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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/31/2009	.	
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	.	

The Committee on Environmental Preservation and Conservation
(Constantine) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. Subsections (3), (6), (7) and paragraph (a) of
subsection (8) of section 373.0693, Florida Statutes, is amended
to read:

373.0693 Basins; basin boards.—

(3) Each member of the various basin boards shall serve for



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12 a period of 3 years or until a successor is appointed, but not
13 more than 180 days beyond the end of the expired term, except
14 that the board membership of each new basin shall be divided
15 into three groups as equally as possible, with members in such
16 groups to be appointed for 1, 2, and 3 years, respectively. Each
17 basin board shall choose a vice chair and a secretary to serve
18 for a period of 1 year. The term of office of a basin board
19 member shall be construed to commence on March 2 preceding the
20 date of appointment and to terminate March 1 of the year of the
21 end of a term or may continue until a successor is appointed,
22 but not more than 180 days beyond the end of the expired term.

23 (6) (a) Notwithstanding the provisions of any other general
24 or special law to the contrary, a member of the governing board
25 of the district residing in the basin or, if no member resides
26 in the basin, a member of the governing board designated by the
27 chair of the governing board shall be the ~~ex-officio~~ chair of
28 the basin board. The ~~ex-officio~~ chair shall preside at all
29 meetings of the basin board, except that the vice chair may
30 preside in his or her absence. The ~~ex-officio~~ chair shall have
31 no official vote, except in case of a tie vote being cast by the
32 members, but shall be the liaison officer of the district in all
33 affairs in the basin and shall be kept informed of all such
34 affairs.

35 (b) Basin boards within the Southwest Florida Water
36 Management District shall meet regularly as determined by a
37 majority vote of the basin board members. Subject to notice
38 requirements of chapter 120, special meetings, both emergency
39 and nonemergency, may be called either by the ~~ex-officio~~ chair
40 or the elected vice chair of the basin board or upon request of



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41 two basin board members. The district staff shall include on the
42 agenda of any basin board meeting any item for discussion or
43 action requested by a member of that basin board. The district
44 staff shall notify any basin board, as well as their respective
45 counties, of any vacancies occurring in the district governing
46 board or their respective basin boards.

47 (7) At 11:59 p.m. on December 31, 1976, the Manasota
48 Watershed Basin of the Ridge and Lower Gulf Coast Water
49 Management District, which is annexed to the Southwest Florida
50 Water Management District by change of its boundaries pursuant
51 to chapter 76-243, Laws of Florida, shall be formed into a
52 subdistrict or basin of the Southwest Florida Water Management
53 District, subject to the same provisions as the other basins in
54 such district. Such subdistrict shall be designated initially as
55 the Manasota Basin. The members of the governing board of the
56 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water
57 Management District shall become members of the governing board
58 of the Manasota Basin of the Southwest Florida Water Management
59 District. Notwithstanding other provisions in this section,
60 beginning on July 1, 2001, the membership of the Manasota Basin
61 Board shall be comprised of two ~~three~~ members from Manatee
62 County and two ~~three~~ members from Sarasota County. Matters
63 relating to tie votes shall be resolved pursuant to subsection
64 (6) by the ~~ex-officio~~ chair designated by the governing board to
65 vote in case of a tie vote.

66 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred
67 from the Southwest Florida Water Management District to the St.
68 Johns River Water Management District by change of boundaries
69 pursuant to chapter 76-243, Laws of Florida, shall cease to be a



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70 subdistrict or basin of the St. Johns River Water Management
71 District known as the Oklawaha River Basin and said Oklawaha
72 River Basin shall cease to exist. However, any recognition of an
73 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for
74 regulatory purposes shall be unaffected. The area formerly known
75 as the Oklawaha River Basin shall continue to be part of the St.
76 Johns River Water Management District. ~~There shall be~~
77 ~~established by the governing board of the St. Johns River Water~~
78 ~~Management District the Oklawaha River Basin Advisory Council to~~
79 ~~receive public input and advise the St. Johns River Water~~
80 ~~Management District's governing board on water management issues~~
81 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~
82 ~~Advisory Council shall be appointed by action of the St. Johns~~
83 ~~River Water Management District's governing board and shall~~
84 ~~include one representative from each county which is wholly or~~
85 ~~partly included in the Oklawaha River Basin. The St. Johns River~~
86 ~~Water Management District's governing board member currently~~
87 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~
88 ~~the Oklawaha River Basin Advisory Council. Members of the~~
89 ~~Oklawaha River Basin Advisory Council shall receive no~~
90 ~~compensation for their services but are entitled to be~~
91 ~~reimbursed for per diem and travel expenses as provided in s.~~
92 ~~112.061.~~

