

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Cantens offered the following:

Amendment (with title amendment)

On page 5, between lines 3 and 4 of the bill

insert:

Section 7. Section 373.536, Florida Statutes, is amended to read:

373.536 District budget and hearing thereon.--

(1) FISCAL YEAR.--The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year.

(2) BUDGET SUBMITTAL.--The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed operations ~~operation~~ and funding requirements for the ensuing fiscal year.

(3) BUDGET HEARINGS AND WORKSHOPS; NOTICE.--

(a) Unless alternative notice requirements are otherwise provided by law, notice of all budget hearings

Amendment No. ____ (for drafter's use only)

1 conducted by the governing board or district staff must be
2 published in a newspaper of general paid circulation in each
3 county in which the district lies not less than 5 days nor
4 more than 15 days before the hearing.

5 (b) Budget workshops conducted for the public and not
6 governed by s. 200.065 must be advertised in a newspaper of
7 general paid circulation in the community or area in which the
8 workshop will occur not less than 5 days nor more than 15 days
9 before the workshop.

10 (c) The tentative budget shall be adopted in
11 accordance with the provisions of s. 200.065; however, if the
12 mailing of the notice of proposed property taxes is delayed
13 beyond September 3 in any county in which the district lies,
14 the district shall advertise its intention to adopt a
15 tentative budget and millage rate, pursuant to s.
16 200.065(3)(g), in a newspaper of general paid circulation in
17 that county. ~~The budget shall set forth, classified by object~~
18 ~~and purpose, and by fund if so designated, the proposed~~
19 ~~expenditures of the district for bonds or other debt, for~~
20 ~~construction, for acquisition of land, for operation and~~
21 ~~maintenance of the district works, for the conduct of the~~
22 ~~affairs of the district generally, and for other purposes, to~~
23 ~~which may be added an amount to be held as a reserve. District~~
24 ~~administrative and operating expenses must be identified in~~
25 ~~the budget and allocated among district programs.~~

26 (2) ~~The budget shall also show the estimated amount~~
27 ~~which will appear at the beginning of the fiscal year as~~
28 ~~obligated upon commitments made but uncompleted. There shall~~
29 ~~be shown the estimated unobligated or net balance which will~~
30 ~~be on hand at the beginning of the fiscal year, and the~~
31 ~~estimated amount to be raised by district taxes and from other~~

Amendment No. ____ (for drafter's use only)

1 ~~sources for meeting the requirements of the district.~~
2 (d)(3) As provided in s. 200.065(2)(d), the board
3 shall publish one or more notices of its intention to ~~finally~~
4 adopt a final budget for the district for the ensuing fiscal
5 year. The notice shall appear adjacent to an advertisement
6 that sets which shall set forth the tentative budget in a
7 format meeting the budget summary requirements of s.
8 129.03(3)(b)in full. The district shall not include
9 expenditures of federal special revenues and state special
10 revenues when preparing the statement required by s.
11 200.065(3)(1).The notice and advertisement shall be published
12 in one or more newspapers having a combined general paid
13 circulation in each county ~~the counties having land~~ in which
14 the district lies. Districts may include explanatory phrases
15 and examples in budget advertisements published under s.
16 200.065 to clarify or illustrate the effect that the district
17 budget may have on ad valorem taxes.
18 (e)(4) The hearing for adoption of ~~to finally adopt~~ a
19 final budget and millage rate shall be by and before the
20 governing board of the district as provided in s. 200.065 and
21 may be continued from day to day until terminated by the
22 board.
23 (4) BUDGET CONTROLS.--
24 (a) The final adopted budget for the district will
25 thereupon be the operating and fiscal guide for the district
26 for the ensuing year; however, transfers of funds may be made
27 within the budget by action of the governing board at a public
28 meeting of the governing board.
29 (b) The district shall control its budget, at a
30 minimum, by funds and shall provide to the Executive Office of
31 the Governor a description of its budget control mechanisms.

