

1 373.0693 Basins; basin boards.--
2 (8)(a) At 11:59 p.m. on June 30, 1988, the area
3 transferred from the Southwest Florida Water Management
4 District to the St. Johns River Water Management District by
5 change of boundaries pursuant to chapter 76-243, Laws of
6 Florida, shall cease to be a subdistrict or basin of the St.
7 Johns River Water Management District known as the Oklawaha
8 River Basin and said Oklawaha River Basin shall cease to
9 exist. However, any recognition of an Oklawaha River Basin or
10 an Oklawaha River Hydrologic Basin for regulatory purposes
11 shall be unaffected. The area formerly known as the Oklawaha
12 River Basin shall continue to be part of the St. Johns River
13 Water Management District. There shall be established by the
14 governing board of the St. Johns River Water Management
15 District the Oklawaha River Basin Advisory Council to receive
16 public input and advise the St. Johns River Water Management
17 District's governing board on water management issues
18 affecting the Oklawaha River Basin. The Oklawaha River Basin
19 Advisory Council shall be appointed by action of the St. Johns
20 River Water Management District's governing board and shall
21 include one representative from each county which is wholly or
22 partly included in the Oklawaha River Basin. The St. Johns
23 River Water Management District's governing board member whose
24 residence area includes the area generally designated as the
25 Oklawaha River Basin hydrologic unit ~~currently serving~~
26 ~~pursuant to s. 373.073(2)(c)3.~~ shall serve as chair of the
27 Oklawaha River Basin Advisory Council. Members of the Oklawaha
28 River Basin Advisory Council shall receive no compensation for
29 their services but are entitled to be reimbursed for per diem
30 and travel expenses as provided in s. 112.061.
31

1 Section 2. Section 373.073, Florida Statutes, is
2 amended to read:

3 373.073 Governing board.--

4 (1)(a) The governing board of each water management
5 district shall be composed of 9 members ~~who shall reside~~
6 ~~within the district~~, except that the Southwest Florida Water
7 Management District shall be composed of 11 members. Each
8 member of the governing board of a water management district
9 shall be a qualified elector of the district in which he or
10 she serves, shall be a resident of the district residence area
11 from which he or she is elected, and shall maintain that
12 residency throughout the term of office ~~who shall reside~~
13 ~~within the district. Members of the governing boards shall be~~
14 ~~appointed by the Governor, subject to confirmation by the~~
15 ~~Senate at the next regular session of the Legislature, and the~~
16 ~~refusal or failure of the Senate to confirm an appointment~~
17 ~~creates a vacancy in the office to which the appointment was~~
18 ~~made. The term of office for a governing board member is 4~~
19 ~~years and commences on March 2 of the year in which the~~
20 ~~appointment is made and terminates on March 1 of the fourth~~
21 ~~calendar year of the term or may continue until a successor is~~
22 ~~appointed, but not more than 180 days. Terms of office of~~
23 ~~governing board members shall be staggered to help maintain~~
24 ~~consistency and continuity in the exercise of governing board~~
25 ~~duties and to minimize disruption in district operations.~~

26 (b) ~~Commencing January 1, 1999, the Governor shall~~
27 ~~appoint the following number of governing board members in~~
28 ~~each year of the Governor's 4 year term of office:~~

29 1. ~~In the first year of the Governor's term of office,~~
30 ~~the Governor shall appoint three members to the governing~~
31 ~~board of each district.~~

1 ~~2. In the second year of the Governor's term of~~
2 ~~office, the Governor shall appoint three members to the~~
3 ~~governing board of the Southwest Florida Water Management~~
4 ~~District and two members to the governing board of each other~~
5 ~~district.~~

6 ~~3. In the third year of the Governor's term of office,~~
7 ~~the Governor shall appoint three members to the governing~~
8 ~~board of the Southwest Florida Water Management District and~~
9 ~~two members to the governing board of each other district.~~

10 ~~4. In the fourth year of the Governor's term of~~
11 ~~office, the Governor shall appoint two members to the~~
12 ~~governing board of each district.~~

13
14 ~~For any governing board vacancy that occurs before the date~~
15 ~~scheduled for the office to be filled under this paragraph,~~
16 ~~the Governor shall appoint a person meeting residency~~
17 ~~requirements of subsection (2) for a term that will expire on~~
18 ~~the date scheduled for the term of that office to terminate~~
19 ~~under this subsection. In addition to the residency~~
20 ~~requirements for the governing boards as provided by~~
21 ~~subsection (2), the Governor shall consider appointing~~
22 ~~governing board members to represent an equitable cross~~
23 ~~section of regional interests and technical expertise.~~

