

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/CS/HB 1169](#)

TITLE: Water Management Districts

SPONSOR(S): Conerly

COMPANION BILL: [CS/SB 7002](#)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Natural Resources & Disasters](#)

16 Y, 0 N, As CS



[Ways & Means](#)

16 Y, 0 N, As CS



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill revises various provisions related to water management district (WMD) planning, funding, budgeting, reporting, and business practices. Specifically, the bill:

- Revises quorum and meeting requirements for WMD governing boards.
- Prohibits WMD officials and employees from accepting an expenditure from a lobbyist.
- Authorizes a WMD to levy ad valorem taxes for certain capital improvement projects via referendum.
- Requires WMDs to give preference to bids that include certain financial assurances for certain contracts.
- Requires WMDs to submit additional information on capital improvement projects in their preliminary and tentative budgets, and requires the South Florida WMD (SFWMD) to include additional information related to the Comprehensive Everglades Restoration Plan in its budgets.
- Allows the Legislative Budget Commission to review certain projects in WMD budgets.
- Requires the South Florida Ecosystem Restoration task force to identify sources of funding when making recommendations for the Integrated Delivery Schedule.

Fiscal or Economic Impact:

The bill may have an indeterminate positive revenue impact on WMDs that raise their millage to fund capital improvement projects.

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ANALYSIS

EFFECT OF THE BILL:

Water Management District Operations

Governing Board Meetings

The bill requires a quorum for a [water management district](#) (WMD) [governing board](#) to conduct official business and specifies that a majority of the members of the governing board, including both appointed members and vacancies, constitutes a quorum. A board member's appearance at a board meeting, whether it 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 affirmative vote of a majority of the members of the governing board. (Section [2](#))

Contracts

The bill requires a WMD that has requested bids for a contract for the design, engineering, or construction, or for any combination of the design, engineering, or construction of capital improvement projects with an estimated cost of \$20 million or more to give preference for a bid, proposal, or reply that meets certain requirements. Specifically, such preference must be given to the lowest responsible and responsive bid, proposal, or reply that includes proof of district-defined acceptable minimum work experience within the state, project-specific payment and performance bonds in amounts appropriate for the project contract amount, and a minimum warranty of two years

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beginning at substantial completion of the project or that provides proof of a comparable financial assurance mechanism, as defined by a WMD in rule.

For the purpose of the competitive selection process in the Consultants' Competitive Negotiation Act or the procurement procedures applicable to public-private partnerships, the bill requires a WMD to consider whether a bid, proposal, or reply includes appropriate payment and performance bonds; proof of a comparable financial assurance mechanism, as defined by a WMD in rule; or documentation of any and all bond faults or bond claims within the last 10 years, including all open and closed claims and agreed-upon amounts with a description of the claim and any resolution. (Section [8](#))

Lobbying

The bill prohibits a lobbyist or principal from making, directly or indirectly, and a WMD governing board member, executive director, or any WMD employee who qualifies as a local officer¹ from knowingly accepting, directly or indirectly, any expenditure. (Section [1](#))

The bill requires the [Commission on Ethics](#) to investigate a lobbyist or principal who has made a prohibited expenditure to a WMD. (Section [1](#))

Water Management District Funding

Millage

The bill authorizes a WMD to, by resolution adopted by a majority vote of the governing board, levy [ad valorem taxes](#) within the WMD. (Section [5](#))

The bill authorizes a WMD to, by referendum, levy separate ad valorem taxes on property within the WMD or basin for the purposes of the construction of capital improvement projects. The bill defines "capital improvement projects" to mean projects related to:

- Water supply, including alternative water supply and water resource development projects identified in the WMD's regional water supply plans;
- Water quality;
- Flood protection and floodplain management; and
- Natural systems. (Section [5](#))

A WMD that chooses to levy separate ad valorem taxes for this purpose must adopt a resolution to be approved by a majority vote of the electors in the WMD or basin, as applicable, voting in a referendum held at a general election. The bill requires the resolution to include the following:

- The millage to be levied;
- A detailed description of the capital improvement projects to be funded;
- Such projects' expected dates of completion; and
- The maximum duration of the levy, which may not extend beyond the date the projects are expected to be complete.

The referendum question on the ballot must provide a brief and general description for the purpose of the levy, and specify the maximum length of time the millage may be imposed.

