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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:

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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

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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.

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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:

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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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