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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 reenacting and amending s. 373.026, F.S.; conforming a
11 cross-reference; amending s. 373.0693, F.S.; deleting
12 a provision requiring legislative approval before the
13 establishment of a subdistrict or basin takes effect;
14 amending s. 373.079, F.S.; requiring a quorum for the
15 conduct of official business by the governing board of
16 a water management district; providing requirements
17 for a quorum; requiring an affirmative vote of a
18 majority of the members of the governing board before
19 any action may be taken by the board; amending s.
20 373.1501, F.S.; providing a legislative declaration;
21 authorizing the governing board of the South Florida
22 Water Management District to acquire land to implement
23 a reservoir project in a certain area; providing
24 construction; providing that land necessary for
25 implementing such project be acquired in a specified
26 manner; prohibiting the district or the state from
27 requesting that the United States Army Corps of
28 Engineers acquire lands for such reservoir project by
29 certain methods; prohibiting the inclusion of a

20257002e1

30 provision for such request in a certain agreement;
31 making technical changes; conforming provisions to
32 changes made by the act; amending s. 373.470, F.S.;
33 requiring the South Florida Water Management District,
34 in cooperation with the Department of Environmental
35 Protection, to provide a detailed report that includes
36 the total estimated remaining cost of implementation
37 of the Everglades restoration comprehensive plan and
38 the status of all performance indicators; requiring
39 that project components be subdivided into specified
40 categories based on the project's status; providing
41 requirements for performance indicators for certain
42 projects or project components; providing legislative
43 recognition of the value of the integrated delivery
44 schedule; requiring the South Florida Ecosystem Task
45 Force to identify certain sources of funding when
46 making recommendations for updates to the integrated
47 delivery schedule; amending s. 373.501, F.S.;
48 prohibiting a water management district from using
49 state funds for a specified purpose; amending s.
50 373.503, F.S.; authorizing the districts to levy
51 certain ad valorem taxes on specified property for
52 certain purposes; requiring a governing board levying
53 ad valorem taxes for certain projects to adopt a
54 resolution approved by a majority vote of the voting
55 electors in the district or basin; providing
56 requirements for such resolution; providing
57 specifications for millage levied; requiring that the
58 referendum question on the ballot specify the purpose

20257002e1

59 of the levy and the maximum length of time the millage
60 may be imposed; defining the term "capital improvement
61 projects"; revising requirements for the maximum total
62 millage rate; reenacting and amending s. 373.535,
63 F.S.; requiring that the preliminary budget for each
64 water management district include a section that
65 contains the district's capital improvement plan for
66 the current fiscal year and the next fiscal year;
67 requiring that such section contain specified
68 information; requiring the South Florida Water
69 Management District to include a section in its
70 preliminary budget for all projects within the
71 Comprehensive Everglades Restoration Plan; requiring
72 that the section contain specified information;
73 requiring the South Florida Water Management District
74 to indicate the fiscal year from which certain
75 appropriations are expended; requiring the district to
76 incorporate state revenues only in a certain manner
77 when estimating expenditures for the next fiscal year;
78 providing an exception; providing construction;
79 amending s. 373.536, F.S.; authorizing the Legislative
80 Budget Commission to reject certain district budget
81 proposals; providing an exception; providing
82 construction; requiring the South Florida Water
83 Management District to include in its budget document
84 certain sections that incorporate the actual amount of
85 state revenues appropriated for the fiscal year;
86 requiring a water management district's tentative
87 budget for its proposed operations and funding