Any millage raised for capital improvement projects, when combined with the ad valorem millage raised for properties within the WMD, cannot exceed the maximum total millage rate established for a WMD in statute.² A resolution must take effect on the January 1 immediately succeeding approval. (Section [5](#))

¹ "Local officer" means every person elected to office in any political subdivision of the state, and every person appointed to fill a vacancy and any person appointed to certain boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state. Section [112.3145\(1\)\(a\), F.S.](#)

² See s. [373.503\(3\)\(b\), F.S.](#)

The bill specifies that the statutory limits that apply to the [South Florida Water Management District](#) (SFWMD) regarding the percent of the millage that may be assessed for district purposes (60 percent) and basin purposes (40 percent) do not apply to the millage raised for capital improvement programs pursuant to the referendum process outlined above. (Section [5](#))

Preliminary Budgets

The bill requires a WMD to include a section in its preliminary budget that includes the WMD's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated as part of the WMD's five-year capital improvement plan. The bill requires the following information to be included for each project contained in the capital improvement plan:

- Estimated beginning and end dates.
- Current status, such as planning, construction, or operations.
- Funding distribution, broken down by federal, state, local, or other.
- Total cost of the project.
- Whether the project is funded from reserves.
- Total expenditures made to date, by fiscal year.
- Current year estimated expenditures.
- Annual budget, including future budget requests, until project completion, by funding source.
- Project description.
- State program code, such as operations and maintenance or ecosystem restoration. (Section [6](#))

In addition to the above information, the bill requires the SFWMD to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan (CERP). The information for the separate section must be provided on a project-by-project basis and include the source of funds. For each project, the bill requires all of the following information to be included:

- The project title and a brief description.
- The total estimated cost, broken down by federal and nonfederal sponsor obligations. The local sponsor obligations must be further broken down by state and WMD obligations.
- The timeline for the project.
- The total expenditures to date and estimate of remaining expenditures needed for project completion.
- The estimate of expenditures for the current year.
- The estimate of expenditures for the next fiscal year. (Section [6](#))

The bill requires the SFWMD to indicate which fiscal year the appropriation is from for expenditures funded by state appropriations. When estimating expenditures for the next fiscal year, the SFWMD may only incorporate state revenues in an amount up to the amount of funds specifically provided for in the Land Acquisition Trust Fund (LATF), unless the SFWMD commits its own revenues on a dollar-for-dollar basis for any amount over such amount specifically provided. (Section [6](#))

Tentative Budgets

The bill authorizes the Legislative Budget Commission (LBC) to reject certain WMD budget proposals unless they were specifically appropriated by the Legislature. In addition to the projects LBC can currently reject, the bill authorizes the LBC to reject any individual portion of a WMD's tentative budget funded with state appropriations, and any individual project within the WMD's five-year capital improvement plan. (Section [7](#))

The bill requires a WMD's capital improvement plan for the current fiscal year and next fiscal year to be included in the tentative budget in the same format as required in the preliminary budget. (Section [7](#))

The SFWMD is required to specify the amount of state revenues appropriated for costs associated with the Everglades Construction Project and the CERP in the separate document it prepares as part of its tentative budget. (Section [7](#))

Local Match

The bill prohibits a WMD from using state funds as a local match for any state grant program unless those funds have been specifically appropriated to the WMD for that purpose. (Section [4](#))

Everglades Restoration

The bill requires the SFWMD to include in its annual progress report on the comprehensive plan for the Central and Southern Florida Project Comprehensive Review Study the total estimated remaining cost to implement the comprehensive plan. The report must include applicable performance indicators for all project components. The bill requires the project components to be subdivided into the following categories based on the project's status:

- A planning and design phase.
- A construction phase, which must include performance indicators including, but not limited to, whether the project is on time and on budget based on a schedule performance index.
- An operational phase, which must include performance indicators including, but not limited to, whether the project is operating in accordance with the draft operating manual included in the project implementation report, and an explanation of any significant modification to the final project operating manual.
- A pending project phase, which includes project components that have not yet entered the planning or design phase. (Section [3](#))

The bill specifies that the [Integrated Delivery Schedule](#) (IDS) is a forward-looking snapshot of upcoming planning, design, and construction schedules for the comprehensive plan as a tool that provides information to decisionmakers and facilitates the achievement of the goals and purposes of the comprehensive plan at the earliest possible time to the extent practical given funding, engineering, and other contractual constraints. Additionally, the bill specifies that the IDS acts as a planning document and does not represent a budgetary or financial commitment on behalf of any of the members of the [South Florida Ecosystem Restoration Task Force](#). As such, the bill requires the state and local members of the South Florida Ecosystem Restoration Task force to identify project funding sources to reflect whether the project will be funded using recurring or nonrecurring state funds when making recommendations for any update to the IDS. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive revenue impact on WMDs that raise their millage to fund capital improvement projects.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Water Management Districts

Florida's WMDs are responsible for administering water resources at a regional level.³ The state is divided into five WMDs, including the Northwest WMD, the Suwannee River WMD, the St. Johns River WMD, the Southwest Florida WMD, and the SFWMD.⁴ The Department of Environmental Protection (DEP) exercises general supervisory authority over the WMDs through a cooperative working relationship and guidance memos.⁵ The core focus of WMDs is on water supply, water quality, flood protection and floodplain management, and natural systems.⁶

Governing Boards

Each WMD is directed by a governing board.⁷ Each board includes nine members who reside in the WMD, except the Southwest Florida WMD board, which includes 13 members who reside in the WMD.⁸ The Governor is tasked

³ DEP, *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Mar. 11, 2025); Section [373.069, F.S.](#)

⁴ DEP, *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Mar. 11, 2025).

