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1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 121.021, F.S.; revising the definitions of
4 the terms "regularly established position" and
5 "temporary position" for purposes of district
6 positions within the state retirement system; amending
7 s. 373.503, F.S.; authorizing the Legislature to set
8 the maximum millage rate for each district; removing a
9 provision requiring that the maximum property tax
10 revenue for water management districts revert to the
11 amount authorized for the prior year if the
12 Legislature does not set the amount; removing the
13 maximum revenues for the 2011-2012 fiscal year;
14 creating s. 373.535, F.S.; requiring each water
15 management district to submit a preliminary budget for
16 legislative review; requiring the preliminary budget
17 to include certain information; providing for annual
18 review of the preliminary budget for each district;
19 authorizing the President of the Senate and the
20 Speaker of the House of Representatives to submit
21 comments regarding the preliminary budget to the
22 district; requiring each district to respond to the
23 comments; authorizing a water management district to
24 proceed with budget development if the Legislature
25 takes no action after the review; providing for the
26 preliminary budget reviewed by the Legislature to be
27 the basis for developing each district's tentative
28 budget for the next fiscal year; amending s. 373.536,
29 F.S.; requiring that budget amendments greater than a

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30 certain amount be reviewed and approved by the
31 Executive Office of the Governor, which must notify
32 the Legislative Budget Commission of such approval;
33 requiring a district to provide a description of the
34 budget control mechanisms to the Executive Office of
35 the Governor for approval; providing that, upon review
36 and approval by the Executive Office of the Governor
37 and after providing notice of intention to amend to
38 the Legislative Budget Commission, a water management
39 district may amend unanticipated funds into its final
40 budget; requiring the Executive Office of the Governor
41 and the Legislative Budget Commission to be notified
42 if a district governing board expends funds for a
43 disaster or emergency; delaying the date that a
44 district must begin providing, in the form and manner
45 prescribed by the Department of Financial Services, a
46 monthly financial statement to its governing board;
47 providing criteria for the Legislative Budget
48 Commission to use in approving the tentative budget of
49 a district; authorizing the Legislative Budget
50 Commission to reject certain district budget
51 proposals; prohibiting a district from including a
52 rejected proposition in its final budget or act
53 through any other means without prior approval of the
54 entity rejecting the provision; requiring that the
55 district submit for review to a tentative budget and a
56 description of any significant changes from the
57 preliminary budget; revising components to be included
58 in a district's tentative budget; requiring that a 5-

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59 year water resource development work program describe
60 the district's implementation strategy and funding
61 plan for water resource, water supply, and alternative
62 water supply development components of each approved
63 regional water supply plan; amending s. 373.605, F.S.;
64 authorizing the governing board of a water management
65 district to provide group insurance for its employees
66 and the employees of another water management
67 district; creating s. 373.618, F.S.; providing for
68 each water management district to own, acquire,
69 develop, construct, operate, and manage a public
70 information system; exempting local government review
71 or approval of such public information system;
72 exempting the system from outdoor advertising
73 regulations; prohibiting water management districts
74 from using public funds; authorizing the collection of
75 funds from private sponsors who display commercial
76 messages; providing effective dates.

77
78 Be It Enacted by the Legislature of the State of Florida:

79
80 Section 1. Effective October 1, 2012, paragraph (b) of
81 subsection (52) and paragraph (b) of subsection (53) of section
82 121.021, Florida Statutes, are amended, and paragraph (c) is
83 added to subsection (52) and paragraph (c) is added to
84 subsection (53) of that section, to read:

85 121.021 Definitions.—The following words and phrases as
86 used in this chapter have the respective meanings set forth
87 unless a different meaning is plainly required by the context:

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88 (52) "Regularly established position" means:

89 (b) With respect to a local agency employer (district
90 school board, county agency, Florida College System institution
91 ~~community college~~, municipality, metropolitan planning
92 organization, charter school, charter technical career center,
93 or special district), other than a water management district
94 operating pursuant to chapter 373, a regularly established
95 position that will be in existence for a period beyond 6
96 consecutive months, except as provided by rule.

