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LEGISLATIVE ACTION

Senate	.	House
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03/09/2012 03:22 PM	.	
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The Conference Committee on SB 1986, 1st Eng. recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Effective October 1, 2012, paragraph (b) of
7 subsection (52) and paragraph (b) of subsection (53) of section
8 121.021, Florida Statutes, are amended, and paragraph (c) is
9 added to subsection (52) and paragraph (c) is added to
10 subsection (53) of that section, to read:

11 121.021 Definitions.—The following words and phrases as
12 used in this chapter have the respective meanings set forth



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13 unless a different meaning is plainly required by the context:

14 (52) "Regularly established position" means:

15 (b) With respect to a local agency employer (district
16 school board, county agency, Florida College System institution
17 ~~community college~~, municipality, metropolitan planning
18 organization, charter school, charter technical career center,
19 or special district), other than a water management district
20 operating pursuant to chapter 373, a regularly established
21 position that will be in existence for a period beyond 6
22 consecutive months, except as provided by rule.

23 (c) With respect only to a water management district
24 operating pursuant to chapter 373, a position authorized in the
25 district's final adopted budget and compensated from a salaries
26 and benefits appropriation or account.

27 (53) "Temporary position" means:

28 (b) With respect to a local agency employer, other than a
29 water management district operating pursuant to chapter 373, a
30 position that will exist for less than 6 consecutive months, or
31 other position as determined by rule of the division, regardless
32 of whether it will exist for 6 consecutive months or longer.

33 (c) With respect only to a water management district
34 operating pursuant to chapter 373, a position not authorized in
35 the district's final adopted budget, and designated as a
36 temporary position by the district.

37 Section 2. Subsection (4) of section 373.503, Florida
38 Statutes, is amended to read:

39 373.503 Manner of taxation.—

40 (4) ~~(a)~~ To ensure that taxes authorized by this chapter
41 continue to be in proportion to the benefits derived by the



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42 parcels of real estate within the districts, the Legislature
43 shall annually review the preliminary budget for each district
44 for the next fiscal year as provided in s. 373.535 and the
45 ~~authorized millage rate for each district.~~ Based upon the ~~this~~
46 review, the Legislature may enact legislation to ~~shall~~ set the
47 authorized maximum millage rate or the maximum amount of
48 property tax revenue to be raised by each district in the next
49 fiscal year from the taxes levied. ~~Except as provided in~~
50 ~~paragraph (b), if the annual maximum amount of property tax~~
51 ~~revenue is not set by the Legislature on or before July 1 of~~
52 ~~each year, the maximum property tax revenue that may be raised~~
53 ~~reverts to the amount authorized in the prior year.~~

54 ~~(b) For the 2011-2012 fiscal year, the total ad valorem~~
55 ~~taxes levied may not exceed \$3,946,969 for the Northwest Florida~~
56 ~~Water Management District, \$5,412,674 for the Suwannee River~~
57 ~~Water Management District, \$85,335,619 for the St. Johns Water~~
58 ~~Management District, \$107,766,957 for the Southwest Florida~~
59 ~~Water Management District, and \$284,901,967 for the South~~
60 ~~Florida Water Management District.~~

61 Section 3. Section 373.535, Florida Statutes, is created to
62 read:

63 373.535 Preliminary district budgets.-

64 (1) BUDGET DEVELOPMENT.-

65 (a) By January 15 of each year, each water management
66 district shall submit a preliminary budget for the next fiscal
67 year for legislative review to the President of the Senate, the
68 Speaker of the House of Representatives, and the chairs of each
69 legislative committee and subcommittee having substantive or
70 fiscal jurisdiction over water management districts, as



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71 determined by the President of the Senate or the Speaker of the
72 House of Representatives, as applicable, in the form and manner
73 prescribed in s. 373.536(5) (e). Each preliminary budget must
74 also include:

75 1. A section that clearly identifies and provides
76 justification for each proposed expenditure listed in s.
77 373.536(5) (e)4.e.-f. and identifies the source of funds for each
78 proposed expenditure.

79 2. A section identifying the justification for proposed
80 expenditures by core mission area of responsibility and the
81 source of funds needed for activities related to water supply,
82 including alternative water supply and water resource
83 development projects identified in the district's regional water
84 supply plans, water quality, flood protection and floodplain
85 management, and natural systems.

86 3. A section reviewing the adopted and proposed budget
87 allocations by program area and the performance metrics for the
88 prior year.