⁵ *Id.*

⁶ *Id.*; Water supply includes alternative water supply and the water resource development projects identified in a district's regional water supply plans. Section [373.535\(1\)\(a\)2., F.S.](#)

⁷ Section [373.073, F.S.](#)

with appointing board members, subject to Senate confirmation.⁹ Vacancies in governing boards prior to the expiration of the affected term must be filled for that term.¹⁰ A governing board is required to meet at least once a month and upon the call of the chair.¹¹ The governing boards may conduct meetings by means of communications media technology.¹²

Currently, the governing board for only one district – the St. Johns River WMD – has no vacancies.¹³ The Northwest Florida, Suwannee River, and South Florida WMDs have eight out of nine possible members.¹⁴ The Southwest WMD has 12 out of 13 possible members.¹⁵

[Lobbying](#)

Prior to lobbying before a WMD, a lobbyist¹⁶ must register with the WMD he or she intends to lobby.¹⁷ To register, a lobbyist must provide a statement signed by the principal¹⁸ or principal's representative stating that the lobbyist is authorized to represent the principal. The principal must also identify its main business on the authorization statement.¹⁹ The registration form requires each lobbyist to disclose certain information.²⁰

[The Commission on Ethics](#)²¹ is required to investigate a lobbyist or principal if it receives any allegation that the lobbyist or principal has failed to register with a WMD or has knowingly submitted false information in a report or registration.²² The Commission on Ethics must provide the Governor with a report of its findings and recommendations from an investigation into a lobbyist or principal.²³ The governor may enforce the Commission on Ethics findings and recommendations.²⁴

[Contracts](#)

WMDs are authorized to purchase commodities and contractual services that have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation.²⁵

⁸ Section [373.073\(1\)\(a\), F.S.](#)

⁹ *Id.*

¹⁰ Section [373.076, F.S.](#)

¹¹ Section [373.079\(7\), F.S.](#); There is no statutory language defining a quorum for district governing board purposes. *See* section [373.079, F.S.](#)

¹² Section [373.079\(7\), F.S.](#); "Communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available." Section [120.54\(5\)\(b\)2., F.S.](#)

¹³ St. Johns River WMD, *Governing Board*, <https://www.sjrwmd.com/governingboard/> (last visited Mar. 11, 2025).

¹⁴ Northwest Florida WMD, *Governing Board*, <https://nwfwater.com/about/governing-board/> (last visited Mar. 11, 2025); Suwannee River WMD, *Current Governing Board Members*, <https://www.mysuwanneeriver.com/134/Current-Board-Members> (last visited Mar. 11, 2025); South Florida WMD, *Governing Board*, <https://www.sfwmd.gov/who-we-are/governing-board> (last visited Mar. 11, 2025).

¹⁵ Southwest Florida WMD, *Governing Board*, <https://www.swfwmd.state.fl.us/about/about-the-district/governing-board> (last visited Mar. 11, 2025).

¹⁶ "Lobbyist" means a person who is employed and receives payment for lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Section [112.3215\(1\)\(h\), F.S.](#)

¹⁷ Section [112.3261\(2\), F.S.](#)

¹⁸ "Principal" means the person, firm, corporation, or other entity that employs or retains a lobbyist. Section [112.3215\(1\)\(i\), F.S.](#)

¹⁹ Section [112.3261\(2\), F.S.](#)

²⁰ Section [112.3261\(2\)\(a\)-\(d\), F.S.](#)

²¹ The Commission on Ethics was created in statute to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state. Section [112.320, F.S.](#)

²² Section [112.3261\(7\), F.S.](#)

²³ *Id.*

²⁴ *Id.*

²⁵ Section [373.6075, F.S.](#) WMDs may purchase commodities and contractual services from the purchasing contracts of special districts, municipalities, counties, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, or the federal government. *Id.*

This authorization does not extend to the purchase of commodities and contractual services that require an agency to publicly announce each occasion when professional services are needed, as required by [s. 287.055, F.S.](#)²⁶

Professional services are defined in the Consultants' Competitive Negotiation Act²⁷ (CCNA) to include services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping.²⁸ The CCNA requires a WMD to publicly announce when such professional services must be purchased for projects that meet certain threshold amounts.²⁹ For each proposed project, the WMD must select, in order of preference, at least three firms that are the most highly qualified to perform the required services.³⁰ To do this, the WMD must consider factors including, but not limited to, the ability level of the professional personnel, whether a firm is a certified minority business enterprise, past performance, and willingness to meet time and budget requirements.³¹

