

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; providing legislative
25 findings; requiring recommendations for updates to the

26 integrated delivery schedule to identify certain
27 funding sources; amending s. 373.501, F.S.;
28 prohibiting a water management district from using
29 state funds for a specified purpose; amending s.
30 373.503, F.S.; authorizing the districts to levy ad
31 valorem taxes on property by resolution adopted by a
32 majority vote of the governing board; requiring that a
33 certain levy take effect only upon approval by a
34 majority vote of the electors; requiring the
35 referendum question to include specified information;
36 requiring the resolution to take effect on a specified
37 date; providing requirements for the resolution;
38 providing requirements for certain millage; defining
39 the term "capital improvement projects"; providing the
40 maximum total millage rate for all purposes, rather
41 than for district and basin purposes; reenacting and
42 amending s. 373.535, F.S.; requiring that the
43 preliminary budget for each water management district
44 include a section that contains the district's capital
45 improvement plan for the current fiscal year and the
46 next fiscal year; requiring that the section contain
47 specified information; requiring the South Florida
48 Water Management District to include a section in its
49 preliminary budget for all projects within the
50 Comprehensive Everglades Restoration Plan; requiring

51 that the section contain specified information;
52 providing that the South Florida Water Management
53 District may only incorporate state revenues up to a
54 specified amount when estimating expenditures for the
55 next fiscal year; providing an exception; amending s.
56 373.536, F.S.; authorizing the Legislative Budget
57 Commission to reject certain district budget
58 proposals; providing an exception; requiring the South
59 Florida Water Management District to include in its
60 budget document certain sections that incorporate the
61 actual amount of state revenues appropriated for the
62 fiscal year; requiring a water management district's
63 tentative budget for its proposed operations and
64 funding requirements to include the district's capital
65 improvement plan for the current fiscal year and the
66 next fiscal year; amending s. 373.6075, F.S.;
67 requiring a water management district to give
68 preference to certain bids, proposals, or replies for
69 the design, engineering, or construction, or any
70 combination thereof, of capital improvement projects
71 in excess of a specified amount; providing
72 requirements for the competitive selection process and
73 procurement procedures; reenacting s. 373.0697, F.S.,
74 relating to basin taxes, to incorporate the amendment
75 made to s. 373.503, F.S., in a reference thereto;

reenacting s. 373.026(8)(d), F.S., relating to general powers and duties of the Department of Environmental Protection, to incorporate the amendment made to s. 373.536, F.S., in a reference thereto; providing an effective date.

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

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

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

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

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

(7) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with a district, has made a prohibited expenditure, or has knowingly submitted false information in a report or registration required under this section, the commission shall investigate a lobbyist or principal pursuant to the procedures established under s.

112.324. The commission shall provide the Governor with a report of its findings and recommendations in any investigation conducted pursuant to this subsection. The Governor is authorized to enforce the commission's findings and recommendations.

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

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

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

(7) The governing board shall meet at least once a month and upon call of the chair. A quorum is necessary for the governing board to conduct official business. A majority of the members of the governing board, which includes both appointed members and vacancies, constitutes a quorum. A board member's appearance at a board meeting, whether such appearance is in person or through the use of communications media technology, must be counted for the determination of a quorum. Except where otherwise provided by law, action may be taken by the governing board only upon an affirmative vote of a majority of the members

126 of the governing board. The governing board, a basin board, a
127 committee, or an advisory board may conduct meetings by means of
128 communications media technology in accordance with rules adopted
129 pursuant to s. 120.54(5)(b) ~~s. 120.54~~.

