

1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 112.3261, F.S.; defining the term
4 "expenditure"; requiring the Commission on Ethics to
5 investigate a lobbyist or principal who has made a
6 prohibited expenditure and to provide the Governor
7 with a report of its findings and recommendations
8 regarding such investigation; prohibiting certain
9 persons from making or accepting expenditures;
10 amending s. 373.079, F.S.; requiring a quorum for the
11 conduct of official business by the governing board of
12 a water management district; providing requirements
13 for a quorum; requiring an affirmative vote of a
14 majority of the members of the governing board before
15 any action may be taken by the board; amending s.
16 373.470, F.S.; requiring the South Florida Water
17 Management District, in cooperation with the
18 Department of Environmental Protection, to provide a
19 detailed report that includes the total estimated
20 remaining cost of implementation of the Everglades
21 restoration comprehensive plan and the status of all
22 performance indicators; requiring the subdivision of
23 the project components into specified categories based
24 on the project's status; requiring the integrated
25 delivery schedule to be developed using estimates of

26 actual state funding levels and other constraints;
27 prohibiting certain recommendations; amending s.
28 373.501, F.S.; prohibiting a water management district
29 from using state funds for a specified purpose;
30 amending s. 373.503, F.S.; authorizing the districts
31 to levy ad valorem taxes on property by resolution
32 adopted by a majority vote of the governing board;
33 authorizing the districts to levy certain ad valorem
34 taxes on specified property; defining the term
35 "capital improvement projects"; requiring a governing
36 board levying ad valorem taxes for certain projects to
37 adopt a resolution approved by a majority vote of the
38 voting electors in the district or basin; providing
39 requirements for such resolution; prohibiting a
40 governing board from levying millage beyond a certain
41 date; providing requirements for such millage;
42 requiring that such resolution take effect on a
43 specified date; providing construction for such
44 referenda; providing requirements for the maximum
45 total millage rate for all purposes; providing that
46 the apportionment in the South Florida Water
47 Management District excludes certain millage;
48 reenacting and amending s. 373.535, F.S.; requiring
49 that the preliminary budget for each water management
50 district include a section that contains the

51 district's capital improvement plan for the current
52 fiscal year and the next fiscal year; requiring the
53 that the section contain specified information;
54 requiring the South Florida Water Management District
55 to include a section in its preliminary budget for all
56 projects within the Comprehensive Everglades
57 Restoration Plan; requiring that the section contain
58 specified information; providing that the South
59 Florida Water Management District may only incorporate
60 state revenues up to a specified amount when
61 estimating expenditures for the next fiscal year;
62 providing an exception; amending s. 373.536, F.S.;

63 authorizing the Legislative Budget Commission to
64 reject certain district budget proposals; providing an
65 exception; requiring the South Florida Water
66 Management District to include in its budget document
67 certain sections that incorporate the actual amount of
68 state revenues appropriated for the fiscal year;
69 requiring a water management district's tentative
70 budget for its proposed operations and funding
71 requirements to include the district's capital
72 improvement plan for the current year and the next
73 fiscal year; amending s. 373.6075, F.S.; requiring a
74 water management district to give preference to
75 certain bids, proposals, or replies for the design,

76 engineering, or construction of capital improvement
77 projects in excess of a specified amount; providing
78 the purpose for the 10-year construction bond or
79 comparable financial assurance mechanism; providing
80 requirements for the competitive selection process;
81 amending s. 380.093, F.S.; requiring that certain
82 projects submitted by water management districts to
83 the department for the Statewide Flooding and Sea
84 Level Rise Resilience Plan be ranked on a separate
85 list; providing applicability; requiring that each
86 project included in such plan have a certain percent
87 cost share unless the project was submitted by a water
88 management district; specifying the composition of the
89 total amount of funding for such plan; requiring
90 specified financing for projects submitted by a water
91 management district for such plan; restricting funding
92 available to water management districts; authorizing
93 the department to issue certain loans by specified
94 means to finance projects submitted by a water
95 management district; authorizing the district to
96 borrow certain funds and pledge certain revenues to
97 repay such funds; providing for the repayment of such
98 loan; providing a penalty; prohibiting the department
99 from issuing additional loans or grants to a water
100 management district that defaults under the terms of

101 its loan until the default is remedied; requiring the
102 department to adopt rules necessary to administer the
103 revolving loan program to finance projects submitted
104 by water management districts; amending s. 380.0935,
105 F.S.; requiring the department to create and maintain
106 a separate account in the Resilient Florida Trust Fund
107 for certain funds received to administer the revolving
108 loan program for certain projects submitted by water
109 management districts within the Statewide Flooding and
110 Sea Level Rise Resilience Plan; requiring that all
111 repayments be returned to the revolving loan program
112 and made available for the eligible projects in the
113 plan; providing that funds appropriated for the loan
114 program are not subject to reversion; amending s.
115 380.095, F.S.; requiring that a specified amount of
116 funds deposited into the Indian Gaming Revenue
117 Clearing Trust Fund be distributed to the Resilient
118 Florida Trust Fund for the revolving loan program for
119 specified uses; providing appropriations; reenacting
120 s. 373.0697, F.S., relating to basin taxes, to
121 incorporate the amendment made to s. 373.503, F.S., in
122 a reference thereto; reenacting s. 373.026(8)(d),
123 F.S., relating to general powers and duties of the
124 Department of Environmental Protection, to incorporate
125 the amendment made to s. 373.536, F.S., in a reference

126 thereto; providing an effective date.