89 4. An analysis of each preliminary budget to determine the
90 adequacy of fiscal resources available to the district and the
91 adequacy of proposed district expenditures related to the core
92 mission areas of responsibility for water supply, including
93 alternative water supply and water resource development projects
94 identified in the district's regional water supply plans, water
95 quality, flood protection and floodplain management, and natural
96 systems. The analysis must be based on the particular needs
97 within each district for core mission areas of responsibility.
98 The water supply analysis must specifically include a
99 determination of the adequacy of each district's fiscal



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100 resources provided in the district's preliminary budget to
101 achieve appropriate progress toward meeting the districtwide 20-
102 year projected water supply demands, including funding for
103 alternative water supply development and conservation projects.

104 (b) If applicable, the preliminary budget for each district
105 must specify that the district's first obligation for payment is
106 the debt service on bonds and certificates of participation.

107 (2) LEGISLATIVE REVIEW.—

108 (a) The Legislature may annually review the preliminary
109 budget for each district, including, but not limited to, those
110 items listed in s. 373.536(5)(e)4.d.-f., specific to regulation,
111 outreach, management, and administration program areas.

112 (b) On or before March 1 of each year, the President of the
113 Senate and the Speaker of the House of Representatives may
114 submit comments regarding the preliminary budget to the
115 districts, and provide a copy of the comments to the Executive
116 Office of the Governor. Each district shall respond to the
117 comments in writing on or before March 15 of each year to the
118 President of the Senate, the Speaker of the House of
119 Representatives, and the Executive Office of the Governor.

120 (c) If, following such review, the Legislature does not
121 take any action pursuant to s. 373.503 on or before July 1 of
122 each year, a water management district may proceed with budget
123 development as provided in subsection (3) and s. 373.536.

124 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
125 preliminary budget as submitted pursuant to subsection (1), and
126 as may be amended by the district in response to review by the
127 Legislature pursuant to this section and s. 373.503, as the
128 basis for developing the tentative budget for the next fiscal



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129 year as provided in s. 373.536(5).

130 Section 4. Subsections (4), (5), and (6) of section
131 373.536, Florida Statutes, are amended to read:

132 373.536 District budget and hearing thereon.—

133 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

134 (a) The final adopted budget for the district ~~is will~~
135 ~~thereupon be~~ the operating and fiscal guide for the district for
136 the ensuing year; however, transfers of funds may be made within
137 the budget by action of the governing board at a public meeting
138 of the governing board. A budget amendment greater than \$1
139 million must be reviewed and approved by the Executive Office of
140 the Governor. The office shall provide notice of approval to the
141 Legislative Budget Commission.

142 (b) The district shall control its budget, at a minimum, by
143 funds and shall submit provide to the Executive Office of the
144 Governor a description of its budget control mechanisms for
145 approval.

146 (c) If Should the district receives receive unanticipated
147 funds after the adoption of the final budget, the final budget
148 may be amended, following review and approval by the Executive
149 Office of the Governor, by including such funds, if so long as
150 notice of intention to amend is provided to the Legislative
151 Budget Commission and is published in the notice of the
152 governing board meeting at which the amendment will be
153 considered, pursuant to s. 120.525. The notice must shall set
154 forth a summary of the proposed amendment.

155 (d) However, In the event of a disaster or of an emergency
156 arising to prevent or avert the same, the governing board is
157 shall not be limited by the budget but may expend shall have



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158 ~~authority to apply such funds as may be~~ available for the
159 disaster or emergency ~~therefor~~ or as may be procured for such
160 purpose. In such an event, the governing board shall notify the
161 Executive Office of the Governor and the Legislative Budget
162 Commission as soon as practical, but within 30 days after the
163 governing board's action.

164 ~~(e)-(d)~~ By September 1, 2012 ~~2011~~, each ~~water management~~
165 district shall provide a monthly financial statement in the form
166 and manner prescribed by the Department of Financial Services to
167 the district's ~~its~~ governing board and make such monthly
168 financial statement available for public access on its website.

169 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
170 APPROVAL.—

171 (a) The Executive Office of the Governor may approve or ~~and~~
172 ~~the Legislative Budget Commission are authorized to~~ disapprove,
173 in whole or in part, the budget of each water management
174 district. The Executive Office of the Governor shall analyze
175 each budget as to the adequacy of fiscal resources available to
176 the district and the adequacy of district expenditures related
177 to water supply, including water resource development projects
178 identified in the district's regional water supply plans; water
179 quality; flood protection and floodplain management; and natural
180 systems. This analysis shall be based on the particular needs
181 within each water management district in those four areas of
182 responsibility and shall be provided to the Legislative Budget
183 Commission.

