

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 373.1961, F.S.; allowing certain alternative
4 water supply facilities to recover the cost of
5 such facilities through rate structures;
6 amending s. 373.083, F.S.; authorizing water
7 management districts to solicit donations;
8 amending s. 373.093, F.S.; authorizing water
9 management districts to lease certain personal
10 property; creating s. 373.608, F.S.;
11 authorizing water management districts to
12 obtain and enforce patents, copyrights, and
13 trademarks on work products of the district;
14 providing for rules; creating s. 373.610, F.S.;
15 authorizing water management districts to
16 suspend contractors who have defaulted on
17 contracts; providing procedure; providing for
18 rules; creating s. 373.611, F.S.; authorizing
19 water management districts to enter into
20 contracts to limit or alter the measure of
21 damages recoverable from a vendor; amending s.
22 373.0693, F.S.; providing for membership on the
23 Manasota Basin Board and for the resolution of
24 tie votes; amending s. 73.015, F.S.; clarifying
25 time-frame for providing specific information
26 to fee-owners; requiring agencies to provide
27 specified portions of statute to fee-owners;
28 amending s. 270.11, F.S.; providing discretion
29 to water management districts, local
30 governments, board of trustees and other state
31 agencies to determine whether to reserve

1 mineral interests when selling lands;
2 clarifying the types of information to be given
3 by land-owner wanting a release of a
4 reservation; amending s. 373.056, F.S.;
5 granting water management districts the
6 authority to grant utility easements on
7 district-owned land for providing utility
8 service; amending s. 373.093, F.S.; granting
9 additional time to water management districts
10 to provide notification before executing lease
11 agreements; amending s. 373.096, F.S.;
12 providing for release of certain easements,
13 reservations, or right-of-way interests;
14 amending s. 373.139, F.S.; authorizing water
15 management districts to cure title defects
16 after a land sale is executed; allowing water
17 management districts to disclose appraisal
18 information, offers and counter offers to third
19 parties working on the district's behalf;
20 allowing third party appraisals to be used
21 under specific circumstances; amending s.
22 373.1401, F.S.; allowing water management
23 districts to contract with private entities for
24 management, improvement, or maintenance of land
25 held by the districts; amending s. 374.984,
26 F.S.; revising powers and duties of the Board
27 of Commissioners of the Florida Inland
28 Navigation District; amending s. 110.152, F.S.;
29 specifying employees who are entitled to
30 receive such benefits for adopting a
31 special-needs child; deleting references to

1 water management district employees;
 2 prescribing the manner of establishing the
 3 amount of such benefits; amending s. 110.15201,
 4 F.S.; providing that rules for administering
 5 such adoption benefits may provide for an
 6 application process; deleting a reference to
 7 water management district employees; amending
 8 s. 215.32, F.S.; requiring the Comptroller and
 9 the Department of Management Services to
 10 transfer funds to water management districts to
 11 pay monetary benefits to water management
 12 district employees; creating s. 373.6065, F.S. ;
 13 providing child-adoption monetary benefits to
 14 water management district employees; amending
 15 s. 373.536, F.S.; revising notice and hearing
 16 provisions relating to the adoption of a final
 17 budget for the water management districts;
 18 specifying to whom a copy of the water
 19 management districts' tentative budget must be
 20 sent for review; specifying the contents of the
 21 tentative budget; requiring the Executive
 22 Office of the Governor to file with the
 23 Legislature a report summarizing its review of
 24 the water management districts' tentative
 25 budgets and displaying the adopted budget
 26 allocations by program area; requiring the
 27 water management districts to submit certain
 28 budget documents to specified officials;
 29 amending s. 373.079, F.S.; deleting a
 30 requirement that the water management districts
 31 submit a 5-year capital improvement plan and

1 fiscal report to the Governor, the President of
2 the Senate, the Speaker of the House of
3 Representatives, and the Secretary of
4 Environmental Protection; amending s. 373.59,
5 F.S.; providing for the transfer of certain
6 funds; amending s. 373.501, F.S.; providing for
7 the release of moneys from the Water Management
8 Lands Trust Fund; repealing s. 373.507, F.S.,
9 relating to postaudits and budgets of water
10 management districts and basins; repealing s.
11 373.589, F.S., relating to audits of water
12 management districts; providing an
13 appropriation; providing an effective date.
14

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

16
17 Section 1. Paragraph (k) is added to subsection (2) of
18 section 373.1961, Florida Statutes, to read:

19 373.1961 Water production.--

20 (2) The Legislature finds that, due to a combination
21 of factors, vastly increased demands have been placed on
22 natural supplies of fresh water, and that, absent increased
23 development of alternative water supplies, such demands may
24 increase in the future. The Legislature also finds that
25 potential exists in the state for the production of
26 significant quantities of alternative water supplies,
27 including reclaimed water, and that water production includes
28 the development of alternative water supplies, including
29 reclaimed water, for appropriate uses. It is the intent of
30 the Legislature that utilities develop reclaimed water
31 systems, where reclaimed water is the most appropriate

1 alternative water supply option, to deliver reclaimed water to
 2 as many users as possible through the most cost-effective
 3 means, and to construct reclaimed water system infrastructure
 4 to their owned or operated properties and facilities where
 5 they have reclamation capability. It is also the intent of the
 6 Legislature that the water management districts which levy ad
 7 valorem taxes for water management purposes should share a
 8 percentage of those tax revenues with water providers and
 9 users, including local governments, water, wastewater, and
 10 reuse utilities, municipal, industrial, and agricultural water
 11 users, and other public and private water users, to be used to
 12 supplement other funding sources in the development of
 13 alternative water supplies. The Legislature finds that public
 14 moneys or services provided to private entities for such uses
 15 constitute public purposes which are in the public interest.
 16 In order to further the development and use of alternative
 17 water supply systems, including reclaimed water systems, the
 18 Legislature provides the following:

19 (k) The Florida Public Service Commission shall allow
 20 entities under its jurisdiction constructing alternative water
 21 supply facilities, including but not limited to aquifer
 22 storage and recovery wells, to recover the full, prudently
 23 incurred cost of such facilities through their rate structure.
 24 Every component of an alternative water supply facility
 25 constructed by an investor-owned utility shall be recovered in
 26 current rates.