127
128 Be It Enacted by the Legislature of the State of Florida:

129
130 **Section 1. Present paragraphs (b), (c), and (d) of**
131 **subsection (1) of section 112.3261, Florida Statutes, are**
132 **redesignated as paragraphs (c), (d), and (e), respectively, a**
133 **new paragraph (b) is added to that subsection, subsection (9) is**
134 **added to that section, and subsection (7) of that section is**
135 **amended, to read:**

136 112.3261 Lobbying before water management districts;
137 registration and reporting.—

138 (1) As used in this section, the term:

139 (b) "Expenditure" has the same meaning as in s.
140 112.3215(1).

141 (7) Upon receipt of a sworn complaint alleging that a
142 lobbyist or principal has failed to register with a district,
143 has made a prohibited expenditure, or has knowingly submitted
144 false information in a report or registration required under
145 this section, the commission shall investigate a lobbyist or
146 principal pursuant to the procedures established under s.
147 112.324. The commission shall provide the Governor with a report
148 of its findings and recommendations in any investigation
149 conducted pursuant to this subsection. The Governor is
150 authorized to enforce the commission's findings and

151 recommendations.

152 (9) Notwithstanding s. 112.3148, s. 112.3149, or any other
153 law, a lobbyist or principal may not make, directly or
154 indirectly, and a district governing board member, executive
155 director, or any district employee that qualifies as a local
156 officer as defined in s. 112.3145(1) may not knowingly accept,
157 directly or indirectly, any expenditure.

158 **Section 2. Subsection (7) of section 373.079, Florida**
159 **Statutes, is amended to read:**

160 373.079 Members of governing board; oath of office;
161 staff.—

162 (7) The governing board shall meet at least once a month
163 and upon call of the chair. A quorum is necessary for the
164 governing board to conduct official business. A majority of the
165 members of the governing board, which includes both appointed
166 members and vacancies, constitutes a quorum. A board member's
167 appearance at a board meeting, whether such appearance is in
168 person or through the use of communications media technology,
169 must be counted for the determination of a quorum. Except where
170 otherwise provided by law, action may be taken by the governing
171 board only upon an affirmative vote of a majority of the members
172 of the governing board. The governing board, a basin board, a
173 committee, or an advisory board may conduct meetings by means of
174 communications media technology in accordance with rules adopted
175 pursuant to s. 120.54(5)(b) ~~s. 120.54.~~

176 **Section 3. Paragraph (c) of subsection (7) of section**
177 **373.470, Florida Statutes, is amended, and subsection (8) is**
178 **added to that section, to read:**

179 373.470 Everglades restoration.—

180 (7) ANNUAL REPORT.—To provide enhanced oversight of and
181 accountability for the financial commitments established under
182 this section and the progress made in the implementation of the
183 comprehensive plan, the following information must be prepared
184 annually as part of the consolidated annual report required by
185 s. 373.036(7):

186 (c) The district, in cooperation with the department,
187 shall provide a detailed report on progress made in the
188 implementation of the comprehensive plan, including the total
189 estimated remaining cost of implementation of the comprehensive
190 plan. The report must also include the status of and applicable
191 performance indicators for all project components. The project
192 components must be subdivided into the following categories
193 based on the project's status:

194 1. Planning and design phase.

195 2. Construction phase, for which the performance
196 indicators must include, but are not limited to, whether the
197 project is on time and on budget based on a schedule performance
198 index.

199 3. Operational phase, for which the performance indicators
200 must include, but are not limited to, whether the project is

201 operating in accordance with the draft operating manual included
202 in the project implementation report, and an explanation of any
203 significant modification to the final project operating manual.

204 4. Pending projects phase, which includes project
205 components that have not yet entered the planning or design
206 phase initiated after the effective date of this act or the date
207 of the last report prepared under this subsection, whichever is
208 later.

209
210 The information required in paragraphs (a), (b), and (c) shall
211 be provided as part of the consolidated annual report required
212 by s. 373.036(7). Each annual report is due by March 1.