184 (b) The Executive Office of the Governor, the Legislative
185 Budget Commission, and the ~~water management~~ districts shall
186 develop a process to facilitate review and communication



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187 regarding the tentative budgets of districts ~~water management~~
188 ~~district budgets~~, as necessary.

189 (c) The Legislative Budget Commission may reject any of the
190 following district budget proposals:

191 1. A single purchase of land in excess of \$10 million,
192 except for land exchanges.

193 2. Any cumulative purchase of land during a single fiscal
194 year in excess of \$50 million.

195 3. Any issuance of debt on or after July 1, 2012.

196 4. Any program expenditures as described in sub-
197 subparagraphs (e)4.e.-f. in excess of 15 percent of a district's
198 total annual budget.

199 5. Any individual variances in a district's tentative
200 budget in excess of 25 percent from a district's preliminary
201 budget.

202
203 Written disapproval of any provision in the tentative budget
204 must be received by the district at least 5 business days before
205 ~~prior to~~ the final district budget adoption hearing conducted
206 under s. 200.065(2) (d). If written disapproval ~~of any portion of~~
207 ~~the budget~~ is not received at least 5 business days before ~~prior~~
208 ~~to~~ the final budget adoption hearing, the governing board may
209 proceed with final adoption. Any provision rejected by the
210 Executive Office of the Governor or the Legislative Budget
211 Commission may ~~shall~~ not be included in a district's final
212 budget and may not be acted upon through any other means without
213 the prior approval of the entity rejecting the provision.

214 (d)(e) Each ~~water management~~ district shall, by August 1 of
215 each year, submit for review a tentative budget and a



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216 description of any significant changes from the preliminary
217 budget submitted to the Legislature pursuant to s. 373.535 to
218 the Governor, the President of the Senate, the Speaker of the
219 House of Representatives, the chairs of all legislative
220 committees and subcommittees having substantive or fiscal
221 jurisdiction over water management districts, as determined by
222 the President of the Senate or the Speaker of the House of
223 Representatives, as applicable ~~the Legislative Budget~~
224 ~~Commission~~, the secretary of the department, and the governing
225 body of each county in which the district has jurisdiction or
226 derives any funds for the operations of the district. The
227 tentative budget must be posted on the ~~water management~~
228 district's official website at least 2 days before budget
229 hearings held pursuant to s. 200.065 or other law.

230 (e) ~~(d)~~ The tentative budget must be based on the
231 preliminary budget as submitted to the Legislature, and as may
232 be amended by the district in response to review by the
233 Legislature pursuant to ss. 373.503 and 373.535, as the basis
234 for developing the tentative budget for the next fiscal year as
235 provided in this subsection, and must set forth the proposed
236 expenditures of the district, to which may be added an amount to
237 be held as reserve. The tentative budget must include, but is
238 not limited to, the following information for the preceding
239 fiscal year and the current fiscal year, and the proposed
240 amounts for the upcoming fiscal year, in a standard format
241 prescribed by the Executive Office of the Governor, in
242 consultation with the Legislature:

243 1. The estimated amount of funds remaining at the beginning
244 of the fiscal year which have been obligated for the payment of



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245 outstanding commitments not yet completed.

246 2. The estimated amount of unobligated funds or net cash
247 balance on hand at the beginning of the fiscal year; an
248 accounting of the source, balance, and projected future use of
249 the unobligated funds; and the estimated amount of funds to be
250 raised by district taxes or received from other sources to meet
251 the requirements of the district.

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

256 4. The salaries and benefits, expenses, operating capital
257 outlay, number of authorized positions, and other personal
258 services for the following program areas of the district:

- 259 a. Water resource planning and monitoring;
- 260 b. Land acquisition, restoration, and public works;
- 261 c. Operation and maintenance of works and lands;
- 262 d. Regulation;
- 263 e. Outreach for which the information provided must contain
264 a full description and accounting of expenditures for water
265 resources education; public information and public relations,
266 including public service announcements and advertising in any
267 media; and lobbying activities related to local, regional, state
268 and federal governmental affairs, whether incurred by district
269 staff or through contractual services; and
- 270 f. Management and administration.

271

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



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274 District shall include in its budget document separate sections
275 on all costs associated with the Everglades Construction Project
276 and the Comprehensive Everglades Restoration Plan.

277 5. The total estimated amount in the district budget for
278 each area of responsibility listed in subparagraph 4. and for
279 water resource, water supply, and alternative water supply
280 development projects identified in the district's regional water
281 supply plans.

282 6. A description of each new, expanded, reduced, or
283 eliminated program.