Amendment No. ____ (for drafter's use only)

1 (c) Should the district receive unanticipated funds
2 after the adoption of the final budget, the final budget may
3 be amended by including such funds, so long as notice of
4 intention to amend is published in the notice of the governing
5 board meeting at which the amendment will be considered,
6 pursuant to s. 120.525 ~~one time in one or more newspapers~~
7 ~~qualified to accept legal advertisements having a combined~~
8 ~~general circulation in the counties in the district.~~ The
9 notice shall set forth a summary of the proposed amendment ~~and~~
10 ~~shall be published at least 10 days prior to the public~~
11 ~~meeting of the board at which the proposed amendment is to be~~
12 ~~considered.~~ However, in the event of a disaster or of an
13 emergency arising to prevent or avert the same, the governing
14 board shall not be limited by the budget but shall have
15 authority to apply such funds as may be available therefor or
16 as may be procured for such purpose.

17 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW
18 AND APPROVAL.--

19 (a) The Executive Office of the Governor is authorized
20 to approve or disapprove, in whole or in part, the budget of
21 each water management district and shall analyze each budget
22 as to the adequacy of fiscal resources available to the
23 district and the adequacy of district expenditures related to
24 water supply, including water resource development projects
25 identified in the district's regional water supply plans;
26 water quality; flood protection and floodplain management; and
27 natural systems. This analysis shall be based on the
28 particular needs within each water management district in
29 those four areas of responsibility.

30 (b) The Executive Office of the Governor and the water
31 management districts shall develop a process to facilitate

Amendment No. ____ (for drafter's use only)

1 review and communication regarding water management district
2 budgets, as necessary. Written disapproval of any provision
3 in the tentative budget must be received by the district at
4 least 5 business days prior to the final district budget
5 adoption hearing conducted under s. 200.065(2)(d). If written
6 disapproval of any portion of the budget is not received at
7 least 5 business days prior to the final budget adoption
8 hearing, the governing board may proceed with final adoption.
9 Any provision rejected by the Governor shall not be included
10 in a district's final budget.

11 (c) Each water management district shall, by August 1
12 of each year, submit for review a tentative budget to the
13 Governor, the President of the Senate, the Speaker of the
14 House of Representatives, the chairs of all legislative
15 committees and subcommittees with substantive or fiscal
16 jurisdiction over water management districts, as determined by
17 the President of the Senate or Speaker of the House of
18 Representatives as applicable, the secretary of the
19 department, and the governing body of each county in which the
20 district has jurisdiction or derives any funds for the
21 operations of the district.

22 (d) The tentative budget must set forth the proposed
23 expenditures of the district, to which may be added an amount
24 to be held as reserve.The tentative budget must include, but
25 is not limited to, the following information for the preceding
26 fiscal year and the current fiscal year, and the proposed
27 amounts for the upcoming fiscal year, in a standard format
28 prescribed by the Executive Office of the Governor ~~which is~~
29 ~~generally consistent with the format prescribed by legislative~~
30 ~~budget instructions for state agencies and the format~~
31 ~~requirements of s. 216.031:~~

Amendment No. ____ (for drafter's use only)

1 1. The estimated amount of funds remaining at the
2 beginning of the fiscal year which have been obligated for the
3 payment of outstanding commitments not yet completed.

4 2. The estimated amount of unobligated funds or net
5 cash balance on hand at the beginning of the fiscal year, and
6 the estimated amount of funds to be raised by district taxes
7 or received from other sources to meet the requirements of the
8 district.

9 3. The millage rates and the percentage increase above
10 the rolled-back rate, together with a summary of the reasons
11 the increase is required, and the percentage increase in
12 taxable value resulting from new construction within the
13 district.

