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1 A bill to be entitled
 2 An act relating to a review of the water management
 3 districts under the Florida Government Accountability Act;
 4 reenacting s. 373.069, F.S.; relating to the establishment
 5 of the water management districts; amending s.373.0693,
 6 F.S.; relating to basin boards; establishing a limit on
 7 the time a basin board member may serve beyond an expired
 8 term; reducing the number of basin board members on the
 9 Manasota Basin; eliminating the Oklawaha River Basin
 10 Advisory Council; creating s. 373.072, F.S.; relating to
 11 the establishment of the Florida Water Management District
 12 Governing Board Nominating Council; providing for the
 13 membership and appointment of council members; providing
 14 provisions for the qualification and nomination of
 15 individuals to be considered for gubernatorial appointment
 16 as members of the water management district governing
 17 boards; amending s. 373.073, F.S.; relating to water
 18 management district governing boards; revising the
 19 membership of water management district governing boards,
 20 requiring gubernatorial appointments as members of the
 21 water management district governing boards to be from a
 22 list of qualified candidates nominated by the Florida
 23 Water Management District Governing Board Nominating
 24 Council; amending s. 373.079 F.S.; relating the powers of
 25 the water management district governing boards; requiring
 26 water management district governing boards to delegate the
 27 authority to approve certain permits to the water
 28 management district's executive director; amending s.

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29 | 373.083, F.S.; relating to general powers of water
 30 | management district governing board; requiring water
 31 | management district governing boards to delegate the
 32 | authority to approve certain permits to the water
 33 | management district's executive director; repealing s.
 34 | 373.118, F.S.; relating to the delegation of authority to
 35 | issue general permits; repealing s.373.465, F.S.;
 36 | eliminating the Lake Panasoffkee Restoration Council;
 37 | repealing s.373.466, F.S.; eliminating the Lake
 38 | Panasoffkee restoration program; amending s. 373.584,
 39 | F.S.; relating to authorization for water management
 40 | districts to issue revenue bonds; establishing a
 41 | limitation on the amount of bonds a water management
 42 | district may have outstanding, authorizing the Joint
 43 | Legislative Budget Commission to approve bonding that
 44 | exceeds established limitation; amending s. 373.59, F.S.;
 45 | relating to Water Management Lands Trust Funds;
 46 | authorizing the use of specified funds; expanding water
 47 | management district lands eligible to receive payment in
 48 | lieu of taxes; revising the method utilized to determine
 49 | population of counties eligible to receive payment in lieu
 50 | of taxes; removing the maximum number of payment in lieu
 51 | of taxes a county may receive; providing an effective
 52 | date.

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

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56 Section 1. Section 373.069, Florida Statutes, is
57 reenacted.

58 Section 2. Subsections (3) and (7), and paragraph (a) of
59 subsection (8) of section 373.0693, Florida Statutes, are
60 amended to read:

61 373.0693 Basin; basin boards --

62 (3) Each member of the various basin boards shall serve
63 for a period of 3 years or until a successor is appointed, but
64 not more than 180 days beyond the end of the expired term,
65 except that the board membership of each new basin shall be
66 divided into three groups as equally as possible, with members
67 in such groups to be appointed for 1, 2, and 3 years,
68 respectively. Each basin board shall choose a vice chair and a
69 secretary to serve for a period of 1 year. The term of office of
70 a basin board member shall be construed to commence on March 2
71 preceding the date of appointment and to terminate March 1 of
72 the year of the end of a term or may continue until a successor
73 is appointed, but not more than 180 days beyond the end of the
74 expired term.

75 (7) At 11:59 p.m. on December 31, 1976, the Manasota
76 Watershed Basin of the Ridge and Lower Gulf Coast Water
77 Management District, which is annexed to the Southwest Florida
78 Water Management District by change of its boundaries pursuant
79 to chapter 76-243, Laws of Florida, shall be formed into a
80 subdistrict or basin of the Southwest Florida Water Management
81 District, subject to the same provisions as the other basins in
82 such district. Such subdistrict shall be designated initially as
83 the Manasota Basin. The members of the governing board of the

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84 | Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water
 85 | Management District shall become members of the governing board
 86 | of the Manasota Basin of the Southwest Florida Water Management
 87 | District. Notwithstanding other provisions in this section,
 88 | beginning on July 1, 2001, the membership of the Manasota Basin
 89 | Board shall be comprised of two ~~three~~ members from Manatee
 90 | County and two ~~three~~ members from Sarasota County. Matters
 91 | relating to tie votes shall be resolved pursuant to subsection
 92 | (6) by the ex officio chair designated by the governing board to
 93 | vote in case of a tie vote.

