

By the Committee on Governmental Oversight and Accountability;  
and Senator Detert

585-03446-11

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1                                   A bill to be entitled  
2           An act relating to water management districts;  
3           amending s. 373.0693, F.S.; revising provisions  
4           relating to the membership of basin boards; specifying  
5           the terms of service for basin board members  
6           designated by district governing board chairs;  
7           providing that basin board members designated by  
8           district governing board chairs are voting members and  
9           counted for quorum purposes; providing for designated  
10          district governing board members to serve as basin  
11          board chairs and co-chairs; providing that a quorum of  
12          remaining members may conduct business if there is a  
13          vacancy on the board; revising provisions relating to  
14          the membership of the Manasota Basin Board; providing  
15          for the designation of a member of the district  
16          governing board to serve on the basin board; amending  
17          s. 373.171, F.S.; exempting cooperative funding  
18          programs from certain rulemaking requirements;  
19          amending s. 373.609, F.S.; providing that local  
20          governments may adopt restrictions on landscape  
21          irrigation as set forth in district rules or orders;  
22          amending s. 373.707, F.S.; authorizing water  
23          management districts to use certain moneys in the  
24          Water Protection and Sustainability Program Trust Fund  
25          for water resource development projects; providing an  
26          effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Subsections (1) through (7) of section 373.0693,  
31 Florida Statutes, are amended to read:

32 373.0693 Basins; basin boards.—

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

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

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

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

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59 more than 180 days after the end of the expired term. A member  
60 of the district governing board serving on a basin board  
61 pursuant to subsection (6) shall serve for a period commensurate  
62 with his or her term on the governing board.

63 (4) Except for a member of the district governing board  
64 serving on a basin board pursuant to subsection (6), members of  
65 a basin board ~~boards~~ shall be appointed by the Governor, subject  
66 to confirmation by the Senate at the next regular session of the  
67 Legislature. ~~and~~ The refusal or failure of the Senate to  
68 confirm an appointment shall create a vacancy in the office to  
69 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 a member of the district governing board ~~of the district~~  
85 residing in the basin, or, if no member resides in the basin, a  
86 member of the district governing board designated by the chair  
87 of the district governing board, shall be a voting member of the

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88 basin board and counted for purposes of establishing a quorum.

89 (b) A governing board member shall serve as the chair of  
90 the basin board. If more than one governing board member is  
91 designated to a basin board, each shall rotate as co-chair of  
92 the basin board. The chair or co-chair shall preside at all  
93 meetings of the basin board, except that the vice chair may  
94 preside in the his or her absence of the chair and co-chair. The  
95 chair shall be the liaison officer of the district in all  
96 affairs in the basin and shall be kept informed of all such  
97 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

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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, 2011 ~~2001~~, the membership of the Manasota  
127 Basin Board shall be comprised of two members from Manatee  
128 County, and two members from Sarasota County, and any members of  
129 the district governing board designated by the chair of the  
130 district governing board pursuant to subsection (6). ~~Matters~~  
131 ~~relating to tie votes shall be resolved pursuant to subsection~~  
132 ~~(6) by the chair designated by the governing board to vote in~~  
133 ~~case of a tie vote.~~

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

136 373.171 Rules.—

137 (5) Cooperative funding programs are not subject to the  
138 rulemaking requirements of chapter 120. However, any portion of  
139 an approved program which affects the substantial interests of a  
140 party is subject to s. 120.569.

141 Section 3. Section 373.609, Florida Statutes, is amended to  
142 read:

143 373.609 Enforcement; city and county officers to assist.—It  
144 is ~~shall be~~ the duty of every state and county attorney,  
145 sheriff, police officer, and other appropriate city and county

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146 official, upon request, to assist the department, the governing  
147 board of any water management district, or any local board, or  
148 any of their agents in the enforcement of the provisions of this  
149 law and the rules and regulations adopted thereunder.

150 Notwithstanding s. 373.217, local governments may adopt  
151 ordinances that implement restrictions on landscape irrigation  
152 as set forth in water management district rules or orders.

153 Section 4. Paragraph (c) of subsection (8) of section  
154 373.707, Florida Statutes, is amended to read:

155 373.707 Alternative water supply development.—

156 (8)

157 (c) ~~The~~ Financial assistance for alternative water supply  
158 projects allocated in each district's budget as required in  
159 subsection (6) shall be combined with the state funds and used  
160 to assist in funding the project construction costs of  
161 alternative water supply projects and the project costs of  
162 conservation projects that result in quantifiable water savings  
163 selected by the governing board. ~~If the district has not~~  
164 ~~completed any regional water supply plan, or the regional water~~  
165 ~~supply plan does not identify the need for any alternative water~~  
166 ~~supply projects,~~ Funds deposited in the Water Protection and  
167 Sustainability Program Trust Fund to the credit of the Suwannee  
168 River Water Management District ~~that district's trust fund~~ may  
169 also be used for regional water supply planning, water resource  
170 development, and water resource projects, including, but not  
171 limited to, springs protection.

172 Section 5. This act shall take effect July 1, 2011.