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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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The Committee on Governmental Oversight and Accountability  
(Jones) 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. Section 350.031, Florida Statutes, is amended to  
read:

350.031 Legislative ~~Florida Public Service Commission~~  
Nominating Council.—

(1) (a) There is created a Legislative ~~Florida Public~~



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12 ~~Service Commission~~ Nominating Council consisting of 12 members.  
13 At least one member of the council must be 60 years of age or  
14 older. Six members, including three members of the House of  
15 Representatives, one of whom shall be a member of the minority  
16 party, shall be appointed by and serve at the pleasure of the  
17 Speaker of the House of Representatives. Six members, including  
18 three members of the Senate, one of whom shall be a member of  
19 the minority party, shall be appointed by and serve at the  
20 pleasure of the President of the Senate.

21 (b) All terms shall be for 4 years except those members of  
22 the House and Senate, who shall serve 2-year terms concurrent  
23 with the 2-year elected terms of House members. All terms of the  
24 members of the Legislative ~~Public Service Commission~~ Nominating  
25 Council existing on June 30, 2008, shall terminate upon the  
26 effective date of this act; however, such members may serve an  
27 additional term if reappointed by the Speaker of the House of  
28 Representatives or the President of the Senate. To establish  
29 staggered terms, appointments of members shall be made for  
30 initial terms to begin on July 1, 2008, with each appointing  
31 officer to appoint three legislator members, one of whom shall  
32 be a member of the minority party, to terms through the  
33 remainder of the 2-year elected terms of House members; one  
34 nonlegislator member to a 6-month term; one nonlegislator member  
35 to an 18-month term; and one nonlegislator member to a 42-month  
36 term. Thereafter, the terms of the nonlegislator members of the  
37 Legislative ~~Public Service Commission~~ Nominating Council shall  
38 begin on January 2 of the year the term commences and end 4  
39 years later on January 1.

40 (c) The President of the Senate shall appoint the chair of



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41 the council in even-numbered years and the vice chair in odd-  
42 numbered years, and the Speaker of the House of Representatives  
43 shall appoint the chair of the council in odd-numbered years and  
44 the vice chair in even-numbered years, from among the council  
45 membership.

46 (d) Vacancies on the council shall be filled for the  
47 unexpired portion of the term in the same manner as original  
48 appointments to the council. A member may not be reappointed to  
49 the council, except for a member of the House of Representatives  
50 or the Senate who may be appointed to two 2-year terms, members  
51 who are reappointed pursuant to paragraph (b), or a person who  
52 is appointed to fill the remaining portion of an unexpired term.

53 (2) (a) No member or spouse shall be the holder of the  
54 stocks or bonds of any company, other than through ownership of  
55 shares in a mutual fund, regulated by the commission, or any  
56 affiliated company of any company regulated by the commission,  
57 or be an agent or employee of, or have any interest in, any  
58 company regulated by the commission or any affiliated company of  
59 any company regulated by the commission, or in any firm which  
60 represents in any capacity either companies which are regulated  
61 by the commission or affiliates of companies regulated by the  
62 commission. As a condition of appointment to the council, each  
63 appointee shall affirm to the Speaker and the President his or  
64 her qualification by the following certification: "I hereby  
65 certify that I am not a stockholder, other than through  
66 ownership of shares in a mutual fund, in any company regulated  
67 by the commission or in any affiliate of a company regulated by  
68 the commission, nor in any way, directly or indirectly, in the  
69 employment of, or engaged in the management of any company



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70 regulated by the commission or any affiliate of a company  
71 regulated by the commission, or in any firm which represents in  
72 any capacity either companies which are regulated by the  
73 commission or affiliates of companies regulated by the  
74 commission."

75  
76 This certification is made as condition to appointment to the  
77 Legislative ~~Florida Public Service Commission~~ Nominating  
78 Council.

79 (b) A member of the council may be removed by the Speaker  
80 of the House of Representatives and the President of the Senate  
81 upon a finding by the Speaker and the President that the council  
82 member has violated any provision of this subsection or for  
83 other good cause.

84 (c) If a member of the council does not meet the  
85 requirements of this subsection, the President of the Senate or  
86 the Speaker of the House of Representatives, as appropriate,  
87 shall appoint a legislative replacement.

88 (3) A majority of the membership of the council may conduct  
89 any business before the council. All meetings and proceedings of  
90 the council shall be staffed by the Office of Legislative  
91 Services and shall be subject to the provisions of ss. 119.07  
92 and 286.011. Members of the council are entitled to receive per  
93 diem and travel expenses as provided in s. 112.061, which shall  
94 be funded by the Florida Public Service Regulatory Trust Fund.  
95 Applicants invited for interviews before the council may, in the  
96 discretion of the council, receive per diem and travel expenses  
97 as provided in s. 112.061, which shall be funded by the Florida  
98 Public Service Regulatory Trust Fund. The council shall



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99 establish policies and procedures to govern the process by which  
100 applicants are nominated.

101 (4) The council may spend a nominal amount, not to exceed  
102 \$10,000, to advertise a vacancy on the council, which shall be  
103 funded by the Florida Public Service Regulatory Trust Fund.

