

By the Committee on Governmental Oversight and Productivity;
and Senator Bronson

302-1748-01

1 A bill to be entitled
2 An act relating to water management district
3 fiscal matters; amending s. 373.536, F.S.;
4 revising notice and hearing provisions relating
5 to the adoption of a final budget for the water
6 management districts; specifying to whom a copy
7 of the water management districts' tentative
8 budgets must be sent for review; specifying the
9 contents of the tentative budgets; requiring
10 the Executive Office of the Governor to file
11 with the Legislature a report summarizing its
12 review of the water management districts'
13 tentative budgets and displaying the adopted
14 budget allocations by program area; requiring
15 the water management districts to submit
16 certain budget documents to specified
17 officials; amending s. 373.079, F.S.; deleting
18 a requirement that the water management
19 districts submit a 5-year capital improvement
20 plan and fiscal report to the Governor, the
21 President of the Senate, the Speaker of the
22 House of Representatives, and the Secretary of
23 Environmental Protection; repealing s. 373.507,
24 F.S., relating to postaudits and budgets of
25 water management districts and basins;
26 repealing s. 373.589, F.S., relating to audits
27 of water management districts; amending s.
28 373.501, F.S.; providing procedures for the
29 transfer of funds for proposed water management
30 district projects; amending s. 373.59, F.S.;
31 authorizing the use of the Water Management

1 Lands Trust Fund for specified purposes other
2 than acquisition; deleting a prospective
3 repeal; authorizing the South Florida Water
4 Management District to acquire specified mining
5 and quarry lands; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 373.536, Florida Statutes, is
10 amended to read:

11 373.536 District budget and hearing thereon.--

12 (1) FISCAL YEAR.--The fiscal year of districts created
13 under the provisions of this chapter shall extend from October
14 1 of one year through September 30 of the following year.

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

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

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

28 (b) Budget workshops conducted for the public and not
29 governed by s. 200.065 must be advertised in a newspaper of
30 general paid circulation in the community or area in which the
31

1 workshop will occur not less than 5 days nor more than 15 days
2 before the workshop.

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

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

26 (d)~~(3)~~ As provided in s. 200.065(2)(d), the board
27 shall publish one or more notices of its intention to finally
28 adopt a final budget for the district for the ensuing fiscal
29 year. The notice shall appear adjacent to an advertisement
30 that sets ~~which shall set~~ forth the tentative budget in a
31 format meeting the budget summary requirements of s.

1 129.03(3)(b)in full. The district shall not include
2 expenditures of federal special revenues and state special
3 revenues when preparing the statement required by s.
4 200.065(3)(1).The notice and advertisement shall be published
5 in one or more newspapers having a combined general paid
6 circulation in each county ~~the counties having land in which~~
7 the district lies. Districts may include explanatory phrases
8 and examples in budget advertisements published under s.
9 200.065 to clarify or illustrate the effect that the district
10 budget may have on ad valorem taxes.

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

16 (4) BUDGET CONTROLS.--

17 (a) The final adopted budget for the district will
18 thereupon be the operating and fiscal guide for the district
19 for the ensuing year; however, transfers of funds may be made
20 within the budget by action of the governing board at a public
21 meeting of the governing board.

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

25 (c) Should the district receive unanticipated funds
26 after the adoption of the final budget, the final budget may
27 be amended by including such funds, so long as notice of
28 intention to amend is published in the notice of the governing
29 board meeting at which the amendment will be considered,
30 pursuant to s. 120.525 ~~one time in one or more newspapers~~
31 ~~qualified to accept legal advertisements having a combined~~

1 ~~general circulation in the counties in the district.~~ The
2 notice shall set forth a summary of the proposed amendment ~~and~~
3 ~~shall be published at least 10 days prior to the public~~
4 ~~meeting of the board at which the proposed amendment is to be~~
5 ~~considered.~~ However, in the event of a disaster or of an
6 emergency arising to prevent or avert the same, the governing
7 board shall not be limited by the budget but shall have
8 authority to apply such funds as may be available therefor or
9 as may be procured for such purpose.

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

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

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

1 hearing, the governing board may proceed with final adoption.
2 Any provision rejected by the Governor shall not be included
3 in a district's final budget.

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

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

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

28 2. The estimated amount of unobligated funds or net
29 cash balance on hand at the beginning of the fiscal year, and
30 the estimated amount of funds to be raised by district taxes
31

1 or received from other sources to meet the requirements of the
2 district.

3 3.1. The millage rates and the percentage increase
4 above the rolled-back rate, together with a summary of the
5 reasons the increase is required, and the percentage increase
6 in taxable value resulting from new construction within the
7 district.

