

BILL

ORIGINAL

2010

1 A bill to be entitled
 2 An act relating to water management; creating ss. 153.112
 3 and 180.133, F.S.; directing counties and municipalities,
 4 in cooperation with water management districts, to conduct
 5 an evaluation of primary water resources; amending s.
 6 373.0693, F.S.; revising provisions relating to the
 7 membership of basin boards; specifying the terms of
 8 service for basin board members designated by district
 9 governing board chairs; providing that basin board members
 10 designated by district governing board chairs are voting
 11 members and counted for quorum purposes; providing for
 12 designated district governing board members to serve as
 13 basin board chairs and co-chairs; authorizing basin boards
 14 to transact official business under certain conditions;
 15 revising provisions relating to the membership of the
 16 Manasota Basin board; providing for the designation of a
 17 member of the district governing board to serve on the
 18 basin board; amending s. 373.171, F.S.; exempting
 19 cooperative funding programs from certain rulemaking
 20 requirements; creating s. 373.0725, F.S.; establishing a
 21 water management district governing board nominating
 22 commission; providing criteria for governing board member
 23 nominees; providing for the appointment of commission
 24 members by the Governor, the President of the Senate, and
 25 the Speaker of the House of Representatives; providing for
 26 terms and duties of commission members; requiring the
 27 Executive Office of the Governor to provide administrative
 28 support to the commission and to adopt rules; amending s.

BILL

ORIGINAL

2010

29 | 373.086, F.S.; requiring governing boards to obtain
 30 | legislative authorization for acquisition costs and
 31 | professional service procurement costs in excess of
 32 | specified amounts; amending s. 373.089, F.S.; requiring
 33 | governing boards to review and make available for purchase
 34 | specified lands; amending section 373.584, F.S.,
 35 | restricting the issuance of certificates of participation
 36 | by districts for the purchase of land; amending s.
 37 | 112.3145, F.S.; providing that members of the water
 38 | management district governing board nominating commission
 39 | are state officers for purposes of financial disclosure
 40 | requirements; providing an effective date.

41

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

43

44 | Section 1. Section 153.112, Florida Statutes, is created
 45 | to read:

46 | 153.112 Protection of water resources.—A county commission
 47 | that uses state water resources for water supply purposes shall,
 48 | in cooperation with the relevant water management districts,
 49 | conduct an evaluation of water resources that might reasonably
 50 | be considered to be a primary source of water from which all or
 51 | part of the county's water supplies are derived. The evaluation
 52 | must determine if the water resources are adequately protected
 53 | from sources of pollution and from land uses incompatible with
 54 | their protection.

55 | Section 2. Section 180.133, Florida Statutes, is created
 56 | to read:

BILL

ORIGINAL

2010

57 180.133 Protection of municipal water resources.—The
 58 governing body of a municipality that provides water utility
 59 services that use state water resources for water supply
 60 purposes shall, in cooperation with the relevant water
 61 management districts, conduct an evaluation of water resources
 62 that might reasonably be considered to be a primary source of
 63 water from which all or part of the municipality's water
 64 supplies are derived. The evaluation must determine if the water
 65 resources are adequately protected from sources of pollution and
 66 from land uses incompatible with their protection.

67 Section 3. Subsections (1) through (7) of section
 68 373.0693, Florida Statutes, are amended to read:

69 373.0693 Basins; basin boards.—

70 (1) (a) Any areas within a district may be designated by
 71 the district governing board as subdistricts or basins. The
 72 designations of such basins shall be made by resolution of the
 73 district governing board ~~by resolutions thereof~~. The district
 74 governing board ~~of the district~~ may change the boundaries of
 75 such basins, or create new basins, by resolution.

76 (2) Each basin shall be under the control of a basin board
 77 ~~which shall be composed of at least not less than~~ three members,
 78 including one or more representatives ~~but shall include one~~
 79 ~~representative~~ from each of the counties included in the basin.