104 (5) A person may not be nominated to the Governor for  
105 appointment to the Public Service Commission until the council  
106 has determined that the person is competent and knowledgeable in  
107 one or more fields, which shall include, but not be limited to:  
108 public affairs, law, economics, accounting, engineering,  
109 finance, natural resource conservation, energy, or another field  
110 substantially related to the duties and functions of the  
111 commission. The commission shall fairly represent the above-  
112 stated fields. Recommendations of the council shall be  
113 nonpartisan.

114 (6) It is the responsibility of the council to nominate to  
115 the Governor no fewer than three persons for each vacancy  
116 occurring on the Public Service Commission. The council shall  
117 submit the recommendations to the Governor by September 15 of  
118 those years in which the terms are to begin the following  
119 January, or within 60 days after a vacancy occurs for any reason  
120 other than the expiration of the term.

121 (7) The Governor shall fill a vacancy occurring on the  
122 Public Service Commission by appointment of one of the  
123 applicants nominated by the council only after a background  
124 investigation of such applicant has been conducted by the  
125 Florida Department of Law Enforcement. If the Governor has not  
126 made an appointment within 30 consecutive calendar days after  
127 the receipt of the recommendation, the council, by majority



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128 vote, shall appoint, within 30 days after the expiration of the  
129 Governor's time to make an appointment, one person from the  
130 applicants previously nominated to the Governor to fill the  
131 vacancy.

132 (8) Each appointment to the Public Service Commission shall  
133 be subject to confirmation by the Senate during the next regular  
134 session after the vacancy occurs. If the Senate refuses to  
135 confirm or fails to consider the Governor's appointment, the  
136 council shall initiate, in accordance with this section, the  
137 nominating process within 30 days.

138 (9) When the Governor makes an appointment to fill a  
139 vacancy occurring due to expiration of the term, and that  
140 appointment has not been confirmed by the Senate before the  
141 appointing Governor's term ends, a successor Governor may,  
142 within 30 days after taking office, recall the appointment and,  
143 prior to the first day of the next regular session, make a  
144 replacement appointment from the list provided to the previous  
145 Governor by the council. Such an appointment is subject to  
146 confirmation by the Senate at the next regular session following  
147 the creation of the vacancy to which the appointments are being  
148 made. If the replacement appointment is not timely made, or if  
149 the appointment is not confirmed by the Senate for any reason,  
150 the council, by majority vote, shall appoint, within 30 days  
151 after the Legislature adjourns sine die, one person from the  
152 applicants previously nominated to the Governor to fill the  
153 vacancy, and this appointee is subject to confirmation by the  
154 Senate during the next regular session following the  
155 appointment.

156 (10) The council shall also be responsible for nominating



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157 individuals to serve as water management district governing  
158 board members pursuant to the provisions of s. 373.0725.

159 Section 3. Subsections (3), (6), and (7) and paragraph (a)  
160 of subsection (8) of section 373.0693, Florida Statutes, are  
161 amended to read:

162 373.0693 Basins; basin boards.—

163 (3) Each member of the various basin boards shall serve for  
164 a period of 3 years or until a successor is appointed, but not  
165 more than 180 days beyond the end of the expired term, except  
166 that the board membership of each new basin shall be divided  
167 into three groups as equally as possible, with members in such  
168 groups to be appointed for 1, 2, and 3 years, respectively. Each  
169 basin board shall choose a vice chair and a secretary to serve  
170 for a period of 1 year. The term of office of a basin board  
171 member shall be construed to commence on March 2 preceding the  
172 date of appointment and to terminate March 1 of the year of the  
173 end of a term or may continue until a successor is appointed,  
174 but not more than 180 days beyond the end of the expired term.

175 (6) (a) Notwithstanding the provisions of any other general  
176 or special law to the contrary, a member of the governing board  
177 of the district residing in the basin or, if no member resides  
178 in the basin, a member of the governing board designated by the  
179 chair of the governing board shall be the ~~ex-officio~~ chair of  
180 the basin board. The ~~ex-officio~~ chair shall preside at all  
181 meetings of the basin board, except that the vice chair may  
182 preside in his or her absence. The ~~ex-officio~~ chair shall ~~have~~  
183 ~~no official vote, except in case of a tie vote being cast by the~~  
184 ~~members, but shall~~ be the liaison officer of the district in all  
185 affairs in the basin and shall be kept informed of all such



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186 affairs.

187 (b) Basin boards within the Southwest Florida Water  
188 Management District shall meet regularly as determined by a  
189 majority vote of the basin board members. Subject to notice  
190 requirements of chapter 120, special meetings, both emergency  
191 and nonemergency, may be called either by the ~~ex-officio~~ chair  
192 or the elected vice chair of the basin board or upon request of  
193 two basin board members. The district staff shall include on the  
194 agenda of any basin board meeting any item for discussion or  
195 action requested by a member of that basin board. The district  
196 staff shall notify any basin board, as well as their respective  
197 counties, of any vacancies occurring in the district governing  
198 board or their respective basin boards.