27 Section 2. Subsection (4) of section 373.083, Florida
 28 Statutes, is amended to read:

29 373.083 General powers and duties of the governing
 30 board.--In addition to other powers and duties allowed it by
 31 law, the governing board is authorized to:

1 (4) Solicit and accept donations or grants of funds or
2 services from both public and private sources for the planning
3 and implementation of district undertakings and delegations,
4 including, but not limited to, projects, programs, works, and
5 studies.

6 Section 3. Subsection (4) of section 373.093, Florida
7 Statutes, is created to read:

8 373.093 Lease of lands or interest in land and
9 personal property.--The governing board of the district may
10 lease any lands or interest in land, including but not limited
11 to oil and mineral rights, to which the district has acquired
12 title, or to which it may hereafter acquire title in the
13 following manner, as long as the lease is consistent with the
14 purposes for which the lands or any interest in land was
15 acquired:

16 (4) The governing board of the district may lease
17 existing communications towers and other similar structures
18 which the district owns or which it may hereafter acquire, for
19 the best price and terms obtainable, to be determined by the
20 board.

21 Section 4. Section 373.608, Florida Statutes, is
22 created to read:

23 373.608 Patents, copyrights, and trademarks.--Each
24 district may, in its own name:

25 (1) Perform all things necessary to secure letters of
26 patent, copyrights, and trademarks on any work products of the
27 district and enforce its rights therein. Each district shall
28 consider contributions by district personnel in the
29 development of trademarks, copyrights, and patents and shall
30 enter into written contracts with such personnel in each
31 trademark, copyright, or patent.

1 (2) License, lease, assign, or otherwise give written
2 consent to any person, firm, or corporation for the
3 manufacture or use of such district work products, on a
4 royalty basis or for such other consideration as the
5 applicable governing board shall deem proper.

6 (3) Take any action necessary, including legal action,
7 to protect such district work products against improper or
8 unlawful use or infringement.

9 (4) Enforce the collection of any sums due to the
10 district for the manufacture or use of such district work
11 products by other party.

12 (5) Sell any of such district work products and
13 execute all instruments necessary to consummate any such sale.

14 (6) Do all other acts necessary and proper for the
15 execution of powers and duties conferred upon the districts by
16 this section, including adopting rules, as necessary, in order
17 to administer this section.

18 Section 5. Section 373.610, Florida Statutes, is
19 created to read:

20 373.610 Defaulting vendors and contractors.--The
21 district may suspend a contractor on a temporary or permanent
22 basis, from doing work with the district if such contractor
23 has materially breached its contract with the district. The
24 district shall adopt rules to administer the provisions of
25 this section to specify the circumstances and conditions that
26 constitute a materially breached contract and conditions that
27 constitute the period for temporary or permanent suspension
28 and for reinstatement.

29 Section 6. Section 373.611, Florida Statutes, is
30 created to read:

31

1 373.611 Modification or limitation of remedy.--In
2 order to promote the cost-effective procurement of commodities
3 and contractual services by the water management districts, a
4 district may enter into contracts to limit or alter the
5 measure of damages recoverable from a vendor consistent with
6 the provisions contained in s. 672.719.

7 Section 7. Subsection (7) of section 373.0693, Florida
8 Statutes, is amended to read:

9 373.0693 Basins; basin boards.--

10 (7) At 11:59 p.m. on December 31, 1976, the Manasota
11 Watershed Basin of the Ridge and Lower Gulf Coast Water
12 Management District, which is annexed to the Southwest Florida
13 Water Management District by change of its boundaries pursuant
14 to chapter 76-243, Laws of Florida, shall be formed into a
15 subdistrict or basin of the Southwest Florida Water Management
16 District, subject to the same provisions as the other basins
17 in such district. Such subdistrict shall be designated
18 initially as the Manasota Basin. The members of the governing
19 board of the Manasota Watershed Basin of the Ridge and Lower
20 Gulf Coast Water Management District shall become members of
21 the governing board of the Manasota Basin of the Southwest
22 Florida Water Management District. Notwithstanding other
23 provisions in this section, beginning on July 1, 2001, the
24 membership of the Manasota Basin Board shall be comprised of
25 three members from Manatee County and three members from
26 Sarasota County. Matters relating to tie votes shall be
27 resolved pursuant to subsection (6) by the ex officio chair
28 designated by the governing board to vote in case of a tie
29 vote.

30 Section 8. Paragraph (a) of subsection (1) of section
31 73.015, Florida Statutes, is amended to read:

1 73.015 Presuit negotiation.--

2 (1) Effective July 1, 2000, before an eminent domain
3 proceeding is brought under this chapter or chapter 74, the
4 condemning authority must attempt to negotiate in good faith
5 with the fee owner of the parcel to be acquired, must provide
6 the fee owner with a written offer and, if requested, a copy
7 of the appraisal upon which the offer is based, and must
8 attempt to reach an agreement regarding the amount of
9 compensation to be paid for the parcel.