20257002e1

requirements to include the district's capital improvement plan for the current year and the next fiscal year; amending s. 373.6075, F.S.; requiring a water management district to give preference to certain bids, proposals, or replies for the design, engineering, or construction of capital improvement projects in excess of a specified amount; requiring a water management district to consider certain factors for the purpose of the competitive bid selection process; amending s. 380.093, F.S.; requiring that certain projects submitted by water management districts to the department for the Statewide Flooding and Sea Level Rise Resilience Plan be ranked on a separate list; revising the information that must be submitted by the department for each project; requiring that each project included in such plan have a certain percentage cost share unless the project was submitted by specified water management districts; specifying the composition of the total amount of funding for such plan; restricting funding available to water management districts; providing exceptions; authorizing the department to issue certain loans by specified means to finance projects submitted by specified water management districts; authorizing the district to borrow certain funds and to repay such funds; providing requirements for the repayment of such loan; providing a penalty; prohibiting additional state loans or grants from being issued to a water management district that defaults under the terms of

20257002e1

its loan until the default is remedied; requiring the department to adopt rules necessary to administer the loan program; amending s. 380.0935, F.S.; making a technical change; requiring the department to create and maintain a separate account in the Resilient Florida Trust Fund for certain funds received to administer the revolving loan program for certain projects submitted by water management districts within the Statewide Flooding and Sea Level Rise Resilience Plan; requiring that all repayments be returned to the revolving loan program and made available for the eligible projects in the plan; providing that funds appropriated for the loan program are not subject to reversion; amending s. 380.095, F.S.; requiring that a specified amount of funds deposited into the Indian Gaming Revenue Clearing Trust Fund be distributed to the Resilient Florida Trust Fund for the revolving loan program for specified uses; authorizing the department to submit budget amendments for a certain purpose, subject to the approval of the Legislative Budget Commission; reenacting s. 373.0697, F.S., relating to basin taxes, to incorporate the amendment made to s. 373.503, 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

20257002e1

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.

(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 that qualifies as a local officer as defined in s. 112.3145(1) may not knowingly accept, directly or indirectly, any expenditure.

Section 2. Paragraph (b) of subsection (8) of section 373.026, Florida Statutes, is amended, and paragraph (d) of that subsection is reenacted, to read:

373.026 General powers and duties of the department.—The

20257002e1

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)

(b) To ensure to the greatest extent possible that project components will go forward as planned, the department shall collaborate with the South Florida Water Management District in implementing the comprehensive plan as defined in s. 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as defined in s. 373.4595(2), and the River Watershed Protection Plans as defined in s. 373.4595(2). Before any project component is submitted to Congress for authorization or receives an appropriation of state funds, the department must approve, or approve with amendments, each project component within 60 days following formal submittal of the project component to the department. Prior to the release of state funds for the implementation of the comprehensive plan, department approval shall be based upon a determination of the South Florida Water Management District's compliance with s. 373.1501(6) ~~s. 373.1501(5)~~. Once a project component is approved, the South Florida Water Management District shall provide to the President of the Senate and the Speaker of the House of Representatives a

20257002e1

204 schedule for implementing the project component, the estimated
205 total cost of the project component, any existing federal or
206 nonfederal credits, the estimated remaining federal and
207 nonfederal share of costs, and an estimate of the amount of
208 state funds that will be needed to implement the project
209 component. All requests for an appropriation of state funds
210 needed to implement the project component shall be submitted to
211 the department, and such requests shall be included in the
212 department's annual request to the Governor. Prior to the
213 release of state funds for the implementation of the Lake
214 Okeechobee Watershed Protection Plan or the River Watershed
215 Protection Plans, on an annual basis, the South Florida Water
216 Management District shall prepare an annual work plan as part of
217 the consolidated annual report required in s. 373.036(7). Upon a
218 determination by the secretary of the annual work plan's
219 consistency with the goals and objectives of s. 373.4595, the
220 secretary may approve the release of state funds. Any
221 modifications to the annual work plan shall be submitted to the
222 secretary for review and approval.

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

228 Section 3. Subsection (1) of section 373.0693, Florida
229 Statutes, is amended to read:

230 373.0693 Basins; basin boards.—

231 (1)~~(a)~~ Any areas within a district may be designated by the
232 district governing board as subdistricts or basins. The

20257002e1

designations of such basins shall be made by the district governing board by resolutions thereof. The governing board of the district may change the boundaries of such basins, or create new basins, by resolution.