199 (7) At 11:59 p.m. on December 31, 1976, the Manasota  
200 Watershed Basin of the Ridge and Lower Gulf Coast Water  
201 Management District, which is annexed to the Southwest Florida  
202 Water Management District by change of its boundaries pursuant  
203 to chapter 76-243, Laws of Florida, shall be formed into a  
204 subdistrict or basin of the Southwest Florida Water Management  
205 District, subject to the same provisions as the other basins in  
206 such district. Such subdistrict shall be designated initially as  
207 the Manasota Basin. The members of the governing board of the  
208 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water  
209 Management District shall become members of the governing board  
210 of the Manasota Basin of the Southwest Florida Water Management  
211 District. Notwithstanding other provisions in this section,  
212 beginning on July 1, 2001, the membership of the Manasota Basin  
213 Board shall be comprised of two ~~three~~ members from Manatee  
214 County and two ~~three~~ members from Sarasota County. Matters





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215 relating to tie votes shall be resolved pursuant to subsection  
216 (6) by the ~~ex-officio~~ chair designated by the governing board to  
217 vote in case of a tie vote.

218 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred  
219 from the Southwest Florida Water Management District to the St.  
220 Johns River Water Management District by change of boundaries  
221 pursuant to chapter 76-243, Laws of Florida, shall cease to be a  
222 subdistrict or basin of the St. Johns River Water Management  
223 District known as the Oklawaha River Basin and said Oklawaha  
224 River Basin shall cease to exist. However, any recognition of an  
225 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for  
226 regulatory purposes shall be unaffected. The area formerly known  
227 as the Oklawaha River Basin shall continue to be part of the St.  
228 Johns River Water Management District. ~~There shall be~~  
229 ~~established by the governing board of the St. Johns River Water~~  
230 ~~Management District the Oklawaha River Basin Advisory Council to~~  
231 ~~receive public input and advise the St. Johns River Water~~  
232 ~~Management District's governing board on water management issues~~  
233 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~  
234 ~~Advisory Council shall be appointed by action of the St. Johns~~  
235 ~~River Water Management District's governing board and shall~~  
236 ~~include one representative from each county which is wholly or~~  
237 ~~partly included in the Oklawaha River Basin. The St. Johns River~~  
238 ~~Water Management District's governing board member currently~~  
239 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~  
240 ~~the Oklawaha River Basin Advisory Council. Members of the~~  
241 ~~Oklawaha River Basin Advisory Council shall receive no~~  
242 ~~compensation for their services but are entitled to be~~  
243 ~~reimbursed for per diem and travel expenses as provided in s.~~



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244 ~~112.061.~~

245 Section 4. Subsection (3) of section 373.323, Florida  
246 Statutes, is amended to read:

247 373.323 Licensure of water well contractors; application,  
248 qualifications, and examinations; equipment identification.—

249 (3) An applicant who meets the following requirements shall  
250 be entitled to take the water well contractor licensure  
251 examination to practice water well contracting:

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

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

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

260 a. Water well contractors.

261 b. Water well drillers.

262 c. Water well parts and equipment vendors.

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

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

267 a. The name and address of the owner or owners of each  
268 well.

269 b. The location, primary use, and approximate depth and  
270 diameter of each well that the applicant has constructed,  
271 repaired, or abandoned.

272 c. The approximate date the construction, repair, or



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273 abandonment of each well was completed.

274

275 All listed wells must have been constructed, repaired, or  
276 abandoned within 5 years immediately preceding the filing of the  
277 license application. At least seven of the 10 water wells must  
278 have been constructed by the applicant as defined in s.  
279 373.303(2).

280 (c) Has completed the application form and remitted a  
281 nonrefundable application fee.

282 Section 5. Paragraph (e) of subsection (5) of section  
283 373.536, Florida Statutes, is amended to read:

284 373.536 District budget and hearing thereon.—

285 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
286 APPROVAL.—

287 (e) By September 5 of the year in which the budget is  
288 submitted, the House and Senate appropriations and appropriate  
289 substantive committee chairs may transmit to each district  
290 comments and objections to the proposed budgets. Each district  
291 governing board shall include a response to such comments and  
292 objections in the record of the governing board meeting where  
293 final adoption of the budget takes place, and the record of this  
294 meeting shall be transmitted to the Executive Office of the  
295 Governor, the department, and the chairs of the House and Senate  
296 appropriations committees.

297 Section 6. Subsections (4) and (7) of section 373.079,  
298 Florida Statutes, is amended to read:

299 373.079 Members of governing board; oath of office; staff.—

300 (4) (a) The governing board of the district is authorized to  
301 employ an executive director, ombudsman, and such engineers,



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302 other professional persons, and other personnel and assistants  
303 as it deems necessary and under such terms and conditions as it  
304 may determine and to terminate such employment. The appointment  
305 of an executive director by the governing board is subject to  
306 approval by the Governor and must be initially confirmed by the  
307 Florida Senate. The governing board may delegate all or part of  
308 its authority under this paragraph to the executive director.  
309 However, the governing board shall delegate to the executive  
310 director all of its authority to take final action on permit  
311 applications under part II or part IV, or petitions for  
312 variances or waivers of permitting requirements under part II or  
313 part IV, except for denials of such actions as provided in s.  
314 373.083(5). The executive director must be confirmed by the  
315 Senate upon employment and must be confirmed or reconfirmed by  
316 the Senate during the second regular session of the Legislature  
317 following a gubernatorial election.