24 (2) Governing board members shall be elected beginning
25 at the 2008 general election for terms of 4 years, but such
26 terms shall be staggered so that, alternately, one more or one
27 less than half of the members elected from residence areas are
28 elected every 2 years. In order to accomplish staggered terms,
29 at the 2008 general election, members in odd-numbered
30 districts shall be elected for two-year terms. The term of
31 office shall begin on the first Tuesday after the first Monday

1 in January of the year immediately following the general
2 election. A vacancy in office shall be filled by appointment
3 of the Governor for the remainder of the term if less than 28
4 months remain in the term, otherwise until the first Tuesday
5 after the first Monday in January of the year immediately
6 following the next general election. Membership on governing
7 ~~boards shall be selected from candidates who have significant~~
8 ~~experience in one or more of the following areas, including,~~
9 ~~but not limited to: agriculture, the development industry,~~
10 ~~local government, government owned or privately owned water~~
11 ~~utilities, law, civil engineering, environmental science,~~
12 ~~hydrology, accounting, or financial businesses.~~
13 ~~Notwithstanding the provisions of any other general or special~~
14 ~~law to the contrary, vacancies in the governing boards of the~~
15 ~~water management districts shall be filled according to the~~
16 ~~following residency requirements, representing areas~~
17 ~~designated by the United States Water Resources Council in~~
18 ~~United States Geological Survey, River Basin and Hydrological~~
19 ~~Unit Map of Florida 1975, Map Series No. 72:~~
20 ~~(a) Northwest Florida Water Management District:~~
21 ~~1. One member shall reside in the area generally~~
22 ~~designated as the "Perdido River Basin Perdido Bay Coastal~~
23 ~~Area Lower Conecuh River Escambia River Basin" hydrologic~~
24 ~~units and that portion of the "Escambia Bay Coastal Area"~~
25 ~~hydrologic unit which lies west of Pensacola Bay and Escambia~~
26 ~~Bay.~~
27 ~~2. One member shall reside in the area generally~~
28 ~~designated as the "Blackwater River Basin Yellow River~~
29 ~~Basin Choctawhatchee Bay Coastal Area" hydrologic units and~~
30 ~~that portion of the "Escambia Bay Coastal Area" hydrologic~~
31 ~~unit which lies east of Pensacola Bay and Escambia Bay.~~

1 ~~3. One member shall reside in the area generally~~
2 ~~designated as the "Choctawhatchee River Basin St. Andrews Bay~~
3 ~~Coastal Area" hydrologic units.~~

4 ~~4. One member shall reside in the area generally~~
5 ~~designated as the "Lower Chattahoochee Apalachicola~~
6 ~~River Chipola River Basin Coastal Area between Ochlockonee~~
7 ~~River Apalachicola Rivers Apalachicola Bay coastal area and~~
8 ~~offshore islands" hydrologic units.~~

9 ~~5. One member shall reside in the area generally~~
10 ~~designated as the "Ochlockonee River Basin St. Marks and~~
11 ~~Wakulla Rivers and coastal area between Aucilla and~~
12 ~~Ochlockonee River Basin" hydrologic units.~~

13 ~~6. Four members shall be appointed at large, except~~
14 ~~that no county shall have more than two members on the~~
15 ~~governing board.~~

16 ~~(b) Suwannee River Water Management District:~~

17 ~~1. One member shall reside in the area generally~~
18 ~~designated as the "Aucilla River Basin" hydrologic unit.~~

19 ~~2. One member shall reside in the area generally~~
20 ~~designated as the "Coastal Area between Suwannee and Aucilla~~
21 ~~Rivers" hydrologic unit.~~

22 ~~3. One member shall reside in the area generally~~
23 ~~designated as the "Withlacoochee River Basin Alapaha River~~
24 ~~Basin Suwannee River Basin above the Withlacoochee River"~~
25 ~~hydrologic units.~~

26 ~~4. One member shall reside in the area generally~~
27 ~~designated as the "Suwannee River Basin below the~~
28 ~~Withlacoochee River excluding the Santa Fe River Basin"~~
29 ~~hydrologic unit.~~

30 ~~5. One member shall reside in the area generally~~
31 ~~designated as the "Santa Fe Basin Waccasassa River and coastal~~