94 | (8) (a) At 11:59 p.m. on June 30, 1988, the area
 95 | transferred from the Southwest Florida Water Management District
 96 | to the St. Johns River Water Management District by change of
 97 | boundaries pursuant to chapter 76-243, Laws of Florida, shall
 98 | cease to be a subdistrict or basin of the St. Johns River Water
 99 | Management District known as the Oklawaha River Basin and said
 100 | Oklawaha River Basin shall cease to exist. However, any
 101 | recognition of an Oklawaha River Basin or an Oklawaha River
 102 | Hydrologic Basin for regulatory purposes shall be unaffected.
 103 | The area formerly known as the Oklawaha River Basin shall
 104 | continue to be part of the St. Johns River Water Management
 105 | District. ~~There shall be established by the governing board of~~
 106 | ~~the St. Johns River Water Management District the Oklawaha River~~
 107 | ~~Basin Advisory Council to receive public input and advise the~~
 108 | ~~St. Johns River Water Management District's governing board on~~
 109 | ~~water management issues affecting the Oklawaha River Basin. The~~
 110 | ~~Oklawaha River Basin Advisory Council shall be appointed by~~
 111 | ~~action of the St. Johns River Water Management District's~~

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112 ~~governing board and shall include one representative from each~~
 113 ~~county which is wholly or partly included in the Oklawaha River~~
 114 ~~Basin. The St. Johns River Water Management District's governing~~
 115 ~~board member currently serving pursuant to s. 373.073(2)(c)3.~~
 116 ~~shall serve as chair of the Oklawaha River Basin Advisory~~
 117 ~~Council. Members of the Oklawaha River Basin Advisory Council~~
 118 ~~shall receive no compensation for their services but are~~
 119 ~~entitled to be reimbursed for per diem and travel expenses as~~
 120 ~~provided in s. 112.061.~~

121 Section 3. Section 373.072, Florida Statutes, is created
 122 to read:

123 373.072 Florida Water Management District Governing Board
 124 Nominating Council.--

125 (1) LEGISLATIVE INTENT.--It is the intent of the
 126 legislature to ensure the public trust and resources are
 127 appropriately protected by seeking qualified candidates for
 128 gubernatorial appointment as water management district governing
 129 board members.

130 (2) ESTABLISHMENT OF THE COUNCIL.--

131 (a) There is created a Florida Water Management District
 132 Governing Board Nominating Council.

133 (b) The council shall consist of 12 members composed of
 134 the following members:

135 1. Four members of the Senate, at least one of whom shall
 136 be a member of the minority party, appointed by the President of
 137 the Senate.

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138 2. Four members of the House of Representatives, at least
 139 one of whom shall be a member of the minority party, appointed
 140 by the Speaker of the House of Representatives.

141 3. Four members of the public, two appointed by the
 142 President of the Senate and two appointed by the Speaker of the
 143 House of Representatives.

144 (c) Council members shall be appointed for 4-years, except
 145 those members of the House and Senate, who shall serve 2-year
 146 terms concurrent with the 2-year elected terms of House members.
 147 In order to establish staggered terms, appointments of council
 148 members shall be made for initial terms as follows:

149 1. The President of the Senate shall appoint 4 members of
 150 the Senate; two members to 1-year terms and two members to 2-
 151 year terms.

152 2. The President of the Senate shall appoint two members
 153 of the public; one member to a 1-year term, and one member to a
 154 4-year term.

155 3. The Speaker of the House of Representatives shall
 156 appoint four members of the House of Representatives; two
 157 members to 1-year terms and two members to 2-year terms.

158 4. The Speaker of the House Representatives shall appoint
 159 two members of the public; one member to a 2-year term, and one
 160 member to a 3-year term.

161 (d) Initial terms shall begin on July 1, 2009 and
 162 subsequent terms shall begin on January 1.