80 (3) Except for a member of the district governing board
 81 serving on a basin board pursuant to subsection (6), each member
 82 of a ~~the various~~ basin board ~~boards~~ shall be appointed ~~serve~~ for
 83 ~~a period of~~ 3 years or until a successor is appointed, but not
 84 more than 180 days after the end of the term. ~~, except that~~ The

BILL

ORIGINAL

2010

85 ~~board~~ membership of each new basin board shall be divided into
 86 three groups as equally as possible, with members in such groups
 87 to be appointed for 1, 2, and 3 years, respectively. Each basin
 88 board shall choose a vice chair and a secretary to serve for a
 89 ~~period of~~ 1 year. The term of office of a basin board member
 90 shall ~~be construed to~~ commence on March 2 preceding the date of
 91 appointment and ~~to~~ terminate March 1 of the year of the end of a
 92 term or ~~may continue~~ until a successor is appointed, but not
 93 more than 180 days after the end of the expired term. A member
 94 of the district governing board serving on a basin board
 95 pursuant to subsection (6) shall serve for a period commensurate
 96 with his or her term on the governing board.

97 (4) Except for a member of the district governing board
 98 serving on a basin board pursuant to subsection (6), members of
 99 a basin board ~~boards~~ shall be appointed by the Governor, subject
 100 to confirmation by the Senate at the next regular session of the
 101 Legislature; and the refusal or failure of the Senate to confirm
 102 an appointment shall create a vacancy in the office to which the
 103 appointment was made.

104 (5) Basin board members shall serve without ~~receive no~~
 105 ~~compensation for services as such;~~ but are entitled to
 106 reimbursement for per diem and travel expenses as provided in s.
 107 112.061, ~~while officially on work for the district, they shall~~
 108 ~~receive their actual travel expenses between their respective~~
 109 ~~places of residence and the place where official district~~
 110 ~~business is conducted, subsistence, lodging, and other expenses~~
 111 ~~in the amount actually incurred. These expenses may not exceed~~
 112 ~~the statutory amount allowed state officers and employees. This~~

BILL

ORIGINAL

2010

113 subsection applies retroactively to the effective date of the
 114 creation of each of the five separate water management
 115 districts.

116 (6) (a) Notwithstanding any other provision of the
 117 ~~provisions of any other~~ general or special law ~~to the contrary,~~
 118 a member of the district governing board ~~of the district~~
 119 residing in the basin or, if no member resides in the basin, a
 120 member of the district governing board designated by the chair
 121 of the district governing board shall be a voting member of the
 122 basin board and counted for purposes of establishing a quorum.

123 (b) A governing board member shall serve as the chair of
 124 the basin board. If more than one governing board member is
 125 designated to a basin board, each shall rotate as co-chair of
 126 the basin board. The chair or co-chair shall preside at all
 127 meetings of the basin board, except that the vice chair may
 128 preside in the his or her absence of the chair and co-chair. The
 129 chair shall be the liaison officer of the district in all
 130 affairs in the basin and shall be kept informed of all such
 131 affairs.

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

135 ~~(d)-(b)~~ Basin boards within the Southwest Florida Water
 136 Management District shall meet regularly as determined by a
 137 majority vote of the basin board members. Subject to notice
 138 requirements of chapter 120, special meetings, both emergency
 139 and nonemergency, may be called ~~either~~ by the chair or the
 140 elected vice chair ~~of the basin board~~ or upon request of two

BILL

ORIGINAL

2010

141 basin board members. The district staff shall include on the
 142 agenda of any basin board meeting any item for discussion or
 143 action requested by a member of that basin board. The district
 144 staff shall notify any basin board, as well as their respective
 145 counties, of any vacancies occurring in the district governing
 146 board or their respective basin boards.

