

Amendment No.

CHAMBER ACTION

SenateHouse

.

Representative Conerly offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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:

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14 (b) "Expenditure" has the same meaning as in s.
15 112.3215(1).

16 (7) Upon receipt of a sworn complaint alleging that a
17 lobbyist or principal has failed to register with a district,
18 has made a prohibited expenditure, or has knowingly submitted
19 false information in a report or registration required under
20 this section, the commission shall investigate a lobbyist or
21 principal pursuant to the procedures established under s.
22 112.324. The commission shall provide the Governor with a report
23 of its findings and recommendations in any investigation
24 conducted pursuant to this subsection. The Governor is
25 authorized to enforce the commission's findings and
26 recommendations.

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

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

35 373.079 Members of governing board; oath of office;
36 staff.—

37 (7) The governing board shall meet at least once a month
38 and upon call of the chair. A quorum is necessary for the

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

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

373.470 Everglades restoration.—

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

(c) The district, in cooperation with the department, shall provide a detailed report on progress made in the implementation of the comprehensive plan, including the total

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64 estimated remaining cost of implementation of the comprehensive
65 plan. The report must also include the status of and applicable
66 performance indicators for all project components. The project
67 components must be subdivided into the following categories
68 based on the project's status:

69 1. Planning and design phase.

70 2. Construction phase, for which the performance
71 indicators must include, but are not limited to, whether the
72 project is on time and on budget based on a schedule performance
73 index.

74 3. Operational phase, for which the performance indicators
75 must include, but are not limited to, whether the project is
76 operating in accordance with the draft operating manual included
77 in the project implementation report, and an explanation of any
78 significant modification to the final project operating manual.

79 4. Pending projects phase, which includes project
80 components that have not yet entered the planning or design
81 phase initiated after the effective date of this act or the date
82 of the last report prepared under this subsection, whichever is
83 later.

84
85 The information required in paragraphs (a), (b), and (c) shall
86 be provided as part of the consolidated annual report required
87 by s. 373.036(7). Each annual report is due by March 1.

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88 (8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
89 recognizes the value of the integrated delivery schedule as a
90 forward-looking snapshot of upcoming planning, design, and
91 construction schedules for the comprehensive plan and as a tool
92 that provides information to decisionmakers and facilitates the
93 achievement of the goals and purposes of the comprehensive plan
94 at the earliest possible time to the extent practical given
95 funding, engineering, and other contractual constraints. The
96 Legislature further recognizes that the integrated delivery
97 schedule acts as a planning document and does not represent a
98 budgetary or financial commitment on behalf of any of the
99 members of the South Florida Ecosystem Restoration Task Force.
100 Therefore, when making recommendations for any update to the
101 integrated delivery schedule, state and local members of the
102 task force must identify project funding sources to reflect
103 whether the project will be funded with recurring state funds
104 provided pursuant to s. 375.041(3)(b)1., 4., and 5. or with
105 nonrecurring state funds.

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

108 373.501 Appropriation of funds to water management
109 districts.—

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

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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

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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).

b. For purposes of this subparagraph, the term "capital improvement projects" means projects related to 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.

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

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

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162 ~~(c)-(b)~~ The apportionment of millages levied under
163 subparagraph (a)1. in the South Florida Water Management
164 District shall be a maximum of 40 percent for district purposes
165 and a maximum of 60 percent for basin purposes, respectively.

166 ~~(d)-(e)~~ Within the Southwest Florida Water Management
167 District, the maximum millage assessed for district purposes may
168 not exceed 50 percent of the total authorized millage if there
169 are one or more basins in the district, and the maximum millage
170 assessed for basin purposes may not exceed 50 percent of the
171 total authorized millage.

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

175 373.535 Preliminary district budgets.—

176 (1) BUDGET DEVELOPMENT.—

177 (a) By January 15 of each year, each water management
178 district shall submit a preliminary budget for the next fiscal
179 year for legislative review to the President of the Senate, the
180 Speaker of the House of Representatives, and the chairs of each
181 legislative committee and subcommittee having substantive or
182 fiscal jurisdiction over water management districts, as
183 determined by the President of the Senate or the Speaker of the
184 House of Representatives, as applicable, in the form and manner
185 prescribed in s. 373.536(5)(e).

186 (b) Each preliminary budget must also include:

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187 1. A section that clearly identifies and provides
188 justification for each proposed expenditure listed in s.
189 373.536(5)(e)4.e. and f. and identifies the source of funds for
190 each proposed expenditure.