Preliminary Budgets

The WMD fiscal year begins on October 1st and ends on September 30th of the following year.³² On January 15th of each year, the WMDs must submit a preliminary budget for the next fiscal year for legislative review.³³ Each preliminary budget must include the following information:

- A section clearly identifying and justifying each proposed expenditure relating to salaries and benefits, expenses, operating capital outlay, the number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration. It must also identify the source of funds for each proposed expenditure.
- A section identifying the justification for proposed expenditures by the core mission area of responsibility and the source of funds needed for activities related to water supply, water quality, flood protection and floodplain management, and natural systems.
- A section reviewing the adopted and proposed budget allocations by program area and the performance metrics of the prior year.
- An analysis based on the core mission areas of responsibility of each preliminary budget to determine the adequacy of fiscal resources available to the WMD and the adequacy of proposed WMD expenditures relating to its core mission areas.³⁴

If applicable, the preliminary budget must specify that a WMD's first obligation for payment is the debt service on bonds and certificates of participation.³⁵

The Legislature may review each preliminary budget by March 1st and submit comments to the WMDs.³⁶ Any WMD that receives comments must respond in writing to the Legislature and the Governor by March 15th.³⁷ Following the review of the preliminary budget, if the Legislature takes no action³⁸ by July 1st, a WMD may proceed with the budget process.³⁹

²⁶ *Id.*

²⁷ Section [287.055, F.S.](#)

²⁸ Section [287.055\(2\)\(a\), F.S.](#)

²⁹ Section [287.055\(3\)\(a\)1, F.S.](#) Threshold amounts for purchasing categories are as follows: Category 1 is \$20,000, Category 2 is \$35,000, Category 3 is \$65,000, Category 4 is \$195,000, and Category 5 is \$325,000. Section [287.017, F.S.](#)

³⁰ Section [287.055\(4\)\(b\), F.S.](#)

³¹ *Id.*

³² Section [373.536\(1\), F.S.](#)

³³ Section [373.535\(1\)\(a\), F.S.](#) The preliminary budget must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the chairs of each legislative committee and subcommittee having substantive or fiscal jurisdiction over WMDS, as applicable. *Id.*

³⁴ Section [373.535\(1\)\(a\), F.S.](#)

³⁵ Section [373.535\(1\)\(b\), F.S.](#)

³⁶ Section [373.535\(2\)\(a\), \(b\), F.S.](#)

³⁷ Section [373.535\(2\)\(b\), F.S.](#)

³⁸ The Legislature is required to annually review districts' preliminary budgets to ensure that taxes authorized by chapter 373, F.S., continue to be in proportion to the benefits derived by the parcels of real estate within the districts. Based on the review, the Legislature can set the authorized maximum millage rate or the maximum amount of property tax revenue to be raised by each district in the next fiscal year from the taxes levied. Section [373.503\(4\), F.S.](#)

³⁹ Section [373.535\(2\)\(c\), F.S.](#)

[Tentative Budgets](#)

By July 15th each year, the budget officer of each WMD must develop a tentative budget and submit it for review and adoption by the governing board.⁴⁰ By August 1st, the tentative budget must also be submitted for review to the Legislature, the Governor, the chairs of all legislative committees and subcommittees that have substantive or fiscal jurisdiction over WMDs, the Secretary of DEP, and the governing body of each county over which the WMD has jurisdiction or from which it derives any funds for WMD operations.⁴¹ The tentative budget must be based on the preliminary budget.⁴²

The tentative budget must include, at a minimum, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year:

- The estimated amount of funds remaining at the beginning of the fiscal year that have been obligated for the payment of outstanding commitments that are not completed.
- The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, as well as an accounting of the source, balance, and projected future use of the unobligated funds and the estimated amount of funds that the WMD will raise through taxes or receive from other sources to meet the requirements of the WMD.
- The millage rates and the percentage increase above the rolled-back rate, an explanation of the necessity of the increase, and the percentage increase in taxable value from new construction in the WMD.
- The salaries and benefits, expenses, operating capital outlay, number of authorized positions, other personal services, and estimated amounts in the WMD budget for certain enumerated program areas.
- The total estimated amount in the WMD budget for each program area and for water resource, water supply, and alternative water supply development projects identified in the WMD's regional water supply plan.
- A description of each new, expanded, reduced, or eliminated program.
- The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user and permit fees for each program area.⁴³

In addition to other program areas, the SFWMD must also include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan (CERP).⁴⁴

By September 5th, the chairs of each legislative committee and subcommittee may submit comments and objections to the WMDs.⁴⁵ Each WMD's governing board must include its response in the record of the meeting where the final budget is adopted.⁴⁶ The record must be transmitted to the Governor, the chairs of the legislative appropriations committees, and DEP. Then, by December 15th, the Executive Office of the Governor must file with the Legislature a report that summarizes its review of the tentative budget.⁴⁷ The Executive Office of the Governor may approve or disapprove all or part of the budget of each WMD.⁴⁸

The Legislative Budget Commission⁴⁹ may also reject the following WMD budget proposals:

- A single purchase of land over \$10 million, except for land exchanges.
- Any cumulative purchase of land during a single fiscal year over \$50 million.
- Any issuance of debt on or after July 1, 2012.

