

Bill No. CS for CS for SB 2120

Amendment No.      Barcode 945142

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Bronson moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

16 and insert:

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

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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:

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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.



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

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

8 373.0693 Basins; basin boards.--

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

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

31 73.015 Presuit negotiation.--

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

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

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

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

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

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

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

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

9           270.11 Contracts for sale of public lands to reserve  
10 certain mineral rights; prohibition on exercise of right of  
11 entry in certain cases.--

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

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

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1 ~~which owns the parcel of~~ a statement of reasons justifying  
2 such sale or release.

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

5 373.056 State agencies, counties, drainage districts,  
6 municipalities, or governmental agencies or public  
7 corporations authorized to convey or receive land from water  
8 management districts.--

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

22 Section 11. Section 373.096, Florida Statutes, is  
23 amended to read:

24 373.096 Releases.--The governing board of the district  
25 may release any ~~canal~~ easement, reservation or right-of-way  
26 interests, conveyed to it for which it has no present or  
27 apparent future use under terms and conditions determined by  
28 the board.

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

31 373.093 Lease of lands or interest in land.--The



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

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

18 Section 13. Subsection (2) and paragraph (a) of  
19 subsection (3) of section 373.139, Florida Statutes, are  
20 amended to read:

21 373.139 Acquisition of real property.--

22 (2) The governing board of the district is empowered  
23 and authorized to acquire in fee or less than fee title to  
24 real property, ~~and~~ easements and other interests or rights  
25 therein, by purchase, gift, devise, lease, eminent domain, or  
26 otherwise for flood control, water storage, water management,  
27 conservation and protection of water resources, aquifer  
28 recharge, water resource and water supply development, and  
29 preservation of wetlands, streams, and lakes. Eminent domain  
30 powers may be used only for acquiring real property for flood  
31 control and water storage or for curing title defects or

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1 encumbrances to real property owned by the district or to be  
2 acquired by the district from a willing seller.

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

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

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

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

15 373.1401 Management of lands of water management  
16 districts.--In addition to provisions contained in s.  
17 373.1391(1) for soil and water conservation districts, the ~~The~~  
18 governing board of each water management district may contract  
19 with a non-governmental person or entity, any federal or state  
20 agency, a county, a municipality, or any other governmental  
21 entity, or environmental nonprofit organization to provide for  
22 the improvement, management, or maintenance of any real  
23 property owned by or under the control of the district.

24 Section 15. Paragraph (a) of subsection (6) of section  
25 374.984, Florida Statutes, is amended to read:

26 374.984 Purpose; powers and duties.--It is the purpose  
27 and intent of this act that the board perform and do all  
28 things which shall be requisite and necessary to comply with  
29 the requirements and conditions imposed upon a "local  
30 interest" by the Congress of the United States in the several  
31 acts authorizing and directing the improvement and maintenance

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1 of the Intracoastal Waterway from St. Mary's River to the  
 2 southernmost boundary of Dade County. Said acts include but  
 3 are not limited to: the Rivers and Harbors Act approved  
 4 January 21, 1927, as amended by the River and Harbor Act  
 5 approved July 3, 1930; the River and Harbor Act of June 20,  
 6 1938; and s. 107 of the Federal River and Harbor Act of 1960.  
 7 Pursuant thereto, the powers of the board shall include, but  
 8 not be limited to:

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

26 Section 16. Section 110.152, Florida Statutes, is  
 27 amended to read:

28 110.152 Adoption benefits for state ~~or water~~  
 29 ~~management district~~ employees; parental leave.--

30 (1)(a) Any full-time or part-time employee of the  
 31 state who is paid from regular salary appropriations and ~~or of~~

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

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

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

28 (2) An employee of the state ~~or of a water management~~  
29 ~~district~~ who adopts a special-needs child must apply to his or  
30 her agency head to obtain the monetary benefit provided in  
31 subsection (1). Applications must be on forms approved by the

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1 department and must include a certified copy of the final  
2 order of adoption naming the applicant as the adoptive parent.

