

1 A bill to be entitled
 2 An act relating to water management districts; amending s.
 3 373.073, F.S.; requiring the election rather than
 4 appointment of members of the governing boards of the
 5 water management districts; providing for termination of
 6 terms of current officeholders; providing for terms of
 7 office, nonpartisan elections, filling of vacancies, and
 8 residency requirements; amending s. 373.536, F.S.;
 9 revising provisions relating to the fiscal year and budget
 10 submission; transferring budget approval authority from
 11 the Executive Office of the Governor to the Legislature;
 12 revising provisions relating to the review and submission
 13 of water management district budgets; amending s. 373.026,
 14 F.S.; conforming a reference; prescribing an annual salary
 15 and funding source for members; prohibiting the denial of
 16 a permit for a well or water usage to grow agricultural
 17 seed stock or plants under certain circumstances;
 18 providing an effective date.

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

21
 22 Section 1. Section 373.073, Florida Statutes, is amended
 23 to read:

24 373.073 Governing board.--

25 (1) (a) The governing board of each water management
 26 district shall be composed of 9 elected members who must ~~shall~~
 27 reside within the district, except that the Southwest Florida
 28 Water Management District shall be composed of 13 elected

HB 1217

2009

29 members who must ~~shall~~ reside within the district. ~~Members of~~
30 ~~the governing boards shall be appointed by the Governor, subject~~
31 ~~to confirmation by the Senate at the next regular session of the~~
32 ~~Legislature, and the refusal or failure of the Senate to confirm~~
33 ~~an appointment creates a vacancy in the office to which the~~
34 ~~appointment was made.~~

35 (b) The term of a member currently appointed to the
36 governing board of a water management district office shall
37 terminate upon the swearing in of an elected member.

38 (c) The term of office for a governing board member is 4
39 years and commences on the first Tuesday after the first Monday
40 in January after the previous general election. The office is a
41 nonpartisan office and candidates for such office are prohibited
42 from campaigning or qualifying for election based on party
43 affiliation. Each candidate for water management district board
44 member shall qualify as provided under chapter 99. ~~March 2 of~~
45 the year in which the appointment is made and terminates on
46 March 1 of the fourth calendar year of the term or may continue
47 until a successor is appointed, but not more than 180 days.
48 ~~Terms of office of governing board members shall be staggered to~~
49 ~~help maintain consistency and continuity in the exercise of~~
50 ~~governing board duties and to minimize disruption in district~~
51 ~~operations.~~

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

55 ~~1. In the first year of the Governor's term of office, the~~
56 ~~Governor shall appoint three members to the governing board of~~

57 ~~each district.~~

58 ~~2. In the second year of the Governor's term of office,~~
 59 ~~the Governor shall appoint three members to the governing board~~
 60 ~~of the Southwest Florida Water Management District and two~~
 61 ~~members to the governing board of each other district.~~

62 ~~3. In the third year of the Governor's term of office, the~~
 63 ~~Governor shall appoint three members to the governing board of~~
 64 ~~the Southwest Florida Water Management District and two members~~
 65 ~~to the governing board of each other district.~~

66 ~~4. In the fourth year of the Governor's term of office,~~
 67 ~~the Governor shall appoint two members to the governing board of~~
 68 ~~each district.~~

69
 70 For any governing board vacancy that occurs before the next date
 71 scheduled election for that the office ~~to be filled under this~~
 72 ~~paragraph~~, the Governor shall appoint a person who meets the
 73 applicable meeting residency requirements of subsection (2) to
 74 complete the term of that office ~~for a term that will expire on~~
 75 ~~the date scheduled for the term of that office to terminate~~
 76 ~~under this subsection. In addition to the residency requirements~~
 77 ~~for the governing boards as provided by subsection (2), the~~
 78 ~~Governor shall consider appointing governing board members to~~
 79 ~~represent an equitable cross-section of regional interests and~~
 80 ~~technical expertise.~~

81 (2) Election to membership on governing boards must be in
 82 accordance with ~~shall be selected from candidates who have~~
 83 ~~significant experience in one or more of the following areas,~~
 84 ~~including, but not limited to: agriculture, the development~~

85 ~~industry, local government, government owned or privately owned~~
 86 ~~water utilities, law, civil engineering, environmental science,~~
 87 ~~hydrology, accounting, or financial businesses. Notwithstanding~~
 88 ~~the provisions of any other general or special law to the~~
 89 ~~contrary, vacancies in the governing boards of the water~~
 90 ~~management districts shall be filled according to the following~~
 91 residency requirements, representing areas designated by the
 92 United States Water Resources Council in United States
 93 Geological Survey, River Basin and Hydrological Unit Map of
 94 Florida--1975, Map Series No. 72:

95 (a) Northwest Florida Water Management District:

96 1. One member must ~~shall~~ reside in the area generally
 97 designated as the "Perdido River Basin-Perdido Bay Coastal Area-
 98 Lower Conecuh River-Escambia River Basin" hydrologic units and
 99 that portion of the "Escambia Bay Coastal Area" hydrologic unit
 100 which lies west of Pensacola Bay and Escambia Bay.