14 ~~4.2.~~ The salaries salary and benefits, expenses,
15 operating capital outlay, number of authorized positions, and
16 other personal services for the following program areas of the
17 district, including a separate section for lobbying,
18 intergovernmental relations, and advertising:

- 19 a. Water resource planning and monitoring;
20 b. Land acquisition, restoration, and public works;
21 c. Operation and maintenance of works and lands;
22 d. Regulation;
23 e. Outreach for which the information provided must
24 contain a full description and accounting of expenditures for
25 water resources education; public information and public
26 relations, including public service announcements and
27 advertising in any media; and lobbying activities related to
28 local, regional, state and federal governmental affairs,
29 whether incurred by district staff or through contractual
30 services; and

31 f. Management and administration.

Amendment No. ____ (for drafter's use only)

- 1 ~~a. District management and administration;~~
2 ~~b. Implementation through outreach activities;~~
3 ~~c. Implementation through regulation;~~
4 ~~d. Implementation through acquisition, restoration,~~
5 ~~and public works;~~
6 ~~e. Implementation through operations and maintenance~~
7 ~~of lands and works;~~
8 ~~f. Water resources planning and monitoring; and~~
9 ~~g. A full description and accounting of expenditures~~
10 ~~for lobbying activities relating to local, regional, state,~~
11 ~~and federal governmental affairs, whether incurred by district~~
12 ~~staff or through contractual services and all expenditures for~~
13 ~~public relations, including all expenditures for public~~
14 ~~service announcements and advertising in any media.~~

15
16 In addition to the program areas reported by all water
17 management districts, the South Florida Water Management
18 District shall include in its budget document ~~a~~ separate
19 sections ~~section~~ on all costs associated with the Everglades
20 Construction Project and the Comprehensive Everglades
21 Restoration Plan.

22 ~~5.3.~~ The total estimated amount in the district budget
23 for each area of responsibility listed in subparagraph 4.
24 ~~paragraph (a)~~ and for water resource development projects
25 identified in the district's regional water supply plans.

26 ~~4. A 5-year capital improvements plan.~~

27 ~~6.5.~~ A description of each new, expanded, reduced, or
28 eliminated program.

29 ~~6. A proposed 5-year water resource development work~~
30 ~~program, that describes the district's implementation strategy~~
31 ~~for the water resource development component of each approved~~

Amendment No. ____ (for drafter's use only)

1 ~~regional water supply plan developed or revised pursuant to s.~~
2 ~~373.0361. The work program shall address all the elements of~~
3 ~~the water resource development component in the district's~~
4 ~~approved regional water supply plans. The office of the~~
5 ~~Governor, with the assistance of the department, shall review~~
6 ~~the proposed work program. The review shall include a written~~
7 ~~evaluation of its consistency with and furtherance of the~~
8 ~~district's approved regional water supply plans, and adequacy~~
9 ~~of proposed expenditures. As part of the review, the Executive~~
10 ~~Office of the Governor and the department shall afford to all~~
11 ~~interested parties the opportunity to provide written comments~~
12 ~~on each district's proposed work program. At least 7 days~~
13 ~~prior to the adoption of its final budget, the governing board~~
14 ~~shall state in writing to the Executive Office of the Governor~~
15 ~~which changes recommended in the evaluation it will~~
16 ~~incorporate into its work program, or specify the reasons for~~
17 ~~not incorporating the changes. The office of the Governor~~
18 ~~shall include the district's responses in the written~~
19 ~~evaluation and shall submit a copy of the evaluation to the~~
20 ~~Legislature; and~~

21 7. The funding sources, including, but not limited to,
22 ad valorem taxes, Surface Water Improvement and Management
23 Program funds, other state funds, federal funds, and user fees
24 and permit fees for each program area.

25 (e)~~(d)~~ By September 5 of the year in which the budget
26 is submitted, the House and Senate appropriations chairs may
27 transmit to each district comments and objections to the
28 proposed budgets. Each district governing board shall include
29 a response to such comments and objections in the record of
30 the governing board meeting where final adoption of the budget
31 takes place, and the record of this meeting shall be

Amendment No. ____ (for drafter's use only)

1 transmitted to the Executive Office of the Governor, the
2 department, and the chairs of the House and Senate
3 appropriations committees.