318 (b)1. The governing board of each water management district  
319 shall employ an inspector general, who shall report directly to  
320 the board. However, the governing boards of the Suwannee River  
321 Water Management District and the Northwest Florida Water  
322 Management District may jointly employ an inspector general, or  
323 provide for inspector general services by interagency agreement  
324 with a state agency or water management district inspector  
325 general.

326 2. An inspector general must have the qualifications  
327 prescribed and perform the applicable duties of state agency  
328 inspectors general as provided in s. 20.055.

329 (7) The governing board shall meet at least once a month  
330 and upon call of the chair. The governing board, a basin board,



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331 a committee, or an advisory board may conduct meetings by means  
332 of communications media technology as provided in the uniform  
333 rules of procedure adopted pursuant to s. 120.54.

334 Section 7. Section 373.0725, Florida Statutes, is created  
335 to read:

336 373.0725 Appointment of governing board members.—

337 (1) It is the intent of the Legislature to ensure the  
338 public trust and resources are appropriately protected by  
339 seeking qualified candidates for gubernatorial appointment as  
340 water management district governing board members.

341 (2) The Governor shall appoint members from those nominated  
342 by the Legislative Nominating Council created in s. 350.031.

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

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

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

350 (a) The candidate is competent, knowledgeable, and  
351 possesses substantial technical expertise in a field related to  
352 the duties and functions of the water management districts.  
353 These fields shall include, but are not limited to, agriculture,  
354 the development industry, local government, government-owned or  
355 privately owned water utilities, law, civil engineering,  
356 environmental science, hydrology, accounting, financial  
357 businesses, or another field substantially related to the duties  
358 and functions of the water management district, or the candidate  
359 may be a member of the business community within the water



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360 management district's boundaries.

361 (b) The candidate is a homesteaded resident within the  
362 district he or she is nominated to represent and the candidate  
363 meets the residency requirements of s. 373.072(2) for the  
364 vacancy being filled.

365 (c) The candidate has a background investigation conducted  
366 by the Department of Law Enforcement and has been determined to  
367 be of good moral standards.

368 (6) In developing a list of nominees, the council shall  
369 ensure that no more than two governing board members on each  
370 water management district governing board are residents of the  
371 same county, and a person may not represent more than one water  
372 management district governing board. The council shall consider  
373 nominating candidates that represent an equitable cross-section  
374 of regional interests and technical expertise. Recommendations  
375 of the council must be nonpartisan.

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

379 (8) The council expenses must be proportionately shared by  
380 the respective water management district whose governing board  
381 vacancy is being filled. The Department of Environmental  
382 Protection is authorized to execute a memorandum of  
383 understanding between the state's water management districts and  
384 the department in order to fund the expenses of the council.

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

388 Section 8. Section 373.073, Florida Statutes, is amended to



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389 read:

390 373.073 Governing board.—

391 (1) (a) The governing board of each water management  
392 district shall be composed of 9 members who shall reside within  
393 the district, except that the Southwest Florida Water Management  
394 District shall be composed of 13 members who shall reside within  
395 the district. Members of the governing boards shall be appointed  
396 by the Governor from a list of candidates nominated by the  
397 Legislative Nominating Council, subject to confirmation by the  
398 Senate at the next regular session of the Legislature, and the  
399 refusal or failure of the Senate to confirm an appointment  
400 creates a vacancy in the office to which the appointment was  
401 made. The term of office for a governing board member is 4 years  
402 and commences on March 2 of the year in which the appointment is  
403 made and terminates on March 1 of the fourth calendar year of  
404 the term or may continue until a successor is appointed, but not  
405 more than 180 days. Terms of office of governing board members  
406 shall be staggered to help maintain consistency and continuity  
407 in the exercise of governing board duties and to minimize  
408 disruption in district operations.

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

412 1. In the first year of the Governor's term of office, the  
413 Governor shall appoint four members to the governing board of  
414 the Southwest Florida Water Management District and appoint  
415 three members to the governing board of each other district.

416 2. In the second year of the Governor's term of office, the  
417 Governor shall appoint three members to the governing board of



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418 the Southwest Florida Water Management District and two members  
419 to the governing board of each other district.

420 3. In the third year of the Governor's term of office, the  
421 Governor shall appoint three members to the governing board of  
422 the Southwest Florida Water Management District and two members  
423 to the governing board of each other district.

424 4. In the fourth year of the Governor's term of office, the  
425 Governor shall appoint three members to the governing board of  
426 the Southwest Florida Water Management District and two members  
427 to the governing board of each other district.