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

95 373.323 Licensure of water well contractors; application,
96 qualifications, and examinations; equipment identification.—

97 (3) An applicant who meets the following requirements shall
98 be entitled to take the water well contractor licensure



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99 examination ~~to practice water well contracting:~~

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

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

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

108 a. Water well contractors.

109 b. Water well drillers.

110 c. Water well parts and equipment vendors.

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

112 2. A list of at least 10 water wells that the applicant has
113 constructed, repaired, or abandoned, which includes the
114 following information:

115 a. The name and address of the owner or owners of each
116 well.

117 b. The location, primary use, and approximate depth and
118 diameter of each well that the applicant has constructed,
119 repaired, or abandoned.

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

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

127 (c) Has completed the application form and remitted a



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128 nonrefundable application fee.

129 Section 4. Paragraph (e) of subsection (5) of section
130 373.536, Florida Statutes, is amended to read:

131 373.536 District budget and hearing thereon.—

132 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
133 APPROVAL.—

134 (e) By September 5 of the year in which the budget is
135 submitted, the House and Senate appropriations and appropriate
136 substantive committee chairs may transmit to each district
137 comments and objections to the proposed budgets. Each district
138 governing board shall include a response to such comments and
139 objections in the record of the governing board meeting where
140 final adoption of the budget takes place, and the record of this
141 meeting shall be transmitted to the Executive Office of the
142 Governor, the department, and the chairs of the House and Senate
143 appropriations committees.

144 Section 5. Subsection (7) of section 373.079, Florida
145 Statutes, is amended to read:

146 373.079 Members of governing board; oath of office; staff.—

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

152 Section 6. The Legislature finds that encouragement and
153 promotion of reuse of reclaimed water, as defined by the
154 Department of Environmental Protection, are state objectives and
155 serve the public interest. The Legislature finds that the
156 implementation of this policy has been hampered by a lack of



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157 clear understanding as to the role of local governments
158 producing and distributing reclaimed water and water management
159 districts as to the regulation of the use of reclaimed water.
160 The Legislature further finds that the Department of
161 Environmental Protection and water management districts do not
162 have a common policy regarding reclaimed water as applied to
163 processes related to water-use permitting and water shortage.
164 The Legislature also finds that a clear and consistent policy
165 regarding the use of reclaimed water is required to achieve the
166 most efficient and beneficial use of this resource.

167 (1) The Reclaimed Water Coordination Task Force is created
168 for the purposes of recommending clear direction as to the
169 relative roles of local governments and water management
170 districts with regard to the regulation of the use of reclaimed
171 water and proposing a statewide uniform approach to
172 consideration of use of reclaimed water as applied to processes
173 related to water-use permitting and water shortages. When
174 preparing its recommendations, the task force shall review the
175 rules, programs, and policies of the five water management
176 districts in this state as such rules, programs, and policies
177 relate to considerations involving the use of reclaimed water
178 with respect to water-use permitting, water shortages, and
179 related actions, activities, or programs.

180 (2) The task force shall consist of the following members:

181 (a) The President of the Senate and the Speaker of the
182 House of Representatives shall each appoint one member from
183 their respective chambers, who shall co-chair the task force.

184 (b) The Secretary of Environmental Protection or designee.

185 (c) The Commissioner of Agriculture, or his or her



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186 designee.

187 (d) The executive director of the South Florida Water
188 Management District, or his or her designee.

189 (e) The executive director of the Southwest Florida Water
190 Management District, or his or her designee.

191 (f) The executive director of the St. Johns River Water
192 Management District, or his or her designee.

193 (g) The executive director of the Suwannee River Water
194 Management District, or his or her designee.

195 (h) The executive director of the Northwest Florida Water
196 Management District, or his or her designee.

197 (i) The executive director of the Florida Nursery Growers
198 and Landscape Association, or his or her designee.

199 (j) The executive director of the Florida Sugar Cane
200 League, or his or her designee.

