

By the Committee on Environmental Preservation; and Senator Dockery

592-1923-05

1 A bill to be entitled
2 An act relating to water management districts;
3 creating s. 373.1135, F.S.; authorizing each
4 water management district to establish a small
5 business program to encourage small businesses,
6 including those owned by women and minorities,
7 to participate in district procurement and
8 contract activities; amending s. 373.073, F.S.;
9 allowing a water management district government
10 board member to serve until a replacement has
11 been appointed; amending s. 373.414, F.S.;
12 allowing a petition for a jurisdictional
13 declaratory statement to be submitted to the
14 Department of Environmental Protection or a
15 water management district on or before June 1,
16 1994; providing an effective date.

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

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20 Section 1. Section 373.1135, Florida Statutes, is
21 created to read:

22 373.1135 Small business program.--Each water
23 management district, as created in this chapter, may implement
24 a small business program designed to help small businesses,
25 including those owned by women and minorities, to participate
26 in district procurement and contract activities. The purpose
27 of the program is to spur economic development and support
28 small businesses, including women-owned and minority-owned
29 businesses, to successfully expand in the marketplace. Program
30 specifics shall be provided by rule pursuant to s. 373.113.

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1 Section 2. Paragraph (a) of subsection (1) of section
2 373.073, Florida Statutes, is amended to read:

3 373.073 Governing board.--

4 (1)(a) The governing board of each water management
5 district shall be composed of 9 members who shall reside
6 within the district, except that the Southwest Florida Water
7 Management District shall be composed of 11 members who shall
8 reside within the district. Members of the governing boards
9 shall be appointed by the Governor, subject to confirmation by
10 the Senate at the next regular session of the Legislature, and
11 the refusal or failure of the Senate to confirm an appointment
12 creates a vacancy in the office to which the appointment was
13 made. The term of office for a governing board member is 4
14 years and commences on March 2 of the year in which the
15 appointment is made and terminates on March 1 of the fourth
16 calendar year of the term or continues until a successor is
17 appointed. Terms of office of governing board members shall be
18 staggered to help maintain consistency and continuity in the
19 exercise of governing board duties and to minimize disruption
20 in district operations.

21 Section 3. Subsection (13) of section 373.414, Florida
22 Statutes, is amended to read:

23 373.414 Additional criteria for activities in surface
24 waters and wetlands.--

25 (13) Any declaratory statement issued by the
26 department under s. 403.914, 1984 Supplement to the Florida
27 Statutes 1983, as amended, or pursuant to rules adopted
28 thereunder, or by a water management district under s.
29 373.421, in response to a petition filed on or before June 1,
30 1994, shall continue to be valid for the duration of such
31 declaratory statement. Any such petition pending on June 1,

1 1994, shall be exempt from the methodology ratified in s.
2 373.4211, but the rules of the department or the relevant
3 water management district, as applicable, in effect prior to
4 the effective date of s. 373.4211, shall apply. Until May 1,
5 1998, activities within the boundaries of an area subject to a
6 petition pending on June 1, 1994, and prior to final agency
7 action on such petition, shall be reviewed under the rules
8 adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the
9 Florida Statutes 1983, as amended, and this part, in existence
10 prior to the effective date of the rules adopted under
11 subsection (9), unless the applicant elects to have such
12 activities reviewed under the rules adopted under this part,
13 as amended in accordance with subsection (9). In the event
14 that a jurisdictional declaratory statement pursuant to the
15 vegetative index in effect prior to the effective date of
16 chapter 84-79, Laws of Florida, has been obtained and is valid
17 prior to the effective date of the rules adopted under
18 subsection (9) or July 1, 1994, whichever is later, and the
19 affected lands are part of a project for which a master
20 development order has been issued pursuant to s. 380.06(21),
21 the declaratory statement shall remain valid for the duration
22 of the buildout period of the project. Any jurisdictional
23 determination validated by the department pursuant to rule
24 17-301.400(8), Florida Administrative Code, as it existed in
25 rule 17-4.022, Florida Administrative Code, on April 1, 1985,
26 shall remain in effect for a period of 5 years following the
27 effective date of this act if proof of such validation is
28 submitted to the department prior to January 1, 1995. In the
29 event that a jurisdictional determination has been revalidated
30 by the department pursuant to this subsection and the affected
31 lands are part of a project for which a development order has

1 | been issued pursuant to s. 380.06(15), a final development
2 | order to which s. 163.3167(8) applies has been issued, or a
3 | vested rights determination has been issued pursuant to s.
4 | 380.06(20), the jurisdictional determination shall remain
5 | valid until the completion of the project, provided proof of
6 | such validation and documentation establishing that the
7 | project meets the requirements of this sentence are submitted
8 | to the department prior to January 1, 1995. Activities
9 | proposed within the boundaries of a valid declaratory
10 | statement issued pursuant to a petition submitted to either
11 | the department or the relevant water management district on or
12 | before ~~prior to~~ June 1, 1994, or a revalidated jurisdictional
13 | determination, prior to its expiration shall continue
14 | thereafter to be exempt from the methodology ratified in s.
15 | 373.4211 and to be reviewed under the rules adopted pursuant
16 | to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
17 | 1983, as amended, and this part, in existence prior to the
18 | effective date of the rules adopted under subsection (9),
19 | unless the applicant elects to have such activities reviewed
20 | under the rules adopted under this part, as amended in
21 | accordance with subsection (9).

22 | Section 4. This act shall take effect upon becoming a
23 | law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2502

The committee substitute deletes the eminent domain provisions.

The water management districts are authorized to create a small business program designed to help small businesses, including those owned by women and minorities, to participate in district procurement and contract activities. Also, the committee substitute allows a water management district governing board member to continue to serve at the expiration of his or her term until a successor is appointed.

The committee substitute also fixes a glitch in the grandfathering provision regarding wetlands jurisdictional declaratory statements.