428  
429 For any governing board vacancy that occurs before the date  
430 scheduled for the office to be filled under this paragraph, the  
431 Governor shall appoint a person nominated by the Legislative  
432 Nominating Council ~~meeting residency requirements of subsection~~  
433 ~~(2)~~ for a term that will expire on the date scheduled for the  
434 term of that office to terminate under this subsection. ~~In~~  
435 ~~addition to the residency requirements for the governing boards~~  
436 ~~as provided by subsection (2), the Governor shall consider~~  
437 ~~appointing governing board members to represent an equitable~~  
438 ~~cross-section of regional interests and technical expertise.~~

439 ~~(2) Membership on governing boards shall be selected from~~  
440 ~~candidates who have significant experience in one or more of the~~  
441 ~~following areas, including, but not limited to: agriculture, the~~  
442 ~~development industry, local government, government-owned or~~  
443 ~~privately owned water utilities, law, civil engineering,~~  
444 ~~environmental science, hydrology, accounting, or financial~~  
445 ~~businesses.~~ Notwithstanding the provisions of any other general  
446 or special law to the contrary, vacancies in the governing





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447 boards of the water management districts shall be filled  
448 according to the following residency requirements, representing  
449 areas designated by the United States Water Resources Council in  
450 United States Geological Survey, River Basin and Hydrological  
451 Unit Map of Florida-1975, Map Series No. 72:

452 (a) Northwest Florida Water Management District:

453 1. One member shall reside in the area generally designated  
454 as the "Perdido River Basin-Perdido Bay Coastal Area-Lower  
455 Conecuh River-Escambia River Basin" hydrologic units and that  
456 portion of the "Escambia Bay Coastal Area" hydrologic unit which  
457 lies west of Pensacola Bay and Escambia Bay.

458 2. One member shall reside in the area generally designated  
459 as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee  
460 Bay Coastal Area" hydrologic units and that portion of the  
461 "Escambia Bay Coastal Area" hydrologic unit which lies east of  
462 Pensacola Bay and Escambia Bay.

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

466 4. One member shall reside in the area generally designated  
467 as the "Lower Chattahoochee-Apalachicola River-Chipola River  
468 Basin-Coastal Area between Ochlockonee River Apalachicola  
469 Rivers-Apalachicola Bay coastal area and offshore islands"  
470 hydrologic units.

471 5. One member shall reside in the area generally designated  
472 as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and  
473 coastal area between Aucilla and Ochlockonee River Basin"  
474 hydrologic units.

475 6. Four members shall be appointed at large, except that no



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476 county shall have more than two members on the governing board.  
477 (b) Suwannee River Water Management District:  
478 1. One member shall reside in the area generally designated  
479 as the "Aucilla River Basin" hydrologic unit.  
480 2. One member shall reside in the area generally designated  
481 as the "Coastal Area between Suwannee and Aucilla Rivers"  
482 hydrologic unit.  
483 3. One member shall reside in the area generally designated  
484 as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee  
485 River Basin above the Withlacoochee River" hydrologic units.  
486 4. One member shall reside in the area generally designated  
487 as the "Suwannee River Basin below the Withlacoochee River  
488 excluding the Santa Fe River Basin" hydrologic unit.  
489 5. One member shall reside in the area generally designated  
490 as the "Santa Fe Basin-Waccasassa River and coastal area between  
491 Withlacoochee and Suwannee River" hydrologic units.  
492 6. Four members shall be appointed at large, except that no  
493 county shall have more than two members on the governing board.  
494 (c) St. Johns River Water Management District:  
495 1. One member shall reside in the area generally designated  
496 as the "St. Marys River Basin-Coastal area between St. Marys and  
497 St. Johns Rivers" hydrologic units.  
498 2. One member shall reside in the area generally designated  
499 as the "St. Johns River Basin below Oklawaha River-Coastal area  
500 between the St. Johns River and Ponce de Leon Inlet" hydrologic  
501 units.  
502 3. One member shall reside in the area generally designated  
503 as the "Oklawaha River Basin" hydrologic unit.  
504 4. One member shall reside in the area generally designated



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505 as the "St. Johns River Basin above the Oklawaha River"  
506 hydrologic unit.

507 5. One member shall reside in the area generally designated  
508 as the "Coastal area between Ponce de Leon Inlet and Sebastian  
509 Inlet-Coastal area Sebastian Inlet to St. Lucie River"  
510 hydrologic units.

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

513 (d) South Florida Water Management District:

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

515 2. One member shall reside in Broward County.

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

517 4. One member shall reside in Collier County, Lee County,  
518 Hendry County, or Charlotte County.

519 5. One member shall reside in Glades County, Okeechobee  
520 County, Highlands County, Polk County, Orange County, or Osceola  
521 County.

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

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

528 8. No county shall have more than three members on the  
529 governing board.

530 (e) Southwest Florida Water Management District:

531 1. Two members shall reside in Hillsborough County.

532 2. One member shall reside in the area consisting of  
533 Hillsborough and Pinellas Counties.



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- 534           3. Two members shall reside in Pinellas County.  
535           4. One member shall reside in Manatee County.  
536           5. Two members shall reside in Polk County.  
537           6. One member shall reside in Pasco County.  
538           7. One member shall be appointed at large from Levy,  
539 Citrus, Sumter, and Lake Counties.  
540           8. One member shall be appointed at large from Hardee,  
541 DeSoto, and Highlands Counties.  
542           9. One member shall be appointed at large from Marion and  
543 Hernando Counties.  
544           10. One member shall be appointed at large from Sarasota  
545 and Charlotte Counties.