4 (f)~~(e)~~ The Executive Office of the Governor shall
5 annually, on or before December 15, file with the Legislature
6 a report that summarizes its review ~~the expenditures~~ of the
7 water management districts' tentative budgets and displays the
8 adopted budget allocations ~~districts~~ by program area. The
9 report must identify ~~and identifies~~ the districts that are not
10 in compliance with the reporting requirements of this section.
11 State funds shall be withheld from a water management district
12 that fails to comply with these reporting requirements.

13 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS
14 PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

15 (a) Each district must, by the date specified for each
16 item, furnish copies of the following documents to the
17 Governor, the President of the Senate, the Speaker of the
18 House of Representatives, the chairs of all legislative
19 committees and subcommittees having substantive or fiscal
20 jurisdiction over the districts, as determined by the
21 President or Speaker as applicable, the secretary of the
22 department, and the governing board of each county in which
23 the district has jurisdiction or derives any funds for the
24 operations of the district;

25 1. The adopted budget, to be furnished within 10 days
26 after its adoption.

27 2. A financial audit of its accounts and records, to
28 be furnished within 10 days after its acceptance by the
29 governing board. The audit must be conducted in accordance
30 with the provisions of s. 11.45 and the rules adopted
31 thereunder. In addition to the entities named above, the

Amendment No. ____ (for drafter's use only)

1 district must provide a copy of the audit to the Auditor
2 General within 10 days after its acceptance by the governing
3 board.
4 3. A 5-year capital improvements plan, to be furnished
5 within 45 days after the adoption of the final budget. The
6 plan must include expected sources of revenue for planned
7 improvements and must be prepared in a manner comparable to
8 the fixed capital outlay format set forth in s. 216.043.
9 4. A 5-year water resource development work program to
10 be furnished within 45 days after the adoption of the final
11 budget. The program must describe the district's
12 implementation strategy for the water resource development
13 component of each approved regional water supply plan
14 developed or revised under s. 373.0361. The work program must
15 address all the elements of the water resource development
16 component in the district's approved regional water supply
17 plans. Within 45 days after its submittal, the department
18 shall review the proposed work program and submit its
19 findings, questions, and comments to the district. The review
20 must include a written evaluation of the program's consistency
21 with the furtherance of the district's approved regional water
22 supply plans, and the adequacy of proposed expenditures. As
23 part of the review, the department shall give interested
24 parties the opportunity to provide written comments on each
25 district's proposed work program. Within 60 days after receipt
26 of the department's evaluation, the governing board shall
27 state in writing to the department which changes recommended
28 in the evaluation it will incorporate into its work program or
29 specify the reasons for not incorporating the changes. The
30 department shall include the district's responses in a final
31 evaluation report and shall submit a copy of the report to the

Amendment No. ____ (for drafter's use only)

1 Governor, the President of the Senate, and the Speaker of the
2 House of Representatives.

3 (b) If any entity listed in paragraph (a) provides
4 written comments to the district regarding any document
5 furnished under this subsection, the district must respond to
6 the comments in writing and furnish copies of the comments and
7 written responses to the other entities.

8 Section 8. Paragraph (b) of subsection (4) of section
9 373.079, Florida Statutes, is amended to read:

10 373.079 Members of governing board; oath of office;
11 staff.--

12 (4)

13 (b)1. The governing board of each water management
14 district shall employ an inspector general, who shall report
15 directly to the board. However, the governing boards of the
16 Suwannee River Water Management District and the Northwest
17 Florida Water Management District may jointly employ an
18 inspector general, or provide for inspector general services
19 by interagency agreement with a state agency or water
20 management district inspector general.

21 2. An inspector general must have the qualifications
22 prescribed and perform the applicable duties of state agency
23 inspectors general as provided in s. 20.055.