130 **Section 3. Paragraph (c) of subsection (7) of section**
131 **373.470, Florida Statutes, is amended, and subsection (8) is**
132 **added to that section, to read:**

133 373.470 Everglades restoration.—

134 (7) ANNUAL REPORT.—To provide enhanced oversight of and
135 accountability for the financial commitments established under
136 this section and the progress made in the implementation of the
137 comprehensive plan, the following information must be prepared
138 annually as part of the consolidated annual report required by
139 s. 373.036(7):

140 (c) The district, in cooperation with the department,
141 shall provide a detailed report on progress made in the
142 implementation of the comprehensive plan, including the total
143 estimated remaining cost of implementation of the comprehensive
144 plan. The report must also include the status of and applicable
145 performance indicators for all project components. The project
146 components must be subdivided into the following categories
147 based on the project's status:

148 1. Planning and design phase.

149 2. Construction phase, for which the performance
150 indicators must include, but are not limited to, whether the

151 project is on time and on budget based on a schedule performance
152 index.

153 3. Operational phase, for which the performance indicators
154 must include, but are not limited to, whether the project is
155 operating in accordance with the draft operating manual included
156 in the project implementation report, and an explanation of any
157 significant modification to the final project operating manual.

158 4. Pending projects phase, which includes project
159 components that have not yet entered the planning or design
160 phase initiated after the effective date of this act or the date
161 of the last report prepared under this subsection, whichever is
162 later.

163
164 The information required in paragraphs (a), (b), and (c) shall
165 be provided as part of the consolidated annual report required
166 by s. 373.036(7). Each annual report is due by March 1.

167 (8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
168 recognizes the value of the integrated delivery schedule as a
169 forward-looking snapshot of upcoming planning, design, and
170 construction schedules for the comprehensive plan and as a tool
171 that provides information to decisionmakers and facilitates the
172 achievement of the goals and purposes of the comprehensive plan
173 at the earliest possible time to the extent practical given
174 funding, engineering, and other contractual constraints. The
175 Legislature further recognizes that the integrated delivery

schedule acts as a planning document and does not represent a budgetary or financial commitment on behalf of any of the members of the South Florida Ecosystem Restoration Task Force. Therefore, when making recommendations for any update to the integrated delivery schedule, state and local members of the task force must identify project funding sources to reflect whether the project will be funded with recurring state funds provided pursuant to s. 375.041(3)(b)1., 4., and 5. or with nonrecurring state funds.

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

373.501 Appropriation of funds to water management districts.—

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

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

373.503 Manner of taxation.—

(3)(a)1. The districts may, by resolution adopted by a majority vote of the governing board, levy ad valorem taxes on property within the district solely for the purposes of this chapter and of chapter 25270, 1949, Laws of Florida, as amended, and chapter 61-691, Laws of Florida, as amended. If appropriate, taxes levied by each governing board may be separated by the

governing board into a millage necessary for the purposes of the district and a millage necessary for financing basin functions specified in s. 373.0695.

2.a. The districts may levy separate ad valorem taxes on property within the district or basin for the purposes of the construction of capital improvement projects. Such levy must be by resolution adopted by a majority vote of the governing board and conditioned to take effect only upon approval by a majority vote of the electors in the district or basin, as applicable, voting in a referendum held at a general election as defined in s. 97.021. The referendum question on the ballot must specify a brief and general description of the purpose for the levy and the maximum length of time the millage may be imposed. The resolution must take effect on the January 1 immediately following voter approval of the referendum. The resolution must include the millage to be levied, a detailed description of the capital improvement projects to be funded by the millage, the expected dates of completion of the capital improvement projects, and the maximum duration for the levy of the millage, which may not extend beyond the date that the capital improvement projects are expected to be complete. The millage levied under this subparagraph may be up to an amount that, when combined with the millage levied under subparagraph 1., does not exceed the maximum total millage rate authorized under paragraph (b).

226 b. For purposes of this subparagraph, the term "capital
227 improvement projects" means projects related to water supply,
228 including alternative water supply and water resource
229 development projects identified in the district's regional water
230 supply plans, water quality, flood protection and floodplain
231 management, and natural systems.

