

By the Committees on General Government Appropriations;  
Environmental Preservation and Conservation; and Senator  
Saunders

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1                   A bill to be entitled  
2           An act relating to the water management districts;  
3           reenacting ss. 373.069, 373.0693, 373.0695, 373.073, and  
4           373.083, F.S., relating to the creation of the water  
5           management districts, pursuant to the provisions of the  
6           Florida Government Accountability Act; amending s.  
7           373.0693, F.S.; eliminating the Oklawaha River Basin  
8           Advisory Council; amending s. 373.323, F.S.; providing for  
9           applicants who meet certain conditions to be certified as  
10          a licensed water well contractor; amending s. 373.503,  
11          F.S.; providing that a water management district's millage  
12          rate is subject to annual authorization by the  
13          Legislature; requiring the Legislature to annually review  
14          a district's millage rate is subject to annual  
15          authorization by the Legislature; requiring the  
16          Legislature to annually review a district's millage rate;  
17          requiring the Legislature to annually set the amount of  
18          revenue authorized to be raised by a district from ad  
19          valorem taxes; providing for the amount of authorized  
20          revenue to be raised by a district if the Legislature does  
21          not set the amount by a specified date; amending s.  
22          373.536, F.S.; revising the beginning and ending dates of  
23          a district's fiscal year; revising the date by which a  
24          district must submit a tentative budget to the Governor  
25          and the Legislature; eliminating the authorization for the  
26          Legislature to comment on such budgets; eliminating the  
27          requirement for districts to respond to such comments and  
28          to forward such responses to the Governor and Legislature;  
29          revising the date by which the Executive Office of the

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30 Governor must file a specified report with the  
31 Legislature; directing districts to implement conforming  
32 measures; providing for legislative review of certain  
33 district expenditures; amending s. 373.079, F.S.; revising  
34 meeting requirements for members of the governing boards  
35 of the water management districts, as provided in s.  
36 120.54, F.S.; providing an effective date.

37  
38 WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida  
39 Government Accountability Act, subjects the water management  
40 districts and each district's respective advisory committees to  
41 a sunset review process in order to determine whether the  
42 districts should be retained, modified, or abolished, and

43 WHEREAS, the water management districts produced reports  
44 providing specific information, as enumerated in s. 11.906,  
45 Florida Statutes, and

46 WHEREAS, upon receipt of the reports, the Joint  
47 Legislative Sunset Committee and committees of the Senate and  
48 the House of Representatives assigned to act as sunset review  
49 committees reviewed the reports and requested studies by the  
50 Office of Program Policy Analysis and Government  
51 Accountability, and

52 WHEREAS, based on the reports of the water management  
53 districts, studies of the Office of Program Policy Analysis and  
54 Government Accountability, and public input, the Joint  
55 Legislative Sunset Committee and legislative sunset review  
56 committees made recommendations on the abolition, continuation,  
57 or reorganization of the water management districts and each  
58 district's advisory committees; on the need for the functions

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59 | performed by the districts and the advisory committees; and on  
60 | the consolidation, transfer, or reorganization of programs  
61 | within the water management districts, NOW, THEREFORE,

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63 | Be It Enacted by the Legislature of the State of Florida:

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65 |       Section 1. Sections 373.069, 373.0693, 373.0695, 373.073,  
66 | and 373.083, Florida Statutes are reenacted.

67 |       Section 2. Paragraph (a) of subsection (8) of section  
68 | 373.0693, Florida Statutes, is amended to read:

69 |       373.0693 Basins; basin boards.--

70 |       (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred  
71 | from the Southwest Florida Water Management District to the St.  
72 | Johns River Water Management District by change of boundaries  
73 | pursuant to chapter 76-243, Laws of Florida, shall cease to be a  
74 | subdistrict or basin of the St. Johns River Water Management  
75 | District known as the Oklawaha River Basin and said Oklawaha  
76 | River Basin shall cease to exist. However, any recognition of an  
77 | Oklawaha River Basin or an Oklawaha River Hydrologic Basin for  
78 | regulatory purposes shall be unaffected. The area formerly known  
79 | as the Oklawaha River Basin shall continue to be part of the St.  
80 | Johns River Water Management District. ~~There shall be established~~  
81 | ~~by the governing board of the St. Johns River Water Management~~  
82 | ~~District the Oklawaha River Basin Advisory Council to receive~~  
83 | ~~public input and advise the St. Johns River Water Management~~  
84 | ~~District's governing board on water management issues affecting~~  
85 | ~~the Oklawaha River Basin. The Oklawaha River Basin Advisory~~  
86 | ~~Council shall be appointed by action of the St. Johns River Water~~  
87 | ~~Management District's governing board and shall include one~~

