

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

1 mineral interests when selling lands;
2 clarifying the types of information to be given
3 by land-owner wanting a release of a
4 reservation; amending s. 373.056, F.S.;
5 granting water management districts the
6 authority to grant utility easements on
7 district-owned land for providing utility
8 service; amending s. 373.093, F.S.; granting
9 additional time to water management districts
10 to provide notification before executing lease
11 agreements; amending s. 373.096, F.S.;
12 providing for release of certain easements,
13 reservations, or right-of-way interests;
14 amending s. 373.139, F.S.; authorizing water
15 management districts to cure title defects
16 after a land sale is executed; allowing water
17 management districts to disclose appraisal
18 information, offers and counter offers to third
19 parties working on the district's behalf;
20 allowing third party appraisals to be used
21 under specific circumstances; amending s.
22 373.1401, F.S.; allowing water management
23 districts to contract with private entities for
24 management, improvement, or maintenance of land
25 held by the districts; amending s. 110.152,
26 F.S.; specifying employees who are entitled to
27 receive such benefits for adopting a
28 special-needs child; deleting references to
29 water management district employees;
30 prescribing the manner of establishing the
31 amount of such benefits; amending s. 110.15201,

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

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

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (k) is added to subsection (2) of
15 section 373.1961, Florida Statutes, to read:

16 373.1961 Water production.--

17 (2) The Legislature finds that, due to a combination
18 of factors, vastly increased demands have been placed on
19 natural supplies of fresh water, and that, absent increased
20 development of alternative water supplies, such demands may
21 increase in the future. The Legislature also finds that
22 potential exists in the state for the production of
23 significant quantities of alternative water supplies,
24 including reclaimed water, and that water production includes
25 the development of alternative water supplies, including
26 reclaimed water, for appropriate uses. It is the intent of
27 the Legislature that utilities develop reclaimed water
28 systems, where reclaimed water is the most appropriate
29 alternative water supply option, to deliver reclaimed water to
30 as many users as possible through the most cost-effective
31 means, and to construct reclaimed water system infrastructure

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

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

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

26 373.083 General powers and duties of the governing
27 board.--In addition to other powers and duties allowed it by
28 law, the governing board is authorized to:

29 (4) Solicit and accept donations or grants of funds or
30 services from both public and private sources for the planning
31 and implementation of district undertakings and delegations,

1 including, but not limited to, projects, programs, works, and
2 studies.

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

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

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

18 Section 4. Section 373.608, Florida Statutes, is
19 created to read:

20 373.608 Patents, copyrights, and trademarks.--Each
21 district may, in its own name:

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

29 (2) License, lease, assign, or otherwise give written
30 consent to any person, firm, or corporation for the
31 manufacture or use of such district work products, on a

1 royalty basis or for such other consideration as the
2 applicable governing board shall deem proper.

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

6 (4) Enforce the collection of any sums due to the
7 district for the manufacture or use of such district work
8 products by other party.

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

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

15 Section 5. Section 373.610, Florida Statutes, is
16 created to read:

17 373.610 Defaulting vendors and contractors.--The
18 district may suspend a contractor on a temporary or permanent
19 basis, from doing work with the district if such contractor
20 has materially breached its contract with the district. The
21 district shall adopt rules to administer the provisions of
22 this section to specify the circumstances and conditions that
23 constitute a materially breached contract and conditions that
24 constitute the period for temporary or permanent suspension
25 and for reinstatement.

26 Section 6. Section 373.611, Florida Statutes, is
27 created to read:

28 373.611 Modification or limitation of remedy.--In
29 order to promote the cost-effective procurement of commodities
30 and contractual services by the water management districts, a
31 district may enter into contracts to limit or alter the

1 measure of damages recoverable from a vendor consistent with
2 the provisions contained in s. 672.719.

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

5 373.0693 Basins; basin boards.--

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

26 Section 8. Paragraph (a) of subsection (1) of section
27 73.015, Florida Statutes, is amended to read:

28 73.015 Presuit negotiation.--

29 (1) Effective July 1, 2000, before an eminent domain
30 proceeding is brought under this chapter or chapter 74, the
31 condemning authority must attempt to negotiate in good faith

1 with the fee owner of the parcel to be acquired, must provide
2 the fee owner with a written offer and, if requested, a copy
3 of the appraisal upon which the offer is based, and must
4 attempt to reach an agreement regarding the amount of
5 compensation to be paid for the parcel.

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

11 1. That all or a portion of his or her property is
12 necessary for a project.

13 2. The nature of the project for which the parcel is
14 considered necessary, and the parcel designation of the
15 property to be acquired.

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

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

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

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

6 270.11 Contracts for sale of public lands to reserve
7 certain mineral rights; prohibition on exercise of right of
8 entry in certain cases.--

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

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

31

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

3 373.056 State agencies, counties, drainage districts,
4 municipalities, or governmental agencies or public
5 corporations authorized to convey or receive land from water
6 management districts.--

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

20 Section 11. Section 373.096, Florida Statutes, is
21 amended to read:

22 373.096 Releases.--The governing board of the district
23 may release any ~~canal~~ easement, reservation or right-of-way
24 interests, conveyed to it for which it has no present or
25 apparent future use under terms and conditions determined by
26 the board.