546           Section 9. Subsection (5) of section 373.083, Florida  
547 Statutes, is amended to read:

548           373.083 General powers and duties of the governing board.—  
549 In addition to other powers and duties allowed it by law, the  
550 governing board is authorized to:

551           (5) Execute any of the powers, duties, and functions vested  
552 in the governing board through a member or members thereof, the  
553 executive director, or other district staff as designated by the  
554 governing board. The governing board may establish the scope and  
555 terms of any delegation. The ~~However, if the~~ governing board  
556 shall delegate all of its delegates the authority to the  
557 executive director to take final action on permit applications  
558 under part II or part IV, or petitions for variances or waivers  
559 of permitting requirements under part II or part IV. However,  
560 the governing board shall provide a process for referring any  
561 denial of such application or petition to the governing board to  
562 take final action. Such process shall expressly prohibit any



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563 member of a governing board from intervening in any manner  
564 during the review of an application prior to such application  
565 being referred to the governing board for final action. The  
566 authority in this subsection is supplemental to any other  
567 provision of this chapter granting authority to the governing  
568 board to delegate specific powers, duties, or functions.

569 Section 10. Subsection (4) of section 373.118, Florida  
570 Statutes, is amended to read:

571 373.118 General permits; delegation.—

572 ~~(4) To provide for greater efficiency, the governing board~~  
573 ~~may delegate by rule its powers and duties pertaining to general~~  
574 ~~permits to the executive director. The executive director may~~  
575 ~~execute such delegated authority through designated staff.~~  
576 ~~However, when delegating the authority to take final action on~~  
577 ~~permit applications under part II or part IV or petitions for~~  
578 ~~variances or waivers of permitting requirements under part II or~~  
579 ~~part IV, the governing board shall provide a process for~~  
580 ~~referring any denial of such application or petition to the~~  
581 ~~governing board to take such final action.~~

582 Section 11. Subsection (5) is added to section 373.584,  
583 Florida Statutes, to read:

584 373.584 Revenue bonds.—

585 (5) (a) The total annual debt service for bonds issued  
586 pursuant to this section and s. 373.536 may not exceed 25  
587 percent of the annual ad valorem tax revenues of the water  
588 management district, unless approved by the Joint Legislative  
589 Budget Commission.

590 (b) The Joint Legislative Budget Commission is authorized  
591 to review the financial soundness of a water management district



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592 and determine whether bonds may be issued by a water management  
593 district in excess of the limitation of paragraph (a).

594 (c) A water management district may not take any action  
595 regarding the issuance of bonds in excess of the limitation in  
596 paragraph (a) without the prior approval of the Joint  
597 Legislative Budget Commission pursuant to joint rules of the  
598 Senate and the House of Representatives.

599 (d) Bonds issued and outstanding prior to January 1, 2009,  
600 in excess of the limitation in paragraph (a) are not a violation  
601 of these provisions and shall not be included in the calculation  
602 of the limitation. Nothing contained in this subsection shall  
603 affect the validity or enforceability of outstanding revenue  
604 bonds.

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

608 373.59 Water Management Lands Trust Fund.—

609 (1) There is established within the Department of  
610 Environmental Protection the Water Management Lands Trust Fund  
611 to be used as a nonlapsing fund for the purposes of this  
612 section. The moneys in this fund are hereby continually  
613 appropriated for the purposes of land acquisition, management,  
614 maintenance, capital improvements of land titled to the  
615 districts, payments in lieu of taxes, debt service on bonds  
616 issued prior to July 1, 1999, debt service on bonds issued on or  
617 after July 1, 1999, which are issued to refund bonds issued  
618 before July 1, 1999, preacquisition costs associated with land  
619 purchases, ~~and~~ the department's costs of administration of the  
620 fund, and those expenses of the Legislative Nominating Council



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621 attributable to duties performed concerning the districts. No  
622 refunding bonds may be issued which mature after the final  
623 maturity date of the bonds being refunded or which provide for  
624 higher debt service in any year than is payable on such bonds as  
625 of February 1, 2009. The department's costs of administration  
626 shall be charged proportionally against each district's  
627 allocation using the formula provided in subsection (8). Capital  
628 improvements shall include, but need not be limited to,  
629 perimeter fencing, signs, firelanes, control of invasive exotic  
630 species, controlled burning, habitat inventory and restoration,  
631 law enforcement, access roads and trails, and minimal public  
632 accommodations, such as primitive campsites, garbage  
633 receptacles, and toilets. The moneys in the fund may also be  
634 appropriated to supplement operational expenditures at the  
635 Northwest Florida Water Management District and the Suwannee  
636 River Water Management District, with such appropriations  
637 allocated prior to the allocations set out in subsection (8) to  
638 the five water management districts.