10 (a) No later than the time the initial written or oral
11 offer of compensation for acquisition is made to the fee
12 owner,~~At the inception of negotiation for acquisition, the~~
13 condemning authority must notify the fee owner of the
14 following:

15 1. That all or a portion of his or her property is
16 necessary for a project.

17 2. The nature of the project for which the parcel is
18 considered necessary, and the parcel designation of the
19 property to be acquired.

20 3. That, within 15 business days after receipt of a
21 request by the fee owner, the condemning authority will
22 provide a copy of the appraisal report upon which the offer to
23 the fee owner is based; copies, to the extent prepared, of the
24 right-of-way maps or other documents that depict the proposed
25 taking; and copies, to the extent prepared, of the
26 construction plans that depict project improvements to be
27 constructed on the property taken and improvements to be
28 constructed adjacent to the remaining property, including, but
29 not limited to, plan, profile, cross-section, drainage, and
30 pavement marking sheets, and driveway connection detail. The

31

1 condemning authority shall provide any additional plan sheets
2 within 15 days of request.

3 4. The fee owner's statutory rights under ss. 73.091
4 and 73.092, or alternatively provide copies of these
5 provisions of law.

6 5. The fee owner's rights and responsibilities under
7 paragraphs (b) and (c) and subsection (4), or alternatively
8 provide copies of these provisions of law.

9 Section 9. Subsections (1) and (3) of section 270.11,
10 Florida Statutes, are amended to read:

11 270.11 Contracts for sale of public lands to reserve
12 certain mineral rights; prohibition on exercise of right of
13 entry in certain cases.--

14 (1) Unless the applicable agency chooses not to
15 reserve such interest and except ~~Except~~ as otherwise provided
16 by law, in all contracts and deeds for the sale of land
17 executed by the Board of Trustees of the Internal Improvement
18 Trust Fund or by any local government, water management
19 district, or other agency of the state, there shall be
20 reserved for such local government, water management district,
21 other agency of the state, or the board of trustees and its
22 successors an undivided three-fourths interest in, and title
23 in and to an undivided three-fourths interest in, all the
24 phosphate, minerals, and metals that are or may be in, on, or
25 under the said land and an undivided one-half interest in all
26 the petroleum that is or may be in, on, or under said land
27 with the privilege to mine and develop the same.

28 (3) A local government, water management district, or
29 agency of the state may, at its discretion, sell or release
30 ~~such~~ reserved interest in any parcel of land, except that such
31 sale or release shall be made upon petition of the purchaser

1 for such interest and with ~~upon submission by the local~~
2 ~~government, water management district, or agency of the state~~
3 ~~which owns the parcel of a statement of reasons justifying~~
4 such sale or release.

5 Section 10. Subsection (4) of section 373.056, Florida
6 Statutes, is amended to read:

7 373.056 State agencies, counties, drainage districts,
8 municipalities, or governmental agencies or public
9 corporations authorized to convey or receive land from water
10 management districts.--

11 (4) Any water management district within this chapter
12 shall have authority to convey or lease to any governmental
13 entity, other agency described herein or to the United States
14 Government, including its agencies, land or rights in land
15 owned by such district not required for its purposes under
16 such terms and conditions as the governing board of such
17 district may determine. In addition to other general law
18 authorizing the grant of utility easements, any water
19 management district may grant utility easements on land owned
20 by such district to any private or public utility for the
21 limited purpose of obtaining utility service to district
22 property under such terms and conditions as the governing
23 board of such district may determine.

24 Section 11. Section 373.096, Florida Statutes, is
25 amended to read:

26 373.096 Releases.--The governing board of the district
27 may release any ~~canal~~ easement, reservation or right-of-way
28 interests, conveyed to it for which it has no present or
29 apparent future use under terms and conditions determined by
30 the board.

31

1 Section 12. Subsection (2) of section 373.093, Florida
2 Statutes, is amended to read:

3 373.093 Lease of lands or interest in land.--The
4 governing board of the district may lease any lands or
5 interest in land, including but not limited to oil and mineral
6 rights, to which the district has acquired title, or to which
7 it may hereafter acquire title in the following manner, as
8 long as the lease is consistent with the purposes for which
9 the lands or any interest in land was acquired:

10 (2) Before leasing any land, or interest in land
11 including but not limited to oil and mineral rights, the
12 district shall cause a notice of intention to lease to be
13 published in a newspaper published in the county in which said
14 land is situated and such other places as the board may
15 determine once each week for 3 successive weeks (three
16 insertions being sufficient), the first publication of which
17 shall be not less than 30 nor more than 90 ~~45~~ days prior to
18 the date the board executes the ~~any~~ lease, which said notice
19 shall set forth the time and place of leasing and a
20 description of the lands to be leased.

21 Section 13. Subsection (2) and paragraph (a) of
22 subsection (3) of section 373.139, Florida Statutes, are
23 amended to read:

24 373.139 Acquisition of real property.--

25 (2) The governing board of the district is empowered
26 and authorized to acquire in fee or less than fee title to
27 real property, ~~and~~ easements and other interests or rights
28 therein, by purchase, gift, devise, lease, eminent domain, or
29 otherwise for flood control, water storage, water management,
30 conservation and protection of water resources, aquifer
31 recharge, water resource and water supply development, and

1 preservation of wetlands, streams, and lakes. Eminent domain
2 powers may be used only for acquiring real property for flood
3 control and water storage or for curing title defects or
4 encumbrances to real property owned by the district or to be
5 acquired by the district from a willing seller.