~~(b) No subdistrict or basin in the St. Johns River Water Management District other than established by this act shall become effective until approved by the Legislature.~~

Section 4. 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 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 5. Present subsections (4) through (10) of section 373.1501, Florida Statutes, are redesignated as subsections (5) through (11), respectively, a new subsection (4) is added to that section, and present subsection (9) of that section is amended, to read:

20257002e1

373.1501 South Florida Water Management District as local sponsor.—

(4) The Legislature declares that acquiring land for water storage north of Lake Okeechobee is in the public interest, for a public purpose, and necessary for the public health and welfare. The governing board of the district is authorized to acquire land, if necessary, to implement a reservoir project north of Lake Okeechobee with the goal of providing at least 200,000 acre-feet of water storage. Any acquisition of real property for the purpose of a reservoir project constitutes a public purpose for which it is in the public interest to expend public funds. Any land necessary for implementing the projects in this subsection may only be acquired in accordance with s. 373.139(2), and chapters 73 and 74. The district and the state are not authorized to request the United States Army Corps of Engineers to acquire the lands for such reservoir project, and may not include any provision for such request in the project partnership agreement for such reservoir project.

(10)~~(9)~~ Final agency action with regard to any project component subject to s. 373.026(8)(b) must ~~shall~~ be taken by the department. Actions taken by the district pursuant to subsection (6) ~~are (5)~~ ~~shall~~ not be considered final agency action. Any petition for formal proceedings filed pursuant to ss. 120.569 and 120.57 requires ~~shall require~~ a hearing under the summary hearing provisions of s. 120.574, which is ~~shall be~~ mandatory. The final hearing under this section must ~~shall~~ be held within 30 days after receipt of the petition by the Division of Administrative Hearings.

Section 6. Paragraph (c) of subsection (7) of section

20257002e1

373.470, Florida Statutes, is amended, paragraph (d) is added to that subsection, 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 estimated remaining cost of implementation of the comprehensive plan. The report must also include the status of and applicable performance indicators for all project components. The project components must be subdivided into the following categories based on the project's status:

1. Planning and design phase.

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

a. If the project is on time and on budget based on a schedule performance index; and

b. If the project had any claims, change orders, or credits upon closeout, including the description, date, and cost of the change, compensatory amounts, and the remedy or resolution exercised as it pertains to the schedule or budget of the project.

3. Operational phase, for which the performance indicators

20257002e1

320 must include, but are not limited to, whether the operation of
321 the project is achieving the goals and objectives identified in
322 the final project implementation report.

323 4. Pending projects phase, which includes project
324 components that have not yet entered the planning or design
325 phase.

326 5. The estimated expenditures for the project in the prior
327 fiscal year compared to the actual expenditures, with an
328 explanation for significant variances ~~initiated after the~~
329 ~~effective date of this act or the date of the last report~~
330 ~~prepared under this subsection, whichever is later.~~

331 (d) For a project or project component developed pursuant
332 to s. 255.065, the performance indicators in the report must be
333 consistent with national industry standards for the delivery
334 method.

335
336 The information required in paragraphs (a), (b), ~~and~~ (c), and
337 (d) shall be provided as part of the consolidated annual report
338 required by s. 373.036(7). Each annual report is due by March 1.

339 (8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
340 recognizes the value of the integrated delivery schedule as a
341 forward-looking snapshot of upcoming planning, design, and
342 construction schedules for the comprehensive plan and as a tool
343 that provides information to decision-makers and facilitates
344 achievement of the goals and purposes of the comprehensive plan
345 at the earliest possible time to the extent practical given
346 funding, engineering, and other contractual constraints. The
347 Legislature further recognizes that the schedule acts as a
348 planning document and does not represent a budget or financial

20257002e1

349 commitment on behalf of any of the participants of the South
350 Florida Ecosystem Restoration Task Force. Therefore, when making
351 recommendations for any update to the schedule, state and local
352 members of the task force must identify project funding sources
353 to reflect whether funding will use recurring state funds
354 provided pursuant to s. 375.041(3)(b)1., 4., and 5., or whether
355 the project may be funded with nonrecurring state funds.

