

HB 1445

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CHAMBER ACTION

1 The Water & Natural Resources Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to water management districts; creating s.
8 373.1135, F.S.; authorizing water management districts to
9 implement a small business program; requiring rulemaking;
10 amending s. 373.073, F.S.; allowing a governing board
11 member to serve until a successor is appointed; amending
12 s. 373.414, F.S.; revising the date for submission of a
13 petition for a wetlands jurisdictional declaratory
14 statement; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 373.1135, Florida Statutes, is created
19 to read:

20 373.1135 Small business program.--Each water management
21 district, as created in this chapter, may implement a small
22 business program designed to help small businesses, including
23 those owned by women and minorities, participate in district

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24 procurement and contract activities. The purpose of the program
 25 is to spur economic development and support small businesses,
 26 including those owned by women and minorities, to successfully
 27 expand in the marketplace. Program specifics shall be provided
 28 by rule pursuant to s. 373.113.

29 Section 2. Paragraph (a) of subsection (1) of section
 30 373.073, Florida Statutes, is amended to read:

31 373.073 Governing board.--

32 (1)(a) The governing board of each water management
 33 district shall be composed of 9 members who shall reside within
 34 the district, except that the Southwest Florida Water Management
 35 District shall be composed of 11 members who shall reside within
 36 the district. Members of the governing boards shall be appointed
 37 by the Governor, subject to confirmation by the Senate at the
 38 next regular session of the Legislature, and the refusal or
 39 failure of the Senate to confirm an appointment creates a
 40 vacancy in the office to which the appointment was made. The
 41 term of office for a governing board member is 4 years and
 42 commences on March 2 of the year in which the appointment is
 43 made and terminates on March 1 of the fourth calendar year of
 44 the term or until a successor is appointed. Terms of office of
 45 governing board members shall be staggered to help maintain
 46 consistency and continuity in the exercise of governing board
 47 duties and to minimize disruption in district operations.

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

50 373.414 Additional criteria for activities in surface
 51 waters and wetlands.--

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52 (13) Any declaratory statement issued by the department
53 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
54 as amended, or pursuant to rules adopted thereunder, or by a
55 water management district under s. 373.421, in response to a
56 petition filed on or before June 1, 1994, shall continue to be
57 valid for the duration of such declaratory statement. Any such
58 petition pending on June 1, 1994, shall be exempt from the
59 methodology ratified in s. 373.4211, but the rules of the
60 department or the relevant water management district, as
61 applicable, in effect prior to the effective date of s.
62 373.4211, shall apply. Until May 1, 1998, activities within the
63 boundaries of an area subject to a petition pending on June 1,
64 1994, and prior to final agency action on such petition, shall
65 be reviewed under the rules adopted pursuant to ss. 403.91-
66 403.929, 1984 Supplement to the Florida Statutes 1983, as
67 amended, and this part, in existence prior to the effective date
68 of the rules adopted under subsection (9), unless the applicant
69 elects to have such activities reviewed under the rules adopted
70 under this part, as amended in accordance with subsection (9).
71 In the event that a jurisdictional declaratory statement
72 pursuant to the vegetative index in effect prior to the
73 effective date of chapter 84-79, Laws of Florida, has been
74 obtained and is valid prior to the effective date of the rules
75 adopted under subsection (9) or July 1, 1994, whichever is
76 later, and the affected lands are part of a project for which a
77 master development order has been issued pursuant to s.
78 380.06(21), the declaratory statement shall remain valid for the
79 duration of the buildout period of the project. Any

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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80 jurisdictional determination validated by the department
81 pursuant to rule 17-301.400(8), Florida Administrative Code, as
82 it existed in rule 17-4.022, Florida Administrative Code, on
83 April 1, 1985, shall remain in effect for a period of 5 years
84 following the effective date of this act if proof of such
85 validation is submitted to the department prior to January 1,
86 1995. In the event that a jurisdictional determination has been
87 revalidated by the department pursuant to this subsection and
88 the affected lands are part of a project for which a development
89 order has been issued pursuant to s. 380.06(15), a final
90 development order to which s. 163.3167(8) applies has been
91 issued, or a vested rights determination has been issued
92 pursuant to s. 380.06(20), the jurisdictional determination
93 shall remain valid until the completion of the project, provided
94 proof of such validation and documentation establishing that the
95 project meets the requirements of this sentence are submitted to
96 the department prior to January 1, 1995. Activities proposed
97 within the boundaries of a valid declaratory statement issued
98 pursuant to a petition submitted to either the department or the
99 relevant water management district on or before ~~prior to~~ June 1,
100 1994, or a revalidated jurisdictional determination, prior to
101 its expiration shall continue thereafter to be exempt from the
102 methodology ratified in s. 373.4211 and to be reviewed under the
103 rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to
104 the Florida Statutes 1983, as amended, and this part, in
105 existence prior to the effective date of the rules adopted under
106 subsection (9), unless the applicant elects to have such

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107 | activities reviewed under the rules adopted under this part, as
108 | amended in accordance with subsection (9).

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