6 (3) The initial 5-year work plan and any subsequent
7 modifications or additions thereto shall be adopted by each
8 water management district after a public hearing. Each water
9 management district shall provide at least 14 days' advance
10 notice of the hearing date and shall separately notify each
11 county commission within which a proposed work plan project or
12 project modification or addition is located of the hearing
13 date.

14 (a) ~~Title information,~~ Appraisal reports, offers, and
15 counteroffers are confidential and exempt from the provisions
16 of s. 119.07(1) until an option contract is executed or, if no
17 option contract is executed, until 30 days before a contract
18 or agreement for purchase is considered for approval by the
19 governing board. However, each district may, at its
20 discretion, disclose appraisal reports to private landowners
21 during negotiations for acquisitions using alternatives to fee
22 simple techniques, if the district determines that disclosure
23 of such reports will bring the proposed acquisition to
24 closure. In the event that negotiation is terminated by the
25 district, the title information, appraisal report, offers, and
26 counteroffers shall become available pursuant to s. 119.07(1).
27 Notwithstanding the provisions of this section and s. 259.041,
28 a district and the Division of State Lands may share and
29 disclose title information, appraisal reports, appraisal
30 information, offers, and counteroffers when joint acquisition
31 of property is contemplated. A district and the Division of

1 State Lands shall maintain the confidentiality of such title
2 information, appraisal reports, appraisal information, offers,
3 and counteroffers in conformance with this section and s.
4 259.041, except in those cases in which a district and the
5 division have exercised discretion to disclose such
6 information. A district may disclose appraisal information,
7 offers, and counteroffers to a third party who has entered
8 into a contractual agreement with the district to work with or
9 on the behalf of or to assist the district in connection with
10 land acquisitions. The third party shall maintain the
11 confidentiality of such information in conformance with this
12 section. In addition, a district may use, as its own,
13 appraisals obtained by a third party provided the appraiser is
14 selected from the district's list of approved appraisers and
15 the appraisal is reviewed and approved by the district.

16 Section 14. Section 373.1401, Florida Statutes, is
17 amended to read:

18 373.1401 Management of lands of water management
19 districts.--In addition to provisions contained in s.
20 373.1391(1) for soil and water conservation districts, the ~~The~~
21 governing board of each water management district may contract
22 with a non-governmental person or entity, any federal or state
23 agency, a county, a municipality, or any other governmental
24 entity, or environmental nonprofit organization to provide for
25 the improvement, management, or maintenance of any real
26 property owned by or under the control of the district.

27 Section 15. Paragraph (a) of subsection (6) of section
28 374.984, Florida Statutes, is amended to read:

29 374.984 Purpose; powers and duties.--It is the purpose
30 and intent of this act that the board perform and do all
31 things which shall be requisite and necessary to comply with

1 the requirements and conditions imposed upon a "local
 2 interest" by the Congress of the United States in the several
 3 acts authorizing and directing the improvement and maintenance
 4 of the Intracoastal Waterway from St. Mary's River to the
 5 southernmost boundary of Dade County. Said acts include but
 6 are not limited to: the Rivers and Harbors Act approved
 7 January 21, 1927, as amended by the River and Harbor Act
 8 approved July 3, 1930; the River and Harbor Act of June 20,
 9 1938; and s. 107 of the Federal River and Harbor Act of 1960.
 10 Pursuant thereto, the powers of the board shall include, but
 11 not be limited to:

12 (6)(a) Contracting directly for, or entering into
 13 agreement from time to time with the district engineer of the
 14 Jacksonville, Florida, United States Army Corps of Engineers
 15 district, or other agency or party ~~duly authorized~~
 16 ~~representative of the United States~~, to contribute toward the
 17 cost of dredging performed on the waterway ~~by the United~~
 18 ~~States~~, to construct retaining bulkheads, dikes, and levees,
 19 to construct ditches for the control of water discharged by
 20 the dredges, and to do all other work and/or things which, in
 21 the judgment of the board, shall be proper and necessary to
 22 produce economies in meeting the conditions with respect to
 23 right-of-way and dredged material management areas imposed
 24 upon a "local interest" by the Congress of the United States
 25 in the several acts authorizing and directing the improvement,
 26 navigability, and maintenance of the Intracoastal Waterway
 27 from St. Mary's River to the southernmost boundary of Dade
 28 County.

29 Section 16. Section 110.152, Florida Statutes, is
 30 amended to read:

31

1 110.152 Adoption benefits for state ~~or water~~
2 ~~management district~~ employees; parental leave.--

3 (1)(a) Any full-time or part-time employee of the
4 state who is paid from regular salary appropriations and ~~or of~~
5 ~~a water management district~~ who adopts a special-needs child,
6 as defined in paragraph (b), is eligible to receive a monetary
7 benefit in the amount of \$10,000 per child, \$5,000 of which is
8 payable in equal monthly installments over a 2-year period.
9 Any employee of the state ~~or of a water management district~~
10 who adopts a child whose permanent custody has been awarded to
11 the Department of Children and Family Services or to a
12 Florida-licensed child-placing agency, other than a
13 special-needs child as defined in paragraph (b), shall be
14 eligible to receive a monetary benefit in the amount of \$5,000
15 per child, \$2,000 of which is payable in equal monthly
16 installments over a 2-year period. Benefits paid under this
17 subsection to a part-time employee must be prorated based on
18 the employee's full-time-equivalency status at the time of
19 applying for the benefits.

