

1 A bill to be entitled
 2 An act relating to water management districts; amending s.
 3 373.0693, F.S.; revising provisions relating to the
 4 membership of basin boards; specifying the terms of
 5 service for district governing board members serving on
 6 basin boards; providing that district governing board
 7 members serving on basin boards are voting members and
 8 counted for quorum purposes; providing for district
 9 governing board members to serve as basin board chairs and
 10 co-chairs; authorizing a quorum of remaining members to
 11 transact business if there is a vacancy on the board;
 12 deleting provisions providing for the formation of the
 13 Manasota Basin and the Manasota Basin Board; amending s.
 14 373.171, F.S.; exempting cooperative funding programs from
 15 certain rulemaking requirements; amending s. 373.609,
 16 F.S.; authorizing local governments to adopt ordinances to
 17 implement certain landscape irrigation restrictions;
 18 amending s. 373.707, F.S.; revising requirements for the
 19 expenditure of funds provided pursuant to the Water
 20 Protection and Sustainability Program; authorizing the
 21 Suwannee River Water Management District to use such funds
 22 for additional purposes; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Section 373.0693, Florida Statutes, is amended
 27 to read:
 28 373.0693 Basins; basin boards.—

29 (1) (a) Any areas within a district may be designated by
 30 the district governing board as subdistricts or basins. The
 31 designations ~~of such basins~~ shall be made by resolution of the
 32 district governing board ~~by resolutions thereof~~. The governing
 33 board ~~of the district~~ may change the boundaries of such basins,
 34 or create new basins, by resolution.

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

38 (2) Each basin shall be under the control of a basin board
 39 ~~which shall be~~ composed of each governing board member who
 40 resides in the basin or who is appointed by the governing board
 41 chair and any members appointed by the Governor who reside in
 42 the basin. A basin board shall have at least ~~not less than~~ three
 43 members, ~~but shall include one representative from each of the~~
 44 ~~counties included in the basin.~~

45 (3) Except for members of the district governing board
 46 serving on a basin board pursuant to subsections (2) and (6),
 47 each member of a ~~the various~~ basin board boards shall be
 48 appointed ~~serve for a period of~~ 3 years or until a successor is
 49 appointed, but not more than 180 days after the end of the
 50 term, ~~except that~~ The ~~board~~ membership of each new basin board
 51 shall be divided into three groups as equally as possible, with
 52 members in such groups ~~to be~~ appointed for 1, 2, and 3 years,
 53 respectively. Each basin board shall choose a vice chair and a
 54 secretary to serve for ~~a period of~~ 1 year. The term of office of
 55 a basin board member shall ~~be construed to~~ commence on March 2
 56 preceding the date of appointment and ~~to~~ terminate March 1 of

57 | the year of the end of a term or ~~may continue~~ until a successor
 58 | is appointed, but not more than 180 days after the end of the
 59 | expired term. Members of the district governing board serving on
 60 | a basin board pursuant to subsections (2) and (6) shall serve
 61 | for a period commensurate with their term on the governing
 62 | board.

63 | (4) Except for members of the district governing board
 64 | serving on a basin board pursuant to subsections (2) and (6),
 65 | members of a basin board ~~boards~~ shall be appointed by the
 66 | Governor, subject to confirmation by the Senate at the next
 67 | regular session of the Legislature. ~~;~~ ~~and~~ The refusal or failure
 68 | of the Senate to confirm an appointment shall create a vacancy
 69 | in the office to which the appointment was made.

70 | (5) Basin board members shall serve without ~~receive no~~
 71 | compensation ~~for services as such;~~ but are entitled to
 72 | reimbursement for per diem and travel expenses as provided in s.
 73 | 112.061, ~~while officially on work for the district, they shall~~
 74 | ~~receive their actual travel expenses between their respective~~
 75 | ~~places of residence and the place where official district~~
 76 | ~~business is conducted, subsistence, lodging, and other expenses~~
 77 | ~~in the amount actually incurred. These expenses may not exceed~~
 78 | ~~the statutory amount allowed state officers and employees. This~~
 79 | subsection applies retroactively to the effective date of the
 80 | creation of each of the five separate water management
 81 | districts.

82 | (6) (a) Notwithstanding any other provision of the
 83 | ~~provisions of any other general or special law to the contrary,~~
 84 | members ~~a member~~ of the district governing board serving on a

85 ~~basin of the district residing in the basin or, if no member~~
86 ~~resides in the basin, a member of the governing board designated~~
87 ~~by the chair of the governing board shall be voting members of~~
88 ~~the basin board and counted for purposes of establishing a~~
89 ~~quorum.~~

90 (b) A governing board member shall serve as the chair of
91 the basin board. Each governing board member serving on a basin
92 board shall rotate as co-chair of the basin board. The chair or
93 co-chair shall preside at all meetings of the basin board,
94 except that the vice chair may preside in the ~~his or her~~ absence
95 of the chair and co-chair. The chair shall be the liaison
96 officer of the district in all affairs in the basin and shall be
97 kept informed of all such affairs.

