

Committee Substitute for House Bill No. 1775

An act relating to oversight and accountability of the South Florida Water Management District; creating s. 11.80, F.S.; creating the Joint Legislative Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; requiring an annual status report; amending s. 338.26, F.S., relating to Alligator Alley toll road; providing for deposit of certain funds in the Everglades Trust Fund; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; requiring quarterly distribution of trust fund expenditure information; providing for a postaudit; providing requirements for deposits and expenditures; requiring annual reporting; providing effective dates.

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

Section 1. Section 11.80, Florida Statutes, is created to read:

11.80 Joint Legislative Committee on Everglades Oversight.—

(1) A Joint Legislative Committee on Everglades Oversight is created to monitor the implementation of the Everglades Forever Act. The committee shall be comprised of six members: three members of the House of Representatives appointed by the Speaker of the House of Representatives and three Senators appointed by the President of the Senate. The chair and vice chair shall be appointed for 1-year terms with the appointments alternating between the Speaker of the House of Representatives and the President of the Senate. The chair and vice chair may not be members of the same house of the Legislature. Staff of the committee, at the discretion of the chair, may be assigned to onsite monitoring of the district's activities and operations pertaining to the Everglades Construction Project.

(2) The joint committee shall be responsible for monitoring all funding and expenditures, agreements, schedules of projects, land acquisition, and plans for acquisition, permits, and permit modifications associated with the implementation of the Everglades Forever Act.

(3) The South Florida Water Management District shall give notice to the Joint Legislative Committee on Everglades Oversight of any plan, or modification of such plan, developed by the district for implementation of the Everglades Forever Act, or of any associated permit, permit modification,

agreement, agreement modification, land acquisition, or land acquisition plan to which the district is a party. Notice shall include a justification of any such action and an estimate of how program costs will be affected by the action.

(4) Annually, no later than January 1, the South Florida Water Management District shall report to the Joint Legislative Committee on Everglades Oversight on the status of the implementation of the Everglades Forever Act. Such report shall include, but is not limited to:

(a) Progress on the Everglades Construction Project.

(b) Changes to the Everglades Construction Project.

(c) Actual revenues, compared to projected revenues.

(d) Projected acquisition costs, construction costs, operation and maintenance costs, and projected revenues, over the succeeding 5 years.

Section 2. Effective July 1, 1998, subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, and to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, may be transferred to the Everglades Fund of the South Florida Water Management District. The South Florida Water Management District shall deposit funds for projects undertaken pursuant to s. 373.4592 in the Everglades Trust Fund pursuant to paragraph (4)(a) of section 5 of this act. Any funds remaining in the Everglades Fund may be used for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects shall be limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for wastewater treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994, conceptual design document.

Section 3. South Florida Water Management District; permit for completion of Everglades Construction Project; report.—Within 60 days after receipt of any permit issued pursuant to s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, for the completion of the Everglades Construction Project, as defined by s. 373.4592(2)(f), Florida Statutes, the South Florida Water Management District shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that details the differences between the permit and the Everglades Program as defined by s. 373.4592(2)(g), Florida Statutes, and identifies any changes to the schedule or funding for the Everglades Program that result from the permit. The South Florida Water Management District shall include in the report a complete chronological record of any negotiations related to conditions included in the permit. Such record shall be documented by inclusion of all relevant correspondence in the report. If any condition of the permit affects the schedule or costs of the Everglades Construction Project, the South Florida Water Management District shall include in the report a detailed explanation of why the condition was imposed and a detailed analysis of whether the condition would promote or hinder the progress of the project.

Section 4. South Florida Water Management District; Everglades truth in borrowing.—

(1) Definitions.—As used in this section, unless the context otherwise indicates:

(a) “Debt” means any evidence of indebtedness, including, but not limited to, an agreement to pay principal and any interest thereon, whether in the form of a contract to repay borrowed money or otherwise, and includes moneys borrowed from any source that are directed to a purpose for which they were not originally budgeted.

(b) “District” means the South Florida Water Management District.

(c) “Interest” means the compensation for the use or detention of money or its equivalent.

(d) “Interest rate” means the annual percentage of the outstanding debt or obligation payable as interest.

(e) “Obligation” means an agreement to pay principal and interest thereon, other than a debt, whether in the form of a lease, lease-purchase, installment purchase, or otherwise, and includes a share, participation, or other interest in any such agreement.

(f) “Outstanding debt” means any debt or obligation of which the principal has not been paid or for which an amount sufficient to provide for the payment of such debt or obligation and the interest on such debt or obligation to the maturity or early redemption of such debt or obligation has not been set aside for the benefit of the holders of such debt or obligation.