356 Section 7. Subsection (3) is added to section 373.501,
357 Florida Statutes, to read:

358 373.501 Appropriation of funds to water management
359 districts.—

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

363 Section 8. Subsection (3) of section 373.503, Florida
364 Statutes, is amended to read:

365 373.503 Manner of taxation.—

366 (3)(a)1. The districts may, by resolution adopted by a
367 majority vote of the governing board, levy ad valorem taxes on
368 property within the district solely for the purposes of this
369 chapter and of chapter 25270, 1949, Laws of Florida, as amended,
370 and chapter 61-691, Laws of Florida, as amended. If appropriate,
371 taxes levied by each governing board may be separated by the
372 governing board into a millage necessary for the purposes of the
373 district and a millage necessary for financing basin functions
374 specified in s. 373.0695.

375 2.a. The districts may levy separate ad valorem taxes on
376 property within the district or basin for the purposes of the
377 construction of capital improvement projects. Such levy must be

20257002e1

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 resolution must be conditioned to 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, such projects' expected dates of completion, and the maximum duration for the levy of the millage, which may not extend beyond the date that the projects are expected to be completed. The millage levied under this subparagraph may be up to an amount that, when combined with millage levied under subparagraph 1., does not exceed the maximum total millage rate authorized under paragraph (b). The referendum question on the ballot must specify a brief and general description of the purpose of the levy and the maximum length of time the millage may be imposed.

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.

20257002e1

- 407 2. Suwannee River Water Management District: 0.75 mill.
408 3. St. Johns River Water Management District: 0.6 mill.
409 4. Southwest Florida Water Management District: 1.0 mill.
410 5. South Florida Water Management District: 0.80 mill.

411 (c)~~(b)~~ The apportionment of millages levied pursuant to
412 subparagraph (a)1. in the South Florida Water Management
413 District shall be a maximum of 40 percent for district purposes
414 and a maximum of 60 percent for basin purposes, respectively.

415 (d)~~(e)~~ Within the Southwest Florida Water Management
416 District, the maximum millage assessed for district purposes may
417 not exceed 50 percent of the total authorized millage if there
418 are one or more basins in the district, and the maximum millage
419 assessed for basin purposes may not exceed 50 percent of the
420 total authorized millage.

421 Section 9. Subsections (1) and (3) of section 373.535,
422 Florida Statutes, are amended, and subsection (2) of that
423 section is reenacted, to read:

424 373.535 Preliminary district budgets.—

425 (1) BUDGET DEVELOPMENT.—

426 (a) By January 15 of each year, each water management
427 district shall submit a preliminary budget for the next fiscal
428 year for legislative review to the President of the Senate, the
429 Speaker of the House of Representatives, and the chairs of each
430 legislative committee and subcommittee having substantive or
431 fiscal jurisdiction over water management districts, as
432 determined by the President of the Senate or the Speaker of the
433 House of Representatives, as applicable, in the form and manner
434 prescribed in s. 373.536(5)(e).

435 (b) Each preliminary budget must also include:

20257002e1

436 1. A section that clearly identifies and provides
437 justification for each proposed expenditure listed in s.
438 373.536(5) (e)4.e. and f. and identifies the source of funds for
439 each proposed expenditure.

440 2. A section identifying the justification for proposed
441 expenditures by core mission area of responsibility and the
442 source of funds needed for activities related to water supply,
443 including alternative water supply and water resource
444 development projects identified in the district's regional water
445 supply plans, water quality, flood protection and floodplain
446 management, and natural systems.

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

453 a. Estimated beginning and ending date.

454 b. Current status, such as planning, construction, or
455 operations.

456 c. Funding source, grouped by federal, state, and local
457 pursuant to s. 373.503(3) (a)1., local pursuant to s.
458 373.503(3) (a)2., or other.

459 d. Total cost of the project.