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

288 (f) By September 5 of the year in which the budget is
289 submitted, the chairs of each legislative committee and
290 subcommittee having substantive or fiscal jurisdiction may
291 transmit to each district comments and objections to the
292 proposed budgets. Each district governing board shall include a
293 response to such comments and objections in the record of the
294 governing board meeting where final adoption of the budget takes
295 place, and the record of this meeting shall be transmitted to
296 the Executive Office of the Governor, the department, and the
297 chairs of the legislative appropriations committees.

298 (g) ~~(e)~~ The Executive Office of the Governor shall annually,
299 on or before December 15, file with the Legislature a report
300 that summarizes its review of the water management districts'
301 tentative budgets and displays the adopted budget allocations by
302 program area. The report must identify the districts that are



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303 not in compliance with the reporting requirements of this
304 section. State funds shall be withheld from a water management
305 district that fails to comply with these reporting requirements.

306 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
307 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

308 (a) Each district must, by the date specified for each
309 item, furnish copies of the following documents to the Governor,
310 the President of the Senate, the Speaker of the House of
311 Representatives, the chairs of all legislative committees and
312 subcommittees having substantive or fiscal jurisdiction over the
313 districts, as determined by the President of the Senate or the
314 Speaker of the House of Representatives as applicable, the
315 secretary of the department, and the governing board of each
316 county in which the district has jurisdiction or derives any
317 funds for the operations of the district:

318 1. The adopted budget, to be furnished within 10 days after
319 its adoption.

320 2. A financial audit of its accounts and records, to be
321 furnished within 10 days after its acceptance by the governing
322 board. The audit must be conducted in accordance with ~~the~~
323 ~~provisions of~~ s. 11.45 and the rules adopted thereunder. In
324 addition to the entities named above, the district must provide
325 a copy of the audit to the Auditor General within 10 days after
326 its acceptance by the governing board.

327 3. A 5-year capital improvements plan, to be included in
328 the consolidated annual report required by s. 373.036(7). The
329 plan must include expected sources of revenue for planned
330 improvements and must be prepared in a manner comparable to the
331 fixed capital outlay format set forth in s. 216.043.



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332 4. A 5-year water resource development work program to be
333 furnished within 30 days after the adoption of the final budget.
334 The program must describe the district's implementation strategy
335 and funding plan for the water resource, water supply, and
336 alternative water supply development components ~~component~~ of
337 each approved regional water supply plan developed or revised
338 under s. 373.709. The work program must address all the elements
339 of the water resource development component in the district's
340 approved regional water supply plans and must identify which
341 projects in the work program which will provide water;7 explain
342 how each water resource, water supply, and alternative water
343 supply development project will produce additional water
344 available for consumptive uses;7 estimate the quantity of water
345 to be produced by each project;7 and provide an assessment of
346 the contribution of the district's regional water supply plans
347 in providing sufficient water needed to timely meet the water
348 supply needs of existing and future reasonable-beneficial uses
349 for a 1-in-10-year drought event.

350 **(b)** Within 30 days after its submittal, the department
351 shall review the proposed work program and submit its findings,
352 questions, and comments to the district. The review must include
353 a written evaluation of the program's consistency with the
354 furtherance of the district's approved regional water supply
355 plans, and the adequacy of proposed expenditures. As part of the
356 review, the department shall give interested parties the
357 opportunity to provide written comments on each district's
358 proposed work program. Within 45 days after receipt of the
359 department's evaluation, the governing board shall state in
360 writing to the department which of the changes recommended in



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361 the evaluation it will incorporate into its work program
362 submitted as part of the March 1 consolidated annual report
363 required by s. 373.036(7) or specify the reasons for not
364 incorporating the changes. The department shall include the
365 district's responses in a final evaluation report and shall
366 submit a copy of the report to the Governor, the President of
367 the Senate, and the Speaker of the House of Representatives.

368 ~~(c)~~ ~~(b)~~ If any entity listed in paragraph (a) provides
369 written comments to the district regarding any document
370 furnished under this subsection, the district must respond to
371 the comments in writing and furnish copies of the comments and
372 written responses to the other entities.

373 ~~(d)~~ ~~(e)~~ The final adopted budget must be posted on the water
374 management district's official website within 30 days after
375 adoption.