⁴⁰ Section [373.536\(2\), F.S.](#)

⁴¹ *Id.*

⁴² Section [373.536\(5\)\(e\), F.S.](#)

⁴³ Section [373.536\(5\)\(e\), F.S.](#)

⁴⁴ *Id.*

⁴⁵ Section [373.536\(5\)\(f\), F.S.](#)

⁴⁶ *Id.*

⁴⁷ Section [373.536\(5\)\(g\), F.S.](#)

⁴⁸ Section [373.536\(5\)\(a\), F.S.](#)

⁴⁹ The Legislative Budget Commission is a constitutionally created body consisting of seven members of the Senate, appointed by the President of the Senate, and seven members of the House of Representatives, appointed by the Speaker of the House of Representatives. Art. III, s. 19 Fla. Const.; Section [11.90\(1\), F.S.](#)

- Program expenditures relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration⁵⁰ in excess of 15 percent of a WMD's total annual budget.
- Any individual variances in the tentative budget over 25 percent from the preliminary budget.⁵¹

Written disapproval of any provision in the tentative budget must be received by the WMD at least five business days before the final WMD budget adoption hearing.⁵²

After the final budget adoption hearing, each WMD must submit copies of the following documents to the Governor, the Legislature, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over the districts, the Secretary of DEP, and the governing board of each county over which the WMD has jurisdiction or from which it derives any funds for the operation of the WMD:

- The adopted budget;
- A financial audit of the district's accounts and records;
- A five-year capital improvement plan, which will be included in the consolidated annual report⁵³ and which must include expected sources of revenue for planned improvement; and
- A five-year water resource development work program.⁵⁴

[Ad Valorem Taxes](#)

The ad valorem tax is an annual tax levied by counties, municipalities, school districts, and some special districts based on the value of real and tangible personal property as of January 1 of each year.⁵⁵ The Florida Constitution reserves ad valorem taxation to local governments and prohibits the state from levying ad valorem taxes on real and tangible personal property.⁵⁶

The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,⁵⁷ and it provides for specified assessment limitations, property classifications, and exemptions.⁵⁸ After the property appraiser considers any assessment limitation or use classification affecting the just value of a property, an assessed value is produced. The assessed value is then reduced by any exemptions to produce the taxable value.⁵⁹ Each year, local governing boards levy millage rates (i.e., tax rates) on taxable value to generate the property tax revenue contemplated in their annual budgets.

[Millage](#)

The Florida Constitution sets maximum millage rates for water management purposes.⁶⁰ The constitutional maximum millage rate is 0.05 mill for the northwest portion of the state and 1.0 mill for the rest of the state.⁶¹ This millage may only be levied by the WMDs.⁶²

⁵⁰ These expenditures are listed in s. [373.536\(5\)\(e\)4.e. and f., F.S.](#)

⁵¹ Section [373.536\(5\)\(c\), F.S.](#)

⁵² Section [373.536\(5\), F.S.](#)

⁵³ The consolidated annual report is required under the Florida Water Plan in [s. 373.036\(7\), F.S.](#)

⁵⁴ Section [373.536\(6\)\(a\), F.S.](#)

⁵⁵ S. [192.001\(12\), F.S.](#), defines "real property" as land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably. S. [192.001\(11\)\(d\), F.S.](#), defines "tangible personal property" as all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in Art. VII, s. 1(b), Fla. Const., and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.

⁵⁶ Art. VII, s. 1(a), Fla. Const.

⁵⁷ Art. VII, s. 4, Fla. Const.

⁵⁸ Art. VII, ss. 3, 4, and 6, Fla. Const.

⁵⁹ S. [196.031, F.S.](#)

⁶⁰ Article VII, s. 9(b), Fla. Const.