201 (k) In addition to the appointments in paragraph (a), the
202 President of the Senate and the Speaker of the House of
203 Representatives shall each appoint:

204 1. Three members who are employees of a local government
205 producing reclaimed water for reuse by the public.

206 2. A representative of a not-for-profit environmental
207 advocacy organization.

208 3. A representative from a company that is a self-supplier
209 of water.

210 (3) Members of the task force shall be appointed on or
211 before August 1, 2008.

212 (4) The clerical and professional staff of the Department
213 of Environmental Protection shall provide administrative support
214 to the task force. The task force may request support from the



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215 clerical and professional staff of the standing committees of
216 the Senate and the House of Representatives.

217 (5) The task force shall:

218 (a) Determine the role of the use of reclaimed water as
219 applied to processes related to water-use permitting and water
220 shortage.

221 (b) Assess the appropriate roles of local governments and
222 water management districts in regulating the use of reclaimed
223 water.

224 (c) Consider how the use of reclaimed water could be
225 promoted in areas in which new or increased water withdrawals
226 have been limited by law through the use of offsets or other
227 similar incentives.

228 (d) Evaluate the most effective means of supplementing
229 reclaimed water supplies during peak demands in order to improve
230 reliability and promote widespread adoption of reclaimed water.

231 (e) Consider the most effective means of incorporating any
232 recommended statewide policy changes.

233 (6) The Department of Environmental Protection and each
234 water management district shall encourage the use of pilot
235 projects for the purpose of obtaining data and operating
236 experience regarding various types of reuse and irrigation
237 systems.

238 (7) The task force shall submit a report to the Governor,
239 the President of the Senate, and the Speaker of the House of
240 Representatives summarizing its findings and recommendations on
241 or before January 31, 2009.

242 (8) The Department of Environmental Protection and the
243 water management districts are directed, and all other agencies



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244 and local governments are requested, to render assistance to and
245 cooperate with the task force.

246 (9) The task force shall dissolve on January 31, 2009.

247 Section 7. Section 373.072, Florida Statutes, is created to
248 read:

249 373.072 Appointment of Governing Board members.-

250 (1) It is the intent of the legislature to ensure the
251 public trust and resources are appropriately protected by
252 seeking qualified candidates for gubernatorial appointment as
253 water management district governing board members.

254 (2) The Governor shall appoint members from those nominated
255 by the Florida Public Service Commission nominating council,
256 created in s. 350.031.

257 (3) The council shall submit recommendations to the
258 Governor 60 days prior to the date in which a term is to begin
259 and within 60 days after a vacancy occurs for any reason other
260 than the expiration of the term.

261 (4) The council shall nominate three persons per vacancy.

262 (5) In order to nominate a candidate, the council shall
263 determine that:

264 (a) The candidate is competent, knowledgeable, and
265 possesses substantial technical expertise in a field related to
266 the duties and functions of the water management districts.
267 These fields shall include, but are not limited to: agriculture,
268 the development industry, local government, government-owned or
269 privately owned water utilities, law, civil engineering,
270 environmental science, hydrology, accounting, financial
271 businesses, another field substantially related to the duties
272 and functions of the water management district, or a member of



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273 business community within the water management district's
274 boundaries.

275 (b) The candidate is a homesteaded resident within the
276 district he or she is nominated to represent and the candidate
277 meets the residency requirements of s. 373.072(2) for the
278 vacancy being filled.

279 (c) The candidate has a background investigation conducted
280 by the Florida Department of Law Enforcement and has been
281 determined to be of good moral standards.

282 (6) In developing a list of nominees, the council shall
283 ensure that no more than two governing board members on each
284 water management district governing board are residents of the
285 same county and no person can represent more than one water
286 management district governing board. The council shall consider
287 nominating candidates that represent an equitable cross-section
288 of regional interests and technical expertise. Recommendations
289 of the council must be nonpartisan.

290 (7) Each water management district may advertise each
291 vacancy on its water management district governing board or post
292 the vacancy on the water management district's home web page.

293 (8) The council expenses must be proportionately shared by
294 the respective water management district whose governing board
295 vacancy is being filled. The Florida Department of Environmental
296 Protection is authorized to execute a memorandum of
297 understanding between the state's water management districts and
298 the department in order to fund the expenses of the council.