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

101 (53) "Temporary position" means:

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

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

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

113 373.503 Manner of taxation.—

114 (4)~~(a)~~ To ensure that taxes authorized by this chapter
115 continue to be in proportion to the benefits derived by the
116 parcels of real estate within the districts, the Legislature

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117 shall annually review the preliminary budget for each district
118 for the next fiscal year as provided in s. 373.535 ~~and the~~
119 ~~authorized millage rate for each district.~~ Based upon the this
120 review, the Legislature may enact legislation to ~~shall~~ set the
121 authorized maximum millage rate or the maximum amount of
122 property tax revenue to be raised by each district in the next
123 fiscal year from the taxes levied. ~~Except as provided in~~
124 ~~paragraph (b), if the annual maximum amount of property tax~~
125 ~~revenue is not set by the Legislature on or before July 1 of~~
126 ~~each year, the maximum property tax revenue that may be raised~~
127 ~~reverts to the amount authorized in the prior year.~~

128 ~~(b) For the 2011-2012 fiscal year, the total ad valorem~~
129 ~~taxes levied may not exceed \$3,946,969 for the Northwest Florida~~
130 ~~Water Management District, \$5,412,674 for the Suwannee River~~
131 ~~Water Management District, \$85,335,619 for the St. Johns Water~~
132 ~~Management District, \$107,766,957 for the Southwest Florida~~
133 ~~Water Management District, and \$284,901,967 for the South~~
134 ~~Florida Water Management District.~~

135 Section 3. Section 373.535, Florida Statutes, is created to
136 read:

137 373.535 Preliminary district budgets.-

138 (1) BUDGET DEVELOPMENT.-

139 (a) By January 15 of each year, each water management
140 district shall submit a preliminary budget for the next fiscal
141 year for legislative review to the President of the Senate, the
142 Speaker of the House of Representatives, and the chairs of each
143 legislative committee and subcommittee having substantive or
144 fiscal jurisdiction over water management districts, as
145 determined by the President of the Senate or the Speaker of the

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146 House of Representatives, as applicable, in the form and manner
147 prescribed in s. 373.536(5) (e). Each preliminary budget must
148 also include:

149 1. A section that clearly identifies and provides
150 justification for each proposed expenditure listed in s.
151 373.536(5) (e)4.e.-f. and identifies the source of funds for each
152 proposed expenditure.

153 2. A section identifying the justification for proposed
154 expenditures by core mission area of responsibility and the
155 source of funds needed for activities related to water supply,
156 including alternative water supply and water resource
157 development projects identified in the district's regional water
158 supply plans, water quality, flood protection and floodplain
159 management, and natural systems.

160 3. A section reviewing the adopted and proposed budget
161 allocations by program area and the performance metrics for the
162 prior year.

163 4. An analysis of each preliminary budget to determine the
164 adequacy of fiscal resources available to the district and the
165 adequacy of proposed district expenditures related to the core
166 mission areas of responsibility for water supply, including
167 alternative water supply and water resource development projects
168 identified in the district's regional water supply plans, water
169 quality, flood protection and floodplain management, and natural
170 systems. The analysis must be based on the particular needs
171 within each district for core mission areas of responsibility.
172 The water supply analysis must specifically include a
173 determination of the adequacy of each district's fiscal
174 resources provided in the district's preliminary budget to

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175 achieve appropriate progress toward meeting the districtwide 20-
176 year projected water supply demands, including funding for
177 alternative water supply development and conservation projects.

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

181 (2) LEGISLATIVE REVIEW.—

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

186 (b) On or before March 1 of each year, the President of the
187 Senate and the Speaker of the House of Representatives may
188 submit comments regarding the preliminary budget to the
189 districts, and provide a copy of the comments to the Executive
190 Office of the Governor. Each district shall respond to the
191 comments in writing on or before March 15 of each year to the
192 President of the Senate, the Speaker of the House of
193 Representatives, and the Executive Office of the Governor.