639 (10) (a) Beginning July 1, 1999, not more than one-fourth of  
640 the funds provided for in subsections (1) and (8) in any year  
641 shall be reserved annually by a governing board, during the  
642 development of its annual operating budget, for payments in lieu  
643 of taxes for all actual ad valorem tax losses incurred as a  
644 result of governing board acquisitions for water management  
645 district purposes ~~districts pursuant to ss. 259.101, 259.105,~~  
646 ~~373.470, and this section during any year.~~ Reserved funds not  
647 used for payments in lieu of taxes in any year shall revert to  
648 the Water Management Lands Trust Fund to be used in accordance  
649 with the provisions of this section.



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650 (b) Payment in lieu of taxes shall be available:  
651 1. To all counties that have a population of 150,000 or  
652 fewer. Population levels shall be determined pursuant to s.  
653 186.901. The population estimates published April 1 and used in  
654 the revenue-sharing formula pursuant to s. 186.901 shall be used  
655 to determine eligibility under this subsection and shall apply  
656 to payments made for the subsequent fiscal year 11-031.  
657 2. To all local governments located in eligible counties  
658 and whose lands are bought and taken off the tax rolls.  
659  
660 For properties acquired after January 1, 2000, in the event that  
661 such properties otherwise eligible for payment in lieu of taxes  
662 under this subsection are leased or reserved and remain subject  
663 to ad valorem taxes, payments in lieu of taxes shall commence or  
664 recommence upon the expiration or termination of the lease or  
665 reservation, ~~but in no event shall there be more than a total of~~  
666 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the  
667 lease is terminated for only a portion of the lands at any time,  
668 the ~~10~~ annual payments shall be made for that portion only  
669 commencing the year after such termination, without limiting the  
670 requirement that ~~10~~ annual payments shall be made on the  
671 remaining portion or portions of the land as the lease on each  
672 expires. For the purposes of this subsection, "local government"  
673 includes municipalities, the county school board, mosquito  
674 control districts, and any other local government entity which  
675 levies ad valorem taxes.  
676 (c) If sufficient funds are unavailable in any year to make  
677 full payments to all qualifying counties and local governments,  
678 such counties and local governments shall receive a pro rata





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679 share of the moneys available.

680 (d) The payment amount shall be based on the average amount  
681 of actual ad valorem taxes paid on the property for the 3 years  
682 preceding acquisition. Applications for payment in lieu of taxes  
683 shall be made no later than May ~~January~~ 31 of the year for which  
684 payment is sought ~~following acquisition~~. No payment in lieu of  
685 taxes shall be made for properties which were exempt from ad  
686 valorem taxation for the year immediately preceding acquisition.

687 (e) If property that was subject to ad valorem taxation was  
688 acquired by a tax-exempt entity for ultimate conveyance to the  
689 state under this chapter, payment in lieu of taxes shall be made  
690 for such property based upon the average amount of ad valorem  
691 taxes paid on the property for the 3 years prior to its being  
692 removed from the tax rolls. The water management districts shall  
693 certify to the Department of Revenue those properties that may  
694 be eligible under this provision. Once eligibility has been  
695 established, that governmental entity shall receive annual  
696 payments for each tax loss until the qualifying governmental  
697 entity exceeds the population threshold pursuant to s.  
698 373.059(10) ~~259.032(12)(b)~~.

699 (f) Payment in lieu of taxes pursuant to this subsection  
700 shall be made annually to qualifying counties and local  
701 governments after certification by the Department of Revenue  
702 that the amounts applied for are reasonably appropriate, based  
703 on the amount of actual ad valorem taxes paid on the eligible  
704 property, and after the water management districts have provided  
705 supporting documents to the Chief Financial Officer and have  
706 requested that payment be made in accordance with the  
707 requirements of this section. With the assistance of the local



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708 government requesting payment in lieu of taxes, the water  
709 management district that acquired the land is responsible for  
710 preparing and submitting application requests for payment to the  
711 Department of Revenue for certification.

712 (g) If a water management district conveys to a county or  
713 local government title to any land owned by the district, any  
714 payments in lieu of taxes on the land made to the county or  
715 local government shall be discontinued as of the date of the  
716 conveyance.

717 Section 13. Subsections (6) and (7) are added to section  
718 373.236, Florida Statutes, to read:

719 373.236 Duration of permits; compliance reports.—

720 (6) A permit that is approved for the use of water for a  
721 renewable energy generating facility or for cultivating  
722 agricultural products on lands consisting of 1,000 acres or more  
723 for renewable energy, as defined in s. 366.91(2)(d), shall be  
724 granted for a term of at least 25 years on the applicant's  
725 request based on the anticipated life of the facility if there  
726 is sufficient data to provide reasonable assurance that the  
727 conditions for permit issuance will be met for the duration of  
728 the permit; otherwise, a permit may be issued for a shorter  
729 duration that reflects the longest period for which such  
730 reasonable assurances are provided. The permittee shall provide  
731 a compliance report every 5 years during the term of the permit  
732 as required in subsection (4).

