

By Representative Stabins

1                                   A bill to be entitled  
2           An act relating to water management; amending  
3           s. 373.073, F.S.; providing for a pilot project  
4           establishing additional guidelines for  
5           appointment to a water management district  
6           governing board; amending s. 373.079, F.S.;  
7           requiring the appointment of district executive  
8           directors by the Governor; providing for duties  
9           and training of water management district  
10          employees; authorizing the employment of an  
11          ombudsman; requiring reconfirmation of district  
12          executive directors every 4 years; amending s.  
13          373.139, F.S.; authorizing the use of land for  
14          multiple purposes; amending s. 373.501, F.S.;  
15          exempting water management districts from  
16          implementing unfunded delegated programs and  
17          responsibilities; creating s. 373.537, F.S.;  
18          establishing a cap on water management district  
19          millage rates; creating the Water Management  
20          District Employee Compensation Study  
21          Commission; requiring a report to the Governor  
22          and the Legislature; providing an effective  
23          date.

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

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27           Section 1. Paragraph (a) of subsection (1) and  
28           subsection (2) of section 373.073, Florida Statutes, are  
29           amended to read:

30           373.073 Governing board.--

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1           (1)(a) The governing board of each water management  
2 district shall be composed of 9 members who shall reside  
3 within the district, except that the Southwest Florida Water  
4 Management District shall be composed of 11 members who shall  
5 reside within the district. The term of office of members of  
6 the board shall be 4 years and shall be construed to commence  
7 on March 2 preceding the date of appointment and to terminate  
8 March 1 of the year of the end of a term. Members of the  
9 governing boards continued under this chapter shall be  
10 appointed from the district at large as vacancies occur on the  
11 governing boards. Such vacancies shall be filled according to  
12 the ~~residency~~ requirements of paragraph (b) and subsection  
13 (2).

14           (2)(a) In addition to the residency requirements for  
15 the governing boards in subsection (1), the Department of  
16 Environmental Protection shall initiate a pilot project in one  
17 of the water management districts to provide that members of  
18 the governing board must be appointed so that the interests of  
19 agricultural users, urban users, private or public water  
20 supply entities, and other public interests are specifically  
21 represented on the governing board. The pilot project  
22 governing board must also include a member with experience in  
23 hydrogeology, a member with experience in engineering, and a  
24 member with experience in finance and economics. The  
25 department shall report to the President of the Senate and the  
26 Speaker of the House of Representatives on the results of the  
27 pilot project as soon as feasible.

28           (b) Members of the governing boards shall be appointed  
29 by the Governor, subject to confirmation by the Senate at the  
30 next regular session of the Legislature, and the refusal or  
31

1 failure of the Senate to confirm an appointment shall create a  
2 vacancy in the office to which the appointment was made.

3 Section 2. Paragraph (a) of subsection (4) and  
4 subsection (5) of section 373.079, Florida Statutes, are  
5 amended to read:

6 373.079 Members of governing board; oath of office;  
7 staff.--

8 (4)(a) The governing board of the district shall  
9 recommend three persons to be executive director of the  
10 district, and the Governor shall appoint one of those three  
11 persons as the executive director. The executive director  
12 shall serve at the pleasure of the Governor, and the governing  
13 board may recommend termination to the Governor. The  
14 appointment of the executive director must be confirmed by the  
15 Senate and is subject to reconfirmation by the Senate every 4  
16 years.The governing board of the district is authorized to  
17 employ an ombudsman ~~executive director~~ and such engineers,  
18 other professional persons, and other personnel and assistants  
19 as it deems necessary and under such terms and conditions as  
20 it may determine and to terminate such employment. The  
21 governing board should establish training programs to provide  
22 district staff with both technical and practical understanding  
23 of agricultural production practices within the district. ~~The~~  
24 ~~appointment of an executive director must be initially~~  
25 ~~confirmed by the Florida Senate.~~The governing board may  
26 delegate all or part of its authority under this paragraph to  
27 the executive director.

28 (5) The governing board may employ a legal staff for  
29 the purposes of:

30 (a) Providing legal counsel to the governing board on  
31 matters relating to the exercise of its powers and duties and

1 to the executive director and district staff on matters  
2 relating to day-to-day operations of the district;

3 (b) Representing it in all proceedings of an  
4 administrative or judicial nature; and

5 (c) Otherwise assisting in the administration of the  
6 provisions of this chapter.