460 e. Whether the project is funded from reserves.

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

462 g. Current year estimated expenditures.

463 h. Annual budget, including future budget requests, until
464 project completion, by funding source.

20257002e1

465 i. Project description.

466 j. State program code, such as operations and maintenance
467 or ecosystems restoration.

468 ~~4.3.~~ A section reviewing the adopted and proposed budget
469 allocations by program area and the performance metrics for the
470 prior year.

471 ~~5.4.~~ An analysis of each preliminary budget to determine
472 the adequacy of fiscal resources available to the district and
473 the adequacy of proposed district expenditures related to the
474 core mission areas of responsibility for water supply, including
475 alternative water supply and water resource development projects
476 identified in the district's regional water supply plans, water
477 quality, flood protection and floodplain management, and natural
478 systems. The analysis must be based on the particular needs
479 within each district for core mission areas of responsibility.
480 The water supply analysis must specifically include a
481 determination of the adequacy of each district's fiscal
482 resources provided in the district's preliminary budget to
483 achieve appropriate progress toward meeting the districtwide 20-
484 year projected water supply demands, including funding for
485 alternative water supply development and conservation projects.

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

490 (d) In addition to the information that must be included
491 for projects carried out pursuant to the capital improvement
492 plan in subparagraph (b)3., the South Florida Water Management
493 District must include a separate section in its preliminary

20257002e1

494 budget for all projects within the Comprehensive Everglades
495 Restoration Plan. The information for the separate section must
496 be provided on a project-by-project basis and include the source
497 of funds. For each project, all of the following information
498 must be included:

499 1. The project title and a brief description.

500 2. The total estimated cost of the project, delineated by
501 federal and nonfederal sponsor obligations. The local sponsor
502 obligations must be further delineated by state and district
503 obligations.

504 3. The timeline for the project.

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

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

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

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

518 (2) LEGISLATIVE REVIEW.—

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

20257002e1

(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.

(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). However, this subsection may not be construed to impair any contractual obligations.

Section 10. 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.

20257002e1

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

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

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

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

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

563 7. Any individual project in the district's 5-year capital
564 improvement plan except for those projects fully funded with
565 revenues approved by voters pursuant to s. 373.503(3)(a)2.a.
566

567 Written disapproval of any provision in the tentative budget
568 must be received by the district at least 5 business days before
569 the final district budget adoption hearing conducted under s.
570 200.065(2)(d). If written disapproval is not received at least 5
571 business days before the final budget adoption hearing, the
572 governing board may proceed with final adoption. Any provision
573 rejected by the Executive Office of the Governor or the
574 Legislative Budget Commission may not be included in a
575 district's final budget and may not be acted upon through any
576 other means without the prior approval of the entity rejecting
577 the provision.

578 (e) The tentative budget must be based on the preliminary
579 budget as submitted to the Legislature, and as may be amended by
580 the district in response to review by the Legislature pursuant

20257002e1

581 to ss. 373.503 and 373.535, as the basis for developing the
582 tentative budget for the next fiscal year as provided in this
583 subsection, however, this subsection may not be construed to
584 impair any contractual obligations. The tentative budget ~~and~~
585 must set forth the proposed expenditures of the district, to
586 which may be added an amount to be held as reserve. The
587 tentative budget must include, but is not limited to, the
588 following information for the preceding fiscal year and the
589 current fiscal year, and the proposed amounts for the upcoming
590 fiscal year, in a standard format prescribed by the Executive
591 Office of the Governor, in consultation with the Legislature:

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

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

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

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

608 a. Water resource planning and monitoring;

609 b. Land acquisition, restoration, and public works;

20257002e1

610 c. Operation and maintenance of works and lands;

611 d. Regulation;

612 e. Outreach for which the information provided must contain
613 a full description and accounting of expenditures for water
614 resources education; public information and public relations,
615 including public service announcements and advertising in any
616 media; and lobbying activities related to local, regional, state
617 and federal governmental affairs, whether incurred by district
618 staff or through contractual services; and

619 f. Management and administration.