20 (b) For purposes of this section, a "special-needs
21 child" is a child whose permanent custody has been awarded to
22 the Department of Children and Family Services or to a
23 Florida-licensed child-placing agency and who is not likely to
24 be adopted because he or she is:

- 25 1. Eight years of age or older.
- 26 2. A person with a developmental disability.
- 27 3. A person with a physical or emotional handicap.
- 28 4. Of a minority race or of a racially mixed heritage.
- 29 5. A member of a sibling group of any age, provided
30 that two or more members of a sibling group remain together
31 for the purposes of adoption.

1 (2) An employee of the state ~~or of a water management~~
2 ~~district~~ who adopts a special-needs child must apply to his or
3 her agency head to obtain the monetary benefit provided in
4 subsection (1). Applications must be on forms approved by the
5 department and must include a certified copy of the final
6 order of adoption naming the applicant as the adoptive parent.

7 (3) Nothing in this section shall affect the right of
8 any state employee who adopts a special-needs child to receive
9 financial aid for adoption expenses pursuant to s. 409.166 or
10 any other statute that provides financial incentives for the
11 adoption of children.

12 (4) Any employee of the state ~~or of a water management~~
13 ~~district~~ who has a child placed in the custody of the employee
14 for adoption, and who continues to reside in the same
15 household as the child placed for adoption, shall be granted
16 parental leave for a period not to exceed 6 months as provided
17 in s. 110.221.

18 Section 17. Section 110.15201, Florida Statutes, is
19 amended to read:

20 110.15201 Adoption benefits for state ~~or water~~
21 ~~management district~~ employees; rulemaking authority.--The
22 Department of Management Services may adopt rules to
23 administer the provisions of this act. Such rules may provide
24 for an application process such as, but not limited to, an
25 open-enrollment period during which employees may apply for
26 monetary benefits as provided in s. 110.152(1).

27 Section 18. Paragraph (c) of subsection (2) of section
28 215.32, Florida Statutes, is amended to read:

29 215.32 State funds; segregation.--

30 (2) The source and use of each of these funds shall be
31 as follows:

1 (c)1. The Budget Stabilization Fund shall consist of
2 amounts equal to at least 5 percent of net revenue collections
3 for the General Revenue Fund during the last completed fiscal
4 year. The Budget Stabilization Fund's principal balance shall
5 not exceed an amount equal to 10 percent of the last completed
6 fiscal year's net revenue collections for the General Revenue
7 Fund. As used in this paragraph, the term "last completed
8 fiscal year" means the most recently completed fiscal year
9 prior to the regular legislative session at which the
10 Legislature considers the General Appropriations Act for the
11 year in which the transfer to the Budget Stabilization Fund
12 must be made under this paragraph.

13 2. By September 15 of each year, the Governor shall
14 authorize the Comptroller to transfer, and the Comptroller
15 shall transfer pursuant to appropriations made by law, to the
16 Budget Stabilization Fund the amount of money needed for the
17 balance of that fund to equal the amount specified in
18 subparagraph 1., less any amounts expended and not restored.
19 The moneys needed for this transfer may be appropriated by the
20 Legislature from any funds.

21 3. Unless otherwise provided in this subparagraph, an
22 expenditure from the Budget Stabilization Fund must be
23 restored pursuant to a restoration schedule that provides for
24 making five equal annual transfers from the General Revenue
25 Fund, beginning in the fiscal year following that in which the
26 expenditure was made. For any Budget Stabilization Fund
27 expenditure, the Legislature may establish by law a different
28 restoration schedule and such change may be made at any time
29 during the restoration period. Moneys are hereby appropriated
30 for transfers pursuant to this subparagraph.

31

1 4. The Budget Stabilization Fund and the Working
2 Capital Fund may be used as revolving funds for transfers as
3 provided in s. 18.125; however, any interest earned must be
4 deposited in the General Revenue Fund.

5 5. The Comptroller and the Department of Management
6 Services shall transfer funds to water management districts to
7 pay eligible water management district employees for all
8 benefits due under s. 373.6065, as long as funds remain
9 available for the program described under s. 100.152.

10 Section 19. Section 373.6065, Florida Statutes, is
11 created to read:

12 373.6065 Adoption benefits for water management
13 district employees.--

14 (1) Any employee of a water management district is
15 eligible to receive monetary benefits for child adoption to
16 the same extent as is an employee of the state, as described
17 in s. 110.152. The employee shall apply for such benefits
18 pursuant to s. 110.15201.

19 (2) The Comptroller and the Department of Management
20 Services shall transfer funds to water management districts to
21 pay eligible water management district employees for these
22 child adoption monetary benefits in accordance with s.
23 215.32(1)(c)5., as long as funds remain available for the
24 program described under s. 110.152.

25 (3) Parental leave for eligible water management
26 district employees shall be provided according to the policies
27 and procedures of the individual water management district in
28 existence at the time eligibility is determined.

29 (4) Each water management district shall develop means
30 of implementing these monetary adoption benefits for water
31 management district employees, consistent with its current

1 practices. Water management district rules, policies,
2 guidelines, or procedures so implemented will remain valid and
3 enforceable as long as they do not conflict with the express
4 terms of s. 110.152.

5 Section 20. Section 373.536, Florida Statutes, is
6 amended to read:

7 373.536 District budget and hearing thereon.--

8 (1) FISCAL YEAR.--The fiscal year of districts created
9 under the provisions of this chapter shall extend from October
10 1 of one year through September 30 of the following year.

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

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

18 (a) Unless alternative notice requirements are
19 otherwise provided by law, notice of all budget hearings
20 conducted by the governing board or district staff must be
21 published in a newspaper of general paid circulation in each
22 county in which the district lies not less than 5 days nor
23 more than 15 days before the hearing.