101 2. One member must ~~shall~~ reside in the area generally
 102 designated as the "Blackwater River Basin-Yellow River Basin-
 103 Choctawhatchee Bay Coastal Area" hydrologic units and that
 104 portion of the "Escambia Bay Coastal Area" hydrologic unit which
 105 lies east of Pensacola Bay and Escambia Bay.

106 3. One member must ~~shall~~ reside in the area generally
 107 designated as the "Choctawhatchee River Basin-St. Andrews Bay
 108 Coastal Area" hydrologic units.

109 4. One member must ~~shall~~ reside in the area generally
 110 designated as the "Lower Chattahoochee-Apalachicola River-
 111 Chipola River Basin-Coastal Area between Ochlockonee River
 112 Apalachicola Rivers-Apalachicola Bay coastal area and offshore

113 islands" hydrologic units.

114 5. One member must ~~shall~~ reside in the area generally
 115 designated as the "Ochlockonee River Basin-St. Marks and Wakulla
 116 Rivers and coastal area between Aucilla and Ochlockonee River
 117 Basin" hydrologic units.

118 6. Four members shall be elected ~~appointed~~ at large,
 119 ~~except that no county shall have more than two members on the~~
 120 ~~governing board.~~

121 (b) Suwannee River Water Management District:

122 1. One member must ~~shall~~ reside in the area generally
 123 designated as the "Aucilla River Basin" hydrologic unit.

124 2. One member must ~~shall~~ reside in the area generally
 125 designated as the "Coastal Area between Suwannee and Aucilla
 126 Rivers" hydrologic unit.

127 3. One member must ~~shall~~ reside in the area generally
 128 designated as the "Withlacoochee River Basin-Alapaha River
 129 Basin-Suwannee River Basin above the Withlacoochee River"
 130 hydrologic units.

131 4. One member must ~~shall~~ reside in the area generally
 132 designated as the "Suwannee River Basin below the Withlacoochee
 133 River excluding the Santa Fe River Basin" hydrologic unit.

134 5. One member must ~~shall~~ reside in the area generally
 135 designated as the "Santa Fe Basin-Waccasassa River and coastal
 136 area between Withlacoochee and Suwannee River" hydrologic units.

137 6. Four members shall be elected ~~appointed~~ at large,
 138 ~~except that no county shall have more than two members on the~~
 139 ~~governing board.~~

140 (c) St. Johns River Water Management District:

- 141 1. One member must ~~shall~~ reside in the area generally
 142 designated as the "St. Marys River Basin-Coastal area between
 143 St. Marys and St. Johns Rivers" hydrologic units.
- 144 2. One member must ~~shall~~ reside in the area generally
 145 designated as the "St. Johns River Basin below Oklawaha River-
 146 Coastal area between the St. Johns River and Ponce de Leon
 147 Inlet" hydrologic units.
- 148 3. One member must ~~shall~~ reside in the area generally
 149 designated as the "Oklawaha River Basin" hydrologic unit.
- 150 4. One member must ~~shall~~ reside in the area generally
 151 designated as the "St. Johns River Basin above the Oklawaha
 152 River" hydrologic unit.
- 153 5. One member must ~~shall~~ reside in the area generally
 154 designated as the "Coastal area between Ponce de Leon Inlet and
 155 Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River"
 156 hydrologic units.
- 157 6. Four members shall be elected ~~appointed~~ at large,
 158 ~~except that no county shall have more than two members on the~~
 159 ~~governing board.~~
- 160 (d) South Florida Water Management District:
- 161 1. Two members must ~~shall~~ reside in Miami-Dade County.
 162 2. One member must ~~shall~~ reside in Broward County.
 163 3. One member must ~~shall~~ reside in Palm Beach County.
 164 4. One member must ~~shall~~ reside in Collier County, Lee
 165 County, Hendry County, or Charlotte County.
 166 5. One member must ~~shall~~ reside in Glades County,
 167 Okeechobee County, Highlands County, Polk County, Orange County,
 168 or Osceola County.