620
621 In addition to the program areas reported by all water
622 management districts, the South Florida Water Management
623 District shall include in its budget document separate sections
624 on all costs associated with the Everglades Construction Project
625 and the Comprehensive Everglades Restoration Plan, incorporating
626 the amount of state revenues appropriated for the fiscal year.

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

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

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

638 8. The water management district's capital improvement plan

20257002e1

639 for the current fiscal year and the next fiscal year, in the
640 same format as required in the preliminary budget.

641 Section 11. Section 373.6075, Florida Statutes, is amended
642 to read:

643 373.6075 Purchases from contracts of other entities.—

644 (1) A water management district may purchase commodities
645 and contractual services, excluding services subject to s.
646 287.055, from the purchasing contracts of special districts,
647 municipalities, counties, other political subdivisions,
648 educational institutions, other states, nonprofit entities,
649 purchasing cooperatives, or the Federal Government, which have
650 been procured pursuant to competitive bid, request for proposal,
651 request for qualification, competitive selection, or competitive
652 negotiation, and which are otherwise in compliance with general
653 law if the purchasing contract of the other entity is procured
654 by a process that meets the procurement requirements of the
655 water management district.

656 (2) For contractual services for the design, engineering,
657 or construction, or for any combination of the design,
658 engineering, or construction of capital improvement projects
659 with a total project cost estimated at \$20 million or more, a
660 water management district shall give preference to the lowest
661 responsible and responsive bid, proposal, or reply that includes
662 proof of district-defined acceptable minimum work experience
663 within this state, project-specific payment and performance
664 bonds in amounts appropriate for the project contract amount,
665 and minimum warranty of 2 years beginning at substantial
666 completion, or that includes proof of a comparable financial
667 assurance mechanism, as defined by district rule.

20257002e1

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

677 Section 12. Present paragraph (i) of subsection (5) of
678 section 380.093, Florida Statutes, is redesignated as paragraph
679 (j) and amended, a new paragraph (i) is added to that
680 subsection, and paragraphs (a), (c), (d), (e), and (h) of that
681 subsection are amended, to read:

682 380.093 Resilient Florida Grant Program; comprehensive
683 statewide flood vulnerability and sea level rise data set and
684 assessment; Statewide Flooding and Sea Level Rise Resilience
685 Plan; regional resilience entities.—

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

687 (a) By December 1 of each year, the department shall
688 develop a Statewide Flooding and Sea Level Rise Resilience Plan
689 on a 3-year planning horizon and submit it to the Governor, the
690 President of the Senate, and the Speaker of the House of
691 Representatives. The plan must consist of ranked projects that
692 address risks of flooding and sea level rise to coastal and
693 inland communities in the state. All eligible projects submitted
694 to the department pursuant to this section must be ranked and
695 included in the plan. All eligible projects submitted by a water
696 management district must be ranked on a separate list. Each plan

20257002e1

must include a detailed narrative overview describing how the plan was developed, including a description of the methodology used by the department to determine project eligibility, a description of the methodology used to rank projects, the specific scoring system used, the project proposal application form, a copy of each submitted project proposal application form separated by eligible projects and ineligible projects, the total number of project proposals received and deemed eligible, the total funding requested, and the total funding requested for eligible projects.

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

1. A description of the project.
2. The location of the project.
3. An estimate of how long the project will take to complete.
4. An estimate of the cost of the project.
5. The cost-share percentage available for the project, if applicable.
6. A summary of the priority score assigned to the project.
7. The project sponsor.

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

- a. Counties.

20257002e1

b. Municipalities.

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

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

For the plans submitted by December 1, 2024, such entities may submit projects identified in existing vulnerability assessments that do not comply with subsection (3) only if the entity is actively developing a vulnerability assessment that is either under a signed grant agreement with the department pursuant to subsection (3) or funded by another state or federal agency, or is self-funded and intended to meet the requirements of paragraph (3)(d) or if the existing vulnerability assessment was completed using previously compliant statutory requirements. Projects identified from this category of vulnerability assessments will be eligible for submittal until the prior vulnerability assessment has been updated to meet most recent statutory requirements.