163 (e) Each vacancy on the council shall be filled for the
 164 unexpired portion of the term in the same manner as the original
 165 appointment to the council. A member may not be reappointed to

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166 the council, except for a council member initially appointed to
 167 a term of less than four years or a person who is appointed to
 168 fill the remaining portion of an unexpired term that is for a
 169 period of less than 2 years.

170 (3) MEETINGS; ORGANIZATION.--

171 (a) A majority of the membership of the council
 172 constitutes a quorum.

173 (b) All meetings and proceedings of the council shall be
 174 subject to the provisions of ss. 119.07 and 286.011.

175 (c) Members of the council shall serve without
 176 compensation, but are entitled to receive per diem and travel
 177 expenses as provided in s. 112.061, which must be funded by the
 178 Water Management Lands Trust Fund. The council expenses must be
 179 reimbursed proportionately by the respective water management
 180 district whose governing board vacancy is being filled.

181 (4) SCOPE OF ACTIVITIES.--

182 (a) The council shall establish uniform policies and
 183 procedures governing the process by which applicants are
 184 nominated.

185 (b) In order to nominate a candidate, the council shall
 186 determine that:

187 1. The candidate is competent, knowledgeable, and
 188 possesses substantial technical expertise in a field related to
 189 the duties and functions of the water management districts.
 190 These fields shall include, but are not limited to: agriculture,
 191 the development industry, local government, government-owned or
 192 privately owned water utilities, law, civil engineering,
 193 environmental science, hydrology, accounting, financial

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194 businesses, another field substantially related to the duties
 195 and functions of the water management district, or a member of
 196 business community within the water management district's
 197 boundaries.

198 2. The candidate is a homesteaded resident within the
 199 district he or she is nominated to represent and the candidate
 200 meets the residency requirement of s. 373.072(2) for the vacancy
 201 being filled.

202 3. The candidate has a background investigation conducted
 203 by the Florida Department of Law Enforcement and has been
 204 determined to be of good moral standards.

205 (c) In developing a list of nominees, the council shall
 206 ensure that no more than two governing board members on each
 207 water management district governing board are residents of the
 208 same county and no person can represent more than one water
 209 management district governing board. The council shall consider
 210 nominating candidates that represent an equitable cross-section
 211 of regional interests and technical expertise. Recommendations
 212 of the council must be nonpartisan.

213 (d) The council must nominate no fewer than three
 214 qualified persons for each vacancy occurring on a water
 215 management governing board, unless fewer than three qualified
 216 candidates apply. The council shall submit the recommendations
 217 to the Governor by September 15 of those years in which the
 218 terms are to begin the following January, or within 60 days
 219 after a vacancy occurs for any reason other than the expiration
 220 of the term.

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221 (e) The council shall designate a primary candidate within
 222 its recommendations. The primary candidate shall be considered
 223 appointed by the Governor should the Governor fail to appoint a
 224 governing board member from recommendations of the council
 225 within 60 days of the receipt of such recommendations.

226 (f) Each water management district may advertise each
 227 vacancy on its water management governing board or prominently
 228 post the vacancy on the water management district's home web
 229 page.

230 (g) The council expenses must be proportionately shared by
 231 the respective water management district whose governing board
 232 vacancy is being filled. The Florida Department of Environmental
 233 Protection is authorized to execute a memorandum of
 234 understanding between state's water management districts and the
 235 department in order to fund the expenses of the Florida Water
 236 Management District Governing Board Nominating Council.

237 (h) The water management districts shall assist the
 238 council by providing staff, counsel, and technical assistance
 239 necessary to carry out the responsibilities of the council.

240 Section 4. Section 373.073, Florida Statutes, is amended
 241 to read:

242 373.073 Governing board.--

243 (1) (a) The governing board of each water management
 244 district shall be composed of 9 members who shall reside within
 245 the district, except that the Southwest Florida Water Management
 246 District shall be composed of 13 members who shall reside within
 247 the district. Members of the governing boards shall be appointed
 248 by the Governor from a list of candidates nominated by the

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249 Florida Water Management District Governing Board Nominating
 250 Council, subject to confirmation by the Senate at the next
 251 regular session of the Legislature, and the refusal or failure
 252 of the Senate to confirm an appointment creates a vacancy in the
 253 office to which the appointment was made. The term of office for
 254 a governing board member is 4 years and commences on March 2 of
 255 the year in which the appointment is made and terminates on
 256 March 1 of the fourth calendar year of the term or may continue
 257 until a successor is appointed, but not more than 180 days.
 258 Terms of office of governing board members shall be staggered to
 259 help maintain consistency and continuity in the exercise of
 260 governing board duties and to minimize disruption in district
 261 operations.