376 Section 5. Section 373.605, Florida Statutes, is amended to
377 read:

378 373.605 Group insurance for water management districts.—

379 ~~(1)~~ The governing board of a any water management district
380 ~~may is hereby authorized and empowered to~~ provide group
381 insurance for its employees, and the employees of another water
382 management district, in the same manner and with the same
383 provisions and limitations authorized for other public employees
384 under ~~by~~ ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

385 ~~(2) Any and all insurance agreements in effect as of~~
386 ~~October 1, 1974, which conform to the provisions of this section~~
387 ~~are hereby ratified.~~

388 Section 6. Section 373.618, Florida Statutes, is created to
389 read:



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390 373.618 Public service warnings, alerts, and
391 announcements.—The Legislature believes it is in the public
392 interest that all water management districts created pursuant to
393 s. 373.069 own, acquire, develop, construct, operate, and manage
394 public information systems. Public information systems may be
395 located on property owned by the water management district, upon
396 terms and conditions approved by the water management district,
397 and must display messages to the general public concerning water
398 management services, activities, events, and sponsors, as well
399 as other public service announcements, including watering
400 restrictions, severe weather reports, amber alerts, and other
401 essential information needed by the public. Local government
402 review or approval is not required for a public information
403 system owned or hereafter acquired, developed, or constructed by
404 the water management district on its own property. A public
405 information system is exempt from the requirements of chapter
406 479. Water management district funds may not be used to pay the
407 cost to acquire, develop, construct, operate, or manage a public
408 information system. Any necessary funds for a public information
409 system shall be paid for and collected from private sponsors who
410 may display commercial messages.

411 Section 7. Except as otherwise expressly provided in this
412 act, this act shall take effect July 1, 2012.

413
414 ===== T I T L E A M E N D M E N T =====

415 And the title is amended as follows:

416 Delete everything before the enacting clause
417 and insert:

418 A bill to be entitled



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419 An act relating to water management districts;
420 amending s. 121.021, F.S.; revising the definitions of
421 the terms "regularly established position" and
422 "temporary position" for purposes of district
423 positions within the state retirement system; amending
424 s. 373.503, F.S.; authorizing the Legislature to set
425 the maximum millage rate for each district; removing a
426 provision requiring that the maximum property tax
427 revenue for water management districts revert to the
428 amount authorized for the prior year if the
429 Legislature does not set the amount; removing the
430 maximum revenues for the 2011-2012 fiscal year;
431 creating s. 373.535, F.S.; requiring each water
432 management district to submit a preliminary budget for
433 legislative review; requiring the preliminary budget
434 to include certain information; providing for annual
435 review of the preliminary budget for each district;
436 authorizing the President of the Senate and the
437 Speaker of the House of Representatives to submit
438 comments regarding the preliminary budget to the
439 district; requiring each district to respond to the
440 comments; authorizing a water management district to
441 proceed with budget development if the Legislature
442 takes no action after the review; providing for the
443 preliminary budget reviewed by the Legislature to be
444 the basis for developing each district's tentative
445 budget for the next fiscal year; amending s. 373.536,
446 F.S.; requiring that budget amendments greater than a
447 certain amount be reviewed and approved by the



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448 Executive Office of the Governor, which must notify
449 the Legislative Budget Commission of such approval;
450 requiring a district to provide a description of the
451 budget control mechanisms to the Executive Office of
452 the Governor for approval; providing that, upon review
453 and approval by the Executive Office of the Governor
454 and after providing notice of intention to amend to
455 the Legislative Budget Commission, a water management
456 district may amend unanticipated funds into its final
457 budget; requiring the Executive Office of the Governor
458 and the Legislative Budget Commission to be notified
459 if a district governing board expends funds for a
460 disaster or emergency; delaying the date that a
461 district must begin providing, in the form and manner
462 prescribed by the Department of Financial Services, a
463 monthly financial statement to its governing board;
464 providing criteria for the Legislative Budget
465 Commission to use in approving the tentative budget of
466 a district; authorizing the Legislative Budget
467 Commission to reject certain district budget
468 proposals; prohibiting a district from including a
469 rejected proposition in its final budget or act
470 through any other means without prior approval of the
471 entity rejecting the provision; requiring that the
472 district submit for review to a tentative budget and a
473 description of any significant changes from the
474 preliminary budget; revising components to be included
475 in a district's tentative budget; requiring that a 5-
476 year water resource development work program describe



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477 the district's implementation strategy and funding
478 plan for water resource, water supply, and alternative
479 water supply development components of each approved
480 regional water supply plan; amending s. 373.605, F.S.;
481 authorizing the governing board of a water management
482 district to provide group insurance for its employees
483 and the employees of another water management
484 district; creating s. 373.618, F.S.; providing for
485 each water management district to own, acquire,
486 develop, construct, operate, and manage a public
487 information system; exempting local government review
488 or approval of such public information system;
489 exempting the system from outdoor advertising
490 regulations; prohibiting water management districts
491 from using public funds; authorizing the collection of
492 funds from private sponsors who display commercial
493 messages; providing effective dates.