

By Senator Hays

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1 A bill to be entitled
2 An act relating to water management district budgets;
3 amending s. 373.536, F.S.; requiring budget review and
4 approval by the Executive Office of the Governor;
5 requiring that the governing board give notice to the
6 Executive Office of the Governor within 30 days after
7 unanticipated and unallocated funds are applied during
8 a disaster or emergency; prohibiting the district from
9 using other means to enact a proposal rejected by the
10 Governor; requiring that funds be withheld from a
11 water management district that fails to comply with
12 the review requirements; requiring an accounting of
13 the source and balance of unobligated funds or net
14 cash balance on hand; amending s. 373.503, F.S.;
15 limiting the amount water management districts may
16 levy for ad valorem taxes; providing for future
17 expiration; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsection (4) and paragraphs (b) and (d) of
22 subsection (5) of section 373.536, Florida Statutes, are amended
23 to read:

24 373.536 District budget and hearing thereon.—

25 (4) BUDGET CONTROLS.—

26 (a) The final adopted budget for the district will
27 thereupon be the operating and fiscal guide for the district for
28 the ensuing year; however, transfers of funds may be made within
29 the budget following review and approval by the Executive Office

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30 of the Governor by action of the governing board at a public
31 meeting of the governing board.

32 (b) The district shall control its budget, at a minimum, by
33 funds and shall provide to the Executive Office of the Governor,
34 for approval, a description of its budget control mechanisms.

35 (c) Should the district receive unanticipated funds after
36 the adoption of the final budget, the final budget may be
37 amended, following review and approval by the Executive Office
38 of the Governor, by including such funds, so long as notice of
39 intention to amend is published in the notice of the governing
40 board meeting at which the amendment will be considered,
41 pursuant to s. 120.525. The notice shall set forth a summary of
42 the proposed amendment. However, in the event of a disaster or
43 of an emergency arising to prevent or avert the same, the
44 governing board is shall not ~~be~~ limited by the budget but has
45 ~~shall have~~ authority to apply such funds as may be available
46 therefor or as may be procured for such purpose. If such an
47 event occurs, the governing board shall notify the Executive
48 Office of the Governor as soon as practical, but no later than
49 30 days following the governing board's action.

50 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
51 APPROVAL.—

52 (b) The Executive Office of the Governor and the water
53 management districts shall develop a process to facilitate
54 review and communication regarding water management district
55 budgets, as necessary. Written disapproval of any provision in
56 the tentative budget must be received by the district at least 5
57 business days prior to the final district budget adoption
58 hearing conducted under s. 200.065(2)(d). If written disapproval

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59 of any portion of the budget is not received at least 5 business
60 days prior to the final budget adoption hearing, the governing
61 board may proceed with final adoption. Any provision rejected by
62 the Governor may ~~shall~~ not be included in a district's final
63 budget, and may not be acted upon through any other means
64 without prior approval of the Governor. State funds shall be
65 withheld from a water management district that fails to comply
66 with these requirements.

67 (d) The tentative budget must set forth the proposed
68 expenditures of the district, to which may be added an amount to
69 be held as reserve. The tentative budget must include, but is
70 not limited to, the following information for the preceding
71 fiscal year and the current fiscal year, and the proposed
72 amounts for the upcoming fiscal year, in a standard format
73 prescribed by the Executive Office of the Governor:

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

77 2. The estimated amount of unobligated funds or net cash
78 balance on hand at the beginning of the fiscal year, an
79 accounting of the source of the funds and balance, and the
80 estimated amount of funds to be raised by district taxes or
81 received from other sources to meet the requirements of the
82 district.

83 3. The millage rates and the percentage increase above the
84 rolled-back rate, together with a summary of the reasons the
85 increase is required, and the percentage increase in taxable
86 value resulting from new construction within the district.

87 4. The salaries and benefits, expenses, operating capital

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88 outlay, number of authorized positions, and other personal
89 services for the following program areas of the district:

- 90 a. Water resource planning and monitoring;
91 b. Land acquisition, restoration, and public works;
92 c. Operation and maintenance of works and lands;
93 d. Regulation;
94 e. Outreach for which the information provided must contain
95 a full description and accounting of expenditures for water
96 resources education; public information and public relations,
97 including public service announcements and advertising in any
98 media; and lobbying activities related to local, regional, state
99 and federal governmental affairs, whether incurred by district
100 staff or through contractual services; and
101 f. Management and administration.

102

103 In addition to the program areas reported by all water
104 management districts, the South Florida Water Management
105 District shall include in its budget document separate sections
106 on all costs associated with the Everglades Construction Project
107 and the Comprehensive Everglades Restoration Plan.

108 5. The total estimated amount in the district budget for
109 each area of responsibility listed in subparagraph 4. and for
110 water resource development projects identified in the district's
111 regional water supply plans.

112 6. A description of each new, expanded, reduced, or
113 eliminated program.

114 7. The funding sources, including, but not limited to, ad
115 valorem taxes, Surface Water Improvement and Management Program
116 funds, other state funds, federal funds, and user fees and

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117 permit fees for each program area.

118 Section 2. Paragraph (d) is added to subsection (3) of
119 section 373.503, Florida Statutes, to read:

120 373.503 Manner of taxation.-

121 (3)

122 (d) For the 2011-2012 and 2012-2013 fiscal years, the water
123 management districts may not levy ad valorem taxes in excess of
124 75 percent of the ad valorem tax levied in the 2010-2011 fiscal
125 year. This paragraph expires July 1, 2013.

126 Section 3. This act shall take effect July 1, 2011.