

By Senator McKay

26-1481-98

1 A bill to be entitled
2 An act relating to water management; amending
3 s. 373.503, F.S.; revising the statutory
4 millage rate cap for water management
5 districts; deleting authority to levy taxes in
6 specified territories; creating s. 373.505,
7 F.S.; requiring the districts to submit
8 preliminary budget requests to the Governor;
9 providing for public hearings, review
10 procedures, and required data; requiring
11 reports of expenditures to the Governor and the
12 Legislature; repealing s. 373.536(5), F.S.,
13 relating to the current district budgeting
14 process; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 373.503, Florida Statutes, is
19 amended to read:

20 373.503 Manner of taxation.--

21 (1) It is the finding of the Legislature that the
22 general regulatory and administrative functions of the
23 districts herein authorized are of general benefit to the
24 people of the state and should fully or in part be financed by
25 general appropriations. Further, it is the finding of the
26 Legislature that water resources programs of particular
27 benefit to limited segments of the population should be
28 financed by those most directly benefited. To those ends, this
29 chapter provides for the establishment of permit application
30 fees and a method of ad valorem taxation to finance the
31 activities of the district.

1 (2)(a) The Legislature declares that the millage
2 authorized for water management purposes by s. 9(b), Art. VII
3 of the State Constitution shall be levied only by the water
4 management districts set forth in this chapter and intends by
5 this section to prevent any laws which would allow other units
6 of government to levy any portion of said millage. However,
7 this does not preclude such units of government from financing
8 and engaging in water management programs if otherwise
9 authorized by law.

10 (b) Pursuant to s. 11(a)(21), Art. III of the State
11 Constitution, the Legislature hereby prohibits special laws or
12 general laws of local application pertaining to the allocation
13 of any portion of the millage authorized for water management
14 purposes by s. 9(b), Art. VII of the State Constitution to any
15 unit of government other than those districts established by
16 this chapter.

17 ~~(c) The authority of the Central and Southern Florida
18 Flood Control District and the Southwest Florida Water
19 Management District to levy ad valorem taxes within the
20 territories specified in chapter 25270, 1949, Laws of Florida,
21 and chapter 61-691, Laws of Florida, respectively, as
22 heretofore amended, shall continue until those districts have
23 authority to levy ad valorem taxes pursuant to this section.~~

24 (3)(a) The districts may levy ad valorem taxes on
25 property within the district solely for the purposes of this
26 chapter and of chapter 25270, 1949, Laws of Florida, as
27 amended, and chapter 61-691, Laws of Florida, as amended. The
28 authority to levy ad valorem taxes as provided in this act
29 shall commence with the year 1977. ~~However, the taxes levied
30 for 1977 by the governing boards pursuant to this section
31 shall be prorated to ensure that no such taxes will be levied~~

1 ~~for the first 4 days of the tax year, which days will fall~~
2 ~~prior to the effective date of the amendment to s. 9(b), Art.~~
3 ~~VII of the State Constitution, which was approved March 9,~~
4 ~~1976.~~ When appropriate, taxes levied by each governing board
5 may be separated by the governing board into a millage
6 necessary for the purposes of the district and a millage
7 necessary for financing basin functions specified in s.
8 373.0695.

9 (b) Beginning with the taxing year 1977 and ending
10 with the taxing year 1999, and notwithstanding the provisions
11 of any other general or special law to the contrary, the
12 maximum total millage rate for district and basin purposes
13 shall be:

- 14 1. Northwest Florida Water Management District: 0.05
15 mill.
- 16 2. Suwannee River Water Management District: 0.75
17 mill.
- 18 3. St. Johns River Water Management District: 0.6
19 mill.
- 20 4. Southwest Florida Water Management District: 1.0
21 mill.
- 22 5. South Florida Water Management District: 0.80
23 mill.

24 (c) Beginning with the taxing year 2000, and
25 notwithstanding the provisions of any other general or special
26 law to the contrary, the maximum total millage rate for
27 district and basin purposes will be as established annually by
28 the Legislature but may not exceed the millage rate
29 established in s. 9(b), Art. VII of the State Constitution.

30 (d)~~(b)~~ The apportionment in the South Florida Water
31 Management District shall be a maximum of 40 percent for

1 district purposes and a maximum of 60 percent for basin
2 purposes, respectively.

3 (e)~~(c)~~ Within the Southwest Florida Water Management
4 District, the maximum millage assessed for district purposes
5 shall not exceed 50 percent of the total authorized millage
6 when there are one or more basins in the district, and the
7 maximum millage assessed for basin purposes shall not exceed
8 50 percent of the total authorized millage.