1 ~~area between Withlacoochee and Suwannee River" hydrologic~~
2 ~~units.~~

3 ~~6. Four members shall be appointed at large, except~~
4 ~~that no county shall have more than two members on the~~
5 ~~governing board.~~

6 ~~(c) St. Johns River Water Management District:~~

7 ~~1. One member shall reside in the area generally~~
8 ~~designated as the "St. Mary River Basin Coastal area between~~
9 ~~St. Marys and St. Johns Rivers" hydrologic units.~~

10 ~~2. One member shall reside in the area generally~~
11 ~~designated as the "St. Johns River Basin below Oklawaha~~
12 ~~River Coastal area between the St. Johns River and Ponce de~~
13 ~~Leon Inlet" hydrologic units.~~

14 ~~3. One member shall reside in the area generally~~
15 ~~designated as the "Oklawaha River Basin" hydrologic unit.~~

16 ~~4. One member shall reside in the area generally~~
17 ~~designated as the "St. Johns River Basin above the Oklawaha~~
18 ~~River" hydrologic unit.~~

19 ~~5. One member shall reside in the area generally~~
20 ~~designated as the "Coastal area between Ponce de Leon Inlet~~
21 ~~and Sebastian Inlet Coastal area Sebastian Inlet to St. Lucie~~
22 ~~River" hydrologic units.~~

23 ~~6. Four members shall be appointed at large, except~~
24 ~~that no county shall have more than two members on the~~
25 ~~governing board.~~

26 ~~(d) South Florida Water Management District:~~

27 ~~1. Two members shall reside in Dade County.~~

28 ~~2. One member shall reside in Broward County.~~

29 ~~3. One member shall reside in Palm Beach County.~~

30 ~~4. One member shall reside in Collier County, Lee~~
31 ~~County, Hendry County, or Charlotte County.~~

1 ~~5. One member shall reside in Glades County,~~
2 ~~Okeechobee County, Highlands County, Polk County, Orange~~
3 ~~County, or Osceola County.~~

4 ~~6. Two members, appointed at large, shall reside in an~~
5 ~~area consisting of St. Lucie, Martin, Palm Beach, Broward,~~
6 ~~Dade, and Monroe Counties.~~

7 ~~7. One member, appointed at large, shall reside in an~~
8 ~~area consisting of Collier, Lee, Charlotte, Hendry, Glades,~~
9 ~~Osceola, Okeechobee, Polk, Highlands, and Orange Counties.~~

10 ~~8. No county shall have more than three members on the~~
11 ~~governing board.~~

12 ~~(c) Southwest Florida Water Management District:~~

13 ~~1. Two members shall reside in Hillsborough County.~~

14 ~~2. One member shall reside in the area consisting of~~
15 ~~Hillsborough and Pinellas Counties.~~

16 ~~3. Two members shall reside in Pinellas County.~~

17 ~~4. One member shall reside in Manatee County.~~

18 ~~5. One member shall reside in Polk County.~~

19 ~~6. One member shall reside in Pasco County.~~

20 ~~7. One member shall be appointed at large from Levy,~~
21 ~~Marion, Citrus, Sumter, Hernando, and Lake Counties.~~

22 ~~8. One member shall be appointed at large from~~
23 ~~Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.~~

24 ~~9. One member shall be appointed at large from Levy,~~
25 ~~Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee,~~
26 ~~DeSoto, Charlotte, and Highlands Counties.~~

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28 ~~No county described in subparagraph 7., subparagraph 8., or~~
29 ~~subparagraph 9. shall have more than one member on the~~
30 ~~governing board.~~

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1 (3) For the purpose of electing district governing
2 board members, the existing governing board shall divide each
3 district into residence areas, which shall be numbered
4 consecutively and which shall, as nearly as practicable, be
5 equal in population. District governing board members shall
6 reside one in each of the residence areas, the areas together
7 covering the entire district, each of whom shall be elected
8 only by the qualified electors who reside in the same
9 residence area as the member.

10 (4) District governing board members shall run in
11 nonpartisan elections and qualify with the Division of
12 Elections of the Department of State pursuant to the
13 requirements of s. 99.061 for multicounty district office.

14 (5) Once elected members have been seated, the
15 district governing board may amend the boundaries of any
16 residence area at a meeting of the governing board, provided
17 that:

18 (a) Such amendments shall be made only in odd-numbered
19 years; and

20 (b) No amendment affecting the residence
21 qualifications of an incumbent member shall disqualify such
22 incumbent member during the term for which he or she is
23 elected.