169 6. Two members, elected ~~appointed~~ at large, must ~~shall~~
 170 reside in ~~an area consisting of~~ St. Lucie County, Martin County,
 171 Palm Beach County, Broward County, Miami-Dade County, or ~~and~~
 172 Monroe County Counties.

173 7. One member, elected ~~appointed~~ at large, must ~~shall~~
 174 reside in ~~an area consisting of~~ Collier County, Lee County,
 175 Charlotte County, Hendry County, Glades County, Osceola County,
 176 Okeechobee County, Polk County, Highlands County, or ~~and~~ Orange
 177 County Counties.

178 8. ~~No county shall have more than three members on the~~
 179 ~~governing board.~~

180 (e) Southwest Florida Water Management District:

181 1. Two members shall reside in Hillsborough County.

182 2. One member must ~~shall~~ reside in the area consisting of
 183 Hillsborough and Pinellas Counties.

184 3. Two members must ~~shall~~ reside in Pinellas County.

185 4. One member must ~~shall~~ reside in Manatee County.

186 5. Two members must ~~shall~~ reside in Polk County.

187 6. One member must ~~shall~~ reside in Pasco County.

188 7. One member must ~~shall~~ be elected ~~appointed~~ at large
 189 from Levy County, Citrus County, Sumter County, or ~~and~~ Lake
 190 County Counties.

191 8. One member shall be elected ~~appointed~~ at large from
 192 Hardee County, DeSoto County, or ~~and~~ Highlands County Counties.

193 9. One member shall be elected ~~appointed~~ at large from
 194 Marion County or ~~and~~ Hernando County Counties.

195 10. One member shall be elected ~~appointed~~ at large from
 196 Sarasota County or ~~and~~ Charlotte County Counties.

197 Section 2. Subsections (1), (2), and (5) of section
 198 373.536, Florida Statutes, are amended to read:

199 373.536 District budget and hearing thereon.--

200 (1) FISCAL YEAR.--The fiscal year of districts created
 201 under the provisions of this chapter shall extend from July
 202 ~~October~~ 1 of one year through June ~~September~~ 30 of the following
 203 year.

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

209 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 210 APPROVAL.--

211 (a) The Legislature ~~Executive Office of the Governor~~ is
 212 authorized to approve or disapprove, in whole or in part, the
 213 budget of each water management district and shall analyze each
 214 budget as to the adequacy of fiscal resources available to the
 215 district and the adequacy of district expenditures related to
 216 water supply, including water resource development projects
 217 identified in the district's regional water supply plans; water
 218 quality; flood protection and floodplain management; and natural
 219 systems. This analysis shall be based on the particular needs
 220 within each water management district in those four areas of
 221 responsibility.

222 ~~(b) The Executive Office of the Governor and the water~~
 223 ~~management districts shall develop a process to facilitate~~
 224 ~~review and communication regarding water management district~~

225 ~~budgets, as necessary. Written disapproval of any provision in~~
 226 ~~the tentative budget must be received by the district at least 5~~
 227 ~~business days prior to the final district budget adoption~~
 228 ~~hearing conducted under s. 200.065(2)(d). If written disapproval~~
 229 ~~of any portion of the budget is not received at least 5 business~~
 230 ~~days prior to the final budget adoption hearing, the governing~~
 231 ~~board may proceed with final adoption. Any provision rejected by~~
 232 ~~the Governor shall not be included in a district's final budget.~~

233 (b)~~(e)~~ Each water management district shall, by January
 234 ~~August~~ 1 of each year, submit for review a tentative budget to
 235 the Governor, the President of the Senate, the Speaker of the
 236 House of Representatives, the chairs of all legislative
 237 committees and subcommittees with substantive or fiscal
 238 jurisdiction over water management districts, as determined by
 239 the President of the Senate or the Speaker of the House of
 240 Representatives as applicable, the secretary of the department,
 241 and the governing body of each county in which the district has
 242 jurisdiction or derives any funds for the operations of the
 243 district.

244 (c)~~(d)~~ The tentative budget must set forth the proposed
 245 expenditures of the district, to which may be added an amount to
 246 be held as reserve. The tentative budget must include, but is
 247 not limited to, the following information for the preceding
 248 fiscal year and the current fiscal year, and the proposed
 249 amounts for the upcoming fiscal year, in a standard format
 250 prescribed by the Legislature ~~Executive Office of the Governor~~:

- 251 1. The estimated amount of funds remaining at the
- 252 beginning of the fiscal year which have been obligated for the

253 payment of outstanding commitments not yet completed.

