s. 373.4592 in the Everglades Trust
30 Fund pursuant to paragraph (4)(a) of section 5 of this act.
31 Any funds remaining in the Everglades Fund may be used for

1 environmental projects to restore the natural values of the
2 Everglades, subject to compliance with any applicable federal
3 laws and regulations. Projects shall be limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 for purposes pursuant to s. 373.4592, it shall develop the
14 following documents to explain the issuance of a debt or
15 obligation:

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

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

- 20 1. A listing of the purpose of the debt or obligation.
- 21 2. The source of repayment of the debt or obligation.
- 22 3. The principal amount of the debt or obligation.
- 23 4. The interest rate on the debt or obligation.
- 24 5. A schedule of annual debt service payments for each
25 proposed debt or obligation.

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

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

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

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

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

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

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 critical to
5 the conservation and protection of natural resources and
6 abatement of water pollution in the Everglades Protection Area
7 and the Everglades 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 South Florida Water Management District shall
13 furnish, on a quarterly basis, a detailed copy of its
14 expenditures from the Everglades Trust Fund to the Governor,
15 the President of the Senate, and the Speaker of the House of
16 Representatives, and shall make copies available to the
17 public. The information shall be provided in a format
18 approved by the Joint Legislative Committee on Everglades
19 Oversight. At the direction of the Joint Legislative Committee
20 on Everglades Oversight, a postaudit may be made from time to
21 time by the Auditor General, and such audit shall be within
22 the authority of said Auditor General, to make.

23 (4) The following funds shall be deposited into the
24 Everglades Trust Fund specifically for the implementation of
25 the Everglades Forever Act.

26 (a) Alligator Alley toll revenues pursuant to s.
27 338.26(3), Florida Statutes.

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

30 (c) C-139 agricultural privilege tax revenues pursuant
31 to s. 373.4592(7).

1 (d) Special assessment revenues pursuant to s.
2 373.4592(8).

3 (e) Ad valorem revenues pursuant to s. 373.4592(4)(a).

4 (f) Federal funds appropriated by the United States
5 Congress for any component of the Everglades Construction
6 Project.

7 (g) Preservation 2000 funds for acquisition of lands
8 necessary for implementation of the Everglades Forever Act as
9 prescribed in an annual appropriation.

10 (h) Any additional funds specifically appropriated by
11 the Legislature for this purpose.

12 (i) Gifts designated for implementation of the
13 Everglades Forever Act from individuals, corporations, and
14 other entities.

15 (j) Any additional funds that become available for
16 this purpose from any other source.

17 (5) Funds deposited into the Everglades Trust Fund
18 pursuant to this section shall be expended for implementation
19 of the Everglades Forever Act as provided by s. 373.4592,
20 Florida Statutes.

21 (6) Funds from other sources deposited into the
22 Everglades Trust Fund shall be used consistent with the
23 purposes for which they were received.

24 (7) Annually, no later than January 1, the South
25 Florida Water Management District shall report to the Joint
26 Committee on Everglades Oversight:

27 (a) The unencumbered balance which remains in the
28 Everglades Trust Fund at the end of each fiscal year.

29 (b) The revenues deposited in the Everglades Trust
30 Fund pursuant to this section, by source, and the record of
31 expenditures from the Everglades Trust Fund.

1 (2) This section shall take effect July 1, 1998.
2 Section 6. Except as otherwise provided herein, this
3 act shall take effect July 1, 1997.
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