213 (8) INTEGRATED DELIVERY SCHEDULE.—In order to ensure
214 accountability in the planning process, the integrated delivery
215 schedule must be developed to maximize the achievement of the
216 goals and purposes of the comprehensive plan at the earliest
217 possible time to the extent practical given funding,
218 engineering, and other contractual constraints. Therefore, state
219 and local members of the South Florida Ecosystem Restoration
220 Task Force may not include in their recommendations for any
221 update to the integrated delivery schedule the assumption of a
222 future availability of state funds per fiscal year above the
223 amounts provided pursuant to s. 375.041(3)(b)1., 4., and 5.

224 **Section 4. Subsection (3) is added to section 373.501,**
225 **Florida Statutes, to read:**

226 373.501 Appropriation of funds to water management
 227 districts.—

228 (3) A water management district may not use state funds as
 229 a local match for any state grant program unless such funds have
 230 been specifically appropriated to the district for such purpose.

231 **Section 5. Subsection (3) of section 373.503, Florida**
 232 **Statutes, is amended to read:**

233 373.503 Manner of taxation.—

234 (3)(a)1. The districts may, by resolution adopted by a
 235 majority vote of the governing board, levy ad valorem taxes on
 236 property within the district solely for the purposes of this
 237 chapter and of chapter 25270, 1949, Laws of Florida, as amended,
 238 and chapter 61-691, Laws of Florida, as amended. If appropriate,
 239 taxes levied by each governing board may be separated by the
 240 governing board into a millage necessary for the purposes of the
 241 district and a millage necessary for financing basin functions
 242 specified in s. 373.0695.

243 2.a. The districts may, by referendum, levy separate ad
 244 valorem taxes on property within the district or basin for the
 245 purposes of the construction of capital improvement projects.
 246 For purposes of this subparagraph, the term "capital improvement
 247 projects" means projects related to water supply, including
 248 alternative water supply and water resource development projects
 249 identified in the district's regional water supply plans, water
 250 quality, flood protection and floodplain management, and natural

251 systems.

252 b. A governing board exercising the option to levy
253 separate ad valorem taxes for the purposes of the construction
254 of capital improvement projects pursuant to this subparagraph
255 shall adopt a resolution to be approved by a majority vote of
256 the electors in the district or basin voting in a referendum
257 held at a general election as defined in s. 97.021. The
258 resolution must include the millage to be levied, a description
259 of the capital improvement projects, such projects' expected
260 dates of completion, and the date when the millage levied under
261 this subparagraph shall expire. No millage may be levied beyond
262 the date of a project's expected date of completion. Such
263 millage levied may be up to an amount that, when combined with
264 millage levied under subparagraph 1., does not exceed the
265 maximum total millage rate under paragraph (b). The resolution
266 must take effect on the January 1 immediately succeeding
267 approval. The referendum must be conducted consistent with the
268 laws governing bond referenda as provided in ss. 100.201-
269 100.351.

270 (b)(a) Notwithstanding any other general or special law,
271 and subject to subsection (4), the maximum total millage rate
272 for all district and basin purposes authorized under this
273 section shall be:

- 274 1. Northwest Florida Water Management District: 0.05 mill.
275 2. Suwannee River Water Management District: 0.75 mill.

- 276 3. St. Johns River Water Management District: 0.6 mill.
- 277 4. Southwest Florida Water Management District: 1.0 mill.
- 278 5. South Florida Water Management District: 0.80 mill.

279 (c)~~(b)~~ The apportionment in the South Florida Water
 280 Management District shall be a maximum of 40 percent for
 281 district purposes and a maximum of 60 percent for basin
 282 purposes, respectively. This calculation excludes millage raised
 283 pursuant to subparagraph (a)2.

284 (d)~~(e)~~ Within the Southwest Florida Water Management
 285 District, the maximum millage assessed for district purposes may
 286 not exceed 50 percent of the total authorized millage if there
 287 are one or more basins in the district, and the maximum millage
 288 assessed for basin purposes may not exceed 50 percent of the
 289 total authorized millage.

290 **Section 6. Subsection (1) of section 373.535, Florida**
 291 **Statutes, is amended, and subsections (2) and (3) of that**
 292 **section are reenacted, to read:**

293 373.535 Preliminary district budgets.—

294 (1) BUDGET DEVELOPMENT.—

295 (a) By January 15 of each year, each water management
 296 district shall submit a preliminary budget for the next fiscal
 297 year for legislative review to the President of the Senate, the
 298 Speaker of the House of Representatives, and the chairs of each
 299 legislative committee and subcommittee having substantive or
 300 fiscal jurisdiction over water management districts, as

301 determined by the President of the Senate or the Speaker of the
302 House of Representatives, as applicable, in the form and manner
303 prescribed in s. 373.536(5) (e).

304 (b) Each preliminary budget must also include:

305 1. A section that clearly identifies and provides
306 justification for each proposed expenditure listed in s.
307 373.536(5) (e)4.e. and f. and identifies the source of funds for
308 each proposed expenditure.