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

29 (c) The tentative budget shall be adopted in
30 accordance with the provisions of s. 200.065; however, if the
31 mailing of the notice of proposed property taxes is delayed

1 beyond September 3 in any county in which the district lies,
 2 the district shall advertise its intention to adopt a
 3 tentative budget and millage rate, pursuant to s.
 4 200.065(3)(g), in a newspaper of general paid circulation in
 5 that county. ~~The budget shall set forth, classified by object~~
 6 ~~and purpose, and by fund if so designated, the proposed~~
 7 ~~expenditures of the district for bonds or other debt, for~~
 8 ~~construction, for acquisition of land, for operation and~~
 9 ~~maintenance of the district works, for the conduct of the~~
 10 ~~affairs of the district generally, and for other purposes, to~~
 11 ~~which may be added an amount to be held as a reserve. District~~
 12 ~~administrative and operating expenses must be identified in~~
 13 ~~the budget and allocated among district programs.~~

14 (2) ~~The budget shall also show the estimated amount~~
 15 ~~which will appear at the beginning of the fiscal year as~~
 16 ~~obligated upon commitments made but uncompleted. There shall~~
 17 ~~be shown the estimated unobligated or net balance which will~~
 18 ~~be on hand at the beginning of the fiscal year, and the~~
 19 ~~estimated amount to be raised by district taxes and from other~~
 20 ~~sources for meeting the requirements of the district.~~

21 (d)(3) As provided in s. 200.065(2)(d), the board
 22 shall publish one or more notices of its intention to finally
 23 adopt a final budget for the district for the ensuing fiscal
 24 year. The notice shall appear adjacent to an advertisement
 25 that sets ~~which shall set~~ forth the tentative budget in a
 26 format meeting the budget summary requirements of s.
 27 129.03(3)(b) in full. The district shall not include
 28 expenditures of federal special revenues and state special
 29 revenues when preparing the statement required by s.
 30 200.065(3)(1). The notice and advertisement shall be published
 31 in one or more newspapers having a combined general paid

1 circulation in each county ~~the counties having land in which~~
 2 the district lies. Districts may include explanatory phrases
 3 and examples in budget advertisements published under s.
 4 200.065 to clarify or illustrate the effect that the district
 5 budget may have on ad valorem taxes.

6 ~~(e)(4)~~ The hearing for adoption of ~~to finally adopt~~ a
 7 final budget and millage rate shall be by and before the
 8 governing board of the district as provided in s. 200.065 and
 9 may be continued from day to day until terminated by the
 10 board.

11 (4) BUDGET CONTROLS.--

12 (a) The final adopted budget for the district will
 13 thereupon be the operating and fiscal guide for the district
 14 for the ensuing year; however, transfers of funds may be made
 15 within the budget by action of the governing board at a public
 16 meeting of the governing board.

17 (b) The district shall control its budget, at a
 18 minimum, by funds and shall provide to the Executive Office of
 19 the Governor a description of its budget control mechanisms.

20 (c) Should the district receive unanticipated funds
 21 after the adoption of the final budget, the final budget may
 22 be amended by including such funds, so long as notice of
 23 intention to amend is published in the notice of the governing
 24 board meeting at which the amendment will be considered,
 25 pursuant to s. 120.525 ~~one time in one or more newspapers~~
 26 ~~qualified to accept legal advertisements having a combined~~
 27 ~~general circulation in the counties in the district.~~ The
 28 notice shall set forth a summary of the proposed amendment ~~and~~
 29 ~~shall be published at least 10 days prior to the public~~
 30 ~~meeting of the board at which the proposed amendment is to be~~
 31 ~~considered.~~ However, in the event of a disaster or of an

1 emergency arising to prevent or avert the same, the governing
2 board shall not be limited by the budget but shall have
3 authority to apply such funds as may be available therefor or
4 as may be procured for such purpose.

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

7 (a) The Executive Office of the Governor is authorized
8 to approve or disapprove, in whole or in part, the budget of
9 each water management district and shall analyze each budget
10 as to the adequacy of fiscal resources available to the
11 district and the adequacy of district expenditures related to
12 water supply, including water resource development projects
13 identified in the district's regional water supply plans;
14 water quality; flood protection and floodplain management; and
15 natural systems. This analysis shall be based on the
16 particular needs within each water management district in
17 those four areas of responsibility.

18 (b) The Executive Office of the Governor and the water
19 management districts shall develop a process to facilitate
20 review and communication regarding water management district
21 budgets, as necessary. Written disapproval of any provision
22 in the tentative budget must be received by the district at
23 least 5 business days prior to the final district budget
24 adoption hearing conducted under s. 200.065(2)(d). If written
25 disapproval of any portion of the budget is not received at
26 least 5 business days prior to the final budget adoption
27 hearing, the governing board may proceed with final adoption.
28 Any provision rejected by the Governor shall not be included
29 in a district's final budget.

30 (c) Each water management district shall, by August 1
31 of each year, submit for review a tentative budget to the

1 Governor, the President of the Senate, the Speaker of the
 2 House of Representatives, the chairs of all legislative
 3 committees and subcommittees with substantive or fiscal
 4 jurisdiction over water management districts, as determined by
 5 the President of the Senate or Speaker of the House of
 6 Representatives as applicable, the secretary of the
 7 department, and the governing body of each county in which the
 8 district has jurisdiction or derives any funds for the
 9 operations of the district.