299 (9) The water management districts shall assist the council
300 by providing staff, counsel, and technical assistance necessary
301 to carry out the responsibilities of the council.



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302 Section 8. Section 373.073, Florida Statutes, is amended to
303 read:

304 373.073 Governing board.—

305 (1) (a) The governing board of each water management
306 district shall be composed of 9 members who shall reside within
307 the district, except that the Southwest Florida Water Management
308 District shall be composed of 13 members who shall reside within
309 the district. Members of the governing boards shall be appointed
310 by the Governor from a list of candidates nominated by the
311 Florida Public Service Commission Nominating Council, subject to
312 confirmation by the Senate at the next regular session of the
313 Legislature, and the refusal or failure of the Senate to confirm
314 an appointment creates a vacancy in the office to which the
315 appointment was made. The term of office for a governing board
316 member is 4 years and commences on March 2 of the year in which
317 the appointment is made and terminates on March 1 of the fourth
318 calendar year of the term or may continue until a successor is
319 appointed, but not more than 180 days. Terms of office of
320 governing board members shall be staggered to help maintain
321 consistency and continuity in the exercise of governing board
322 duties and to minimize disruption in district operations.

323 (b) Commencing January 1, ~~1999~~ 2011, the Governor shall
324 appoint the following number of governing board members in each
325 year of the Governor's 4-year term of office:

326 1. In the first year of the Governor's term of office, the
327 Governor shall appoint four members to the governing board of
328 the Southwest Florida Water Management District and appoint
329 three members to the governing board of each other district.

330 2. In the second year of the Governor's term of office, the



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331 Governor shall appoint three members to the governing board of
332 the Southwest Florida Water Management District and two members
333 to the governing board of each other district.

334 3. In the third year of the Governor's term of office, the
335 Governor shall appoint three members to the governing board of
336 the Southwest Florida Water Management District and two members
337 to the governing board of each other district.

338 4. In the fourth year of the Governor's term of office, the
339 Governor shall appoint three members to the governing board of
340 the Southwest Florida Water Management District and two members
341 to the governing board of each other district.

342
343 For any governing board vacancy that occurs before the date
344 scheduled for the office to be filled under this paragraph, the
345 Governor shall appoint a person ~~meeting residency requirements~~
346 ~~of subsection (2)~~ nominated by the Florida Public Service
347 Commission Nominating Council for a term that will expire on the
348 date scheduled for the term of that office to terminate under
349 this subsection. ~~In addition to the residency requirements for~~
350 ~~the governing boards as provided by subsection (2), the Governor~~
351 ~~shall consider appointing governing board members to represent~~
352 ~~an equitable cross-section of regional interests and technical~~
353 ~~expertise.~~

354 (2) ~~Membership on governing boards shall be selected from~~
355 ~~candidates who have significant experience in one or more of the~~
356 ~~following areas, including, but not limited to: agriculture, the~~
357 ~~development industry, local government, government-owned or~~
358 ~~privately owned water utilities, law, civil engineering,~~
359 ~~environmental science, hydrology, accounting, or financial~~



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360 ~~businesses.~~ Notwithstanding the provisions of any other general
361 or special law to the contrary, vacancies in the governing
362 boards of the water management districts shall be filled
363 according to the following residency requirements, representing
364 areas designated by the United States Water Resources Council in
365 United States Geological Survey, River Basin and Hydrological
366 Unit Map of Florida-1975, Map Series No. 72:

367 (a) Northwest Florida Water Management District:

368 1. One member shall reside in the area generally designated
369 as the "Perdido River Basin-Perdido Bay Coastal Area-Lower
370 Conecuh River-Escambia River Basin" hydrologic units and that
371 portion of the "Escambia Bay Coastal Area" hydrologic unit which
372 lies west of Pensacola Bay and Escambia Bay.

373 2. One member shall reside in the area generally designated
374 as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee
375 Bay Coastal Area" hydrologic units and that portion of the
376 "Escambia Bay Coastal Area" hydrologic unit which lies east of
377 Pensacola Bay and Escambia Bay.

378 3. One member shall reside in the area generally designated
379 as the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area"
380 hydrologic units.

381 4. One member shall reside in the area generally designated
382 as the "Lower Chattahoochee-Apalachicola River-Chipola River
383 Basin-Coastal Area between Ochlockonee River Apalachicola
384 Rivers-Apalachicola Bay coastal area and offshore islands"
385 hydrologic units.