309 2. A section identifying the justification for proposed
310 expenditures by core mission area of responsibility and the
311 source of funds needed for activities related to water supply,
312 including alternative water supply and water resource
313 development projects identified in the district's regional water
314 supply plans, water quality, flood protection and floodplain
315 management, and natural systems.

316 3. A section that includes the district's capital
317 improvement plan for the current fiscal year and the next fiscal
318 year, which will be incorporated as part of the district's 5-
319 year capital improvement plan. The following information must be
320 included for each project contained in the capital improvement
321 plan:

322 a. Estimated beginning and ending dates.

323 b. Current status, such as planning, construction, or
324 operations.

325 c. Funding distribution, broken down by federal, state,

326 local, or other.

327 d. Total cost of the project.

328 e. Whether the project is funded from reserves.

329 f. Total expenditures made to date, by fiscal year.

330 g. Current year estimated expenditures.

331 h. Annual budget, including future budget requests, until

332 project completion, by funding source.

333 i. Project description.

334 j. State program code, such as operations and maintenance

335 or ecosystems restoration.

336 ~~4.3.~~ A section reviewing the adopted and proposed budget

337 allocations by program area and the performance metrics for the

338 prior year.

339 ~~5.4.~~ An analysis of each preliminary budget to determine

340 the adequacy of fiscal resources available to the district and

341 the adequacy of proposed district expenditures related to the

342 core mission areas of responsibility for water supply, including

343 alternative water supply and water resource development projects

344 identified in the district's regional water supply plans, water

345 quality, flood protection and floodplain management, and natural

346 systems. The analysis must be based on the particular needs

347 within each district for core mission areas of responsibility.

348 The water supply analysis must specifically include a

349 determination of the adequacy of each district's fiscal

350 resources provided in the district's preliminary budget to

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

354 (c)~~(b)~~ If applicable, the preliminary budget for each
355 district must specify that the district's first obligation for
356 payment is the debt service on bonds and certificates of
357 participation.

358 (d) In addition to the information that must be included
359 for projects carried out pursuant to the capital improvement
360 plan in subparagraph (b)3., the South Florida Water Management
361 District must include a separate section in its preliminary
362 budget for all projects within the Comprehensive Everglades
363 Restoration Plan. The information for the separate section must
364 be provided on a project-by-project basis and include the source
365 of funds. For each project, all of the following information
366 must be included:

- 367 1. The project title and a brief description.
368 2. The total estimated cost of the project, broken down by
369 federal and nonfederal sponsor obligations. The local sponsor
370 obligations must be further broken down by state and district
371 obligations.
372 3. The timeline for the project.
373 4. The total expenditures to date and estimated remaining
374 expenditures needed for project completion.
375 5. The estimate of expenditures for the current year.

376 6. The estimate of expenditures for the next fiscal year.

377 (e) For expenditures funded by state appropriations, the
378 South Florida Water Management District must indicate which
379 fiscal year the appropriation is from. In estimating
380 expenditures for the next fiscal year, the district may only
381 incorporate state revenues in an amount up to the amount of
382 funds specifically provided in s. 375.041(3)(b)1., 4., and 5.,
383 unless the district commits district revenues on a dollar-for-
384 dollar basis for any amount over such amount specifically
385 provided.

386 (2) LEGISLATIVE REVIEW.—

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

391 (b) On or before March 1 of each year, the President of
392 the Senate and the Speaker of the House of Representatives may
393 submit comments regarding the preliminary budget to the
394 districts, and provide a copy of the comments to the Executive
395 Office of the Governor. Each district shall respond to the
396 comments in writing on or before March 15 of each year to the
397 President of the Senate, the Speaker of the House of
398 Representatives, and the Executive Office of the Governor.

399 (c) If, following such review, the Legislature does not
400 take any action pursuant to s. 373.503 on or before July 1 of

401 each year, a water management district may proceed with budget
 402 development as provided in subsection (3) and s. 373.536.

403 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
 404 preliminary budget as submitted pursuant to subsection (1), and
 405 as may be amended by the district in response to review by the
 406 Legislature pursuant to this section and s. 373.503, as the
 407 basis for developing the tentative budget for the next fiscal
 408 year as provided in s. 373.536(5).

409 **Section 7. Paragraphs (c) and (e) of subsection (5) of**
 410 **section 373.536, Florida Statutes, are amended to read:**

411 373.536 District budget and hearing thereon.—

412 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 413 APPROVAL.—

414 (c) The Legislative Budget Commission may reject any of
 415 the following district budget proposals unless specifically
 416 appropriated by the Legislature:

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

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

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

422 4. Any program expenditure ~~expenditures~~ as described in
 423 sub-subparagraphs (e)4.e. and f. in excess of 15 percent of a
 424 district's total annual budget.

425 5. Any individual variance ~~variances~~ in a district's

426 tentative budget which is in excess of 25 percent from a
427 district's preliminary budget.

428 6. Any individual portion of a district's tentative budget
429 funded with state appropriations.