24 (6) Amendments to boundaries of a residence area shall
25 be shown by resolution published at least once in a newspaper
26 published in the district within 30 days after the adoption of
27 the resolution. A certified copy of the resolution shall be
28 transmitted to the Department of State within 30 days after
29 adoption of the resolution.

30 Section 3. Section 373.079, Florida Statutes, is
31 amended to read:

1 373.079 Members of governing board; oath of office;
2 staff.--

3 (1) Each member of the governing board of the
4 district, before entering upon his or her official duties,
5 shall take and subscribe to an oath, before some officer
6 authorized by law to administer oaths, that the member will
7 honestly, faithfully, and impartially perform the duties
8 devolving upon him or her in office as member of the governing
9 board of the district to which the member was elected
10 ~~appointed~~ and that he or she will not neglect any of the
11 duties imposed upon him or her by this chapter.

12 (2) Immediately after their election ~~appointment~~, and
13 every 2 years thereafter, the governing board shall meet at
14 some convenient place and choose some suitable person, who may
15 or may not be a member of the governing board, and who may be
16 required to execute bond for the faithful performance of his
17 or her duties as the governing board may determine, as
18 secretary. Such board shall adopt a seal with a suitable
19 device and shall keep a well-bound book entitled, in effect,
20 "Record of Governing Board of ____ District," in which shall
21 be recorded minutes of all meetings, resolutions, proceedings,
22 certificates, bonds given by all employees, and any and all
23 corporate acts, which book shall at reasonable times be open
24 to the inspection of any citizen of this state or taxpayer in
25 the district or his or her agent or attorney.

26 (3) The chair and members of the board shall be exempt
27 from part II of chapter 110 and included in the Senior
28 Management Service in accordance with s. 110.205(2)(f) ~~receive~~
29 ~~no compensation for services as such; but, while officially on~~
30 ~~work for the district, they shall receive their actual travel~~
31 ~~expenses between their respective places of residence and the~~

1 ~~place where official district business is conducted,~~
2 ~~subsistence, lodging, and other expenses in the actual amount~~
3 ~~incurred therefor. These expenses may not exceed the statutory~~
4 ~~amount allowed state officers and employees. Payment or~~
5 ~~reimbursement to governing board members for the use of~~
6 ~~private or charter aircraft may be no greater than that~~
7 ~~allowed for commercial air travel for equivalent distances.~~
8 ~~This subsection applies retroactively to the effective date of~~
9 ~~the creation of each of the five separate water management~~
10 ~~districts.~~

11 (4)(a) The governing board of the district is
12 authorized to employ an executive director, ombudsman, and
13 such engineers, other professional persons, and other
14 personnel and assistants as it deems necessary and under such
15 terms and conditions as it may determine and to terminate such
16 employment. ~~The appointment of an executive director by the~~
17 ~~governing board is subject to approval by the Governor and~~
18 ~~must be initially confirmed by the Florida Senate. The~~
19 governing board may delegate all or part of its authority
20 under this paragraph to the executive director. ~~The executive~~
21 ~~director must be confirmed by the Senate upon employment and~~
22 ~~must be confirmed or reconfirmed by the Senate during the~~
23 ~~second regular session of the Legislature following a~~
24 ~~gubernatorial election.~~

25 (b)1. The governing board of each water management
26 district shall employ an inspector general, who shall report
27 directly to the board. However, the governing boards of the
28 Suwannee River Water Management District and the Northwest
29 Florida Water Management District may jointly employ an
30 inspector general, or provide for inspector general services
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1 by interagency agreement with a state agency or water
2 management district inspector general.

3 2. An inspector general must have the qualifications
4 prescribed and perform the applicable duties of state agency
5 inspectors general as provided in s. 20.055.

6 (5) The executive director may employ a legal staff
7 for the purposes of:

8 (a) Providing legal counsel to the executive director
9 and district staff on matters relating to the day-to-day
10 operations of the district;

11 (b) Representing the district in all proceedings of an
12 administrative or judicial nature; and

13 (c) Otherwise assisting in the administration of the
14 provisions of this chapter.

15
16 Attorneys employed by the governing board must represent the
17 legal interest or position of the governing board.

18 (6) By resolution the governing board may determine
19 the location of its principal office and provide for the
20 change thereof.

21 (7) The governing board shall meet at least once a
22 month and upon call of the chair.

23 Section 4. This act shall take effect July 1, 2006.

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