386 5. One member shall reside in the area generally designated
387 as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and
388 coastal area between Aucilla and Ochlockonee River Basin"



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389 hydrologic units.

390 6. Four members shall be appointed at large, except that no
391 county shall have more than two members on the governing board.

392 (b) Suwannee River Water Management District:

393 1. One member shall reside in the area generally designated
394 as the "Aucilla River Basin" hydrologic unit.

395 2. One member shall reside in the area generally designated
396 as the "Coastal Area between Suwannee and Aucilla Rivers"
397 hydrologic unit.

398 3. One member shall reside in the area generally designated
399 as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee
400 River Basin above the Withlacoochee River" hydrologic units.

401 4. One member shall reside in the area generally designated
402 as the "Suwannee River Basin below the Withlacoochee River
403 excluding the Santa Fe River Basin" hydrologic unit.

404 5. One member shall reside in the area generally designated
405 as the "Santa Fe Basin-Waccasassa River and coastal area between
406 Withlacoochee and Suwannee River" hydrologic units.

407 6. Four members shall be appointed at large, except that no
408 county shall have more than two members on the governing board.

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

410 1. One member shall reside in the area generally designated
411 as the "St. Marys River Basin-Coastal area between St. Marys and
412 St. Johns Rivers" hydrologic units.

413 2. One member shall reside in the area generally designated
414 as the "St. Johns River Basin below Oklawaha River-Coastal area
415 between the St. Johns River and Ponce de Leon Inlet" hydrologic
416 units.

417 3. One member shall reside in the area generally designated



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418 as the "Oklawaha River Basin" hydrologic unit.

419 4. One member shall reside in the area generally designated
420 as the "St. Johns River Basin above the Oklawaha River"
421 hydrologic unit.

422 5. One member shall reside in the area generally designated
423 as the "Coastal area between Ponce de Leon Inlet and Sebastian
424 Inlet-Coastal area Sebastian Inlet to St. Lucie River"
425 hydrologic units.

426 6. Four members shall be appointed at large, except that no
427 county shall have more than two members on the governing board.

428 (d) South Florida Water Management District:

429 1. Two members shall reside in Miami-Dade County.

430 2. One member shall reside in Broward County.

431 3. One member shall reside in Palm Beach County.

432 4. One member shall reside in Collier County, Lee County,
433 Hendry County, or Charlotte County.

434 5. One member shall reside in Glades County, Okeechobee
435 County, Highlands County, Polk County, Orange County, or Osceola
436 County.

437 6. Two members, appointed at large, shall reside in an area
438 consisting of St. Lucie, Martin, Palm Beach, Broward, Miami-
439 Dade, and Monroe Counties.

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

443 8. No county shall have more than three members on the
444 governing board.

445 (e) Southwest Florida Water Management District:

446 1. Two members shall reside in Hillsborough County.



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- 447 2. One member shall reside in the area consisting of
448 Hillsborough and Pinellas Counties.
- 449 3. Two members shall reside in Pinellas County.
- 450 4. One member shall reside in Manatee County.
- 451 5. Two members shall reside in Polk County.
- 452 6. One member shall reside in Pasco County.
- 453 7. One member shall be appointed at large from Levy,
454 Citrus, Sumter, and Lake Counties.
- 455 8. One member shall be appointed at large from Hardee,
456 DeSoto, and Highlands Counties.
- 457 9. One member shall be appointed at large from Marion and
458 Hernando Counties.
- 459 10. One member shall be appointed at large from Sarasota
460 and Charlotte Counties.

461 Section 9. Subsection (4) of section 373.079, Florida
462 Statutes, is amended to read:

463 373.079 Members of governing board; oath of office; staff.-

464 (4) (a) The governing board of the district is authorized to
465 employ an executive director, ombudsman, and such engineers,
466 other professional persons, and other personnel and assistants
467 as it deems necessary and under such terms and conditions as it
468 may determine and to terminate such employment. The appointment
469 of an executive director by the governing board is subject to
470 approval by the Governor and must be initially confirmed by the
471 Florida Senate. The governing board may delegate all or part of
472 its authority under this paragraph to the executive director.
473 However, the governing board shall delegate to the executive
474 director, all of its authority to take final action on permit
475 applications under part II and part IV, or petitions for



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476 variances or waivers of permitting requirements under part II or
477 part IV, except for denials of such actions as provided in
478 s.373.083(5). The executive director must be confirmed by the
479 Senate upon employment and must be confirmed or reconfirmed by
480 the Senate during the second regular session of the Legislature
481 following a gubernatorial election.