10 (d) The tentative budget must set forth the proposed
 11 expenditures of the district, to which may be added an amount
 12 to be held as reserve. The tentative budget must include, but
 13 is not limited to, the following information for the preceding
 14 fiscal year and the current fiscal year, and the proposed
 15 amounts for the upcoming fiscal year, in a standard format
 16 prescribed by the Executive Office of the Governor ~~which is~~
 17 ~~generally consistent with the format prescribed by legislative~~
 18 ~~budget instructions for state agencies and the format~~
 19 ~~requirements of s. 216.031:~~

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

23 2. The estimated amount of unobligated funds or net
 24 cash balance on hand at the beginning of the fiscal year, and
 25 the estimated amount of funds to be raised by district taxes
 26 or received from other sources to meet the requirements of the
 27 district.

28 3. The millage rates and the percentage increase above
 29 the rolled-back rate, together with a summary of the reasons
 30 the increase is required, and the percentage increase in
 31

1 taxable value resulting from new construction within the
2 district.†

3 ~~4.2.~~ The salaries ~~salary~~ and benefits, expenses,
4 operating capital outlay, number of authorized positions, and
5 other personal services for the following program areas of the
6 district, including a separate section for lobbying,
7 intergovernmental relations, and advertising:

8 a. Water resource planning and monitoring;

9 b. Land acquisition, restoration, and public works;

10 c. Operation and maintenance of works and lands;

11 d. Regulation;

12 e. Outreach for which the information provided must
13 contain a full description and accounting of expenditures for
14 water resources education; public information and public
15 relations, including public service announcements and
16 advertising in any media; and lobbying activities related to
17 local, regional, state and federal governmental affairs,
18 whether incurred by district staff or through contractual
19 services; and

20 f. Management and administration.

21 ~~a. District management and administration;~~

22 ~~b. Implementation through outreach activities;~~

23 ~~c. Implementation through regulation;~~

24 ~~d. Implementation through acquisition, restoration,~~
25 ~~and public works;~~

26 ~~e. Implementation through operations and maintenance~~
27 ~~of lands and works;~~

28 ~~f. Water resources planning and monitoring; and~~

29 ~~g. A full description and accounting of expenditures~~
30 ~~for lobbying activities relating to local, regional, state,~~
31 ~~and federal governmental affairs, whether incurred by district~~

1 ~~staff or through contractual services and all expenditures for~~
2 ~~public relations, including all expenditures for public~~
3 ~~service announcements and advertising in any media.~~

4
5 In addition to the program areas reported by all water
6 management districts, the South Florida Water Management
7 District shall include in its budget document ~~a~~ separate
8 sections ~~section~~ on all costs associated with the Everglades
9 Construction Project and the Comprehensive Everglades
10 Restoration Plan.

11 5.3. The total estimated amount in the district budget
12 for each area of responsibility listed in subparagraph 4.
13 ~~paragraph (a)~~ and for water resource development projects
14 identified in the district's regional water supply plans.

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

16 6.5. A description of each new, expanded, reduced, or
17 eliminated program.

18 ~~6. A proposed 5-year water resource development work~~
19 ~~program, that describes the district's implementation strategy~~
20 ~~for the water resource development component of each approved~~
21 ~~regional water supply plan developed or revised pursuant to s.~~
22 ~~373.0361. The work program shall address all the elements of~~
23 ~~the water resource development component in the district's~~
24 ~~approved regional water supply plans. The office of the~~
25 ~~Governor, with the assistance of the department, shall review~~
26 ~~the proposed work program. The review shall include a written~~
27 ~~evaluation of its consistency with and furtherance of the~~
28 ~~district's approved regional water supply plans, and adequacy~~
29 ~~of proposed expenditures. As part of the review, the Executive~~
30 ~~Office of the Governor and the department shall afford to all~~
31 ~~interested parties the opportunity to provide written comments~~

1 ~~on each district's proposed work program. At least 7 days~~
2 ~~prior to the adoption of its final budget, the governing board~~
3 ~~shall state in writing to the Executive Office of the Governor~~
4 ~~which changes recommended in the evaluation it will~~
5 ~~incorporate into its work program, or specify the reasons for~~
6 ~~not incorporating the changes. The office of the Governor~~
7 ~~shall include the district's responses in the written~~
8 ~~evaluation and shall submit a copy of the evaluation to the~~
9 ~~Legislature; and~~

10 7. The funding sources, including, but not limited to,
11 ad valorem taxes, Surface Water Improvement and Management
12 Program funds, other state funds, federal funds, and user fees
13 and permit fees for each program area.

14 (e)~~(d)~~ By September 5 of the year in which the budget
15 is submitted, the House and Senate appropriations chairs may
16 transmit to each district comments and objections to the
17 proposed budgets. Each district governing board shall include
18 a response to such comments and objections in the record of
19 the governing board meeting where final adoption of the budget
20 takes place, and the record of this meeting shall be
21 transmitted to the Executive Office of the Governor, the
22 department, and the chairs of the House and Senate
23 appropriations committees.

24 (f)~~(e)~~ The Executive Office of the Governor shall
25 annually, on or before December 15, file with the Legislature
26 a report that summarizes its review ~~the expenditures~~ of the
27 water management districts' tentative budgets and displays the
28 adopted budget allocations ~~districts~~ by program area. The
29 report must identify ~~and identifies~~ the districts that are not
30 in compliance with the reporting requirements of this section.
31

1 State funds shall be withheld from a water management district
2 that fails to comply with these reporting requirements.

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

5 (a) Each district must, by the date specified for each
6 item, furnish copies of the following documents to the
7 Governor, the President of the Senate, the Speaker of the
8 House of Representatives, the chairs of all legislative
9 committees and subcommittees having substantive or fiscal
10 jurisdiction over the districts, as determined by the
11 President or Speaker as applicable, the secretary of the
12 department, and the governing board of each county in which
13 the district has jurisdiction or derives any funds for the
14 operations of the district:

15 1. The adopted budget, to be furnished within 10 days
16 after its adoption.