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8 Attorneys employed by the district must represent the legal  
9 interest or position of the governing board.

10 Section 3. Subsection (4) of section 373.139, Florida  
11 Statutes, 1996 Supplement, is amended to read:

12 373.139 Acquisition of real property.--

13 (4) The governing board of the district may purchase  
14 tax certificates or tax deeds issued in accordance with  
15 chapter 197 relating to property eligible for purchase under  
16 this section. Except when prohibited by a covenant or  
17 condition described in s. 373.056(2), lands owned, managed,  
18 and controlled by the district may be used for multiple  
19 purposes, including, but not limited to, agriculture,  
20 silviculture, and water supply, as well as boating and other  
21 recreational uses.

22 Section 4. Section 373.501, Florida Statutes, is  
23 amended to read:

24 373.501 Appropriation of funds to water management  
25 districts.--The department may allocate to the water  
26 management districts, from funds appropriated to the  
27 department, such sums as may be deemed necessary to defray the  
28 costs of the administrative, regulatory, and other activities  
29 of the districts. The governing boards of the water management  
30 districts have the prerogative and the responsibility to  
31 determine the priority and the extent to which local funding

1 is appropriate and available to accommodate legislatively  
2 mandated statewide programs.The governing boards shall submit  
3 annual budget requests for such purposes to the department,  
4 and the department shall consider such budgets in preparing  
5 its budget request for the Legislature. The Legislature shall  
6 support the priority water policies and programs of the state  
7 by providing state funding or alternative revenue-source  
8 funding to the districts to implement those priorities. The  
9 districts are exempt from implementing new or expanded water  
10 resource programs and regulatory responsibilities enacted by  
11 the Legislature or delegated to the districts by the  
12 department which are not accompanied by state funding or other  
13 alternative revenue-source funding.

14 Section 5. Section 373.537, Florida Statutes, is  
15 created to read:

16 373.537 Cap on district revenue.--Notwithstanding any  
17 provisions of law to the contrary, beginning in tax year 1998,  
18 the maximum total millage rate that may be levied for district  
19 and basin purposes is the "rolled-back" rate computed under s.  
20 200.065(1) as part of the yearly district budgeting process  
21 under this part.

22 Section 6. The Legislature finds that there currently  
23 exists actual or perceived differences in the salaries of  
24 certain water management employees and the salaries of other  
25 state employees performing the same or similar job functions.  
26 The Legislature further finds that section 373.079(4) and (5),  
27 Florida Statutes, provide the governing boards significant  
28 discretion in determining the compensation of its employees.

29 Section 7. (1) There is created the Water Management  
30 District Employee Compensation Study Commission, consisting of  
31 15 members, to review the issue identified in section 4 and to

1 prepare a report to the Governor, the President of the Senate,  
2 and the Speaker of the House of Representatives by January 1,  
3 1998, which presents the commission's findings and, if  
4 necessary, provides recommendations to remedy any actual or  
5 perceived discrepancies between the salaries of state  
6 employees and employees of the water management districts.  
7 The Governor, the President of the Senate, and the Speaker of  
8 the House of Representatives shall each appoint five members.  
9 Each appointing authority shall appoint two members from  
10 professions that are closely related to water management  
11 activities, such as hydrologists, geologists, and civil  
12 engineers; and one member who has substantial expertise in  
13 personnel and management relations. The Governor shall appoint  
14 one member who is an elected municipal officer of a  
15 municipality of less than 50,000 in population and one member  
16 who is an elected county officer of a county of less than  
17 100,000 in population. The President of the Senate shall  
18 appoint two members of the Senate. The Speaker of the House  
19 of Representatives shall appoint two members of the House of  
20 Representatives. Each appointing authority shall consider  
21 ethnic and gender balance in addition to particular expertise  
22 when making appointments.

23 (2) Each member may receive per diem and expenses for  
24 travel, as provided in section 112.061, Florida Statutes,  
25 while carrying out official business of the commission.

26 (3) The commission shall be staffed by an executive  
27 director and other personnel who are appointed by the  
28 commission and who are exempt from part II of chapter 110,  
29 Florida Statutes, relating to the Career Service System. The  
30 commission may employ staff and consultants as necessary to  
31 fulfill its responsibilities.