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

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

14 Section 17. Section 110.15201, Florida Statutes, is  
15 amended to read:

16 110.15201 Adoption benefits for state ~~or water~~  
17 ~~management district~~ employees; rulemaking authority.--The  
18 Department of Management Services may adopt rules to  
19 administer the provisions of this act. Such rules may provide  
20 for an application process such as, but not limited to, an  
21 open-enrollment period during which employees may apply for  
22 monetary benefits as provided in s. 110.152(1).

23 Section 18. Paragraph (c) of subsection (2) of section  
24 215.32, Florida Statutes, is amended to read:

25 215.32 State funds; segregation.--

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

28 (c)1. The Budget Stabilization Fund shall consist of  
29 amounts equal to at least 5 percent of net revenue collections  
30 for the General Revenue Fund during the last completed fiscal  
31 year. The Budget Stabilization Fund's principal balance shall

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

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

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

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

31           5. The Comptroller and the Department of Management

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1 Services shall transfer funds to water management districts to  
2 pay eligible water management district employees for all  
3 benefits due under s. 373.6065, as long as funds remain  
4 available for the program described under s. 100.152.

5 Section 19. Section 373.6065, Florida Statutes, is  
6 created to read:

7 373.6065 Adoption benefits for water management  
8 district employees.--

9 (1) Any employee of a water management district is  
10 eligible to receive monetary benefits for child adoption to  
11 the same extent as is an employee of the state, as described  
12 in s. 110.152. The employee shall apply for such benefits  
13 pursuant to s. 110.15201

14 (2) The Comptroller and the Department of Management  
15 Services shall transfer funds to water management districts to  
16 pay eligible water management district employees for these  
17 child adoption monetary benefits in accordance with s.  
18 215.32(1)(c)5., as long as funds remain available for the  
19 program described under s. 110.152.

20 (3) Parental leave for eligible water management  
21 district employees shall be provided according to the policies  
22 and procedures of the individual water management district in  
23 existence at the time eligibility is determined.

24 (4) Each water management district shall develop means  
25 of implementing these monetary adoption benefits for water  
26 management district employees, consistent with its current  
27 practices. Water management district rules, policies,  
28 guidelines, or procedures so implemented will remain valid and  
29 enforceable as long as they do not conflict with the express  
30 terms of s. 110.152.

31 Section 20. Section 373.536, Florida Statutes, is



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1 amended to read:

2 373.536 District budget and hearing thereon.--

3 (1) FISCAL YEAR.--The fiscal year of districts created  
4 under the provisions of this chapter shall extend from October  
5 1 of one year through September 30 of the following year.

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

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

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

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

24 (c) The tentative budget shall be adopted in  
25 accordance with the provisions of s. 200.065; however, if the  
26 mailing of the notice of proposed property taxes is delayed  
27 beyond September 3 in any county in which the district lies,  
28 the district shall advertise its intention to adopt a  
29 tentative budget and millage rate, pursuant to s.  
30 200.065(3)(g), in a newspaper of general paid circulation in  
31 that county. ~~The budget shall set forth, classified by object~~

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1 ~~and purpose, and by fund if so designated, the proposed~~  
2 ~~expenditures of the district for bonds or other debt, for~~  
3 ~~construction, for acquisition of land, for operation and~~  
4 ~~maintenance of the district works, for the conduct of the~~  
5 ~~affairs of the district generally, and for other purposes, to~~  
6 ~~which may be added an amount to be held as a reserve. District~~  
7 ~~administrative and operating expenses must be identified in~~  
8 ~~the budget and allocated among district programs.~~

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

16       ~~(d)(3)~~ As provided in s. 200.065(2)(d), the board  
17 shall publish one or more notices of its intention to ~~finally~~  
18 adopt a final budget for the district for the ensuing fiscal  
19 year. The notice shall appear adjacent to an advertisement  
20 that sets ~~which shall set~~ forth the tentative budget in a  
21 format meeting the budget summary requirements of s.  
22 129.03(3)(b) in full. The district shall not include  
23 expenditures of federal special revenues and state special  
24 revenues when preparing the statement required by s.  
25 200.065(3)(1). The notice and advertisement shall be published  
26 in one or more newspapers having a combined general paid  
27 circulation in each county ~~the counties having land in which~~  
28 the district lies. Districts may include explanatory phrases  
29 and examples in budget advertisements published under s.  
30 200.065 to clarify or illustrate the effect that the district  
31 budget may have on ad valorem taxes.