⁶¹ *Id.*

⁶² Section [373.503\(2\)\(a\), F.S.](#)

WMDs, if appropriate, separate the taxes they levy into a millage necessary for the purposes of the WMD and a millage necessary for financing basin functions.⁶³ Notwithstanding any other law, and subject to annual legislative review in the preliminary budgets of each WMD, the maximum total millage rates for WMD and basin purposes are as follows:

- Northwest Florida WMD: 0.05 mill.
- Suwannee River WMD: 0.75 mill.
- St. Johns River WMD: 0.60 mill.
- Southwest Florida WMD: 1.0 mill.⁶⁴ In the Southwest Florida WMD, the maximum millage assessed for WMD purposes may not exceed 50 percent of the total authorized millage if there are one or more basins in the WMD, and the maximum millage assessed for basin purposes may not exceed 50 percent of the total authorized millage.⁶⁵
- SFWMD: 0.80 mill.⁶⁶ The apportionment of taxes raised by the SFWMD is a maximum of 40 percent for WMD purposes and a maximum of 60 percent for basin purposes.⁶⁷

South Florida Water Management District

The SFWMD was created in 1949 and is the oldest and largest of Florida's WMDs.⁶⁸ The SFWMD covers 16 counties and stretches from Orlando at its northernmost point to the Florida Keys at its southernmost point. It is responsible for managing the water resources for nine million residents by balancing and improving flood control, water supply, water quality, and natural systems.⁶⁹

Pursuant to its mission, the SFWMD manages the Central and Southern Florida (C&SF) Project.⁷⁰ The C&SF Project was authorized in 1948 to provide flood control, water supply, saltwater intrusion prevention, fish and wildlife preservation, recreation, and navigation in Central and South Florida.⁷¹ The C&SF Project includes over 2,100 miles of canals and levees, 918 water control structures, and 89 pump stations.⁷² Much of this infrastructure is over 60 years old and the SFWMD has determined that it will need repair or replacement to address the risk of more frequent and significant flooding.⁷³

Everglades Restoration

At one time, the Everglades system covered well over seven million acres of South Florida.⁷⁴ Water flowed uninterrupted from the Kissimmee River to Lake Okeechobee through the "River of Grass" that was the Everglades and then on to the Biscayne Bay estuaries, the Ten Thousand Islands, and Florida Bay.⁷⁵ By the early 1900s, land in

⁶³ Section [373.503\(3\), F.S.](#) Basin functions include: preparing engineering plans for water resources development and holding related public hearings, developing and preparing the overall basin plan for secondary water control facilities, budgeting, considering and approval of final construction plans for works that will be constructed within the basin, managing basin affairs, and planning for and providing water supply and transmission facilities for water supply. Section [373.0695\(1\), F.S.](#)

⁶⁴ Section [373.503\(3\)\(a\), F.S.](#)

⁶⁵ Section [373.503\(3\)\(c\), F.S.](#)

⁶⁶ Section [373.503\(3\)\(a\), F.S.](#)

⁶⁷ Section [373.503\(3\)\(b\), F.S.](#)

⁶⁸ SFWMD, *Who We Are*, <https://www.sfwmd.gov/who-we-are> (last visited Mar. 11, 2025).

⁶⁹ *Id.*

⁷⁰ SFWMD, *2024 Consolidated Annual Report on Flood Resiliency*, 2 (Oct. 2024), available at https://www.sfwmd.gov/sites/default/files/documents/Flood_Resiliency_SFWMD_2024_Consolidated_Annual_Report.pdf (last visited Mar. 11, 2025).

⁷¹ SFWMD and United States Army Corps of Engineers (USACE), *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i, 1-1 (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

⁷² SFWMD, *2024 Consolidated Annual Report on Flood Resiliency*, 2 (Oct. 2024), available at https://www.sfwmd.gov/sites/default/files/documents/Flood_Resiliency_SFWMD_2024_Consolidated_Annual_Report.pdf (last visited Mar. 11, 2025).

⁷³ *Id.*

⁷⁴ SFWMD, *Everglades*, <https://www.sfwmd.gov/our-work/everglades> (last visited Feb. 14, 2025).

⁷⁵ *Id.*; National Park Service, *Everglades*, <https://www.nps.gov/ever/learn/historyculture/index.htm> (last visited Mar. 11, 2025).

the Everglades was being drained to make room for agriculture and development, with little concern for the increasingly damaged ecosystem.⁷⁶

Early conservationists, scientists, and other advocates, however, were concerned about environmental degradation and with their support, the Everglades National Park was created in 1947.⁷⁷ The following year, Congress authorized the C&SF Project.⁷⁸ It addressed flood control, regional water supply, prevention of saltwater intrusion, water supply to Everglades National Park, wildlife preservation, recreation, and navigation.⁷⁹ The C&SF Project initially focused on the construction of levees and canals, water control structures, pump stations, and other projects.⁸⁰

In spite of its stated purpose, the construction and operation of the C&SF Project had unintended adverse effects on the Everglades system.⁸¹ Some of these included extreme fluctuations in the water levels of Lake Okeechobee, extreme fluctuations in the salinity levels of the Caloosahatchee and St. Lucie estuaries caused by major changes in freshwater discharges, detrimental changes in hydrologic conditions in freshwater wetland habitats, and fluctuations in the salinity levels of Florida and Biscayne Bays caused by unsuitable freshwater flows. Wading bird populations are indicative of ecosystem health and by 1999, those populations had decreased by 85 to 90 percent and were steadily declining.⁸² Further, the C&SF Project created water supply shortages in Central and South Florida during dry periods because the canals drained water off the land too quickly without allowing for storage.⁸³