430 7. Any individual project in the district's 5-year capital
431 improvement plan.

432

433 Written disapproval of any provision in the tentative budget
434 must be received by the district at least 5 business days before
435 the final district budget adoption hearing conducted under s.
436 200.065(2)(d). If written disapproval is not received at least 5
437 business days before the final budget adoption hearing, the
438 governing board may proceed with final adoption. Any provision
439 rejected by the Executive Office of the Governor or the
440 Legislative Budget Commission may not be included in a
441 district's final budget and may not be acted upon through any
442 other means without the prior approval of the entity rejecting
443 the provision.

444 (e) The tentative budget must be based on the preliminary
445 budget as submitted to the Legislature, and as may be amended by
446 the district in response to review by the Legislature pursuant
447 to ss. 373.503 and 373.535, as the basis for developing the
448 tentative budget for the next fiscal year as provided in this
449 subsection, and must set forth the proposed expenditures of the
450 district, to which may be added an amount to be held as reserve.

451 The tentative budget must include, but is not limited to, the
452 following information for the preceding fiscal year and the
453 current fiscal year, and the proposed amounts for the upcoming
454 fiscal year, in a standard format prescribed by the Executive
455 Office of the Governor, in consultation with the Legislature:

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

459 2. The estimated amount of unobligated funds or net cash
460 balance on hand at the beginning of the fiscal year; an
461 accounting of the source, balance, and projected future use of
462 the unobligated funds; and the estimated amount of funds to be
463 raised by district taxes or received from other sources to meet
464 the requirements of the district.

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

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

- 472 a. Water resource planning and monitoring;
473 b. Land acquisition, restoration, and public works;
474 c. Operation and maintenance of works and lands;
475 d. Regulation;

476 e. Outreach for which the information provided must
477 contain a full description and accounting of expenditures for
478 water resources education; public information and public
479 relations, including public service announcements and
480 advertising in any media; and lobbying activities related to
481 local, regional, state and federal governmental affairs, whether
482 incurred by district staff or through contractual services; and

483 f. Management and administration.
484

485 In addition to the program areas reported by all water
486 management districts, the South Florida Water Management
487 District shall include in its budget document separate sections
488 on all costs associated with the Everglades Construction Project
489 and the Comprehensive Everglades Restoration Plan, incorporating
490 the amount of state revenues appropriated for the fiscal year.

491 5. The total estimated amount in the district budget for
492 each area of responsibility listed in subparagraph 4. and for
493 water resource, water supply, and alternative water supply
494 development projects identified in the district's regional water
495 supply plans.

496 6. A description of each new, expanded, reduced, or
497 eliminated program.

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

501 permit fees for each program area.

502 8. The water management district's capital improvement
503 plan for the current fiscal year and the next fiscal year, in
504 the same format as required in the preliminary budget.

505 **Section 8. Section 373.6075, Florida Statutes, is amended**
506 **to read:**

507 373.6075 Purchases from contracts of other entities.—

508 (1) A water management district may purchase commodities
509 and contractual services, excluding services subject to s.
510 287.055, from the purchasing contracts of special districts,
511 municipalities, counties, other political subdivisions,
512 educational institutions, other states, nonprofit entities,
513 purchasing cooperatives, or the Federal Government, which have
514 been procured pursuant to competitive bid, request for proposal,
515 request for qualification, competitive selection, or competitive
516 negotiation, and which are otherwise in compliance with general
517 law if the purchasing contract of the other entity is procured
518 by a process that meets the procurement requirements of the
519 water management district.

520 (2) For contractual services for the design, engineering,
521 or construction of capital improvement projects costing \$1
522 million or more, a water management district shall give
523 preference to the lowest responsible and responsive bid,
524 proposal, or reply that includes a 10-year construction bond or
525 that provides proof of a comparable financial assurance

526 mechanism, which has been defined by district rule. The purpose
527 of the 10-year construction bond or a comparable financial
528 assurance mechanism is to ensure that the capital improvement
529 project functions as it was designed to function for at least 10
530 years. For the purpose of the competitive selection process in
531 s. 287.055(4), the agency shall consider whether a firm has
532 included in its bid, proposal, or reply a 10-year construction
533 bond or proof of a comparable financial assurance mechanism.