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

6           (4) BUDGET CONTROLS.--

7           (a) The final adopted budget for the district will  
8 thereupon be the operating and fiscal guide for the district  
9 for the ensuing year; however, transfers of funds may be made  
10 within the budget by action of the governing board at a public  
11 meeting of the governing board.

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

15           (c) Should the district receive unanticipated funds  
16 after the adoption of the final budget, the final budget may  
17 be amended by including such funds, so long as notice of  
18 intention to amend is published in the notice of the governing  
19 board meeting at which the amendment will be considered,  
20 pursuant to s. 120.525 ~~one time in one or more newspapers~~  
21 ~~qualified to accept legal advertisements having a combined~~  
22 ~~general circulation in the counties in the district.~~ The  
23 notice shall set forth a summary of the proposed amendment ~~and~~  
24 ~~shall be published at least 10 days prior to the public~~  
25 ~~meeting of the board at which the proposed amendment is to be~~  
26 ~~considered.~~ However, in the event of a disaster or of an  
27 emergency arising to prevent or avert the same, the governing  
28 board shall not be limited by the budget but shall have  
29 authority to apply such funds as may be available therefor or  
30 as may be procured for such purpose.

31           (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW

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1 AND APPROVAL.--

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

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

25           (c) Each water management district shall, by August 1  
26 of each year, submit for review a tentative budget to the  
27 Governor, the President of the Senate, the Speaker of the  
28 House of Representatives, the chairs of all legislative  
29 committees and subcommittees with substantive or fiscal  
30 jurisdiction over water management districts, as determined by  
31 the President of the Senate or Speaker of the House of

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1 Representatives as applicable,the secretary of the  
2 department, and the governing body of each county in which the  
3 district has jurisdiction or derives any funds for the  
4 operations of the district.

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

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

18 2. The estimated amount of unobligated funds or net  
19 cash balance on hand at the beginning of the fiscal year, and  
20 the estimated amount of funds to be raised by district taxes  
21 or received from other sources to meet the requirements of the  
22 district.

23 3. The millage rates and the percentage increase above  
24 the rolled-back rate, together with a summary of the reasons  
25 the increase is required, and the percentage increase in  
26 taxable value resulting from new construction within the  
27 district.†

28 ~~4.2.~~ The salaries ~~salary~~ and benefits, expenses,  
29 operating capital outlay, number of authorized positions, and  
30 other personal services for the following program areas of the  
31 district, ~~including a separate section for lobbying,~~

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- 1 ~~intergovernmental relations, and advertising:~~
- 2     a. Water resource planning and monitoring;
- 3     b. Land acquisition, restoration, and public works;
- 4     c. Operation and maintenance of works and lands;
- 5     d. Regulation;
- 6     e. Outreach for which the information provided must
- 7 contain a full description and accounting of expenditures for
- 8 water resources education; public information and public
- 9 relations, including public service announcements and
- 10 advertising in any media; and lobbying activities related to
- 11 local, regional, state and federal governmental affairs,
- 12 whether incurred by district staff or through contractual
- 13 services; and
- 14     f. Management and administration.
- 15     ~~a. District management and administration;~~
- 16     ~~b. Implementation through outreach activities;~~
- 17     ~~c. Implementation through regulation;~~
- 18     ~~d. Implementation through acquisition, restoration,~~
- 19 ~~and public works;~~
- 20     ~~e. Implementation through operations and maintenance~~
- 21 ~~of lands and works;~~
- 22     ~~f. Water resources planning and monitoring; and~~
- 23     ~~g. A full description and accounting of expenditures~~
- 24 ~~for lobbying activities relating to local, regional, state,~~
- 25 ~~and federal governmental affairs, whether incurred by district~~
- 26 ~~staff or through contractual services and all expenditures for~~
- 27 ~~public relations, including all expenditures for public~~
- 28 ~~service announcements and advertising in any media.~~

30 In addition to the program areas reported by all water  
31 management districts, the South Florida Water Management

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1 District shall include in its budget document ~~a~~ separate  
2 sections ~~section~~ on all costs associated with the Everglades  
3 Construction Project and the Comprehensive Everglades  
4 Restoration Plan.