In 1994, in response to litigation over water quality issues in the Everglades, the state adopted the Everglades Forever Act.⁸⁴ The state also began to implement the Everglades Construction Project, which focused on the construction of stormwater treatment areas and the implementation of best management practices to improve water quality flowing south.⁸⁵

The federal government was increasingly concerned about the environmental consequences of the C&SF Project and in 1992 and 1996, Congress authorized the Comprehensive Review Study (Restudy).⁸⁶ The Restudy reexamined the C&SF Project to evaluate modifications that would help restore the Everglades ecosystem. Following the reexamination of the C&SF Project, the Restudy recommended a comprehensive plan that included structural and operational changes to the project in 1999.⁸⁷

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ The Flood Control Act of 1948. Pub. L. No. 858, s. 203, 62 Stat. 1176.

⁷⁹ SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i, 1-1 (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

⁸⁰ *Id.*; SFWMD, *2024 Consolidated Annual Report on Flood Resiliency*, 2 (Oct. 2024), available at https://www.sfwmd.gov/sites/default/files/documents/Flood_Resiliency_SFWMD_2024_Consolidated_Annual_Report.pdf. (last visited Mar. 11, 2025).

⁸¹ *Id.* at iii.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Ch. 1994-115, s. 1, L.O.F.; DEP, *Everglades Forever Act*, <https://floridadep.gov/owper/eco-restoration/content/everglades-forever-act-efa> (last visited Mar. 11, 2025); Keith W. Rizzardi, *Alligators and Litigators: A Recent History of Everglades Regulation and Litigation*, *The Florida Bar*, vol. 75, no. 3, 18 (March 2001), <https://www.floridabar.org/the-florida-bar-journal/alligators-and-litigators-a-recent-history-of-everglades-regulation-and-litigation/> (last visited Mar. 11, 2025).

⁸⁵ Section 373.4592(4)(a), F.S.

⁸⁶ SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i, 1-3 (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

⁸⁷ *Id.* at vii.

In response to the Restudy, Congress authorized the CERP in the Water Resources Development Act of 2000.⁸⁸ The CERP is a framework for modifications and operational changes to the C&SF Project that are necessary to restore, preserve, and protect the South Florida ecosystem, while providing for other water-related needs of the region, including water supply and flood protection.⁸⁹ The CERP contains over 68 individual components comprising more than 50 projects,⁹⁰ and the CERP covers around 18,000 square miles, including all or part of 18 counties in central and southern Florida.⁹¹

The federal legislation provides the framework for the CERP as a 50/50 cost-share program between the state and federal government.⁹² The Army Corps of Engineers (USACE) is the federal sponsor for the partnership and the SFWMD is the lead non-federal sponsor.⁹³ The agencies track the cost-sharing based on their total respective spending on the CERP initiatives. In 2009, USACE and the SFWMD executed a Master Agreement, an umbrella agreement for CERP projects that established conditions for cost-sharing and for project partnership agreements.⁹⁴ Project partnership agreements establish project-specific responsibilities for the implementing agencies and provide project-specific credit to the SFWMD for its land acquisition and project construction efforts completed prior to the agreement.⁹⁵ At the time of the agreement, the state and the SFWMD had invested approximately \$2.4 billion for the CERP, including approximately \$300 million for construction.⁹⁶

South Florida Ecosystem Restoration Task Force

Congress established the intergovernmental South Florida Ecosystem Restoration Task Force (task force) in 1996.⁹⁷ The task force brings together federal, state, Tribal, and local agencies involved in Everglades restoration.⁹⁸ There are 15 members of the task force, including seven federal, two Tribal, and six state and local government representatives at the senior leadership level.⁹⁹ The task force's role is to coordinate the conservation, restoration, and research efforts for the Everglades ecosystem.¹⁰⁰ To coordinate restoration projects, the task force compiles the Integrated Delivery Schedule.¹⁰¹

⁸⁸ Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601, 114 Stat. 2680 (2000); USACE, *Central & Southern Florida (C&SF) Project*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/C-SF-Project-C/> (last visited Mar. 11, 2025).

⁸⁹ National Park Service, *Everglades: Comprehensive Everglades Restoration Plan (CERP)*, <https://www.nps.gov/ever/learn/nature/cerp.htm> (last visited Mar. 11, 2025).

⁹⁰ USACE, *Central & Southern Florida (C&SF) Project*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/C-SF-Project-C/> (last visited Mar. 11, 2025).

⁹¹ *Id.*

⁹² Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601(e), 114 Stat. 2684 (2000).