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88 ~~representative from each county which is wholly or partly~~  
89 ~~included in the Oklawaha River Basin. The St. Johns River Water~~  
90 ~~Management District's governing board member currently serving~~  
91 ~~pursuant to s. 373.073(2)(c)3. shall serve as chair of the~~  
92 ~~Oklawaha River Basin Advisory Council. Members of the Oklawaha~~  
93 ~~River Basin Advisory Council shall receive no compensation for~~  
94 ~~their services but are entitled to be reimbursed for per diem and~~  
95 ~~travel expenses as provided in s. 112.061.~~

96 Section 3. Subsection (3) of section 373.323, Florida  
97 Statutes, is amended to read:

98 373.323 Licensure of water well contractors; application,  
99 qualifications, and examinations; equipment identification.--

100 (3) An applicant who meets the following requirements shall  
101 be entitled to take the water well contractor licensure  
102 examination ~~to practice water well contracting~~:

103 (a) Is at least 18 years of age.

104 (b) Has at least 2 years of experience in constructing,  
105 repairing, or abandoning water wells. Satisfactory proof of such  
106 experience shall be demonstrated by providing:

107 1. Evidence of the length of time the applicant has been  
108 engaged in the business of the construction, abandonment, and  
109 repair of water wells as a major activity, as attested to by  
110 three letters from any of the following persons:

111 a. Water well contractors.

112 b. Water well drillers.

113 c. Water well parts and equipment vendors.

114 d. Water well inspectors employed by a governmental agency.

115 2. A list of at least 10 water wells that the applicant has  
116 constructed, repaired, or abandoned, which includes the following

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117 information:

118 a. The name and address of the owner or owners of each  
119 well.

120 b. The location, primary use, and approximate depth and  
121 diameter of each well that the applicant has constructed,  
122 repaired, or abandoned.

123 c. The approximate date the construction, repair, or  
124 abandonment of each well was completed.

125 3. All listed wells must have been constructed, repaired,  
126 or abandoned within 5 years immediately preceding the filing of  
127 the license application. At least seven of the 10 water wells  
128 must have been constructed by the applicant, as defined in s.  
129 373.303(2).

130 (c) Has completed the application form and remitted a  
131 nonrefundable application fee.

132 Section 4. Paragraph (a) of subsection (3) of section  
133 373.503, Florida Statutes, is amended, subsection (5) is  
134 renumbered as subsection (6), and a new subsection (5) is added  
135 to that section, to read:

136 373.503 Manner of taxation.--

137 (3) (a) Subject to annual authorization by the Legislature  
138 to levy ad valorem taxes under subsection (5), the districts may  
139 levy ad valorem taxes on property within the district solely for  
140 the purposes of this chapter and of chapter 25270, 1949, Laws of  
141 Florida, as amended, and chapter 61-691, Laws of Florida, as  
142 amended. The authority to levy ad valorem taxes as provided in  
143 this act shall commence with the year 1977. However, the taxes  
144 levied for 1977 by the governing boards pursuant to this section  
145 shall be prorated to ensure that no such taxes will be levied for

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146 the first 4 days of the tax year, which days will fall prior to  
147 the effective date of the amendment to s. 9(b), Art. VII of the  
148 State Constitution, which was approved March 9, 1976. When  
149 appropriate, taxes levied by each governing board may be  
150 separated by the governing board into a millage necessary for the  
151 purposes of the district and a millage necessary for financing  
152 basin functions specified in s. 373.0695. ~~Beginning with the~~  
153 ~~taxing year 1977, and~~ Notwithstanding the provisions of any other  
154 general or special law to the contrary and subject to annual  
155 authorization by the Legislature to levy ad valorem taxes under  
156 subsection (5), the maximum total millage rate for district and  
157 basin purposes shall be:

- 158 1. Northwest Florida Water Management District: 0.05 mill.
- 159 2. Suwannee River Water Management District: 0.75 mill.
- 160 3. St. Johns River Water Management District: 0.6 mill.
- 161 4. Southwest Florida Water Management District: 1.0 mill.
- 162 5. South Florida Water Management District: 0.80 mill.