5 ~~5.3.~~ The total estimated amount in the district budget  
6 for each area of responsibility listed in subparagraph 4.  
7 ~~paragraph (a)~~ and for water resource development projects  
8 identified in the district's regional water supply plans.

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

10 ~~6.5.~~ A description of each new, expanded, reduced, or  
11 eliminated program.

12 ~~6. A proposed 5-year water resource development work~~  
13 ~~program, that describes the district's implementation strategy~~  
14 ~~for the water resource development component of each approved~~  
15 ~~regional water supply plan developed or revised pursuant to s.~~  
16 ~~373.0361. The work program shall address all the elements of~~  
17 ~~the water resource development component in the district's~~  
18 ~~approved regional water supply plans. The office of the~~  
19 ~~Governor, with the assistance of the department, shall review~~  
20 ~~the proposed work program. The review shall include a written~~  
21 ~~evaluation of its consistency with and furtherance of the~~  
22 ~~district's approved regional water supply plans, and adequacy~~  
23 ~~of proposed expenditures. As part of the review, the Executive~~  
24 ~~Office of the Governor and the department shall afford to all~~  
25 ~~interested parties the opportunity to provide written comments~~  
26 ~~on each district's proposed work program. At least 7 days~~  
27 ~~prior to the adoption of its final budget, the governing board~~  
28 ~~shall state in writing to the Executive Office of the Governor~~  
29 ~~which changes recommended in the evaluation it will~~  
30 ~~incorporate into its work program, or specify the reasons for~~  
31 ~~not incorporating the changes. The office of the Governor~~

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1 ~~shall include the district's responses in the written~~  
2 ~~evaluation and shall submit a copy of the evaluation to the~~  
3 ~~Legislature; and~~

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

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

18           (f)~~(e)~~ The Executive Office of the Governor shall  
19 annually, on or before December 15, file with the Legislature  
20 a report that summarizes its review ~~the expenditures~~ of the  
21 water management districts' tentative budgets and displays the  
22 adopted budget allocations ~~districts~~ by program area. The  
23 report must identify ~~and identifies~~ the districts that are not  
24 in compliance with the reporting requirements of this section.  
25 State funds shall be withheld from a water management district  
26 that fails to comply with these reporting requirements.

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

29           (a) Each district must, by the date specified for each  
30 item, furnish copies of the following documents to the  
31 Governor, the President of the Senate, the Speaker of the



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1 House of Representatives, the chairs of all legislative  
 2 committees and subcommittees having substantive or fiscal  
 3 jurisdiction over the districts, as determined by the  
 4 President or Speaker as applicable, the secretary of the  
 5 department, and the governing board of each county in which  
 6 the district has jurisdiction or derives any funds for the  
 7 operations of the district;

8       1. The adopted budget, to be furnished within 10 days  
 9 after its adoption.

10       2. A financial audit of its accounts and records, to  
 11 be furnished within 10 days after its acceptance by the  
 12 governing board. The audit must be conducted in accordance  
 13 with the provisions of s. 11.45 and the rules adopted  
 14 thereunder. In addition to the entities named above, the  
 15 district must provide a copy of the audit to the Auditor  
 16 General within 10 days after its acceptance by the governing  
 17 board.

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

23       4. A 5-year water resource development work program to  
 24 be furnished within 45 days after the adoption of the final  
 25 budget. The program must describe the district's  
 26 implementation strategy for the water resource development  
 27 component of each approved regional water supply plan  
 28 developed or revised under s. 373.0361. The work program must  
 29 address all the elements of the water resource development  
 30 component in the district's approved regional water supply  
 31 plans. Within 45 days after its submittal, the department

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1 shall review the proposed work program and submit its  
2 findings, questions, and comments to the district. The review  
3 must include a written evaluation of the program's consistency  
4 with the furtherance of the district's approved regional water  
5 supply plans, and the adequacy of proposed expenditures. As  
6 part of the review, the department shall give interested  
7 parties the opportunity to provide written comments on each  
8 district's proposed work program. Within 60 days after receipt  
9 of the department's evaluation, the governing board shall  
10 state in writing to the department which changes recommended  
11 in the evaluation it will incorporate into its work program or  
12 specify the reasons for not incorporating the changes. The  
13 department shall include the district's responses in a final  
14 evaluation report and shall submit a copy of the report to the  
15 Governor, the President of the Senate, and the Speaker of the  
16 House of Representatives.