232 (b)~~(a)~~ Notwithstanding any other general or special law,
233 and subject to subsection (4), the maximum total millage rate
234 for all ~~district and basin~~ purposes authorized under this
235 section shall be:

- 236 1. Northwest Florida Water Management District: 0.05 mill.
- 237 2. Suwannee River Water Management District: 0.75 mill.
- 238 3. St. Johns River Water Management District: 0.6 mill.
- 239 4. Southwest Florida Water Management District: 1.0 mill.
- 240 5. South Florida Water Management District: 0.80 mill.

241 (c)~~(b)~~ The apportionment of millages levied under
242 subparagraph (a)1. in the South Florida Water Management
243 District shall be a maximum of 40 percent for district purposes
244 and a maximum of 60 percent for basin purposes, respectively.

245 (d)~~(c)~~ Within the Southwest Florida Water Management
246 District, the maximum millage assessed for district purposes may
247 not exceed 50 percent of the total authorized millage if there
248 are one or more basins in the district, and the maximum millage
249 assessed for basin purposes may not exceed 50 percent of the
250 total authorized millage.

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

254 373.535 Preliminary district budgets.—

255 (1) BUDGET DEVELOPMENT.—

256 (a) By January 15 of each year, each water management
257 district shall submit a preliminary budget for the next fiscal
258 year for legislative review to the President of the Senate, the
259 Speaker of the House of Representatives, and the chairs of each
260 legislative committee and subcommittee having substantive or
261 fiscal jurisdiction over water management districts, as
262 determined by the President of the Senate or the Speaker of the
263 House of Representatives, as applicable, in the form and manner
264 prescribed in s. 373.536(5)(e).

265 (b) Each preliminary budget must also include:

266 1. A section that clearly identifies and provides
267 justification for each proposed expenditure listed in s.
268 373.536(5)(e)4.e. and f. and identifies the source of funds for
269 each proposed expenditure.

270 2. A section identifying the justification for proposed
271 expenditures by core mission area of responsibility and the
272 source of funds needed for activities related to water supply,
273 including alternative water supply and water resource
274 development projects identified in the district's regional water
275 supply plans, water quality, flood protection and floodplain

management, and natural systems.

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

- a. Estimated beginning and ending dates.
- b. Current status, such as planning, construction, or operations.
- c. Funding distribution, broken down by federal, state, local, or other.
- d. Total cost of the project.
- e. Whether the project is funded from reserves.
- f. Total expenditures made to date, by fiscal year.
- g. Current year estimated expenditures.
- h. Annual budget, including future budget requests, until project completion, by funding source.
- i. Project description.
- j. State program code, such as operations and maintenance or ecosystems restoration.

~~4.3.~~ A section reviewing the adopted and proposed budget allocations by program area and the performance metrics for the prior year.

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

the adequacy of fiscal resources available to the district and the adequacy of proposed district expenditures related to the core mission areas of responsibility for water supply, including alternative water supply and water resource development projects identified in the district's regional water supply plans, water quality, flood protection and floodplain management, and natural systems. The analysis must be based on the particular needs within each district for core mission areas of responsibility. The water supply analysis must specifically include a determination of the adequacy of each district's fiscal resources provided in the district's preliminary budget to achieve appropriate progress toward meeting the districtwide 20-year projected water supply demands, including funding for alternative water supply development and conservation projects.

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

(d) In addition to the information that must be included for projects carried out pursuant to the capital improvement plan in subparagraph (b)3., the South Florida Water Management District must include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan. The information for the separate section must be provided on a project-by-project basis and include the source

of funds. For each project, all of the following information must be included:

1. The project title and a brief description.

2. The total estimated cost of the project, broken down by federal and nonfederal sponsor obligations. The local sponsor obligations must be further broken down by state and district obligations.