262 (b) Commencing January 1, ~~1999~~ 2011, the Governor shall
 263 appoint the following number of governing board members in each
 264 year of the Governor's 4-year term of office:

265 1. In the first year of the Governor's term of office, the
 266 Governor shall appoint four members to the governing board of
 267 the Southwest Florida Water Management District and appoint
 268 three members to the governing board of each other district.

269 2. In the second year of the Governor's term of office,
 270 the Governor shall appoint three members to the governing board
 271 of the Southwest Florida Water Management District and two
 272 members to the governing board of each other district.

273 3. In the third year of the Governor's term of office, the
 274 Governor shall appoint three members to the governing board of
 275 the Southwest Florida Water Management District and two members
 276 to the governing board of each other district.

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277 4. In the fourth year of the Governor's term of office,
 278 the Governor shall appoint three members to the governing board
 279 of the Southwest Florida Water Management District and two
 280 members to the governing board of each other district.

281
 282 For any governing board vacancy that occurs before the date
 283 scheduled for the office to be filled under this paragraph, the
 284 Governor shall appoint a person ~~meeting residency requirements~~
 285 ~~of subsection (2)~~ nominated by the Florida Water Management
 286 District Governing Board Nominating Council for a term that will
 287 expire on the date scheduled for the term of that office to
 288 terminate under this subsection. ~~In addition to the residency~~
 289 ~~requirements for the governing boards as provided by subsection~~
 290 ~~(2), the Governor shall consider appointing governing board~~
 291 ~~members to represent an equitable cross-section of regional~~
 292 ~~interests and technical expertise.~~

293 (2) ~~Membership on governing boards shall be selected from~~
 294 ~~candidates who have significant experience in one or more of the~~
 295 ~~following areas, including, but not limited to: agriculture, the~~
 296 ~~development industry, local government, government-owned or~~
 297 ~~privately owned water utilities, law, civil engineering,~~
 298 ~~environmental science, hydrology, accounting, or financial~~
 299 ~~businesses.~~ Notwithstanding the provisions of any other general
 300 or special law to the contrary, vacancies in the governing
 301 boards of the water management districts shall be filled
 302 according to the following residency requirements, representing
 303 areas designated by the United States Water Resources Council in

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304 United States Geological Survey, River Basin and Hydrological
 305 Unit Map of Florida--1975, Map Series No. 72:
 306 (a) Northwest Florida Water Management District:
 307 1. One member shall reside in the area generally
 308 designated as the "Perdido River Basin-Perdido Bay Coastal Area-
 309 Lower Conecuh River-Escambia River Basin" hydrologic units and
 310 that portion of the "Escambia Bay Coastal Area" hydrologic unit
 311 which lies west of Pensacola Bay and Escambia Bay.
 312 2. One member shall reside in the area generally
 313 designated as the "Blackwater River Basin-Yellow River Basin-
 314 Choctawhatchee Bay Coastal Area" hydrologic units and that
 315 portion of the "Escambia Bay Coastal Area" hydrologic unit which
 316 lies east of Pensacola Bay and Escambia Bay.
 317 3. One member shall reside in the area generally
 318 designated as the "Choctawhatchee River Basin-St. Andrews Bay
 319 Coastal Area" hydrologic units.
 320 4. One member shall reside in the area generally
 321 designated as the "Lower Chattahoochee-Apalachicola River-
 322 Chipola River Basin-Coastal Area between Ochlockonee River
 323 Apalachicola Rivers-Apalachicola Bay coastal area and offshore
 324 islands" hydrologic units.
 325 5. One member shall reside in the area generally
 326 designated as the "Ochlockonee River Basin-St. Marks and Wakulla
 327 Rivers and coastal area between Aucilla and Ochlockonee River
 328 Basin" hydrologic units.
 329 6. Four members shall be appointed at large, except that
 330 no county shall have more than two members on the governing
 331 board.