17 (b) If any entity listed in paragraph (a) provides  
18 written comments to the district regarding any document  
19 furnished under this subsection, the district must respond to  
20 the comments in writing and furnish copies of the comments and  
21 written responses to the other entities.

22 Section 21. Paragraph (b) of subsection (4) of section  
23 373.079, Florida Statutes, is amended to read:

24 373.079 Members of governing board; oath of office;  
25 staff.--

26 (4)

27 (b)1. The governing board of each water management  
28 district shall employ an inspector general, who shall report  
29 directly to the board. However, the governing boards of the  
30 Suwannee River Water Management District and the Northwest  
31 Florida Water Management District may jointly employ an

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1 inspector general, or provide for inspector general services  
2 by interagency agreement with a state agency or water  
3 management district inspector general.

4           2. An inspector general must have the qualifications  
5 prescribed and perform the applicable duties of state agency  
6 inspectors general as provided in s. 20.055.

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

18           Section 22. Section 373.501, Florida Statutes, is  
19 amended to read:

20           373.501 Appropriation of funds to water management  
21 districts.--

22           (1) The department may allocate to the water  
23 management districts, from funds appropriated to the  
24 department, such sums as may be deemed necessary to defray the  
25 costs of the administrative, regulatory, and other activities  
26 of the districts. The governing boards shall submit annual  
27 budget requests for such purposes to the department, and the  
28 department shall consider such budgets in preparing its budget  
29 request for the Legislature.

30           (2) Funds appropriated by the Legislature for the  
31 purpose of funding a specific water management district

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1 project shall be transferred to the water management district  
2 when the proposed project has been reviewed by the secretary  
3 of the pertinent state agency and upon receipt of a governing  
4 board resolution requesting such funds.

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

7 373.59 Water Management Lands Trust Fund.--

8 (11) Notwithstanding any provision of this section to  
9 the contrary, ~~and for the 2000-2001 fiscal year only,~~the  
10 governing board of a water management district may request,  
11 and the Secretary of Environmental Protection shall release  
12 upon such request, moneys allocated to the districts pursuant  
13 to subsection (8) ~~for the purpose of carrying out the purposes~~  
14 consistent with the provisions of s. 373.0361, s. 373.0831 ~~s.~~  
15 ~~375.0831~~, s. 373.139, or ss. 373.451-373.4595 and for  
16 legislatively authorized land acquisition and water  
17 restoration initiatives. No funds may be used pursuant to this  
18 subsection until necessary debt service obligations,  
19 requirements for payments in lieu of taxes, and land  
20 management obligations that may be required by this chapter  
21 are provided for. ~~This subsection is repealed on July 1, 2001.~~

22 Section 24. Sections 373.507 and 373.589, Florida  
23 Statutes, are repealed.

24 Section 25. This act shall take effect upon becoming a  
25 law.

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

31

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1 and insert:

2                                   A bill to be entitled

3           An act relating to water resources; amending s.

4           373.1961, F.S.; allowing certain alternative

5           water supply facilities to recover the cost of

6           such facilities through rate structures;

7           amending s. 373.083, F.S.; authorizing water

8           management districts to solicit donations;

9           amending s. 373.093, F.S.; authorizing water

10          management districts to lease certain personal

11          property; creating s. 373.608, F.S.;

12          authorizing water management districts to

13          obtain and enforce patents, copyrights, and

14          trademarks on work products of the district;

15          providing for rules; creating s. 373.610, F.S.;

16          authorizing water management districts to

17          suspend contractors who have defaulted on

18          contracts; providing procedure; providing for

19          rules; creating s. 373.611, F.S.; authorizing

20          water management districts to enter into

21          contracts to limit or alter the measure of

22          damages recoverable from a vendor; amending s.

23          373.0693, F.S.; providing for membership on the

24          Manasota Basin Board and for the resolution of

25          tie votes; amending s. 73.015, F.S.; clarifying

26          time-frame for providing specific information

27          to fee-owners; requiring agencies to provide

28          specified portions of statute to fee-owners;

29          amending s. 270.11, F.S.; providing discretion

30          to water management districts, local

31          governments, board of trustees and other state

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

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

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

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