24 ~~3. Within 45 days of the adoption of the final budget,~~
25 ~~the governing board shall submit a 5-year capital improvement~~
26 ~~plan and fiscal report for the district to the Governor, the~~
27 ~~President of the Senate, the Speaker of the House of~~
28 ~~Representatives, and the Secretary of Environmental~~
29 ~~Protection. The capital improvement plan must include expected~~
30 ~~sources of revenue for planned improvements and shall be~~
31 ~~prepared in a manner comparable to the fixed capital outlay~~

Amendment No. ____ (for drafter's use only)

1 ~~format set forth in s. 216.043. The fiscal report shall cover~~
2 ~~the preceding fiscal year and shall include a summary~~
3 ~~statement of the financial operations of the district.~~

4 Section 9. Section 373.501, Florida Statutes, is
5 amended to read:

6 373.501 Appropriation of funds to water management
7 districts.--

8 (1) The department may allocate to the water
9 management districts, from funds appropriated to the
10 department, such sums as may be deemed necessary to defray the
11 costs of the administrative, regulatory, and other activities
12 of the districts. The governing boards shall submit annual
13 budget requests for such purposes to the department, and the
14 department shall consider such budgets in preparing its budget
15 request for the Legislature.

16 (2) Funds appropriated by the Legislature for the
17 purpose of funding a specific water management district
18 project shall be transferred to the water management district
19 when the proposed project has been reviewed by the secretary
20 of the pertinent state agency and upon receipt of a governing
21 board resolution requesting such funds.

22 Section 10. Subsection (11) of section 373.59, Florida
23 Statutes, is amended to read:

24 373.59 Water Management Lands Trust Fund.--

25 (11) Notwithstanding any provision of this section to
26 the contrary, ~~and for the 2000-2001 fiscal year only,~~ the
27 governing board of a water management district may request,
28 and the Secretary of Environmental Protection shall release
29 upon such request, moneys allocated to the districts pursuant
30 to subsection (8) for ~~the purpose of carrying out the purposes~~
31 consistent with the provisions of s. 373.0361, s. 373.0831 s-

Amendment No. ____ (for drafter's use only)

1 ~~375.0831~~, s. 373.139, or ss. 373.451-373.4595 and for
2 legislatively authorized land acquisition and water
3 restoration initiatives. No funds may be used pursuant to this
4 subsection until necessary debt service obligations,
5 requirements for payments in lieu of taxes, and land
6 management obligations that may be required by this chapter
7 are provided for. ~~This subsection is repealed on July 1, 2001.~~

8 Section 11. Sections 373.507 and 373.589, Florida
9 Statutes, are repealed.

10

11

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 1, line 21

15 remove from the title of the bill: all of said line

16

17 and insert in lieu thereof:

18 damages recoverable from a vendor; amending s.
19 373.536, F.S.; revising notice and hearing
20 provisions relating to the adoption of a final
21 budget for the water management districts;
22 specifying to whom a copy of the water
23 management districts' tentative budget must be
24 sent for review; specifying the contents of the
25 tentative budget; requiring the Executive
26 Office of the Governor to file with the
27 Legislature a report summarizing its review of
28 the water management districts' tentative
29 budgets and displaying the adopted budget
30 allocations by program area; requiring the
31 water management districts to submit certain

Amendment No. ____ (for drafter's use only)

1 budget documents to specified officials;
2 amending s. 373.079, F.S.; deleting a
3 requirement that the water management districts
4 submit a 5-year capital improvement plan and
5 fiscal report to the Governor, the President of
6 the Senate, the Speaker of the House of
7 Representatives, and the Secretary of
8 Environmental Protection; amending s. 373.59,
9 F.S.; providing for the transfer of certain
10 funds; amending s. 373.501, F.S.; providing for
11 the release of moneys from the Water Management
12 Lands Trust Fund; repealing s. 373.507, F.S.,
13 relating to postaudits and budgets of water
14 management districts and basins; repealing s.
15 373.589, F.S., relating to audits of water
16 management districts; providing an

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31