534 **Section 9. Present paragraph (i) of subsection (5) of**
535 **section 380.093, Florida Statutes, is redesignated as paragraph**
536 **(j) and amended, a new paragraph (i) is added to that**
537 **subsection, and paragraphs (a), (c), (d), (e), and (h) of that**
538 **subsection are amended, to read:**

539 380.093 Resilient Florida Grant Program; comprehensive
540 statewide flood vulnerability and sea level rise data set and
541 assessment; Statewide Flooding and Sea Level Rise Resilience
542 Plan; regional resilience entities.—

543 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE
544 PLAN.—

545 (a) By December 1 of each year, the department shall
546 develop a Statewide Flooding and Sea Level Rise Resilience Plan
547 on a 3-year planning horizon and submit it to the Governor, the
548 President of the Senate, and the Speaker of the House of
549 Representatives. The plan must consist of ranked projects that
550 address risks of flooding and sea level rise to coastal and

551 inland communities in the state. All eligible projects submitted
552 to the department pursuant to this section must be ranked and
553 included in the plan. All eligible projects submitted by a water
554 management district must be ranked on a separate list. Each plan
555 must include a detailed narrative overview describing how the
556 plan was developed, including a description of the methodology
557 used by the department to determine project eligibility, a
558 description of the methodology used to rank projects, the
559 specific scoring system used, the project proposal application
560 form, a copy of each submitted project proposal application form
561 separated by eligible projects and ineligible projects, the
562 total number of project proposals received and deemed eligible,
563 the total funding requested, and the total funding requested for
564 eligible projects.

565 (c) Each plan submitted by the department pursuant to this
566 subsection must include all of the following information for
567 each recommended project:

- 568 1. A description of the project.
- 569 2. The location of the project.
- 570 3. An estimate of how long the project will take to
571 complete.
- 572 4. An estimate of the cost of the project.
- 573 5. The cost-share percentage available for the project, if
574 applicable.
- 575 6. A summary of the priority score assigned to the

576 project.

577 7. The project sponsor.

578 (d)1. By September 1 of each year, all of the following
579 entities may submit to the department a list of proposed
580 projects that address risks of flooding or sea level rise
581 identified in the comprehensive statewide flood vulnerability
582 and sea level rise assessment or vulnerability assessments that
583 meet the requirements of subsection (3):

584 a. Counties.

585 b. Municipalities.

586 c. Special districts as defined in s. 189.012 which are
587 responsible for the management and maintenance of inlets and
588 intracoastal waterways or for the operation and maintenance of a
589 potable water facility, a wastewater facility, an airport, or a
590 seaport facility.

591 d. Regional resilience entities acting on behalf of one or
592 more member counties or municipalities.

593

594 For the plans submitted by December 1, 2024, such entities may
595 submit projects identified in existing vulnerability assessments
596 that do not comply with subsection (3) only if the entity is
597 actively developing a vulnerability assessment that is either
598 under a signed grant agreement with the department pursuant to
599 subsection (3) or funded by another state or federal agency, or
600 is self-funded and intended to meet the requirements of

601 paragraph (3) (d) or if the existing vulnerability assessment was
602 completed using previously compliant statutory requirements.
603 Projects identified from this category of vulnerability
604 assessments will be eligible for submittal until the prior
605 vulnerability assessment has been updated to meet most recent
606 statutory requirements.

607 2. By September 1 of each year, all of the following
608 entities may submit to the department a list of any proposed
609 projects that address risks of flooding or sea level rise
610 identified in the comprehensive statewide flood vulnerability
611 and sea level rise assessment or vulnerability assessments that
612 meet the requirements of subsection (3), or that mitigate the
613 risks of flooding or sea level rise on water supplies or water
614 resources of the state and a corresponding evaluation of each
615 project:

- 616 a. Water management districts.
- 617 b. Drainage districts.
- 618 c. Erosion control districts.
- 619 d. Flood control districts.
- 620 e. Regional water supply authorities.

621 3. Each project submitted to the department pursuant to
622 this paragraph for consideration by the department for inclusion
623 in the plan must include all of the following information:

- 624 a. A description of the project.
- 625 b. The location of the project.

626 c. An estimate of how long the project will take to
627 complete.

628 d. An estimate of the cost of the project.

629 e. The cost-share percentage available for the project, if
630 applicable.

631 f. The project sponsor.

632 (e) Each project included in the plan must have a minimum
633 50 percent cost share unless the project was submitted by a
634 water management district, or assists or is within a community
635 eligible for a reduced cost share. For purposes of this section,
636 the term "community eligible for a reduced cost share" means:

637 1. A municipality that has a population of 10,000 or less
638 ~~fewer~~, according to the most recent April 1 population estimates
639 posted on the Office of Economic and Demographic Research's
640 website, and a per capita annual income that is less than the
641 state's per capita annual income as shown in the most recent
642 release from the Bureau of the Census of the United States
643 Department of Commerce that includes both measurements;

644 2. A county that has a population of 50,000 or less ~~fewer~~,
645 according to the most recent April 1 population estimates posted
646 on the Office of Economic and Demographic Research's website,
647 and a per capita annual income that is less than the state's per
648 capita annual income as shown in the most recent release from
649 the Bureau of the Census of the United States Department of
650 Commerce that includes both measurements; or

651 3. A municipality or county that has a per capita annual
652 income that is equal to or less than 75 percent of the state's
653 per capita annual income as shown in the most recent release
654 from the Bureau of the Census of the United States Department of
655 Commerce.