191 2. A section identifying the justification for proposed
192 expenditures by core mission area of responsibility and the
193 source of funds needed for activities related to water supply,
194 including alternative water supply and water resource
195 development projects identified in the district's regional water
196 supply plans, water quality, flood protection and floodplain
197 management, and natural systems.

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

204 a. Estimated beginning and ending dates.

205 b. Current status, such as planning, construction, or
206 operations.

207 c. Funding distribution, broken down by federal, state,
208 local, or other.

209 d. Total cost of the project.

210 e. Whether the project is funded from reserves.

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

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212 g. Current year estimated expenditures.

213 h. Annual budget, including future budget requests, until
214 project completion, by funding source.

215 i. Project description.

216 j. State program code, such as operations and maintenance
217 or ecosystems restoration.

218 ~~4.3.~~ A section reviewing the adopted and proposed budget
219 allocations by program area and the performance metrics for the
220 prior year.

221 ~~5.4.~~ An analysis of each preliminary budget to determine
222 the adequacy of fiscal resources available to the district and
223 the adequacy of proposed district expenditures related to the
224 core mission areas of responsibility for water supply, including
225 alternative water supply and water resource development projects
226 identified in the district's regional water supply plans, water
227 quality, flood protection and floodplain management, and natural
228 systems. The analysis must be based on the particular needs
229 within each district for core mission areas of responsibility.
230 The water supply analysis must specifically include a
231 determination of the adequacy of each district's fiscal
232 resources provided in the district's preliminary budget to
233 achieve appropriate progress toward meeting the districtwide 20-
234 year projected water supply demands, including funding for
235 alternative water supply development and conservation projects.

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

240 (d) In addition to the information that must be included
241 for projects carried out pursuant to the capital improvement
242 plan in subparagraph (b)3., the South Florida Water Management
243 District must include a separate section in its preliminary
244 budget for all projects within the Comprehensive Everglades
245 Restoration Plan. The information for the separate section must
246 be provided on a project-by-project basis and include the source
247 of funds. For each project, all of the following information
248 must be included:

249 1. The project title and a brief description.

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

254 3. The timeline for the project.

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

257 5. The estimate of expenditures for the current year.

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

259 (e) For expenditures funded by state appropriations, the
260 South Florida Water Management District must indicate which

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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, outreach, management, and administration program areas.

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

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

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

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

373.536 District budget and hearing thereon.—

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

(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.

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

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

314
315 Written disapproval of any provision in the tentative budget
316 must be received by the district at least 5 business days before
317 the final district budget adoption hearing conducted under s.
318 200.065(2)(d). If written disapproval is not received at least 5
319 business days before the final budget adoption hearing, the
320 governing board may proceed with final adoption. Any provision
321 rejected by the Executive Office of the Governor or the
322 Legislative Budget Commission may not be included in a
323 district's final budget and may not be acted upon through any
324 other means without the prior approval of the entity rejecting
325 the provision.

326 (e) The tentative budget must be based on the preliminary
327 budget as submitted to the Legislature, and as may be amended by
328 the district in response to review by the Legislature pursuant
329 to ss. 373.503 and 373.535, as the basis for developing the
330 tentative budget for the next fiscal year as provided in this
331 subsection, and must set forth the proposed expenditures of the
332 district, to which may be added an amount to be held as reserve.
333 The tentative budget must include, but is not limited to, the
334 following information for the preceding fiscal year and the

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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.

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

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

- a. Water resource planning and monitoring;
- b. Land acquisition, restoration, and public works;
- c. Operation and maintenance of works and lands;
- d. Regulation;
- e. Outreach for which the information provided must contain a full description and accounting of expenditures for

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water resources education; public information and public relations, including public service announcements and advertising in any media; and lobbying activities related to local, regional, state and federal governmental affairs, whether incurred by district staff or through contractual services; and

f. Management and administration.

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

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

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

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

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

387 **Section 8.** Section 373.591, Florida Statutes, is repealed.

388 **Section 9. Section 373.6075, Florida Statutes, is amended**
389 **to read:**

390 373.6075 Purchases from contracts of other entities.—

391 (1) A water management district may purchase commodities
392 and contractual services, excluding services subject to s.
393 287.055, from the purchasing contracts of special districts,
394 municipalities, counties, other political subdivisions,
395 educational institutions, other states, nonprofit entities,
396 purchasing cooperatives, or the Federal Government, which have
397 been procured pursuant to competitive bid, request for proposal,
398 request for qualification, competitive selection, or competitive
399 negotiation, and which are otherwise in compliance with general
400 law if the purchasing contract of the other entity is procured
401 by a process that meets the procurement requirements of the
402 water management district.

