

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;
28 providing requirements for deposits and
29 expenditures; requiring annual reporting;
30 providing effective dates.

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

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

5 11.80 Joint Legislative Committee on Everglades
6 Oversight.--

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

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

26 (3) The South Florida Water Management District shall
27 give notice to the Joint Legislative Committee on Everglades
28 Oversight of any plan, or modification of such plan, developed
29 by the district for implementation of the Everglades Forever
30 Act, or of any associated permit, permit modification,
31 agreement, agreement modification, land acquisition, or land

1 acquisition plan to which the district is a party. Notice
2 shall include a justification of any such action and an
3 estimate of how program costs will be affected by the action.

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

9 (a) Progress on the Everglades Construction Project.

10 (b) Changes to the Everglades Construction Project.

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

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

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

17 338.26 Alligator Alley toll road.--

18 (3) Fees generated from tolls shall be deposited in
19 the State Transportation Trust Fund, and any amount of funds
20 generated annually in excess of that required to reimburse
21 outstanding contractual obligations, to operate and maintain
22 the highway and toll facilities, including reconstruction and
23 restoration, and to pay for those projects that are funded
24 with Alligator Alley toll revenues and that are contained in
25 the 1993-1994 adopted work program or the 1994-1995 tentative
26 work program submitted to the Legislature on February 22,
27 1994, may be transferred to the Everglades Fund of the South
28 Florida Water Management District. The South Florida Water
29 Management District shall deposit funds for projects
30 undertaken pursuant to s. 373.4592 in the Everglades Trust
31 Fund pursuant to paragraph (4)(a) of section 5 of this act.

1 Any funds remaining in the Everglades Fund may be used for
2 environmental projects to restore the natural values of the
3 Everglades, subject to compliance with any applicable federal
4 laws and regulations. Projects shall be limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) Whenever the South Florida Water Management
13 District proposes to borrow or to otherwise finance with debt
14 any fixed capital outlay projects or operating capital outlay
15 for purposes pursuant to s. 373.4592, it shall develop the
16 following documents to explain the issuance of a debt or
17 obligation:

18 (a) A summary of outstanding debt, including
19 borrowing.

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

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

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

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1 The South Florida Water Management District is
 2 proposing to incur \$ (insert principal) of debt or obligation
 3 through borrowing for the purpose of (insert purpose). This
 4 debt or obligation is expected to be repaid over a period of
 5 (insert term of issue from subparagraph (b)5.) years from the
 6 following sources: (list sources). At a forecasted interest
 7 rate of (insert rate of interest from subparagraph (b)4.),
 8 total interest paid over the life of the debt or obligation
 9 will be \$ (insert sum of interest payments).

10 The truth-in-borrowing statement shall be published as a
 11 notice in one or more newspapers having a combined general
 12 circulation in the counties having land in the district. Such
 13 notice must be at least 6 inches square in size and shall not
 14 be placed in that portion of the newspaper where legal notices
 15 and classified advertisements appear.

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

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

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

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1 (b) In consideration of both the environmental
2 benefits and public costs of the Everglades Construction
3 Project, the Legislature finds that enhanced oversight and
4 accountability is necessary to ensure that the Everglades
5 Construction Project is completed in a timely manner and
6 within the limits of the funds made available for its
7 completion. The Legislature further finds that the
8 implementation of the Everglades Forever Act is critical to
9 the conservation and protection of natural resources and
10 improvement of water quality in the Everglades Protection Area
11 and the Everglades Agricultural Area.

12 (2) The South Florida Water Management District shall
13 administer the Everglades Trust Fund consistent with the
14 requirements of this section, as well as all other applicable
15 laws.

16 (3) The South Florida Water Management District shall
17 furnish, on a quarterly basis, a detailed copy of its
18 expenditures from the Everglades Trust Fund to the Governor,
19 the President of the Senate, and the Speaker of the House of
20 Representatives, and shall make copies available to the
21 public. The information shall be provided in a format
22 approved by the Joint Legislative Committee on Everglades
23 Oversight. At the direction of the Joint Legislative Committee
24 on Everglades Oversight, a postaudit may be made from time to
25 time by the Auditor General, and such audit shall be within
26 the authority of said Auditor General, to make.

27 (4) The following funds shall be deposited into the
28 Everglades Trust Fund specifically for the implementation of
29 the Everglades Forever Act.

30 (a) Alligator Alley toll revenues pursuant to s.
31 338.26(3), Florida Statutes.

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

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

5 (d) Special assessment revenues pursuant to s.
6 373.4592(8).

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

8 (f) Federal funds appropriated by the United States
9 Congress for any component of the Everglades Construction
10 Project.

11 (g) Preservation 2000 funds for acquisition of lands
12 necessary for implementation of the Everglades Forever Act as
13 prescribed in an annual appropriation.

14 (h) Any additional funds specifically appropriated by
15 the Legislature for this purpose.

16 (i) Gifts designated for implementation of the
17 Everglades Forever Act from individuals, corporations, and
18 other entities.

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

21 (5) Funds deposited into the Everglades Trust Fund
22 pursuant to this section shall be expended for implementation
23 of the Everglades Forever Act as provided by s. 373.4592,
24 Florida Statutes.

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

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

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

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

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

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

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