147 (7) ~~At 11:59 p.m. on December 31, 1976, the Manasota~~
 148 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 149 ~~Management District, which is annexed to the Southwest Florida~~
 150 ~~Water Management District by change of its boundaries pursuant~~
 151 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
 152 ~~subdistrict or basin of the Southwest Florida Water Management~~
 153 ~~District, subject to the same provisions as the other basins in~~
 154 ~~such district. Such subdistrict shall be designated initially as~~
 155 ~~the Manasota Basin. The members of the governing board of the~~
 156 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 157 ~~Management District shall become members of the governing board~~
 158 ~~of the Manasota Basin of the Southwest Florida Water Management~~
 159 ~~District. Notwithstanding other provisions in this section,~~
 160 ~~beginning on July 1, 2010 2001, the membership of the Manasota~~
 161 ~~Basin Board shall be comprised of two members from Manatee~~
 162 ~~County, and two members from Sarasota County, and a member of~~
 163 ~~the district governing board designated by the chair of the~~
 164 ~~district governing board pursuant to subsection (6). Matters~~
 165 ~~relating to tie votes shall be resolved pursuant to subsection~~
 166 ~~(6) by the chair designated by the governing board to vote in~~
 167 ~~case of a tie vote.~~

BILL

ORIGINAL

2010

168 Section 4. Paragraph (d) is added to subsection (1) of
 169 section 373.171, Florida Statutes, to read:

170 373.171 Rules.—

171 (5) Cooperative funding programs are not subject to the
 172 rulemaking requirements of chapter 120. However, any portion of
 173 an approved program which affects the substantial interests of a
 174 party shall be subject to s. 120.569.

175 Section 5. Section 373.0725, Florida Statutes, is created
 176 to read:

177 373.0725 Water management district governing board
 178 nominating commission.—

179 (1) (a) Members of each water management district governing
 180 board shall be nominated for appointment by a commission
 181 composed of 9 members.

182 (b) Commission members shall submit to the Governor three
 183 recommended nominees for each district governing board position.
 184 Nominees must reside in the territorial jurisdiction of the
 185 governing board to which the commission will recommend
 186 appointments and must have significant experience in one or more
 187 of the following areas: agriculture, the development industry,
 188 local government, government-owned or privately owned water
 189 utilities, law, civil engineering, environmental science,
 190 hydrology, accounting, or finance.

191 (c) The Governor shall select appointees from the list of
 192 nominees recommended for a position.

193 (2) A current or former governing board member may not be
 194 a member of the governing board nominating commission. A member
 195 of the governing board nominating commission may hold public

BILL

ORIGINAL

2010

196 office. A member of the governing board nominating commission is
 197 not eligible for appointment, during his or her term of office
 198 and for a period of 2 years thereafter, to any board for which
 199 the commission has the authority to make nominations. All acts
 200 of the governing board nominating commission must be made with a
 201 concurrence of a majority of its members.

202 (3) Members shall be appointed to the governing board
 203 nominating commission in the following manner:

204 (a) The Governor shall appoint three members for terms
 205 ending July 1, 2014.

206 (b) The President of the Senate shall appoint three
 207 members for terms ending July 1, 2013.

208 (c) The Speaker of the House of Representatives shall
 209 appoint three members for terms ending July 1, 2012.

210
 211 Every subsequent appointment, except the appointment of a member
 212 of the Senate and of the House of Representatives and an
 213 appointment to fill a vacant, unexpired term, shall be for 4
 214 years. Each expired term or vacancy shall be filled by
 215 appointment in the same manner as the member whose position is
 216 being filled.

217 (4) In making appointments, the Governor, the President of
 218 the Senate, and the Speaker of the House of Representatives
 219 shall seek to ensure that, to the extent possible, the
 220 membership of the governing board nominating commission reflects
 221 the racial, ethnic, and gender diversity of the state and shall
 222 also consider the adequacy of representation of each geographic
 223 region within the state.

BILL

ORIGINAL

2010

224 (5) A member of the governing board nominating commission
 225 may be suspended for cause by the person who appointed him or
 226 her.

227 (6) The governing board nominating commission shall
 228 recommend appointments to the governing board of a water
 229 management district pursuant to s. 373.073. A quorum of the
 230 commission is necessary to take any action or transact any
 231 business. For purposes of this section, a majority of the
 232 commission members shall constitute a quorum. However, if a
 233 vacancy occurs, a majority of the total remaining commission
 234 members shall constitute a quorum.

235 (7) The Executive Office of the Governor shall provide all
 236 administrative support for the governing board nominating
 237 commission and shall adopt rules necessary to administer this
 238 section.