9 (4) It is hereby determined that the taxes authorized
10 by this chapter are in proportion to the benefits to be
11 derived by the several parcels of real estate within the
12 districts to which territories are annexed and transferred.
13 It is further determined that the cost of conducting elections
14 within the respective districts or within the transferred or
15 annexed territories, including costs incidental thereto in
16 preparing for such election and in informing the electors of
17 the issues therein, is a proper expenditure of the department,
18 of the respective districts, and of the district to which such
19 territory is or has been annexed or transferred.

20 (5) Each water management district created under this
21 chapter which does not receive state shared revenues under
22 part II of chapter 218 shall, before January 1 of each year,
23 certify compliance or noncompliance with s. 200.065 to the
24 Department of Banking and Finance. Specific grounds for
25 noncompliance shall be stated in the certification. In its
26 annual report required by s. 218.32(2), the Department of
27 Banking and Finance shall report to the Governor and the
28 Legislature those water management districts certifying
29 noncompliance or not reporting.

30 Section 2. Section 373.505, Florida Statutes, is
31 created to read:

1 373.505 District budget submittal.--

2 (1) Beginning in October 1998, each water management
3 district shall, by November 1 of each year, submit a
4 preliminary legislative budget request to the Governor, as
5 chief budget officer of the state, in the form and manner
6 prescribed in the budget instructions based on the district's
7 independent judgment of its needs.

8 (2) Within 30 days before submittal of the legislative
9 budget request, the governing board shall hold one or more
10 public hearings on the preliminary legislative budget request.
11 The hearing must be noticed in a newspaper of general
12 circulation in each of the counties of the district. During
13 the discussion, the governing body shall hear comments
14 regarding the preliminary legislative budget request. The
15 general public shall be allowed to speak and to ask questions
16 before adoption of any preliminary legislative budget request
17 by the governing body. These hearings must be held after 5
18 p.m. if scheduled on a day other than Saturday. A hearing may
19 not be held on Sunday.

20 (3) The Executive Office of the Governor shall review
21 the preliminary legislative budget request and shall include
22 in the review an evaluation for technical compliance with the
23 budget format provided in the budget instructions. The
24 department shall, by November 20 of the year in which the
25 preliminary legislative budget is submitted, after taking into
26 account continuing and proposed program needs, provide its
27 review and comments to the governing board and the Governor.
28 The Executive Office of the Governor shall provide the
29 governing board with comments and notify the district of any
30 adjustment required. The district shall make the appropriate
31 corrections in preparing its final legislative budget request

1 and provide the final legislative budget request to the
2 Governor prior to December 1 of each year. If the appropriate
3 technical corrections are not made in the final legislative
4 budget requests, the Executive Office of the Governor may
5 adjust the budget request to incorporate the appropriate
6 technical corrections in the format of the request. The
7 Governor shall submit the district's final legislative budget
8 requests to the Legislature by December 10.

9 (4) The final legislative budget request must include,
10 but is not limited to, the following information for the
11 preceding fiscal year and the current fiscal year and the
12 proposed amounts for the upcoming fiscal year in a standard
13 format prescribed by the department which is generally
14 consistent with the format prescribed by legislative budget
15 instructions for state agencies and the format requirements of
16 s. 216.031:

17 1. The proposed millage rates and the percentage
18 increase above the rolled-back rate for the prior year,
19 together with a summary of the reasons for the required
20 increase and the estimated percentage increase in taxable
21 value resulting from new construction.

22 2. For each program area, the salary and benefits,
23 expenses, operating capital outlay, number of authorized
24 positions, and other personal services.

25 3. A description of each new, expanded, reduced, or
26 eliminated program.

27 4. A 5-year capital improvements plan.

28 5. A 5-year water resource development work program.

29 6. All transfers of funds from the prior year and
30 explanation therefor, plus all anticipated funds and funding
31 sources.

1 7. The funding sources, including, but not limited to,
2 ad valorem taxes, Surface Water Improvement and Management
3 Program funds, other state funds, federal funds, and user fees
4 and permit fees for each program area.

5 (5) At any time after the submittal of the proposed
6 budget to the Legislature, a district may amend the request by
7 transmitting to the Governor and the Legislature an amended
8 request in the form and manner prescribed in the legislative
9 budget instructions.

10 (6) The department shall annually, on or before
11 December 15, file with the Governor and the Legislature a
12 report that summarizes the expenditures of the water
13 management districts by program area and identifies the
14 districts that are not in compliance with the reporting
15 requirements of this section. State funds must be withheld
16 from a water management district that fails to comply with
17 these reporting requirements.

18 Section 3. Subsection (5) of section 373.536, Florida
19 Statutes, is repealed.

20 Section 4. This act shall take effect upon becoming a
21 law.

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24 SENATE SUMMARY

25 Revises the statutory ad valorem tax millage cap for
26 water management districts beginning in the year 2000.
27 Deletes authority to levy taxes in specified territories.
28 Provides a method for the submittal of budget requests.