

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to water management districts; creating s.
7 373.1135, F.S.; authorizing water management districts to
8 implement a small business program; requiring rulemaking;
9 amending s. 373.073, F.S.; allowing a governing board
10 member to serve until a successor is appointed; amending
11 s. 373.323, F.S.; authorizing licensed water well
12 contractors to act as prime contractors and to contract
13 with other licensed water well contractors and other
14 contractors for certain work; amending s. 373.414, F.S.;
15 revising the date for submission of a petition for a
16 wetlands jurisdictional declaratory statement; providing
17 an effective date.

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

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

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

32 Section 2. Paragraph (a) of subsection (1) of section
 33 373.073, Florida Statutes, is amended to read:

34 373.073 Governing board.--

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

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51 Section 3. Subsection (11) is added to section 373.323,
52 Florida Statutes, to read:

53 373.323 Licensure of water well contractors; application,
54 qualifications, and examinations; equipment identification.--

55 (11) A licensed water well contractor may act as a prime
56 contractor if the majority of work to be performed under the
57 contract is within the scope of his or her license. A licensed
58 water well contractor may contract with another licensed water
59 well contractor for the remaining work or with another
60 contractor for which a water well contracting license is not
61 required.

62 Section 4. Subsection (13) of section 373.414, Florida
63 Statutes, is amended to read:

64 373.414 Additional criteria for activities in surface
65 waters and wetlands.--

66 (13) Any declaratory statement issued by the department
67 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
68 as amended, or pursuant to rules adopted thereunder, or by a
69 water management district under s. 373.421, in response to a
70 petition filed on or before June 1, 1994, shall continue to be
71 valid for the duration of such declaratory statement. Any such
72 petition pending on June 1, 1994, shall be exempt from the
73 methodology ratified in s. 373.4211, but the rules of the
74 department or the relevant water management district, as
75 applicable, in effect prior to the effective date of s.
76 373.4211, shall apply. Until May 1, 1998, activities within the
77 boundaries of an area subject to a petition pending on June 1,
78 1994, and prior to final agency action on such petition, shall

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79 | be reviewed under the rules adopted pursuant to ss. 403.91-
80 | 403.929, 1984 Supplement to the Florida Statutes 1983, as
81 | amended, and this part, in existence prior to the effective date
82 | of the rules adopted under subsection (9), unless the applicant
83 | elects to have such activities reviewed under the rules adopted
84 | under this part, as amended in accordance with subsection (9).
85 | In the event that a jurisdictional declaratory statement
86 | pursuant to the vegetative index in effect prior to the
87 | effective date of chapter 84-79, Laws of Florida, has been
88 | obtained and is valid prior to the effective date of the rules
89 | adopted under subsection (9) or July 1, 1994, whichever is
90 | later, and the affected lands are part of a project for which a
91 | master development order has been issued pursuant to s.
92 | 380.06(21), the declaratory statement shall remain valid for the
93 | duration of the buildout period of the project. Any
94 | jurisdictional determination validated by the department
95 | pursuant to rule 17-301.400(8), Florida Administrative Code, as
96 | it existed in rule 17-4.022, Florida Administrative Code, on
97 | April 1, 1985, shall remain in effect for a period of 5 years
98 | following the effective date of this act if proof of such
99 | validation is submitted to the department prior to January 1,
100 | 1995. In the event that a jurisdictional determination has been
101 | revalidated by the department pursuant to this subsection and
102 | the affected lands are part of a project for which a development
103 | order has been issued pursuant to s. 380.06(15), a final
104 | development order to which s. 163.3167(8) applies has been
105 | issued, or a vested rights determination has been issued
106 | pursuant to s. 380.06(20), the jurisdictional determination

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

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107 shall remain valid until the completion of the project, provided
108 proof of such validation and documentation establishing that the
109 project meets the requirements of this sentence are submitted to
110 the department prior to January 1, 1995. Activities proposed
111 within the boundaries of a valid declaratory statement issued
112 pursuant to a petition submitted to either the department or the
113 relevant water management district on or before ~~prior to~~ June 1,
114 1994, or a revalidated jurisdictional determination, prior to
115 its expiration shall continue thereafter to be exempt from the
116 methodology ratified in s. 373.4211 and to be reviewed under the
117 rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to
118 the Florida Statutes 1983, as amended, and this part, in
119 existence prior to the effective date of the rules adopted under
120 subsection (9), unless the applicant elects to have such
121 activities reviewed under the rules adopted under this part, as
122 amended in accordance with subsection (9).

123 Section 5. This act shall take effect upon becoming a law.