733 (7) (a) The Legislature finds that the need for alternative  
734 water supply development projects to meet the anticipated public  
735 water supply demands of the state is so important that it is  
736 essential to encourage participation in and contribution to such



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737 projects by private rural landowners who characteristically have  
738 relatively modest near-term water demands but substantially  
739 increasing demands after the 20-year horizon in s. 373.0361. If  
740 landowners make extraordinary contributions of lands or  
741 construction funding to enable the expeditious implementation  
742 for such projects, the governing boards of water management  
743 districts and the department may grant permits for such projects  
744 for a period of up to 50 years to municipalities, counties,  
745 special districts, regional water supply authorities,  
746 multijurisdictional water supply entities, and publicly owned or  
747 privately owned utilities that have entered into an agreement  
748 with the private landowner for the purpose of more efficiently  
749 pursuing alternative public water supply development projects  
750 that are identified in a district's regional water supply plan  
751 and that meet the water demands of both the applicant and the  
752 landowner. This paragraph does not apply to any foregoing entity  
753 created for or by a private landowner after April 1, 2008.

754 (b) A permit issued pursuant to paragraph (a) shall be  
755 granted only during the period of time for which there is  
756 sufficient data to provide reasonable assurance that the  
757 conditions of issuance will be met. Such permit shall require a  
758 compliance report by the permittee every 5 years during the term  
759 of the permit. The report shall contain sufficient data to  
760 maintain reasonable assurance that the conditions for permit  
761 issuance applicable at the time of district review of the  
762 compliance report are met. Following review of this report, the  
763 water management district or the department may modify the  
764 permit to ensure that the use meets the conditions for issuance.  
765 This subsection does not limit the existing authority of the



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766 department or the governing board to modify or revoke a  
767 consumptive use permit.

768 Section 14. Subsection (4) of section 373.243, Florida  
769 Statutes, is amended to read:

770 373.243 Revocation of permits.—The governing board or the  
771 department may revoke a permit as follows:

772 (4) For nonuse of the water supply allowed by the permit  
773 for a period of 2 years or more, the governing board or the  
774 department may revoke the permit permanently and in whole unless  
775 the user can prove that his or her nonuse was due to extreme  
776 hardship caused by factors beyond the user's control. For a  
777 permit with a duration determined under s. 373.236(6), the  
778 governing board or the department has such revocation authority  
779 only if the nonuse of the water supply allowed by the permit is  
780 for a period of 4 years or more.

781 Section 15. Sections 373.465 and 373.466, Florida Statutes  
782 are repealed.

783 Section 16. This act shall take effect upon becoming a law.

784  
785

786 ===== T I T L E A M E N D M E N T =====

787 And the title is amended as follows:

788 Delete everything before the enacting clause  
789 and insert:

790 A bill to be entitled

791 An act relating to the water management; reenacting ss.  
792 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S.,  
793 relating to the creation of the water management districts,  
794 pursuant to the provisions of the Florida Government



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795 Accountability Act; amending s. 350.031, F.S.; redesignating the  
796 Florida Public Service Commission Nominating Council to the  
797 Legislative Nominating Council; providing council members  
798 authority to nominate water management district governing board  
799 members; amending s. 373.0693, F.S.; providing conditions for  
800 serving on a basin board after a term expires; removing ex-  
801 officio designation for board members serving on basin boards;  
802 revising the membership of certain basin boards; eliminating the  
803 Oklawaha River Basin Advisory Council; amending s. 373.323,  
804 F.S.; providing for an applicant who meets certain conditions to  
805 be certified as a licensed water well contractor; amending s.  
806 373.536, F.S.; authorizing certain chairs of committees of the  
807 Senate and the House of Representatives to submit comments and  
808 objections to proposed district budgets; amending s. 373.079,  
809 F.S.; providing for the delegation of permit decisions to the  
810 executive director; revising meeting requirements for members of  
811 the governing boards, committees, and advisory boards of the  
812 water management districts, as provided in s. 120.54, F.S.;  
813 creating s. 373.0725, F.S.; providing for the Legislative  
814 Nominating Council to nominate candidates for appointment to the  
815 water management boards; providing requirements; amending s.  
816 373.073, F.S.; providing conforming changes; amending s.  
817 373.083, F.S.; providing conforming changes; prohibiting the  
818 Governing Board from interfering during review of permits;  
819 amending s. 373.118, F.S.; providing conforming changes;  
820 amending s. 373.584, F.S.; providing for a cap on revenues  
821 pledged for debt service; providing for legislative approval to  
822 exceed the cap; amending s. 373.59, F.S.; allowing for the use  
823 of funds to pay for nominating council activities; clarifying



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824 conditions under which payment in lieu of taxes shall be paid;  
825 amending s. 373.236, F.S.; providing for 25 year permits for  
826 renewable energy generating facilities under certain conditions;  
827 providing for a compliance report every 5 years during the term  
828 of the permit; encouraging participation in and contributions to  
829 alternative water supply development projects by private rural  
830 landowners; providing 50 year permits for such projects under  
831 certain conditions; granting the water management district  
832 authority to modify such permits to ensure compliance; amending  
833 s. 373.243, F.S.; providing for revocation authority to the  
834 governing board under certain conditions; repealing ss. 373.465,  
835 and 373.466, F.S., relating to the Lake Panasoffkee Restoration  
836 Council and the restoration program; providing an effective  
837 date.

838