482 (b)1. The governing board of each water management district
483 shall employ an inspector general, who shall report directly to
484 the board. However, the governing boards of the Suwannee River
485 Water Management District and the Northwest Florida Water
486 Management District may jointly employ an inspector general, or
487 provide for inspector general services by interagency agreement
488 with a state agency or water management district inspector
489 general.

490 2. An inspector general must have the qualifications
491 prescribed and perform the applicable duties of state agency
492 inspectors general as provided in s. 20.055.

493 Section 10. Subsection (5) of section 373.083, Florida
494 Statutes, is amended to read:

495 373.083 General powers and duties of the governing board.—
496 In addition to other powers and duties allowed it by law, the
497 governing board is authorized to:

498 (5) Execute any of the powers, duties, and functions vested
499 in the governing board through a member or members thereof, the
500 executive director, or other district staff as designated by the
501 governing board. The governing board may establish the scope and
502 terms of any delegation. The ~~However, if the~~ governing board
503 shall delegate all of its delegates the authority to the
504 executive director to take final action on permit applications



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505 under part II or part IV, or petitions for variances or waivers
506 of permitting requirements under part II or part IV. However,
507 the governing board shall provide a process for referring any
508 denial of such application or petition to the governing board to
509 take final action. The authority in this subsection is
510 supplemental to any other provision of this chapter granting
511 authority to the governing board to delegate specific powers,
512 duties, or functions.

513 Section 11. Subsection (4) of section 373.118, Florida
514 Statutes, is amended to read:

515 373.118 General permits; delegation.-

516 ~~(4) To provide for greater efficiency, the governing board~~
517 ~~may delegate by rule its powers and duties pertaining to general~~
518 ~~permits to the executive director. The executive director may~~
519 ~~execute such delegated authority through designated staff.~~
520 ~~However, when delegating the authority to take final action on~~
521 ~~permit applications under part II or part IV or petitions for~~
522 ~~variances or waivers of permitting requirements under part II or~~
523 ~~part IV, the governing board shall provide a process for~~
524 ~~referring any denial of such application or petition to the~~
525 ~~governing board to take such final action.~~

526 Section 12. Subsection (1) and paragraphs (a), and (b) of
527 subsection (10) of section 373.59, Florida Statutes, are amended
528 to read:

529 373.59 Water Management Lands Trust Fund.-

530 (1) There is established within the Department of
531 Environmental Protection the Water Management Lands Trust Fund
532 to be used as a nonlapsing fund for the purposes of this
533 section. The moneys in this fund are hereby continually



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534 appropriated for the purposes of land acquisition, management,
535 maintenance, capital improvements of land titled to the
536 districts, payments in lieu of taxes, debt service on bonds
537 issued prior to July 1, 1999, debt service on bonds issued on or
538 after July 1, 1999, which are issued to refund bonds issued
539 before July 1, 1999, preacquisition costs associated with land
540 purchases, ~~and~~ the department's costs of administration of the
541 fund, and the direct expenses of the Florida Public Service
542 Commission Nominating Council. No refunding bonds may be issued
543 which mature after the final maturity date of the bonds being
544 refunded or which provide for higher debt service in any year
545 than is payable on such bonds as of February 1, 2009. The
546 department's costs of administration shall be charged
547 proportionally against each district's allocation using the
548 formula provided in subsection (8). Capital improvements shall
549 include, but need not be limited to, perimeter fencing, signs,
550 firelanes, control of invasive exotic species, controlled
551 burning, habitat inventory and restoration, law enforcement,
552 access roads and trails, and minimal public accommodations, such
553 as primitive campsites, garbage receptacles, and toilets. The
554 moneys in the fund may also be appropriated to supplement
555 operational expenditures at the Northwest Florida Water
556 Management District and the Suwannee River Water Management
557 District, with such appropriations allocated prior to the
558 allocations set out in subsection (8) to the five water
559 management districts.

