

By the Committee on Natural Resources and Senators Laurent,  
Brown-Waite and Latvala

312-2130-98

1                                   A bill to be entitled  
2           An act relating to water management districts;  
3           amending s. 373.421, F.S.; authorizing the use  
4           of a Global Positioning System in conducting  
5           surveys of wetlands; amending s. 373.536, F.S.;  
6           requiring the Executive Office of the Governor  
7           to present recommendations for water management  
8           district program priorities and legislation to  
9           the Legislature; providing that the Legislature  
10          shall adopt or modify program priorities for  
11          water management district budgets; providing  
12          that the districts shall incorporate these  
13          program priorities in developing their budgets;  
14          providing that the Executive Office of the  
15          Governor shall determine whether each  
16          district's budget is consistent with the  
17          applicable program priorities; providing that  
18          the Executive Office of the Governor shall  
19          disapprove those portions of a water management  
20          district's budget that are determined to be  
21          inconsistent with applicable program  
22          priorities; creating s. 373.0835, F.S.;  
23          creating the Independent Public Fiscal Office  
24          to provide fiscal oversight of each water  
25          management district on behalf of the people of  
26          the state; providing protection for employees  
27          of the water management districts and  
28          independent contractors; providing an effective  
29          date.

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

1           Section 1. Subsection (8) is added to section 373.421,  
2 Florida Statutes, to read:

3           373.421 Delineation methods; formal determinations.--

4           (8) Whenever a survey or certified survey of  
5 delineated wetland boundaries is required for any purpose  
6 under this chapter, the survey may be performed by  
7 conventional methods of land surveying or by use of a Global  
8 Positioning System (GPS). When a GPS is used in the survey,  
9 the equipment must provide for submeter or less accuracy and  
10 must be operated by, or under the supervision of, a registered  
11 land surveyor licensed in this state or by an individual  
12 specifically trained in the use of the make, type, and model  
13 of the GPS equipment being employed. Presence of the  
14 registered surveyor's seal and signature constitutes proof  
15 that the survey was conducted by or under the supervision of a  
16 registered land surveyor licensed in this state. A survey of  
17 wetland boundaries using GPS which is conducted in accordance  
18 with this section is not an approximate wetland delineation  
19 for purposes of the rules adopted under subsection (2).

20           Section 2. Subsection (6) is added to section 373.536,  
21 Florida Statutes, to read:

22           373.536 District budget and hearing thereon.--

23           (6)(a) For water management district fiscal year  
24 1999-2000 and each fiscal year thereafter, the Legislature  
25 shall statutorily adopt or modify program priorities for water  
26 management district budgets. The Executive Office of the  
27 Governor shall present to the Legislature by February 1, 1999,  
28 and annually thereafter, recommended program priorities for  
29 water management districts and recommended legislation to  
30 statutorily adopt or modify program priorities for water  
31 management budgets for the coming fiscal year. The program

1 priorities may vary for each district and shall be based on  
2 the statutorily mandated programs and activities of the  
3 districts and the particular needs within each district in the  
4 four areas of responsibility as listed in paragraph (5)(a).

5 (b) Beginning in fiscal year 1999-2000, and annually  
6 thereafter, each water management district shall incorporate  
7 the applicable program priorities in the development of its  
8 budget.

9 (c) As part of its review of water management district  
10 budgets pursuant to this section, the Executive Office of the  
11 Governor shall determine whether each district's budget is  
12 consistent with the applicable program priorities. In  
13 determining whether a district's budget is consistent with the  
14 applicable program priorities, the Executive Office of the  
15 Governor shall consider comments on or objections to the  
16 proposed budget by the public and members of the Legislature,  
17 including comments and objections submitted by the chairs of  
18 the House and Senate appropriations committees pursuant to  
19 paragraph (5)(d); and the district's need to address natural  
20 disasters, other unforeseen circumstances, or issues of  
21 substantial concern to the citizens of the region. By  
22 September 15, 1999, and annually thereafter, the Executive  
23 Office of the Governor shall notify in writing the President  
24 of the Senate, the Speaker of the House of Representatives,  
25 and the chairs of the substantive and fiscal committees having  
26 jurisdiction over water management district activities as to  
27 all determinations made pursuant to this subsection.

28 (d) Based on the authority granted the Executive  
29 Office of the Governor to approve or disapprove, in whole or  
30 in part, the budget of each water management district in  
31 paragraph (5)(a), and in accordance with the specific

1 processes outlined in paragraph (5)(b), the Executive Office  
2 of the Governor shall disapprove those portions of a water  
3 management district's budget that it determines, under  
4 paragraph (c), are inconsistent with the applicable program  
5 priorities.

6 Section 3. Section 373.0835, Florida Statutes, is  
7 created to read:

8 373.0835 Independent Public Fiscal Office.--

9 (1) There is created the Independent Public Fiscal  
10 Office as part of the Joint Legislative Auditing Committee. It  
11 is the duty of the office to provide fiscal oversight of each  
12 water management district on behalf of the people of the  
13 state. The fiscal staff employed by the office shall work with  
14 the employees of the water management districts, analyze the  
15 programs and expenditures of each district, examine all  
16 internal audit reports, and make recommendations to the  
17 governing board of each district about programs and  
18 expenditures that are unnecessary or exceed the district's  
19 authority as delegated by the Legislature.

20 (2) The committee shall employ staff to work in the  
21 main administrative office of each water management district  
22 as follows:

23 (a) South Florida Water Management District, two  
24 full-time employees.

25 (b) Southwest Florida Water Management District, two  
26 full-time employees.

27 (c) Northwest Florida Water Management District, one  
28 full-time employee.

29 (d) Suwannee River Water Management District, one  
30 full-time employee.

31

1           (e) St. Johns River Water Management District, one  
2 full-time employee.

3           (3) Water management districts and independent  
4 contractors for the districts are prohibited from taking  
5 retaliatory action against any employee who discloses  
6 information to an employee of the Independent Public Fiscal  
7 Office about any program or expenditure that is unnecessary or  
8 exceeds the water management district's authority as delegated  
9 by the Legislature.

10           Section 4. This act shall take effect October 31,  
11 1998.

12  
13           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14           COMMITTEE SUBSTITUTE FOR  
15           SB 2562 and 1836

16 The committee substitute includes all the provisions of SB  
17 2562 and SB 1836 and also includes provisions that:

- 18 - Amend s. 373.421, F.S., to provide that whenever a survey  
19 or certified survey of delineated wetland boundaries is  
20 required for any purpose under ch. 373, F.S., the survey  
21 may be performed by conventional methods of land  
22 surveying or by use of a Global Positioning System (GPS).  
23 When a GPS is used in the survey, the equipment must  
24 provide for submeter or less accuracy and must be  
25 operated by, or under the supervision of, a registered  
26 land surveyor licensed in Florida or by an individual  
27 specifically trained in the use of the make, type, and  
28 model of the GPS equipment being employed. The presence  
29 of the registered surveyor's seal and signature  
30 constitutes proof that the survey was conducted by or  
31 under the supervision of a Florida-licensed registered  
land surveyor. A survey of wetland boundaries using GPS  
which is conducted in accordance with s. 373.421, F.S.,  
is not an approximate wetland delineation for purposes of  
the rules adopted under s. 373.421(2), F.S.
- Require the Executive Office of the Governor to present  
to the Legislature by February 1, 1999, and annually  
thereafter, recommended program priorities for water  
management districts and recommended legislation to  
statutorily adopt or modify program priorities for water  
management budgets for the coming fiscal year.

The effective date of the bill is October 31, 1998.