98 (c) If a vacancy occurs on a basin board, a quorum of the
99 total remaining members may continue to transact official
100 business until a successor is appointed.

101 (d) ~~(b)~~ Basin boards within the Southwest Florida Water
102 Management District shall meet regularly as determined by a
103 majority vote of the basin board members. Subject to the notice
104 requirements of chapter 120, special meetings, both emergency
105 and nonemergency, may be called ~~either~~ by the chair or the
106 elected vice chair ~~of the basin board~~ or upon request of two
107 basin board members. The district staff shall include on the
108 agenda of any basin board meeting any item for discussion or
109 action requested by a member of that basin board. The district
110 staff shall notify any basin board, as well as their respective
111 counties, of any vacancies occurring in the district governing
112 board or their respective basin boards.

113 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~
 114 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 115 ~~Management District, which is annexed to the Southwest Florida~~
 116 ~~Water Management District by change of its boundaries pursuant~~
 117 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
 118 ~~subdistrict or basin of the Southwest Florida Water Management~~
 119 ~~District, subject to the same provisions as the other basins in~~
 120 ~~such district. Such subdistrict shall be designated initially as~~
 121 ~~the Manasota Basin. The members of the governing board of the~~
 122 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 123 ~~Management District shall become members of the governing board~~
 124 ~~of the Manasota Basin of the Southwest Florida Water Management~~
 125 ~~District. Notwithstanding other provisions in this section,~~
 126 ~~beginning on July 1, 2001, the membership of the Manasota Basin~~
 127 ~~Board shall be comprised of two members from Manatee County and~~
 128 ~~two members from Sarasota County. Matters relating to tie votes~~
 129 ~~shall be resolved pursuant to subsection (6) by the chair~~
 130 ~~designated by the governing board to vote in case of a tie vote.~~

131 (7)(8)(a) At 11:59 p.m. on June 30, 1988, the area
 132 transferred from the Southwest Florida Water Management District
 133 to the St. Johns River Water Management District by change of
 134 boundaries pursuant to chapter 76-243, Laws of Florida, shall
 135 cease to be a subdistrict or basin of the St. Johns River Water
 136 Management District known as the Oklawaha River Basin and said
 137 Oklawaha River Basin shall cease to exist. However, any
 138 recognition of an Oklawaha River Basin or an Oklawaha River
 139 Hydrologic Basin for regulatory purposes shall be unaffected.
 140 The area formerly known as the Oklawaha River Basin shall

141 continue to be part of the St. Johns River Water Management
 142 District.

143 (b) Also, the entire area of the St. Johns River Water
 144 Management District, less those areas formerly in the Oklawaha
 145 Basin, shall cease to be a subdistrict or basin of the St. Johns
 146 River Water Management District known as the Greater St. Johns
 147 River Basin and said Greater St. Johns River Basin shall cease
 148 to exist. The area formerly known as the Greater St. Johns River
 149 Basin shall continue to be part of the St. Johns River Water
 150 Management District.

151 (c) As of 11:59 p.m. on June 30, 1988, assets and
 152 liabilities of the former Oklawaha River and Greater St. Johns
 153 River Basins shall be assets and liabilities of the St. Johns
 154 River Water Management District. Any contracts, plans, orders,
 155 or agreements of such basins shall continue to be in effect, but
 156 may be modified or repealed by the St. Johns River Water
 157 Management District in accordance with law. For all purposes for
 158 assessing and levying the millage rate authorized under s.
 159 373.503, subsequent to December 31, 1987, including the purposes
 160 of certifying the millage rate for fiscal year 1988-1989,
 161 pursuant to chapter 200, said millage rate shall be levied
 162 retroactive to January 1, 1988.

163 ~~(8)-(9)~~ At 11:59 p.m. on December 31, 1976, a portion of
 164 the Big Cypress Basin of the Ridge and Lower Gulf Coast District
 165 which is being annexed into the South Florida Water Management
 166 District by change of boundaries pursuant to chapter 76-243,
 167 Laws of Florida, shall be formed into a subdistrict or basin of
 168 the South Florida Water Management District. Such portion shall

169 be designated as the Big Cypress Basin. On or before December
 170 31, 1976, the Governor shall appoint not fewer than five persons
 171 residing in the area to serve as members of the governing board
 172 of the basin, effective at the time of transfer and subject to
 173 confirmation by the Senate as provided in subsection (4).