560 (10) (a) Beginning July 1, 1999, not more than one-fourth of
561 the funds provided for in subsections (1) and (8) in any year
562 shall be reserved annually by a governing board, during the



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563 development of its annual operating budget, for payments in lieu
564 of taxes for all actual tax losses incurred as a result of
565 governing board acquisitions for water management districts
566 pursuant to ss. 259.101, 259.105, 373.470, and this section
567 during any year. Reserved funds not used for payments in lieu of
568 taxes in any year shall revert to the Water Management Lands
569 Trust Fund to be used in accordance with the provisions of this
570 section.

571 (b) Payment in lieu of taxes shall be available:

572 1. To all counties that have a population of 150,000 or
573 fewer. Population levels shall be determined pursuant to s.
574 11.031.

575 2. To all local governments located in eligible counties
576 and whose lands are bought and taken off the tax rolls.

577
578 For properties acquired after January 1, 2000, in the event
579 that such properties otherwise eligible for payment in lieu of
580 taxes under this subsection are leased or reserved and remain
581 subject to ad valorem taxes, payments in lieu of taxes shall
582 commence or recommence upon the expiration or termination of the
583 lease or reservation, ~~but in no event shall there be more than a~~
584 ~~total of 10 annual payments in lieu of taxes for each tax loss.~~
585 If the lease is terminated for only a portion of the lands at
586 any time, the 10 annual payments shall be made for that portion
587 only commencing the year after such termination, without
588 limiting the requirement that 10 annual payments shall be made
589 on the remaining portion or portions of the land as the lease on
590 each expires. For the purposes of this subsection, "local
591 government" includes municipalities, the county school board,



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592 mosquito control districts, and any other local government
593 entity which levies ad valorem taxes.

594 Section 13. Sections 373.465 and 373.466, Florida Statutes
595 are repealed.

596 Section 14. This act shall take effect upon becoming a law.
597

598
599 ===== T I T L E A M E N D M E N T =====

600 And the title is amended as follows:

601 Delete everything before the enacting clause
602 and insert:

603 A bill to be entitled

604 An act relating to the water management districts;
605 reenacting ss. 373.069, 373.0693, 373.0695, 373.073, and
606 373.083, F.S., relating to the creation of the water management
607 districts, pursuant to the provisions of the Florida Government
608 Accountability Act; amending s. 373.0693, F.S.; providing
609 conditions for serving after term expires; removing ex-officio
610 designation for board members serving on basin boards; revising
611 membership of certain basin boards; eliminating the Oklawaha
612 River Basin Advisory Council; amending s. 373.323, F.S.;
613 providing for applicants who meet certain conditions to be
614 certified as a licensed water well contractor; amending s.
615 373.536, F.S.; authorizing certain chairs of committees of the
616 Senate and the House of Representatives to submit comments and
617 objections to proposed budgets; amending s. 373.079, F.S.;
618 revising meeting requirements for members of the governing
619 boards of the water management districts, as provided in s.
620 120.54, F.S.; creating the Reclaimed Water Coordination Task



621 Force; providing legislative findings; providing purposes;
622 requiring that the task force review certain rules, programs,
623 and policies when preparing its recommendations; providing for
624 membership of the task force; requiring that members be
625 appointed on or before a specified date; providing for
626 administrative support for the task force; providing duties of
627 the task force; requiring that the Department of Environmental
628 Protection and each water management district encourage the use
629 of pilot projects for certain purposes; requiring that the task
630 force submit a report to the Governor, the President of the
631 Senate, and the Speaker of the House of Representatives on or
632 before a specified date; requiring that the report contain
633 certain information; requiring that the department and each
634 water management district cooperate with the task force;
635 requesting that all other agencies cooperate with the task
636 force; providing for dissolution of the task force; creating s.
637 373.072; providing for the nominating of board members;
638 providing requirements; amending s. 373.073, F.S.; providing
639 conforming changes; amending s. 373.079, F.S.; providing for the
640 delegation of environmental resource permit issuance to the
641 executive directors; amending s. 373.083, F.S.; providing
642 conforming changes; amending s. 373.118, F.S.; providing
643 conforming changes; amending s. 373.59, F.S.; allowing for the
644 use of funds to pay for nominating council activities;
645 clarifying conditions under which payment-in-lieu of taxes shall
646 be paid; repealing sections 373.465, F.S.; and 373.466, F.S.;

647 providing an effective date.

648