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

198 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
199 preliminary budget as submitted pursuant to subsection (1), and
200 as may be amended by the district in response to review by the
201 Legislature pursuant to this section and s. 373.503, as the
202 basis for developing the tentative budget for the next fiscal
203 year as provided in s. 373.536(5).

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204 Section 4. Subsections (4), (5), and (6) of section
205 373.536, Florida Statutes, are amended to read:

206 373.536 District budget and hearing thereon.—

207 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

208 (a) The final adopted budget for the district ~~is will~~
209 ~~thereupon be~~ the operating and fiscal guide for the district for
210 the ensuing year; however, transfers of funds may be made within
211 the budget by action of the governing board at a public meeting
212 of the governing board. A budget amendment greater than \$1
213 million must be reviewed and approved by the Executive Office of
214 the Governor. The office shall provide notice of approval to the
215 Legislative Budget Commission.

216 (b) The district shall control its budget, at a minimum, by
217 funds and shall submit ~~provide~~ to the Executive Office of the
218 Governor a description of its budget control mechanisms for
219 approval.

220 (c) If ~~Should~~ the district receives ~~receive~~ unanticipated
221 funds after the adoption of the final budget, the final budget
222 may be amended, following review and approval by the Executive
223 Office of the Governor, by including such funds, ~~if so long as~~
224 notice of intention to amend is provided to the Legislative
225 Budget Commission and is published in the notice of the
226 governing board meeting at which the amendment will be
227 considered, pursuant to s. 120.525. The notice must ~~shall~~ set
228 forth a summary of the proposed amendment.

229 (d) ~~However,~~ In the event of a disaster or of an emergency
230 arising to prevent or avert the same, the governing board is
231 ~~shall~~ not be limited by the budget but may expend ~~shall have~~
232 ~~authority to apply such funds as may be available~~ for the

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233 disaster or emergency ~~therefor~~ or as may be procured for such
234 purpose. In such an event, the governing board shall notify the
235 Executive Office of the Governor and the Legislative Budget
236 Commission as soon as practical, but within 30 days after the
237 governing board's action.

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

243 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
244 APPROVAL.—

245 (a) The Executive Office of the Governor may approve or ~~and~~
246 ~~the Legislative Budget Commission are authorized to~~ disapprove,
247 in whole or in part, the budget of each water management
248 district. The Executive Office of the Governor shall analyze
249 each budget as to the adequacy of fiscal resources available to
250 the district and the adequacy of district expenditures related
251 to water supply, including water resource development projects
252 identified in the district's regional water supply plans; water
253 quality; flood protection and floodplain management; and natural
254 systems. This analysis shall be based on the particular needs
255 within each water management district in those four areas of
256 responsibility and shall be provided to the Legislative Budget
257 Commission.

258 (b) The Executive Office of the Governor, the Legislative
259 Budget Commission, and the ~~water management~~ districts shall
260 develop a process to facilitate review and communication
261 regarding the tentative budgets of districts ~~water management~~

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262 ~~district budgets~~, as necessary.

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

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

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

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

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

273 5. Any individual variances in a district's tentative
274 budget in excess of 25 percent from a district's preliminary
275 budget.

276

277 Written disapproval of any provision in the tentative budget
278 must be received by the district at least 5 business days before
279 ~~prior to~~ the final district budget adoption hearing conducted
280 under s. 200.065(2) (d). If written disapproval ~~of any portion of~~
281 ~~the budget~~ is not received at least 5 business days before ~~prior~~
282 ~~to~~ the final budget adoption hearing, the governing board may
283 proceed with final adoption. Any provision rejected by the
284 Executive Office of the Governor or the Legislative Budget
285 Commission may shall not be included in a district's final
286 budget and may not be acted upon through any other means without
287 the prior approval of the entity rejecting the provision.