2. By September 1 of each year, all of the following entities may submit to the department a list of any proposed projects that address risks of flooding or sea level rise identified in the comprehensive statewide flood vulnerability and sea level rise assessment or vulnerability assessments that meet the requirements of subsection (3), or that mitigate the risks of flooding or sea level rise on water supplies or water

20257002e1

resources of the state and a corresponding evaluation of each project:

- a. Water management districts.
- b. Drainage districts.
- c. Erosion control districts.
- d. Flood control districts.
- e. Regional water supply authorities.

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

- a. A description of the project.
- b. The location of the project.
- c. An estimate of how long the project will take to complete.
- d. An estimate of the cost of the project.
- e. The cost-share percentage available for the project, if applicable.
- f. The project sponsor.

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

1. A municipality that has a population of 10,000 or less ~~fewer~~, according to the most recent April 1 population estimates posted on the Office of Economic and Demographic Research's website, and a per capita annual income that is less than the state's per capita annual income as shown in the most recent release from the Bureau of the Census of the United States

20257002e1

Department of Commerce that includes both measurements;

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

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

(h) The total amount of funding proposed for each year of the plan must ~~may not~~ be at least ~~less than~~ \$100 million and, for projects submitted by a water management district, may include funds that have been repaid by a water management district. Upon review and subject to appropriation, the Legislature shall approve funding for the projects as specified in the plan. The only funding available to water management districts under this subsection is through the loan program pursuant to paragraph (i), except for the Northwest Florida Water Management District and the Suwanee River Water Management District, which may receive grants. Multiyear projects that receive funding for the first year of the project must be included in subsequent plans and funded until the project is complete, provided that the project sponsor has complied with all contractual obligations and funds are available.

(i) To finance projects submitted by the St. Johns River

20257002e1

Water Management District, the Southwest Florida Water Management District, or the South Florida Water Management District, the department may issue 20-year, interest-free loans through a promissory note or other form of written agreement evidencing an obligation to repay the borrowed funds to the department. The district may borrow funds made available pursuant to this section. Any revenues or other adequate security available to the district, other than state revenues, may be used to repay any funds borrowed. The loans must be repaid in equal installments over a period not to exceed 20 years, commencing within 12 months after the execution of the loan agreement.

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

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

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

Section 13. Present subsection (3) of section 380.0935, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

20257002e1

380.0935 Resilient Florida Trust Fund.—

(2) Moneys deposited in the fund are available as a funding source for the department for the Resilient Florida Grant Program and the Statewide Flooding and Sea Level ~~Sea-Level~~ Rise Resilience Plan, including costs to operate the grant program, to develop the plan, and to provide grants to regional resilience coalitions pursuant to s. 380.093. The department may also use moneys deposited in the fund for administrative and operational costs of the Florida Flood Hub for Applied Research and Innovation pursuant to s. 380.0933 and coastal resilience initiatives.

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

Section 14. Paragraph (c) of subsection (2) of section 380.095, Florida Statutes, is amended to read:

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

(2) DISTRIBUTION.—Notwithstanding s. 285.710, the Department of Revenue shall, upon receipt, deposit 96 percent of any revenue share payment received under the compact as defined in s. 285.710 into the Indian Gaming Revenue Clearing Trust Fund

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within the Department of Financial Services. The funds deposited into the trust fund shall be distributed as follows:

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

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

Section 15. The Department of Environmental Protection may submit budget amendments to request the realignment of funds appropriated for Everglades restoration in the 2025-2026 General Appropriations Act pursuant to s. 216.292(4), Florida Statutes, subject to the approval of the Legislative Budget Commission.

Section 16. 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, notwithstanding the provisions of any other general or special law to the contrary, and subject to the provisions of s. 373.503(3).

20257002e1

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

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

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

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