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332 (b) Suwannee River Water Management District:
 333 1. One member shall reside in the area generally
 334 designated as the "Aucilla River Basin" hydrologic unit.
 335 2. One member shall reside in the area generally
 336 designated as the "Coastal Area between Suwannee and Aucilla
 337 Rivers" hydrologic unit.
 338 3. One member shall reside in the area generally
 339 designated as the "Withlacoochee River Basin-Alapaha River
 340 Basin-Suwannee River Basin above the Withlacoochee River"
 341 hydrologic units.
 342 4. One member shall reside in the area generally
 343 designated as the "Suwannee River Basin below the Withlacoochee
 344 River excluding the Santa Fe River Basin" hydrologic unit.
 345 5. One member shall reside in the area generally
 346 designated as the "Santa Fe Basin-Waccasassa River and coastal
 347 area between Withlacoochee and Suwannee River" hydrologic units.
 348 6. Four members shall be appointed at large, except that
 349 no county shall have more than two members on the governing
 350 board.
 351 (c) St. Johns River Water Management District:
 352 1. One member shall reside in the area generally
 353 designated as the "St. Marys River Basin-Coastal area between
 354 St. Marys and St. Johns Rivers" hydrologic units.
 355 2. One member shall reside in the area generally
 356 designated as the "St. Johns River Basin below Oklawaha River-
 357 Coastal area between the St. Johns River and Ponce de Leon
 358 Inlet" hydrologic units.

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- 359 3. One member shall reside in the area generally
 360 designated as the "Oklawaha River Basin" hydrologic unit.
- 361 4. One member shall reside in the area generally
 362 designated as the "St. Johns River Basin above the Oklawaha
 363 River" hydrologic unit.
- 364 5. One member shall reside in the area generally
 365 designated as the "Coastal area between Ponce de Leon Inlet and
 366 Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River"
 367 hydrologic units.
- 368 6. Four members shall be appointed at large, except that
 369 no county shall have more than two members on the governing
 370 board.
- 371 (d) South Florida Water Management District:
- 372 1. Two members shall reside in Miami-Dade County.
- 373 2. One member shall reside in Broward County.
- 374 3. One member shall reside in Palm Beach County.
- 375 4. One member shall reside in Collier County, Lee County,
 376 Hendry County, or Charlotte County.
- 377 5. One member shall reside in Glades County, Okeechobee
 378 County, Highlands County, Polk County, Orange County, or Osceola
 379 County.
- 380 6. Two members, appointed at large, shall reside in an
 381 area consisting of St. Lucie, Martin, Palm Beach, Broward,
 382 Miami-Dade, and Monroe Counties.
- 383 7. One member, appointed at large, shall reside in an area
 384 consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola,
 385 Okeechobee, Polk, Highlands, and Orange Counties.

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386 8. No county shall have more than three members on the
387 governing board.

388 (e) Southwest Florida Water Management District:

389 1. Two members shall reside in Hillsborough County.

390 2. One member shall reside in the area consisting of
391 Hillsborough and Pinellas Counties.

392 3. Two members shall reside in Pinellas County.

393 4. One member shall reside in Manatee County.

394 5. Two members shall reside in Polk County.

395 6. One member shall reside in Pasco County.

396 7. One member shall be appointed at large from Levy,
397 Citrus, Sumter, and Lake Counties.

398 8. One member shall be appointed at large from Hardee,
399 DeSoto, and Highlands Counties.

400 9. One member shall be appointed at large from Marion and
401 Hernando Counties.

402 10. One member shall be appointed at large from Sarasota
403 and Charlotte Counties.

404 Section 5. Subsection (4) of section 373.079, Florida
405 Statutes, is amended to read:

406 373.079 Members of governing board; oath of office;
407 staff.--

408 (4) (a) The governing board of the district is authorized
409 to employ an executive director, ombudsman, and such engineers,
410 other professional persons, and other personnel and assistants
411 as it deems necessary and under such terms and conditions as it
412 may determine and to terminate such employment. The appointment
413 of an executive director by the governing board is subject to

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414 approval by the Governor and must be initially confirmed by the
 415 Florida Senate. The governing board may delegate all or part of
 416 its authority under this paragraph to the executive director.
 417 However, the governing board shall delegate to the executive
 418 director, all of its authority to take final action on permit
 419 applications under part II and part IV, or petitions for
 420 variances or waviers of permitting requirements under part II or
 421 part IV, except for denials of such actions as provided in
 422 s.373.083(5). The executive director must be confirmed by the
 423 Senate upon employment and must be confirmed or reconfirmed by
 424 the Senate during the second regular session of the Legislature
 425 following a gubernatorial election.