17 2. A financial audit of its accounts and records, to
18 be furnished within 10 days after its acceptance by the
19 governing board. The audit must be conducted in accordance
20 with the provisions of s. 11.45 and the rules adopted
21 thereunder. In addition to the entities named above, the
22 district must provide a copy of the audit to the Auditor
23 General within 10 days after its acceptance by the governing
24 board.

25 3. A 5-year capital improvements plan, to be furnished
26 within 45 days after the adoption of the final budget. The
27 plan must include expected sources of revenue for planned
28 improvements and must be prepared in a manner comparable to
29 the fixed capital outlay format set forth in s. 216.043.

30 4. A 5-year water resource development work program to
31 be furnished within 45 days after the adoption of the final

1 budget. The program must describe the district's
 2 implementation strategy for the water resource development
 3 component of each approved regional water supply plan
 4 developed or revised under s. 373.0361. The work program must
 5 address all the elements of the water resource development
 6 component in the district's approved regional water supply
 7 plans. Within 45 days after its submittal, the department
 8 shall review the proposed work program and submit its
 9 findings, questions, and comments to the district. The review
 10 must include a written evaluation of the program's consistency
 11 with the furtherance of the district's approved regional water
 12 supply plans, and the adequacy of proposed expenditures. As
 13 part of the review, the department shall give interested
 14 parties the opportunity to provide written comments on each
 15 district's proposed work program. Within 60 days after receipt
 16 of the department's evaluation, the governing board shall
 17 state in writing to the department which changes recommended
 18 in the evaluation it will incorporate into its work program or
 19 specify the reasons for not incorporating the changes. The
 20 department shall include the district's responses in a final
 21 evaluation report and shall submit a copy of the report to the
 22 Governor, the President of the Senate, and the Speaker of the
 23 House of Representatives.

24 (b) If any entity listed in paragraph (a) provides
 25 written comments to the district regarding any document
 26 furnished under this subsection, the district must respond to
 27 the comments in writing and furnish copies of the comments and
 28 written responses to the other entities.

29 Section 21. Paragraph (b) of subsection (4) of section
 30 373.079, Florida Statutes, is amended to read:

31

1 373.079 Members of governing board; oath of office;
2 staff.--

3 (4)

4 (b)1. The governing board of each water management
5 district shall employ an inspector general, who shall report
6 directly to the board. However, the governing boards of the
7 Suwannee River Water Management District and the Northwest
8 Florida Water Management District may jointly employ an
9 inspector general, or provide for inspector general services
10 by interagency agreement with a state agency or water
11 management district inspector general.

12 2. An inspector general must have the qualifications
13 prescribed and perform the applicable duties of state agency
14 inspectors general as provided in s. 20.055.

15 ~~3. Within 45 days of the adoption of the final budget,~~
16 ~~the governing board shall submit a 5-year capital improvement~~
17 ~~plan and fiscal report for the district to the Governor, the~~
18 ~~President of the Senate, the Speaker of the House of~~
19 ~~Representatives, and the Secretary of Environmental~~
20 ~~Protection. The capital improvement plan must include expected~~
21 ~~sources of revenue for planned improvements and shall be~~
22 ~~prepared in a manner comparable to the fixed capital outlay~~
23 ~~format set forth in s. 216.043. The fiscal report shall cover~~
24 ~~the preceding fiscal year and shall include a summary~~
25 ~~statement of the financial operations of the district.~~

26 Section 22. Section 373.501, Florida Statutes, is
27 amended to read:

28 373.501 Appropriation of funds to water management
29 districts.--

30 (1) The department may allocate to the water
31 management districts, from funds appropriated to the

1 department, such sums as may be deemed necessary to defray the
2 costs of the administrative, regulatory, and other activities
3 of the districts. The governing boards shall submit annual
4 budget requests for such purposes to the department, and the
5 department shall consider such budgets in preparing its budget
6 request for the Legislature.

7 (2) Funds appropriated by the Legislature for the
8 purpose of funding a specific water management district
9 project shall be transferred to the water management district
10 when the proposed project has been reviewed by the secretary
11 of the pertinent state agency and upon receipt of a governing
12 board resolution requesting such funds.

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

15 373.59 Water Management Lands Trust Fund.--

16 (11) Notwithstanding any provision of this section to
17 the contrary, ~~and for the 2000-2001 fiscal year only,~~the
18 governing board of a water management district may request,
19 and the Secretary of Environmental Protection shall release
20 upon such request, moneys allocated to the districts pursuant
21 to subsection (8) for ~~the purpose of carrying out the purposes~~
22 consistent with the provisions of s. 373.0361, s. 373.0831 s-
23 ~~375.0831~~, s. 373.139, or ss. 373.451-373.4595 and for
24 legislatively authorized land acquisition and water
25 restoration initiatives. No funds may be used pursuant to this
26 subsection until necessary debt service obligations,
27 requirements for payments in lieu of taxes, and land
28 management obligations that may be required by this chapter
29 are provided for. ~~This subsection is repealed on July 1, 2001.~~

30 Section 24. Sections 373.507 and 373.589, Florida
31 Statutes, are repealed.

1 Section 25. Funds from Specific Appropriations 1591G
2 of Chapter 2000-166, Laws of Florida, in the amount of
3 \$1,000,000 for Wastewater (Sewer) Infrastructure - City of
4 South Miami shall revert and are hereby reappropriated for
5 drinking water facility construction for the City of South
6 Miami.

7 Section 26. This act shall take effect upon becoming a
8 law.

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