254 2. The estimated amount of unobligated funds or net cash
 255 balance on hand at the beginning of the fiscal year, and the
 256 estimated amount of funds to be raised by district taxes or
 257 received from other sources to meet the requirements of the
 258 district.

259 3. The millage rates and the percentage increase above the
 260 rolled-back rate, together with a summary of the reasons the
 261 increase is required, and the percentage increase in taxable
 262 value resulting from new construction within the district.

263 4. The salaries and benefits, expenses, operating capital
 264 outlay, number of authorized positions, and other personal
 265 services for the following program areas of the district:

- 266 a. Water resource planning and monitoring;
- 267 b. Land acquisition, restoration, and public works;
- 268 c. Operation and maintenance of works and lands;
- 269 d. Regulation;
- 270 e. Outreach for which the information provided must
 271 contain a full description and accounting of expenditures for
 272 water resources education; public information and public
 273 relations, including public service announcements and
 274 advertising in any media; and lobbying activities related to
 275 local, regional, state and federal governmental affairs, whether
 276 incurred by district staff or through contractual services; and
 277 f. Management and administration.

278
 279 In addition to the program areas reported by all water
 280 management districts, the South Florida Water Management

281 District shall include in its budget document separate sections
 282 on all costs associated with the Everglades Construction Project
 283 and the Comprehensive Everglades Restoration Plan.

284 5. The total estimated amount in the district budget for
 285 each area of responsibility listed in subparagraph 4. and for
 286 water resource development projects identified in the district's
 287 regional water supply plans.

288 6. A description of each new, expanded, reduced, or
 289 eliminated program.

290 7. The funding sources, including, but not limited to, ad
 291 valorem taxes, Surface Water Improvement and Management Program
 292 funds, other state funds, federal funds, and user fees and
 293 permit fees for each program area.

294 ~~(e) By September 5 of the year in which the budget is~~
 295 ~~submitted, the House and Senate appropriations chairs may~~
 296 ~~transmit to each district comments and objections to the~~
 297 ~~proposed budgets. Each district governing board shall include a~~
 298 ~~response to such comments and objections in the record of the~~
 299 ~~governing board meeting where final adoption of the budget takes~~
 300 ~~place, and the record of this meeting shall be transmitted to~~
 301 ~~the Executive Office of the Governor, the department, and the~~
 302 ~~chairs of the House and Senate appropriations committees.~~

303 ~~(f) The Executive Office of the Governor shall annually,~~
 304 ~~on or before December 15, file with the Legislature a report~~
 305 ~~that summarizes its review of the water management districts'~~
 306 ~~tentative budgets and displays the adopted budget allocations by~~
 307 ~~program area. The report must identify the districts that are~~
 308 ~~not in compliance with the reporting requirements of this~~

309 ~~section. State funds shall be withheld from a water management~~
 310 ~~district that fails to comply with these reporting requirements.~~

311 Section 3. Paragraph (d) of subsection (8) of section
 312 373.026, Florida Statutes, is amended to read:

313 373.026 General powers and duties of the department.--The
 314 department, or its successor agency, shall be responsible for
 315 the administration of this chapter at the state level. However,
 316 it is the policy of the state that, to the greatest extent
 317 possible, the department may enter into interagency or
 318 interlocal agreements with any other state agency, any water
 319 management district, or any local government conducting programs
 320 related to or materially affecting the water resources of the
 321 state. All such agreements shall be subject to the provisions of
 322 s. 373.046. In addition to its other powers and duties, the
 323 department shall, to the greatest extent possible:

324 (8)

325 (d) The Legislature ~~Executive Office of the Governor,~~
 326 pursuant to its duties under s. 373.536(5) to approve or
 327 disapprove, in whole or in part, the budget of each water
 328 management district, shall review all proposed expenditures for
 329 project components in the district's budget.

330 Section 4. The annual salary of a governing board member,
 331 payable in 12 equal monthly installments, shall be \$12,000. The
 332 salary shall be paid from collected ad valorem taxes.

333 Section 5. A farmer or grower may not be denied a permit
 334 for a well or other water usage to grow agricultural seed stock
 335 or plants.

336 Section 6. This act shall take effect July 1, 2009.