3. The timeline for the project.

4. The total expenditures to date and estimated remaining expenditures needed for project completion.

5. The estimate of expenditures for the current year.

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

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

(2) LEGISLATIVE REVIEW.—

(a) The Legislature may annually review the preliminary budget for each district, including, but not limited to, those items listed in s. 373.536(5)(e)4.d.-f., specific to regulation,

351 outreach, management, and administration program areas.

352 (b) On or before March 1 of each year, the President of
353 the Senate and the Speaker of the House of Representatives may
354 submit comments regarding the preliminary budget to the
355 districts, and provide a copy of the comments to the Executive
356 Office of the Governor. Each district shall respond to the
357 comments in writing on or before March 15 of each year to the
358 President of the Senate, the Speaker of the House of
359 Representatives, and the Executive Office of the Governor.

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

364 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
365 preliminary budget as submitted pursuant to subsection (1), and
366 as may be amended by the district in response to review by the
367 Legislature pursuant to this section and s. 373.503, as the
368 basis for developing the tentative budget for the next fiscal
369 year as provided in s. 373.536(5).

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

372 373.536 District budget and hearing thereon.—

373 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
374 APPROVAL.—

375 (c) The Legislative Budget Commission may reject any of

the following district budget proposals unless specifically
appropriated by the Legislature:

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

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

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

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

5. Any individual variance ~~variances~~ in a district's
tentative budget which is in excess of 25 percent from a
district's preliminary budget.

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

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

Written disapproval of any provision in the tentative budget
must be received by the district at least 5 business days before
the final district budget adoption hearing conducted under s.
200.065(2) (d). If written disapproval is not received at least 5
business days before the final budget adoption hearing, the
governing board may proceed with final adoption. Any provision
rejected by the Executive Office of the Governor or the

Legislative Budget Commission may not be included in a district's final budget and may not be acted upon through any other means without the prior approval of the entity rejecting the provision.

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

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

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

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

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

- 433 a. Water resource planning and monitoring;
- 434 b. Land acquisition, restoration, and public works;
- 435 c. Operation and maintenance of works and lands;
- 436 d. Regulation;
- 437 e. Outreach for which the information provided must
438 contain a full description and accounting of expenditures for
439 water resources education; public information and public
440 relations, including public service announcements and
441 advertising in any media; and lobbying activities related to
442 local, regional, state and federal governmental affairs, whether
443 incurred by district staff or through contractual services; and
444 f. Management and administration.

445
446 In addition to the program areas reported by all water
447 management districts, the South Florida Water Management
448 District shall include in its budget document separate sections
449 on all costs associated with the Everglades Construction Project
450 and the Comprehensive Everglades Restoration Plan, incorporating

451 the amount of state revenues appropriated for the fiscal year.

452 5. The total estimated amount in the district budget for
453 each area of responsibility listed in subparagraph 4. and for
454 water resource, water supply, and alternative water supply
455 development projects identified in the district's regional water
456 supply plans.

457 6. A description of each new, expanded, reduced, or
458 eliminated program.

459 7. The funding sources, including, but not limited to, ad
460 valorem taxes, Surface Water Improvement and Management Program
461 funds, other state funds, federal funds, and user fees and
462 permit fees for each program area.

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

466 **Section 8. Section 373.6075, Florida Statutes, is amended**
467 **to read:**

468 373.6075 Purchases from contracts of other entities.—

469 (1) A water management district may purchase commodities
470 and contractual services, excluding services subject to s.
471 287.055, from the purchasing contracts of special districts,
472 municipalities, counties, other political subdivisions,
473 educational institutions, other states, nonprofit entities,
474 purchasing cooperatives, or the Federal Government, which have
475 been procured pursuant to competitive bid, request for proposal,

476 request for qualification, competitive selection, or competitive
477 negotiation, and which are otherwise in compliance with general
478 law if the purchasing contract of the other entity is procured
479 by a process that meets the procurement requirements of the
480 water management district.