426 (b)1. The governing board of each water management
 427 district shall employ an inspector general, who shall report
 428 directly to the board. However, the governing boards of the
 429 Suwannee River Water Management District and the Northwest
 430 Florida Water Management District may jointly employ an
 431 inspector general, or provide for inspector general services by
 432 interagency agreement with a state agency or water management
 433 district inspector general.

434 2. An inspector general must have the qualifications
 435 prescribed and perform the applicable duties of state agency
 436 inspectors general as provided in s. 20.055.

437 Section 6. Subsection (5) of section 373.083, Florida
 438 Statutes, is amended to read:

439 373.083 General powers and duties of the governing
 440 board.--In addition to other powers and duties allowed it by
 441 law, the governing board is authorized to:

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442 (5) Execute any of the powers, duties, and functions
 443 vested in the governing board through a member or members
 444 thereof, the executive director, or other district staff as
 445 designated by the governing board. The governing board may
 446 establish the scope and terms of any delegation. The ~~However, if~~
 447 ~~the governing board shall delegate all of its delegates the~~
 448 authority to the executive director take final action on permit
 449 applications under part II or part IV, or petitions for
 450 variances or waivers of permitting requirements under part II or
 451 part IV. However, the governing board shall provide a process
 452 for referring any denial of such application or petition to the
 453 governing board to take final action. The authority in this
 454 subsection is supplemental to any other provision of this
 455 chapter granting authority to the governing board to delegate
 456 specific powers, duties, or functions.

457 Section 7. Subsection (4) of section 373.118, Florida
 458 Statutes, is amended to read:

459 373.118 General permits; delegation.--

460 ~~(4) To provide for greater efficiency, the governing board~~
 461 ~~may delegate by rule its powers and duties pertaining to general~~
 462 ~~permits to the executive director. The executive director may~~
 463 ~~execute such delegated authority through designated staff.~~
 464 ~~However, when delegating the authority to take final action on~~
 465 ~~permit applications under part II or part IV or petitions for~~
 466 ~~variances or waivers of permitting requirements under part II or~~
 467 ~~part IV, the governing board shall provide a process for~~
 468 ~~referring any denial of such application or petition to the~~
 469 ~~governing board to take such final action.~~

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470 Section 8. Subsection (5) of section 373.584, Florida
 471 Statutes, is created to read.

472 373.584 Revenue bonds.--

473 (5) (a) The total annual debt service for bonds issued
 474 pursuant to this section and s. 373.563 may not exceed ten
 475 percent of the annual ad valorem tax revenues of the water
 476 management district, unless approved by the Joint Legislative
 477 Budget Commission.

478 (b) The Joint Legislative Budget Commission is authorized
 479 to review the financial soundness of a water management district
 480 and determine whether bonds may be issued by a water management
 481 district in excess of the limitation of paragraph (a).

482 (c) No water management district may take any action
 483 regarding the issuance of bonds in excess of the limitation of
 484 paragraph (a) without the prior approval of the Joint
 485 Legislative Budget Commission pursuant to joint rules of the
 486 House of Representative and the Senate.

487 (d) Bonds issued and outstanding prior to January 1, 2009
 488 in excess of paragraph (a) shall not be a violation of these
 489 provisions, but shall be included in the calculation of the
 490 limitation of paragraph (a). Nothing contained herein shall
 491 effect the validity of or enforceability of outstanding revenue
 492 bonds.