8 4.2. The salaries ~~salary~~ and benefits, expenses,
9 operating capital outlay, number of authorized positions, and
10 other personal services for the following program areas of the
11 district, including a separate section for lobbying,
12 intergovernmental relations, and advertising:

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

25 f. Management and administration.
26 ~~a. District management and administration;~~
27 ~~b. Implementation through outreach activities;~~
28 ~~c. Implementation through regulation;~~
29 ~~d. Implementation through acquisition, restoration,~~
30 ~~and public works;~~

31

1 ~~e. Implementation through operations and maintenance~~
2 ~~of lands and works;~~

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

4 ~~g. A full description and accounting of expenditures~~
5 ~~for lobbying activities relating to local, regional, state,~~
6 ~~and federal governmental affairs, whether incurred by district~~
7 ~~staff or through contractual services and all expenditures for~~
8 ~~public relations, including all expenditures for public~~
9 ~~service announcements and advertising in any media.~~

10
11 In addition to the program areas reported by all water
12 management districts, the South Florida Water Management
13 District shall include in its budget document ~~a~~ separate
14 sections ~~section~~ on all costs associated with the Everglades
15 Construction Project and the Comprehensive Everglades
16 Restoration Plan.

17 ~~5.3.~~ The total estimated amount in the district budget
18 for each area of responsibility listed in subparagraph 4.
19 ~~paragraph (a)~~ and for water resource development projects
20 identified in the district's regional water supply plans.

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

22 ~~6.5.~~ A description of each new, expanded, reduced, or
23 eliminated program.

24 ~~6. A proposed 5-year water resource development work~~
25 ~~program, that describes the district's implementation strategy~~
26 ~~for the water resource development component of each approved~~
27 ~~regional water supply plan developed or revised pursuant to s.~~
28 ~~373.0361. The work program shall address all the elements of~~
29 ~~the water resource development component in the district's~~
30 ~~approved regional water supply plans. The office of the~~
31 ~~Governor, with the assistance of the department, shall review~~

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

16 ~~7. The funding sources, including, but not limited to,~~
17 ~~ad valorem taxes, Surface Water Improvement and Management~~
18 ~~Program funds, other state funds, federal funds, and user fees~~
19 ~~and permit fees for each program area.~~

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

30 (f)(e) The Executive Office of the Governor shall
31 annually, on or before December 15, file with the Legislature

1 a report that summarizes its review ~~the expenditures~~ of the
2 water management districts' tentative budgets and displays the
3 adopted budget allocations ~~districts~~ by program area. The
4 report must identify ~~and identifies~~ the districts that are not
5 in compliance with the reporting requirements of this section.
6 State funds shall be withheld from a water management district
7 that fails to comply with these reporting requirements.

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

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

20 1. The adopted budget, to be furnished within 10 days
21 after its adoption.

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

30 3. A 5-year capital improvements plan, to be furnished
31 within 45 days after the adoption of the final budget. The

1 plan must include expected sources of revenue for planned
2 improvements and must be prepared in a manner comparable to
3 the fixed capital outlay format set forth in s. 216.043.

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

29 (b) If any entity listed in paragraph (a) provides
30 written comments to the district regarding any document
31 furnished under this subsection, the district must respond to

1 the comments in writing and furnish copies of the comments and
2 written responses to the other entities.

3 Section 2. Paragraph (b) of subsection (4) of section
4 373.079, Florida Statutes, is amended to read:

5 373.079 Members of governing board; oath of office;
6 staff.--

7 (4)

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

16 2. An inspector general must have the qualifications
17 prescribed and perform the applicable duties of state agency
18 inspectors general as provided in s. 20.055.

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

30 Section 3. Section 373.501, Florida Statutes, is
31 amended to read:

1 373.501 Appropriation of funds to water management
2 districts.--

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

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

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

19 373.59 Water Management Lands Trust Fund.--

20 (11) Notwithstanding any provision of this section to
21 the contrary, ~~and for the 2000-2001 fiscal year only,~~the
22 governing board of a water management district may request,
23 and the Secretary of Environmental Protection shall release
24 upon such request, moneys allocated to the districts pursuant
25 to subsection (8) ~~for the purpose of carrying out the purposes~~
26 consistent with the provisions of s. 373.0361, s. 373.0831 s.
27 ~~375-0831~~, s. 373.139, or ss. 373.451-373.4595 and for
28 legislatively authorized land acquisition and water
29 restoration initiatives. No funds may be used pursuant to this
30 subsection until necessary debt service obligations,
31 requirements for payments in lieu of taxes, and land

1 management obligations that may be required by this chapter
2 are provided for. ~~This subsection is repealed on July 1, 2001.~~

3 Section 5. Sections 373.507 and 373.589, Florida
4 Statutes, are repealed.

5 Section 6. In addition to any other methodologies
6 currently permitted, the South Florida Water Management
7 District may acquire mining and quarry lands in the Model
8 Lands area in Miami-Dade County using the methodologies and
9 considerations set forth in section 4 of chapter 2000-130,
10 Laws of Florida.

11 Section 7. This act shall take effect July 1, 2001.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 SB 972

16 The Committee Substitute provides for transfer of appropriated
17 funds for a water management district project following review
18 by the secretary and upon resolution of the governing
19 authority. The South Florida Water Management District is
20 authorized to acquire mining and quarry lands using an income
21 appraisal method in the Model Lands Area of Miami-Dade County.
22
23
24
25
26
27
28
29
30
31