288 (d)(e) Each ~~water management~~ district shall, by August 1 of
289 each year, submit for review a tentative budget and a
290 description of any significant changes from the preliminary

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291 budget submitted to the Legislature pursuant to s. 373.535 to
292 the Governor, the President of the Senate, the Speaker of the
293 House of Representatives, the chairs of all legislative
294 committees and subcommittees having substantive or fiscal
295 jurisdiction over water management districts, as determined by
296 the President of the Senate or the Speaker of the House of
297 Representatives, as applicable ~~the Legislative Budget~~
298 ~~Commission~~, the secretary of the department, and the governing
299 body of each county in which the district has jurisdiction or
300 derives any funds for the operations of the district. The
301 tentative budget must be posted on the ~~water management~~
302 district's official website at least 2 days before budget
303 hearings held pursuant to s. 200.065 or other law.

304 (e) ~~(d)~~ The tentative budget must be based on the
305 preliminary budget as submitted to the Legislature, and as may
306 be amended by the district in response to review by the
307 Legislature pursuant to ss. 373.503 and 373.535, as the basis
308 for developing the tentative budget for the next fiscal year as
309 provided in this subsection, and must set forth the proposed
310 expenditures of the district, to which may be added an amount to
311 be held as reserve. The tentative budget must include, but is
312 not limited to, the following information for the preceding
313 fiscal year and the current fiscal year, and the proposed
314 amounts for the upcoming fiscal year, in a standard format
315 prescribed by the Executive Office of the Governor, in
316 consultation with the Legislature:

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

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320 2. The estimated amount of unobligated funds or net cash
321 balance on hand at the beginning of the fiscal year; an
322 accounting of the source, balance, and projected future use of
323 the unobligated funds;~~7~~ and the estimated amount of funds to be
324 raised by district taxes or received from other sources to meet
325 the requirements of the district.

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

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

- 333 a. Water resource planning and monitoring;
334 b. Land acquisition, restoration, and public works;
335 c. Operation and maintenance of works and lands;
336 d. Regulation;
337 e. Outreach for which the information provided must contain
338 a full description and accounting of expenditures for water
339 resources education; public information and public relations,
340 including public service announcements and advertising in any
341 media; and lobbying activities related to local, regional, state
342 and federal governmental affairs, whether incurred by district
343 staff or through contractual services; and
344 f. Management and administration.

345
346 In addition to the program areas reported by all water
347 management districts, the South Florida Water Management
348 District shall include in its budget document separate sections

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349 on all costs associated with the Everglades Construction Project
350 and the Comprehensive Everglades Restoration Plan.

351 5. The total estimated amount in the district budget for
352 each area of responsibility listed in subparagraph 4. and for
353 water resource, water supply, and alternative water supply
354 development projects identified in the district's regional water
355 supply plans.

356 6. A description of each new, expanded, reduced, or
357 eliminated program.

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

362 (f) By September 5 of the year in which the budget is
363 submitted, the chairs of each legislative committee and
364 subcommittee having substantive or fiscal jurisdiction may
365 transmit to each district comments and objections to the
366 proposed budgets. Each district governing board shall include a
367 response to such comments and objections in the record of the
368 governing board meeting where final adoption of the budget takes
369 place, and the record of this meeting shall be transmitted to
370 the Executive Office of the Governor, the department, and the
371 chairs of the legislative appropriations committees.

372 (g)~~(e)~~ The Executive Office of the Governor shall annually,
373 on or before December 15, file with the Legislature a report
374 that summarizes its review of the water management districts'
375 tentative budgets and displays the adopted budget allocations by
376 program area. The report must identify the districts that are
377 not in compliance with the reporting requirements of this

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378 section. State funds shall be withheld from a water management
379 district that fails to comply with these reporting requirements.

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

382 (a) Each district must, by the date specified for each
383 item, furnish copies of the following documents to the Governor,
384 the President of the Senate, the Speaker of the House of
385 Representatives, the chairs of all legislative committees and
386 subcommittees having substantive or fiscal jurisdiction over the
387 districts, as determined by the President of the Senate or the
388 Speaker of the House of Representatives as applicable, the
389 secretary of the department, and the governing board of each
390 county in which the district has jurisdiction or derives any
391 funds for the operations of the district:

392 1. The adopted budget, to be furnished within 10 days after
393 its adoption.