403 (2) For contractual services for the design, engineering,
404 or construction, or for any combination of the design,
405 engineering, or construction, of capital improvement projects
406 with a total estimated project cost of \$20 million or more, a
407 water management district shall give preference to the lowest
408 responsible and responsive bid, proposal, or reply that includes

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proof of district-defined acceptable minimum work experience within this state, project-specific payment and performance bonds in amounts appropriate for the project contract amount, and a minimum warranty of 2 years beginning at substantial completion of the project or that provides proof of a comparable financial assurance mechanism, as defined by district rule.

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

Section 10. For the purpose of incorporating the amendment made by this act to section 373.503, Florida Statutes, in a reference thereto, section 373.0697, Florida Statutes, is reenacted to read:

373.0697 Basin taxes.—The respective basins may, pursuant to s. 9(b), Art. VII of the State Constitution, by resolution request the governing board of the district to levy ad valorem taxes within such basin. Upon receipt of such request, a basin tax levy shall be made by the governing board of the district to finance basin functions enumerated in s. 373.0695,

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notwithstanding the provisions of any other general or special law to the contrary, and subject to the provisions of s. 373.503(3).

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

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

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

Section 11. For the purpose of incorporating the amendment made by this act to section 373.536, Florida Statutes, in a reference thereto, paragraph (d) of subsection (8) of section 373.026, Florida Statutes, is reenacted to read:

373.026 General powers and duties of the department.—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)

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

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Section 12. This act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to water management districts;
amending s. 112.3261, F.S.; defining the term
"expenditure"; requiring the Commission on Ethics to
investigate a lobbyist or principal who has made a
prohibited expenditure and to provide the Governor
with a report of its findings and recommendations
regarding such investigation; prohibiting certain
persons from making or accepting expenditures;
amending s. 373.079, F.S.; requiring a quorum for the
conduct of official business by the governing board of
a water management district; providing requirements
for a quorum; requiring an affirmative vote of a
majority of the members of the governing board before
any action may be taken by the board; amending s.
373.470, F.S.; requiring the South Florida Water
Management District, in cooperation with the
Department of Environmental Protection, to provide a
detailed report that includes the total estimated
remaining cost of implementation of the Everglades

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restoration comprehensive plan and the status of all performance indicators; requiring the subdivision of the project components into specified categories based on the project's status; providing legislative findings; requiring recommendations for updates to the integrated delivery schedule to identify certain funding sources; amending s. 373.501, F.S.; prohibiting a water management district from using state funds for a specified purpose; amending s. 373.503, F.S.; authorizing the districts to levy ad valorem taxes on property by resolution adopted by a majority vote of the governing board; requiring that a certain levy take effect only upon approval by a majority vote of the electors; requiring the referendum question to include specified information; requiring the resolution to take effect on a specified date; providing requirements for the resolution; providing requirements for certain millage; defining the term "capital improvement projects"; providing the maximum total millage rate for all purposes, rather than for district and basin purposes; reenacting and amending s. 373.535, F.S.; requiring that the preliminary budget for each water management district include a section that contains the district's capital improvement plan for the current fiscal year and the

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533 next fiscal year; requiring that the section contain
534 specified information; requiring the South Florida
535 Water Management District to include a section in its
536 preliminary budget for all projects within the
537 Comprehensive Everglades Restoration Plan; requiring
538 that the section contain specified information;
539 providing that the South Florida Water Management
540 District may only incorporate state revenues up to a
541 specified amount when estimating expenditures for the
542 next fiscal year; providing an exception; amending s.
543 373.536, F.S.; authorizing the Legislative Budget
544 Commission to reject certain district budget
545 proposals; providing an exception; requiring the South
546 Florida Water Management District to include in its
547 budget document certain sections that incorporate the
548 actual amount of state revenues appropriated for the
549 fiscal year; requiring a water management district's
550 tentative budget for its proposed operations and
551 funding requirements to include the district's capital
552 improvement plan for the current fiscal year and the
553 next fiscal year; repealing s. 373.591, F.S., relating
554 to management review teams; amending s. 373.6075,
555 F.S.; requiring a water management district to give
556 preference to certain bids, proposals, or replies for
557 the design, engineering, or construction, or any

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558 combination thereof, of capital improvement projects
559 in excess of a specified amount; providing
560 requirements for the competitive selection process and
561 procurement procedures; reenacting s. 373.0697, F.S.,
562 relating to basin taxes, to incorporate the amendment
563 made to s. 373.503, F.S., in a reference thereto;
564 reenacting s. 373.026(8)(d), F.S., relating to general
565 powers and duties of the Department of Environmental
566 Protection, to incorporate the amendment made to s.
567 373.536, F.S., in a reference thereto; providing an
568 effective date.

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