493 Section 9. Subsection (1) and paragraphs (a), (b), and (d)
 494 of subsection (10) of section 373.59, Florida Statutes, are
 495 amended to read:

496 373.59 Water Management Lands Trust Fund.--

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497 (1) There is established within the Department of
 498 Environmental Protection the Water Management Lands Trust Fund
 499 to be used as a nonlapsing fund for the purposes of this
 500 section. The moneys in this fund are hereby continually
 501 appropriated for the purposes of land acquisition, management,
 502 maintenance, capital improvements of land titled to the
 503 districts, payments in lieu of taxes, debt service on bonds
 504 issued prior to July 1, 1999, debt service on bonds issued on or
 505 after July 1, 1999, which are issued to refund bonds issued
 506 before July 1, 1999, preacquisition costs associated with land
 507 purchases, ~~and~~ the department's costs of administration of the
 508 fund, and the direct expenses of the Florida Water Management
 509 District Governing Board Nominating Council. No refunding bonds
 510 may be issued which mature after the final maturity date of the
 511 bonds being refunded or which provide for higher debt service in
 512 any year than is payable on such bonds as of February 1, 2009.
 513 The department's costs of administration shall be charged
 514 proportionally against each district's allocation using the
 515 formula provided in subsection (8). Capital improvements shall
 516 include, but need not be limited to, perimeter fencing, signs,
 517 firelanes, control of invasive exotic species, controlled
 518 burning, habitat inventory and restoration, law enforcement,
 519 access roads and trails, and minimal public accommodations, such
 520 as primitive campsites, garbage receptacles, and toilets. The
 521 moneys in the fund may also be appropriated to supplement
 522 operational expenditures at the Northwest Florida Water
 523 Management District and the Suwannee River Water Management
 524 District, with such appropriations allocated prior to the

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525 | allocations set out in subsection (8) to the five water
526 | management districts.

527 | (10) (a) Beginning July 1, 1999, not more than one-fourth
528 | of the funds provided for in subsections (1) and (8) in any year
529 | shall be reserved annually by a governing board, during the
530 | development of its annual operating budget, for payments in lieu
531 | of taxes for all actual tax losses incurred as a result of all
532 | governing board acquisitions for water management districts
533 | ~~purposes pursuant to ss. 259.101, 259.105, 373.470, and this~~
534 | ~~section during any year.~~ Reserved funds not used for payments in
535 | lieu of taxes in any year shall revert to the Water Management
536 | Lands Trust Fund to be used in accordance with the provisions of
537 | this section.

538 | (b) Payment in lieu of taxes shall be available:

539 | 1. To all counties that have a population of 150,000 or
540 | fewer. Population levels shall be determined pursuant to s.
541 | ~~11.031~~ 186.901. The population estimates published April 1, and
542 | utilized revenue-sharing formula pursuant to 189.901 shall be
543 | utilized to determine to eligibility pursuant to this
544 | subsection. Annually, the published April 1, population shall
545 | be utilized to determine to eligibility pursuant to this
546 | subsection for the subsequent fiscal year.

547 | 2. To all local governments located in eligible counties
548 | and whose lands are bought and taken off the tax rolls.

549 |
550 | For properties acquired after January 1, 2000, in the event that
551 | such properties otherwise eligible for payment in lieu of taxes
552 | under this subsection are leased or reserved and remain subject

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553 to ad valorem taxes, payments in lieu of taxes shall commence or
 554 recommence upon the expiration or termination of the lease or
 555 reservation, ~~but in no event shall there be more than a total of~~
 556 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the
 557 lease is terminated for only a portion of the lands at any time,
 558 the ~~10~~ annual payments shall be made for that portion only
 559 commencing the year after such termination, without limiting the
 560 requirement that ~~10~~ annual payments shall be made on the
 561 remaining portion or portions of the land as the lease on each
 562 expires. For the purposes of this subsection, "local government"
 563 includes municipalities, the county school board, mosquito
 564 control districts, and any other local government entity which
 565 levies ad valorem taxes.

566 (d) The payment amount shall be based on the average
 567 amount of actual taxes paid on the property for the 3 years
 568 preceding acquisition. ~~Applications for payment in lieu of taxes~~
 569 ~~shall be made no later than January 31 of the year following~~
 570 ~~acquisition.~~ No payment in lieu of taxes shall be made for
 571 properties which were exempt from ad valorem taxation for the
 572 year immediately preceding acquisition.

573 Section 10. Sections 373.465 and 373.466, Florida Statutes
 574 are repealed.

575 Section 11. Except as otherwise expressly provided in this
 576 act, this act shall take effect July 1, 2009.