656 (h) The total amount of funding proposed for each year of
657 the plan must ~~may not~~ be at least ~~less than~~ \$100 million and,
658 for projects submitted by a water management district, may
659 include funds that have been repaid by a water management
660 district. Upon review and subject to appropriation, the
661 Legislature shall approve funding for the projects as specified
662 in the plan. The only funding available to water management
663 districts under this subsection is through the loan program
664 pursuant to paragraph (i). Multiyear projects that receive
665 funding for the first year of the project must be included in
666 subsequent plans and funded until the project is complete,
667 provided that the project sponsor has complied with all
668 contractual obligations and funds are available.

669 (i) To finance projects submitted by a water management
670 district, the department may issue 20-year, interest-free loans
671 through a promissory note or other form of written agreement
672 evidencing an obligation to repay the borrowed funds to the
673 department. The district may borrow funds made available
674 pursuant to this section and may pledge any revenues or other
675 adequate security available to it, other than state revenues, to

676 repay any funds borrowed. The loans must be repaid in equal
677 installments over a period not to exceed 20 years, commencing
678 within 12 months after the execution of the loan agreement.

679 1. The department may impose a penalty for delinquent loan
680 payments in the amount of 6 percent of the amount due, in
681 addition to charging the cost to handle and process the debt.
682 Penalty interest accrues on any amount due and payable beginning
683 on the 30th day after the date that the payment was due.

684 2. If a water management district defaults under the terms
685 of its loan agreement, no additional state loans or grants may
686 be issued to that water management district until the default
687 has been remedied.

688 (j)-(i) The department shall adopt rules to implement this
689 section, including, but not limited to, rules necessary to
690 administer the revolving loan program to finance projects
691 submitted by water management districts.

692 **Section 10. Present subsection (3) of section 380.0935,**
693 **Florida Statutes, is redesignated as subsection (4), a new**
694 **subsection (3) is added to that section, and subsection (2) of**
695 **that section is amended, to read:**

696 380.0935 Resilient Florida Trust Fund.—

697 (2) Moneys deposited in the fund are available as a
698 funding source for the department for the Resilient Florida
699 Grant Program and the Statewide Flooding and Sea Level ~~Sea Level~~
700 Rise Resilience Plan, including costs to operate the grant

701 program, to develop the plan, and to provide grants to regional
702 resilience coalitions pursuant to s. 380.093. The department may
703 also use moneys deposited in the fund for administrative and
704 operational costs of the Florida Flood Hub for Applied Research
705 and Innovation pursuant to s. 380.0933 and coastal resilience
706 initiatives.

707 (3) The department shall create and maintain a separate
708 account in the trust fund for funds received pursuant to s.
709 380.095 to administer a revolving loan program for eligible
710 projects submitted by water management districts within the
711 Statewide Flooding and Sea Level Rise Resilience Plan. All
712 repayments must be returned to the revolving loan program and
713 made available for the eligible projects submitted by water
714 management districts in the plan. Notwithstanding s. 216.301,
715 funds appropriated for the loan program are not subject to
716 reversion.

717 **Section 11. Paragraph (c) of subsection (2) of section**
718 **380.095, Florida Statutes, is amended to read:**

719 380.095 Dedicated funding for conservation lands,
720 resiliency, and clean water infrastructure.—

721 (2) DISTRIBUTION.—Notwithstanding s. 285.710, the
722 Department of Revenue shall, upon receipt, deposit 96 percent of
723 any revenue share payment received under the compact as defined
724 in s. 285.710 into the Indian Gaming Revenue Clearing Trust Fund
725 within the Department of Financial Services. The funds deposited

726 into the trust fund shall be distributed as follows:

727 (c) The lesser of 26.042 percent or \$100 million each
 728 fiscal year to the Resilient Florida Trust Fund within the
 729 Department of Environmental Protection for the revolving loan
 730 fund within the Statewide Flooding and Sea Level Rise Resilience
 731 Plan to be used to fund eligible projects submitted by water
 732 management districts in accordance with s. 380.093.

733
 734 Allocations to trust funds shall be transferred monthly by
 735 nonoperating authority to the named trust fund.

736 **Section 12.** (1) For the 2025-2026 fiscal year, the sum of
 737 \$236,665,971 in nonrecurring funds from the General Revenue Fund
 738 and \$64 million in recurring funds and \$328,684,029 in
 739 nonrecurring funds from the Land Acquisition Trust Fund are
 740 appropriated to the Department of Environmental Protection and
 741 must be distributed to the South Florida Water Management
 742 District for the planning, design, engineering, and construction
 743 of the Comprehensive Everglades Restoration Plan and allocated
 744 in the following fixed capital outlay appropriation categories:

745 (a) Nonrecurring funds from the General Revenue Fund:

- 746 1. C-111 South Dade - \$69,473,191.
- 747 2. Indian River Lagoon South - \$65,905,639.
- 748 3. Central Everglades Planning Project South -
 749 \$15,330,142.
- 750 4. Central Everglades Planning Project North -

751 \$27,572,071.