174 (a) The initial boundaries of the Big Cypress Basin shall
 175 be established by resolution of the governing board of Central
 176 and Southern Florida Flood Control District, after notice and
 177 hearing, and generally shall encompass the Big Cypress Swamp and
 178 southwestern coastal area hydrologic cataloging unit, as
 179 indicated on River Basin and Hydrologic Unit Map of Florida—
 180 1975, Florida Department of Natural Resources, Bureau of Geology
 181 Map Series No. 72.

182 (b) If the governing board shall fail to establish the
 183 initial boundaries on or before December 31, 1976, the initial
 184 boundaries shall be the same boundaries as described for the Big
 185 Cypress Basin of the Ridge and Lower Gulf Coast District.

186 (c) The governing board of the South Florida Water
 187 Management District subsequently may change the boundaries of
 188 the basin, but may not abolish the basin.

189 (9) ~~(10)~~ At 11:59 p.m. on December 31, 1976, the entire
 190 area of the South Florida Water Management District, including
 191 all areas being annexed into the district pursuant to chapter
 192 76-243, Laws of Florida, but less those areas in the Big Cypress
 193 Basin, shall be formed into a subdistrict or basin of the South
 194 Florida Water Management District. Such area shall be designated
 195 as the Okeechobee Basin.

196 (a) The governing board of the South Florida Water

197 Management District shall also serve as the governing board of
 198 the Okeechobee Basin.

199 (b) The governing board of the South Florida Water
 200 Management District may change the boundaries of the Okeechobee
 201 Basin or may subdivide the basin into smaller basins to be
 202 governed by basin boards to be appointed by the Governor,
 203 subject to confirmation by the Senate as provided in subsection
 204 (4). However, the basin may not be enlarged to include the area
 205 included within the initial boundaries of the Big Cypress Basin.

206 (c) The local effort required in connection with
 207 construction, operation, and maintenance of the cooperative
 208 federal project referred to as the Central and Southern Florida
 209 Flood Control Project, which remains after the upper St. Johns
 210 portion is transferred to the St. Johns River Water Management
 211 District, shall be funded by tax levies on all taxable property
 212 within the Okeechobee Basin. In the event the Okeechobee Basin
 213 is subdivided into smaller basins, as authorized in paragraph
 214 (b), the governing board shall ascertain the equitable pro rata
 215 share for each smaller basin and charge back such share so as to
 216 ensure that the portion of the Central and Southern Florida
 217 Flood Control Project remaining in the South Florida Water
 218 Management District shall continue to be funded on an equal
 219 basis throughout the entire Okeechobee Basin as initially
 220 described on December 31, 1976.

221 Section 2. Subsection (5) is added to section 373.171,
 222 Florida Statutes, to read:

223 373.171 Rules.—

224 (5) Cooperative funding programs are not subject to the

225 rulemaking requirements of chapter 120. However, any portion of
 226 an approved program which affects the substantial interests of a
 227 party is subject to s. 120.569.

228 Section 3. Section 373.609, Florida Statutes, is amended
 229 to read:

230 373.609 Enforcement; city and county officers to assist.-
 231 It shall be the duty of every state and county attorney,
 232 sheriff, police officer, and other appropriate city and county
 233 official, upon request, to assist the department, the governing
 234 board of any water management district, or any local board, or
 235 any of their agents in the enforcement of the provisions of this
 236 law and the rules and regulations adopted thereunder.
 237 Notwithstanding s. 373.217, local governments may adopt
 238 ordinances implementing landscape irrigation restrictions as set
 239 forth in water management district rules and orders.

240 Section 4. Paragraph (c) of subsection (8) of section
 241 373.707, Florida Statutes, is amended to read:

242 373.707 Alternative water supply development.-
 243 (8)

244 (c) ~~The~~ Financial assistance for alternative water supply
 245 projects allocated in each district's budget as required in
 246 subsection (6) shall be combined with the state funds and used
 247 to assist in funding the project construction costs of
 248 alternative water supply projects and the project costs of
 249 conservation projects that result in quantifiable water savings
 250 selected by the governing board. ~~If the district has not~~
 251 ~~completed any regional water supply plan, or the regional water~~
 252 ~~supply plan does not identify the need for any alternative water~~

CS/CS/HB 649

2011

253 | ~~supply projects,~~ Funds deposited in the Water Protection and
254 | Sustainability Program Trust Fund to the credit of the Suwannee
255 | River Water Management District ~~that district's trust fund~~ may
256 | also be used for regional water supply planning, water resource
257 | development, and water resource projects, including, but not
258 | limited to, springs protection.

259 | Section 5. This act shall take effect upon becoming a law.