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

29 373.093 Lease of lands or interest in land.--The
30 governing board of the district may lease any lands or
31 interest in land, including but not limited to oil and mineral

1 rights, to which the district has acquired title, or to which
2 it may hereafter acquire title in the following manner, as
3 long as the lease is consistent with the purposes for which
4 the lands or any interest in land was acquired:

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

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

19 373.139 Acquisition of real property.--

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

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

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

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

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

13 373.1401 Management of lands of water management
14 districts.--In addition to provisions contained in s.
15 373.1391(1) for soil and water conservation districts, the ~~The~~
16 governing board of each water management district may contract
17 with a non-governmental person or entity, any federal or state
18 agency, a county, a municipality, or any other governmental
19 entity, or environmental nonprofit organization to provide for
20 the improvement, management, or maintenance of any real
21 property owned by or under the control of the district.

22 Section 15. Paragraph (a) of subsection (6) of section
23 374.984, Florida Statutes, is amended to read:

24 374.984 Purpose; powers and duties.--It is the purpose
25 and intent of this act that the board perform and do all
26 things which shall be requisite and necessary to comply with
27 the requirements and conditions imposed upon a "local
28 interest" by the Congress of the United States in the several
29 acts authorizing and directing the improvement and maintenance
30 of the Intracoastal Waterway from St. Mary's River to the
31 southernmost boundary of Dade County. Said acts include but

1 are not limited to: the Rivers and Harbors Act approved
2 January 21, 1927, as amended by the River and Harbor Act
3 approved July 3, 1930; the River and Harbor Act of June 20,
4 1938; and s. 107 of the Federal River and Harbor Act of 1960.
5 Pursuant thereto, the powers of the board shall include, but
6 not be limited to:

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

24 Section 16. Section 110.152, Florida Statutes, is
25 amended to read:

26 110.152 Adoption benefits for state ~~or water~~
27 ~~management district~~ employees; parental leave.--

28 (1)(a) Any full-time or part-time employee of the
29 state who is paid from regular salary appropriations and ~~or of~~
30 ~~a water management district~~ who adopts a special-needs child,
31 as defined in paragraph (b), is eligible to receive a monetary

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

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

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

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

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

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

12 Section 17. Section 110.15201, Florida Statutes, is
13 amended to read:

14 110.15201 Adoption benefits for state ~~or water~~
15 ~~management district~~ employees; rulemaking authority.--The
16 Department of Management Services may adopt rules to
17 administer the provisions of this act. Such rules may provide
18 for an application process such as, but not limited to, an
19 open-enrollment period during which employees may apply for
20 monetary benefits as provided in s. 110.152(1).

21 Section 18. Paragraph (c) of subsection (2) of section
22 215.32, Florida Statutes, is amended to read:

23 215.32 State funds; segregation.--

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

26 (c)1. The Budget Stabilization Fund shall consist of
27 amounts equal to at least 5 percent of net revenue collections
28 for the General Revenue Fund during the last completed fiscal
29 year. The Budget Stabilization Fund's principal balance shall
30 not exceed an amount equal to 10 percent of the last completed
31 fiscal year's net revenue collections for the General Revenue

1 Fund. As used in this paragraph, the term "last completed
2 fiscal year" means the most recently completed fiscal year
3 prior to the regular legislative session at which the
4 Legislature considers the General Appropriations Act for the
5 year in which the transfer to the Budget Stabilization Fund
6 must be made under this paragraph.

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

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

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

29 5. The Comptroller and the Department of Management
30 Services shall transfer funds to water management districts to
31 pay eligible water management district employees for all

1 benefits due under s. 373.6065, as long as funds remain
2 available for the program described under s. 100.152.

3 Section 19. Section 373.6065, Florida Statutes, is
4 created to read:

5 373.6065 Adoption benefits for water management
6 district employees.--

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

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

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

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

29 Section 20. Section 373.536, Florida Statutes, is
30 amended to read:

31 373.536 District budget and hearing thereon.--

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

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

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

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

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

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

1 ~~construction, for acquisition of land, for operation and~~
2 ~~maintenance of the district works, for the conduct of the~~
3 ~~affairs of the district generally, and for other purposes, to~~
4 ~~which may be added an amount to be held as a reserve. District~~
5 ~~administrative and operating expenses must be identified in~~
6 ~~the budget and allocated among district programs.~~

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

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

30 ~~(e)(4)~~ The hearing for adoption of ~~to finally adopt~~ a
31 final budget and millage rate shall be by and before the

1 governing board of the district as provided in s. 200.065 and
2 may be continued from day to day until terminated by the
3 board.

4 (4) BUDGET CONTROLS.--

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

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

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

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

31

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

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

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

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

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

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

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

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

27 4.2. The salaries ~~salary~~ and benefits, expenses,
28 operating capital outlay, number of authorized positions, and
29 other personal services for the following program areas of the
30 district, ~~including a separate section for lobbying,~~
31 ~~intergovernmental relations, and advertising:~~

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

1 sections ~~section~~ on all costs associated with the Everglades
2 Construction Project and the Comprehensive Everglades
3 Restoration Plan.

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

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

9 6.5. A description of each new, expanded, reduced, or
10 eliminated program.

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

1 ~~evaluation and shall submit a copy of the evaluation to the~~
2 ~~Legislature; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

23 373.079 Members of governing board; oath of office;
24 staff.--

25 (4)

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

1 by interagency agreement with a state agency or water
2 management district inspector general.

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

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

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

19 373.501 Appropriation of funds to water management
20 districts.--

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

29 (2) Funds appropriated by the Legislature for the
30 purpose of funding a specific water management district
31 project shall be transferred to the water management district

1 when the proposed project has been reviewed by the secretary
2 of the pertinent state agency and upon receipt of a governing
3 board resolution requesting such funds.

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

6 373.59 Water Management Lands Trust Fund.--

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

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

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