163 (5) To ensure that the taxes authorized by this chapter  
164 continue to be in proportion to the benefits derived by the  
165 several parcels of real estate within the districts, the  
166 Legislature shall annually review the authorized millage rate for  
167 each district and annually set the maximum amount of revenue  
168 authorized to be raised by each district from the taxes  
169 authorized by this chapter. However, if the annual maximum amount  
170 of revenue authorized to be raised by each district is not set by  
171 the Legislature on or before July 1 of each year, each district  
172 is authorized to raise the amount of revenue authorized by the  
173 Legislature in the preceding fiscal year and adjusted by the  
174 percentage change in the Consumer Price Index for the preceding

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175 fiscal year.

176 Section 5. Subsections (1) and (2) and paragraphs (c), (e),  
177 and (f) of subsection (5) of section 373.536, Florida Statutes,  
178 are amended, and subsection (7) is added to that section, to  
179 read:

180 373.536 District budget and hearing thereon.--

181 (1) FISCAL YEAR.--The fiscal year of districts created  
182 under the provisions of this chapter shall extend from July  
183 ~~October~~ 1 of one year through June ~~September~~ 30 of the following  
184 year.

185 (2) BUDGET SUBMITTAL.--The budget officer of the district  
186 shall, ~~on or before July 15 of each year,~~ submit for  
187 consideration by the governing board of the district a tentative  
188 budget for the district covering its proposed operations and  
189 funding requirements for the ensuing fiscal year.

190 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
191 APPROVAL.--

192 (c) Each water management district shall, by February  
193 ~~August~~ 1 of each year, submit for review a tentative budget to  
194 the Governor, the President of the Senate, the Speaker of the  
195 House of Representatives, the chairs of all legislative  
196 committees and subcommittees with substantive or fiscal  
197 jurisdiction over water management districts, as determined by  
198 the President of the Senate or the Speaker of the House of  
199 Representatives as applicable, the secretary of the department,  
200 and the governing body of each county in which the district has  
201 jurisdiction or derives any funds for the operations of the  
202 district.

203 ~~(c) By September 5 of the year in which the budget is~~

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204 ~~submitted, the House and Senate appropriations chairs may~~  
205 ~~transmit to each district comments and objections to the proposed~~  
206 ~~budgets. Each district governing board shall include a response~~  
207 ~~to such comments and objections in the record of the governing~~  
208 ~~board meeting where final adoption of the budget takes place, and~~  
209 ~~the record of this meeting shall be transmitted to the Executive~~  
210 ~~Office of the Governor, the department, and the chairs of the~~  
211 ~~House and Senate appropriations committees.~~

212 (e) ~~(f)~~ The Executive Office of the Governor shall annually,  
213 on or before September ~~December~~ 15, file with the Legislature a  
214 report that summarizes its review of the water management  
215 districts' tentative budgets and displays the adopted budget  
216 allocations by program area. The report must identify the  
217 districts that are not in compliance with the reporting  
218 requirements of this section. State funds shall be withheld from  
219 a water management district that fails to comply with these  
220 reporting requirements.

221 (7) PROPOSED EXPENDITURES.--Before the governing board of a  
222 water management district approves any acquisition, project, or  
223 project component that constitutes a commitment to expend more  
224 than 25 percent of the district's audited total revenue for the  
225 prior fiscal year, the governing board must submit the proposed  
226 expenditure to the Legislative Budget Commission for approval.

227 Section 6. For the 2008-2009 and the 2009-2010 fiscal  
228 years, notwithstanding any law to the contrary, the water  
229 management districts are directed to budget and plan for their  
230 fiscal management to conform to the provisions of this act.

231 Section 7. Subsection (7) of section 373.079, Florida  
232 Statutes, is amended to read:

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233           373.079 Members of governing board; oath of office;  
234 staff.--

235           (7) The governing board shall meet at least once a month  
236 and upon call of the chair. The governing board, a basin board, a  
237 committee, or an advisory board may conduct meetings by means of  
238 communications media technology as provided in the uniform rules  
239 of procedure adopted pursuant to s. 120.54.

240           Section 8. This act shall take effect upon becoming a law.