752 5. Loxahatchee River Watershed Restoration Project -

753 \$24,430,721.

754 6. Western Everglades Restoration Project - \$25,756,289.

755 7. Comprehensive Everglades Restoration Project Planning

756 and Design - \$8,197,918.

757 (b) Nonrecurring funds from the Land Acquisition Trust

758 Fund:

759 1. Indian River Lagoon South - \$30,110,627.

760 2. Caloosahatchee River C-43 West Basin Storage -

761 \$95,530,738.

762 3. Central Everglades Planning Project North -

763 \$123,542,359.

764 4. Central Everglades Planning Project EAA Reservoir -

765 \$79,500,305.

766 (c) Recurring funds of \$64 million in the Everglades

767 Restoration appropriation category from the Land Acquisition

768 Trust Fund to transfer to the Everglades Trust Fund within the

769 South Florida Water Management District pursuant to s.

770 375.041(3)(b)4., Florida Statutes.

771 **Section 13.** For the 2025-2026 fiscal year, the sum

772 \$39,876,213 in recurring funds and \$33,151,846 in nonrecurring

773 funds from the Land Acquisition Trust Fund are appropriated to

774 the Department of Environmental Protection and must be used to

775 implement the Northern Everglades and Estuaries Protection

776 Program, pursuant to s. 373.4595, Florida Statutes.

777 **Section 14.** For the 2025-2026 fiscal year, the sum of \$50
 778 million in recurring funds from the Land Acquisition Trust Fund
 779 are appropriated in the Fixed Capital Outlay Lake Okeechobee
 780 Watershed Restoration Project ASR Wells appropriation category
 781 for Everglades Restoration.

782 **Section 15. For the purpose of incorporating the amendment**
 783 **made by this act to section 373.503, Florida Statutes, in a**
 784 **reference thereto, section 373.0697, Florida Statutes, is**
 785 **reenacted to read:**

786 373.0697 Basin taxes.—The respective basins may, pursuant
 787 to s. 9(b), Art. VII of the State Constitution, by resolution
 788 request the governing board of the district to levy ad valorem
 789 taxes within such basin. Upon receipt of such request, a basin
 790 tax levy shall be made by the governing board of the district to
 791 finance basin functions enumerated in s. 373.0695,
 792 notwithstanding the provisions of any other general or special
 793 law to the contrary, and subject to the provisions of s.
 794 373.503(3).

795 (1) The amount of money to be raised by said tax levy
 796 shall be determined by the adoption of an annual budget by the
 797 district board of governors, and the average millage for the
 798 basin shall be that amount required to raise the amount called
 799 for by the annual budget when applied to the total assessment of
 800 the basin as determined for county taxing purposes. However, no

801 such tax shall be levied within the basin unless and until the
802 annual budget and required tax levy shall have been approved by
803 formal action of the basin board, and no county in the district
804 shall be taxed under this provision at a rate to exceed 1 mill.

805 (2) The taxes provided for in this section shall be
806 extended by the county property appraiser on the county tax roll
807 in each county within, or partly within, the basin and shall be
808 collected by the tax collector in the same manner and time as
809 county taxes, and the proceeds therefrom paid to the district
810 for basin purposes. Said taxes shall be a lien, until paid, on
811 the property against which assessed and enforceable in like
812 manner as county taxes. The property appraisers, tax collectors,
813 and clerks of the circuit court of the respective counties shall
814 be entitled to compensation for services performed in connection
815 with such taxes at the same rates as apply to county taxes.

816 (3) It is hereby determined that the taxes authorized by
817 this subsection are in proportion to the benefits to be derived
818 by the several parcels of real estate within the basin from the
819 works authorized herein.

820 **Section 16. For the purpose of incorporating the amendment**
821 **made by this act to section 373.536, Florida Statutes, in a**
822 **reference thereto, paragraph (d) of subsection (8) of section**
823 **373.026, Florida Statutes, is reenacted to read:**

824 373.026 General powers and duties of the department.—The
825 department, or its successor agency, shall be responsible for

826 the administration of this chapter at the state level. However,
827 it is the policy of the state that, to the greatest extent
828 possible, the department may enter into interagency or
829 interlocal agreements with any other state agency, any water
830 management district, or any local government conducting programs
831 related to or materially affecting the water resources of the
832 state. All such agreements shall be subject to the provisions of
833 s. 373.046. In addition to its other powers and duties, the
834 department shall, to the greatest extent possible:

835 (8)

836 (d) The Executive Office of the Governor, pursuant to its
837 duties under s. 373.536(5) to approve or disapprove, in whole or
838 in part, the budget of each water management district, shall
839 review all proposed expenditures for project components in the
840 district's budget.

841 **Section 17.** This act shall take effect July 1, 2025.