⁹³ USACE, *Central & Southern Florida (C&SF) Project*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/C-SF-Project-C/> (last visited Mar. 11, 2025).

⁹⁴ See USACE, *South Florida Ecosystem Restoration (SFER) Overview (C)*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/South-Florida-Ecosystem-Restoration-SFER-Overview-C-/> (last visited Mar. 11, 2025).

⁹⁵ *Id.*

⁹⁶ See SFWMD, *News Release: Momentum for Everglades Restoration Continues with Historic State-Federal Agreements* (Aug. 13, 2009), available at https://www.sfwmd.gov/sites/default/files/documents/nr_2009_0813_master_agreement.pdf (last visited Mar. 11, 2025).

⁹⁷ Office of Everglades Restoration Initiatives, *The South Florida Ecosystem Restoration Task Force: About Us*, <https://www.evergladesrestoration.gov/overview> (last visited Mar. 12, 2025).

⁹⁸ Task Force, *2022 Biennial Report*, i (Dec. 2022), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/63a493a62905c4171d028c83/1671730088082/Dec+ember+2022+Final+Biennial+Report.pdf> (last visited Mar. 12, 2025).

⁹⁹ Department of the Interior, *South Florida Ecosystem Restoration Task Force Charter*, 2-3 (Sept. 2023), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/651d6ab2891e7229053fdde4/1696426676989/Charter.pdf> (last visited Mar. 12, 2025).

¹⁰⁰ Task Force, *2022 Biennial Report*, i (Dec. 2022), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/63a493a62905c4171d028c83/1671730088082/Dec+ember+2022+Final+Biennial+Report.pdf> (last visited Mar. 12, 2025).

¹⁰¹ *Id.* at 2.

The [Integrated Delivery Schedule](#) lists Everglades restoration projects to reflect upcoming design and program schedules and programmatic costs.¹⁰² The Integrated Delivery Schedule does not include the funding needed for completed work or land acquisition,¹⁰³ does not require agency action, and is not a decision document.¹⁰⁴ The Integrated Delivery Schedule serves the purpose of the Master Implementation Sequencing Plan described in the original CERP plan.¹⁰⁵ The CERP requires USACE and the SFWMD, in consultation with other federal, state, Tribal, and local agencies, to develop the Master Implementation Sequencing Plan, which provides sequencing and scheduling for the implementation of all included projects based on the best scientific, technical, funding, contracting, and other information available. USACE and the SFWMD must also consult with the task force in preparing the Master Implementation Sequencing Plan.¹⁰⁶

State Funding for Everglades Restoration Projects

Everglades restoration projects receive funding from the state through general appropriations and through the LATF within DEP.¹⁰⁷ The LATF is designated in the Florida Constitution to receive certain documentary stamp tax revenues.¹⁰⁸ For fiscal year 2023-2024, \$1.1 billion was deposited into the LATF from documentary stamp tax revenues.¹⁰⁹ Funds distributed into the LATF must be applied first to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds.¹¹⁰ Of the funds remaining, but before funds may be appropriated, pledged, or dedicated for other uses, a minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million must be appropriated annually for Everglades projects that implement the CERP, the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program, with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.¹¹¹

¹⁰² *Id.*; Task Force, *Integrated Delivery Schedule 2024 Update*, 1 (2024), available at https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/6759afacafb52e728f61dd9d/1733930924242/IDS_2024.pdf (last visited Mar. 12, 2025).

¹⁰³ USACE, *Integrated Delivery Schedule*, <https://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/Integrated-Delivery-Schedule/> (last visited Mar. 12, 2025).

¹⁰⁴ *Id.*; Task Force, *Integrated Delivery Schedule 2024 Update*, 1 (2024), available at https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/6759afacafb52e728f61dd9d/1733930924242/IDS_2024.pdf (last visited Mar. 12, 2025).

¹⁰⁵ Task Force, *Integrated Delivery Schedule 2024 Update*, 1 (2024), available at https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/6759afacafb52e728f61dd9d/1733930924242/IDS_2024.pdf (last visited Mar. 12, 2025).

¹⁰⁶ 33 CFR §385.30 (2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	16 Y, 0 N, As CS	4/1/2025	Moore	Gawin
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Revised the estimated cost threshold for capital improvement projects for which a WMD must give preference to certain bids from \$1 million to \$20 million; Revised the conditions under which a WMD must give a preference to certain bids; Required the South Florida Ecosystem Restoration Task Force to specify if funds are recurring or nonrecurring state funds when making project recommendations for the IDS. Removed the changes made to the Statewide Flooding and Sea Level Rise Resilience Plan and the Resilient Florida Trust Fund; and Removed the appropriations from the bill. 			
Ways & Means Committee	16 Y, 0 N, As CS	4/9/2025	Aldridge	Berg
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Clarified resolution and referendum requirements related to the levy of ad valorem taxes. 			
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