(g) "Principal" means the face value of the debt or obligation proposed to be issued or incurred.

(2) Whenever the South Florida Water Management District proposes to borrow or to otherwise finance with debt any fixed capital outlay projects or operating capital outlay for purposes pursuant to s. 373.4592, it shall develop the following documents to explain the issuance of a debt or obligation:

(a) A summary of outstanding debt, including borrowing.

(b) A statement of proposed financing, which shall include the following items:

1. A listing of the purpose of the debt or obligation.

2. The source of repayment of the debt or obligation.

3. The principal amount of the debt or obligation.

4. The interest rate on the debt or obligation.

5. A schedule of annual debt service payments for each proposed debt or obligation.

(c) A truth-in-borrowing statement, developed from the information compiled pursuant to this section, in substantially the following form:

The South Florida Water Management District is proposing to incur \$ (insert principal) of debt or obligation through borrowing for the purpose of (insert purpose). This debt or obligation is expected to be repaid over a period of (insert term of issue from subparagraph (b)5.) years from the following sources: (list sources). At a forecasted interest rate of (insert rate of interest from subparagraph (b)4.), total interest paid over the life of the debt or obligation will be \$ (insert sum of interest payments).

The truth-in-borrowing statement shall be published as a notice in one or more newspapers having a combined general circulation in the counties having land in the district. Such notice must be at least 6 inches square in size and shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

Section 5. (1) Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.—

(1) Legislative findings and intent.—The Legislature finds and declares the following:

(a) The Everglades ecological system is unique in the world and one of Florida's great treasures. The Legislature has responded to adverse changes in water quality, and in quantity, distribution, and timing of flows, that endanger the Everglades ecological system, by enacting the Everglades Forever Act. The act authorized the Everglades Construction Project, which is by far the largest environmental cleanup and restoration program of this type ever undertaken and will require substantial expenditures.

(b) In consideration of both the environmental benefits and public costs of the Everglades Construction Project, the Legislature finds that enhanced oversight and accountability is necessary to ensure that the Everglades Construction Project is completed in a timely manner and within the limits of the funds made available for its completion. The Legislature further finds that the implementation of the Everglades Forever Act is critical to the conservation and protection of natural resources and improvement of water quality in the Everglades Protection Area and the Everglades Agricultural Area.

(2) The South Florida Water Management District shall administer the Everglades Trust Fund consistent with the requirements of this section, as well as all other applicable laws.

(3) The South Florida Water Management District shall furnish, on a quarterly basis, a detailed copy of its expenditures from the Everglades Trust Fund to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and shall make copies available to the public. The information shall be provided in a format approved by the Joint Legislative Committee on Everglades Oversight. At the direction of the Joint Legislative Committee on Everglades Oversight, a postaudit may be made from time to time by the Auditor General, and such audit shall be within the authority of said Auditor General, to make.

(4) The following funds shall be deposited into the Everglades Trust Fund specifically for the implementation of the Everglades Forever Act.

(a) Alligator Alley toll revenues pursuant to s. 338.26(3), Florida Statutes.

(b) Everglades agricultural privilege tax revenues pursuant to s. 373.4592(6), Florida Statutes.

(c) C-139 agricultural privilege tax revenues pursuant to s. 373.4592(7).

(d) Special assessment revenues pursuant to s. 373.4592(8).

(e) Ad valorem revenues pursuant to s. 373.4592(4)(a).

(f) Federal funds appropriated by the United States Congress for any component of the Everglades Construction Project.

(g) Preservation 2000 funds for acquisition of lands necessary for implementation of the Everglades Forever Act as prescribed in an annual appropriation.

(h) Any additional funds specifically appropriated by the Legislature for this purpose.

(i) Gifts designated for implementation of the Everglades Forever Act from individuals, corporations, and other entities.

(j) Any additional funds that become available for this purpose from any other source.

(5) Funds deposited into the Everglades Trust Fund pursuant to this section shall be expended for implementation of the Everglades Forever Act as provided by s. 373.4592, Florida Statutes.

(6) Funds from other sources deposited into the Everglades Trust Fund shall be used consistent with the purposes for which they were received.

(7) Annually, no later than January 1, the South Florida Water Management District shall report to the Joint Committee on Everglades Oversight:

(a) The unencumbered balance which remains in the Everglades Trust Fund at the end of each fiscal year.

(b) The revenues deposited in the Everglades Trust Fund pursuant to this section, by source, and the record of expenditures from the Everglades Trust Fund.

(2) This section shall take effect July 1, 1998.

Section 6. Except as otherwise provided herein, this act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.