481 (2) For contractual services for the design, engineering,
482 or construction, or for any combination of the design,
483 engineering, or construction, of capital improvement projects
484 with a total estimated project cost of \$20 million or more, a
485 water management district shall give preference to the lowest
486 responsible and responsive bid, proposal, or reply that includes
487 proof of district-defined acceptable minimum work experience
488 within this state, project-specific payment and performance
489 bonds in amounts appropriate for the project contract amount,
490 and a minimum warranty of 2 years beginning at substantial
491 completion of the project or that provides proof of a comparable
492 financial assurance mechanism, as defined by district rule.

493 (3) For the purpose of the competitive selection process
494 in s. 287.055(4) or the procurement procedures in s. 255.065(3),
495 a water management district shall consider whether a bid,
496 proposal, or reply includes appropriate payment and performance
497 bonds; proof of a comparable financial assurance mechanism, as
498 defined by district rule; or documentation of any and all bond
499 faults or bond claims within the last 10 years, including all
500 open and closed claims and agreed-upon amounts with a

501 description of the claim and any resolution.

502 **Section 9. For the purpose of incorporating the amendment**
503 **made by this act to section 373.503, Florida Statutes, in a**
504 **reference thereto, section 373.0697, Florida Statutes, is**
505 **reenacted to read:**

506 373.0697 Basin taxes.—The respective basins may, pursuant
507 to s. 9(b), Art. VII of the State Constitution, by resolution
508 request the governing board of the district to levy ad valorem
509 taxes within such basin. Upon receipt of such request, a basin
510 tax levy shall be made by the governing board of the district to
511 finance basin functions enumerated in s. 373.0695,
512 notwithstanding the provisions of any other general or special
513 law to the contrary, and subject to the provisions of s.
514 373.503(3).

515 (1) The amount of money to be raised by said tax levy
516 shall be determined by the adoption of an annual budget by the
517 district board of governors, and the average millage for the
518 basin shall be that amount required to raise the amount called
519 for by the annual budget when applied to the total assessment of
520 the basin as determined for county taxing purposes. However, no
521 such tax shall be levied within the basin unless and until the
522 annual budget and required tax levy shall have been approved by
523 formal action of the basin board, and no county in the district
524 shall be taxed under this provision at a rate to exceed 1 mill.

525 (2) The taxes provided for in this section shall be

526 extended by the county property appraiser on the county tax roll
527 in each county within, or partly within, the basin and shall be
528 collected by the tax collector in the same manner and time as
529 county taxes, and the proceeds therefrom paid to the district
530 for basin purposes. Said taxes shall be a lien, until paid, on
531 the property against which assessed and enforceable in like
532 manner as county taxes. The property appraisers, tax collectors,
533 and clerks of the circuit court of the respective counties shall
534 be entitled to compensation for services performed in connection
535 with such taxes at the same rates as apply to county taxes.

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

540 **Section 10. For the purpose of incorporating the amendment**
541 **made by this act to section 373.536, Florida Statutes, in a**
542 **reference thereto, paragraph (d) of subsection (8) of section**
543 **373.026, Florida Statutes, is reenacted to read:**

544 373.026 General powers and duties of the department.—The
545 department, or its successor agency, shall be responsible for
546 the administration of this chapter at the state level. However,
547 it is the policy of the state that, to the greatest extent
548 possible, the department may enter into interagency or
549 interlocal agreements with any other state agency, any water
550 management district, or any local government conducting programs

551 related to or materially affecting the water resources of the
552 state. All such agreements shall be subject to the provisions of
553 s. 373.046. In addition to its other powers and duties, the
554 department shall, to the greatest extent possible:

555 (8)

556 (d) The Executive Office of the Governor, pursuant to its
557 duties under s. 373.536(5) to approve or disapprove, in whole or
558 in part, the budget of each water management district, shall
559 review all proposed expenditures for project components in the
560 district's budget.

561 **Section 11.** This act shall take effect July 1, 2025.