394 2. A financial audit of its accounts and records, to be
395 furnished within 10 days after its acceptance by the governing
396 board. The audit must be conducted in accordance with ~~the~~
397 ~~provisions of~~ s. 11.45 and the rules adopted thereunder. In
398 addition to the entities named above, the district must provide
399 a copy of the audit to the Auditor General within 10 days after
400 its acceptance by the governing board.

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

406 4. A 5-year water resource development work program to be

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407 furnished within 30 days after the adoption of the final budget.
408 The program must describe the district's implementation strategy
409 and funding plan for the water resource, water supply, and
410 alternative water supply development components ~~component~~ of
411 each approved regional water supply plan developed or revised
412 under s. 373.709. The work program must address all the elements
413 of the water resource development component in the district's
414 approved regional water supply plans and must identify which
415 projects in the work program which will provide water;7 explain
416 how each water resource, water supply, and alternative water
417 supply development project will produce additional water
418 available for consumptive uses;7 estimate the quantity of water
419 to be produced by each project;7 and provide an assessment of
420 the contribution of the district's regional water supply plans
421 in providing sufficient water needed to timely meet the water
422 supply needs of existing and future reasonable-beneficial uses
423 for a 1-in-10-year drought event.

424 (b) Within 30 days after its submittal, the department
425 shall review the proposed work program and submit its findings,
426 questions, and comments to the district. The review must include
427 a written evaluation of the program's consistency with the
428 furtherance of the district's approved regional water supply
429 plans, and the adequacy of proposed expenditures. As part of the
430 review, the department shall give interested parties the
431 opportunity to provide written comments on each district's
432 proposed work program. Within 45 days after receipt of the
433 department's evaluation, the governing board shall state in
434 writing to the department which of the changes recommended in
435 the evaluation it will incorporate into its work program

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436 submitted as part of the March 1 consolidated annual report
437 required by s. 373.036(7) or specify the reasons for not
438 incorporating the changes. The department shall include the
439 district's responses in a final evaluation report and shall
440 submit a copy of the report to the Governor, the President of
441 the Senate, and the Speaker of the House of Representatives.

442 (c)~~(b)~~ If any entity listed in paragraph (a) provides
443 written comments to the district regarding any document
444 furnished under this subsection, the district must respond to
445 the comments in writing and furnish copies of the comments and
446 written responses to the other entities.

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

450 Section 5. Section 373.605, Florida Statutes, is amended to
451 read:

452 373.605 Group insurance for water management districts.—

453 ~~(1)~~ The governing board of a any water management district
454 ~~may is hereby authorized and empowered to~~ provide group
455 insurance for its employees, and the employees of another water
456 management district, in the same manner and with the same
457 provisions and limitations authorized for other public employees
458 under ~~by~~ ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

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

462 Section 6. Section 373.618, Florida Statutes, is created to
463 read:

464 373.618 Public service warnings, alerts, and

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465 announcements.—The Legislature believes it is in the public
466 interest that all water management districts created pursuant to
467 s. 373.069 own, acquire, develop, construct, operate, and manage
468 public information systems. Public information systems may be
469 located on property owned by the water management district, upon
470 terms and conditions approved by the water management district,
471 and must display messages to the general public concerning water
472 management services, activities, events, and sponsors, as well
473 as other public service announcements, including watering
474 restrictions, severe weather reports, amber alerts, and other
475 essential information needed by the public. Local government
476 review or approval is not required for a public information
477 system owned or hereafter acquired, developed, or constructed by
478 the water management district on its own property. A public
479 information system is exempt from the requirements of chapter
480 479. Water management district funds may not be used to pay the
481 cost to acquire, develop, construct, operate, or manage a public
482 information system. Any necessary funds for a public information
483 system shall be paid for and collected from private sponsors who
484 may display commercial messages.

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