239 Section 6. Subsection (4) is added to section 373.086,
 240 Florida Statutes, to read:

241 373.086 Providing for district works.—

242 (4) The governing board must obtain specific legislative
 243 authorization for any acquisition costs in excess of \$50 million
 244 and for any professional service procurement costs in excess of
 245 \$5 million.

246 Section 7. Paragraph (e) is added to subsection (6) of
 247 section 373.089, Florida Statutes, to read:

248 373.089 Sale or exchange of lands, or interests or rights
 249 in lands.—The governing board of the district may sell lands, or
 250 interests or rights in lands, to which the district has acquired
 251 title or to which it may hereafter acquire title in the

BILL

ORIGINAL

2010

252 following manner:

253 (6) Any lands the title to which is vested in the
 254 governing board of a water management district may be surplused
 255 pursuant to the procedures set forth in this section and s.
 256 373.056 and the following:

257 (e) For any lands for which title is vested in the
 258 governing board, the governing board shall conduct reviews to
 259 determine which lands are no longer needed for conservation and
 260 restoration purposes or no longer considered environmentally
 261 critical or sensitive and make such lands available for purchase
 262 so long as the property can be reentered onto the county ad
 263 valorem tax roll.

264 Section 8. Subsection (2) of section 373.584, Florida
 265 Statutes, is amended to read:

266 (2) Revenues derived by the district from the Water
 267 Management Lands Trust Fund as provided in s. 373.59 or any
 268 other revenues of the district may be pledged to the payment of
 269 such revenue bonds; however, the ad valorem taxing powers of the
 270 district may not be pledged to the payment of such revenue bonds
 271 without prior compliance with the requirements of the State
 272 Constitution as to the affirmative vote of the electors of the
 273 district and with the requirements of s. 373.563, and bonds
 274 payable from the Water Management Lands Trust Fund shall be
 275 issued solely for the purposes set forth in s. 373.59. Revenue
 276 bonds and notes shall be, and shall be deemed to be, for all
 277 purposes, negotiable instruments, subject only to the provisions
 278 of the revenue bonds and notes for registration. Except as
 279 otherwise provided in this section, the~~The~~ powers and authority

BILL

ORIGINAL

2010

280 of districts to issue revenue bonds, including, but not limited
 281 to, bonds to finance a stormwater management system as defined
 282 by s. 373.403, and to enter into contracts incidental thereto,
 283 and to do all things necessary and desirable in connection with
 284 the issuance of revenue bonds, shall be coextensive with the
 285 powers and authority of municipalities to issue bonds under
 286 state law. The provisions of this section constitute ~~full and~~
 287 ~~complete~~ authority for the issuance of revenue bonds and shall
 288 be liberally construed to effectuate its purpose. However,
 289 notwithstanding any provision of this section or any other law,
 290 districts shall not have the power or authority to issue
 291 certificates of participation to fund the acquisition of land.

292 Section 9. Paragraph (c) of subsection (1) of section
 293 112.3145, Florida Statutes, is amended to read:

294 112.3145 Disclosure of financial interests and clients
 295 represented before agencies.—

296 (1) For purposes of this section, unless the context
 297 otherwise requires, the term:

298 (c) "State officer" means:

299 1. Any elected public officer, excluding those elected to
 300 the United States Senate and House of Representatives, not
 301 covered elsewhere in this part and any person who is appointed
 302 to fill a vacancy for an unexpired term in such an elective
 303 office.

304 2. An appointed member of each board, commission,
 305 authority, or council having statewide jurisdiction, excluding a
 306 member of an advisory body.

BILL

ORIGINAL

2010

307 3. A member of the Board of Governors of the State
 308 University System or a state university board of trustees, the
 309 Chancellor and Vice Chancellors of the State University System,
 310 and the president of a state university.

311 4. A member of the judicial nominating commission for any
 312 district court of appeal or any judicial circuit.

313 5. A member of the water management district governing
 314 board nominating commission.

315 Section 10. This act shall take effect July 1, 2010.