

By the Committees on Environmental Preservation and Conservation; and Environmental Preservation and Conservation

592-03881-09

20091898c1

1                   A bill to be entitled  
2           An act relating to the water management districts;  
3           reenacting ss. 373.069, 373.0693, 373.0695, 373.073,  
4           and 373.083, F.S., relating to the creation of the  
5           water management districts, pursuant to the provisions  
6           of the Florida Government Accountability Act; amending  
7           s. 373.0693, F.S.; providing conditions for serving on  
8           a basin board after a term expires; removing ex-  
9           officio designation for board members serving on basin  
10          boards; revising the membership of certain basin  
11          boards; eliminating the Oklawaha River Basin Advisory  
12          Council; amending s. 373.323, F.S.; providing for an  
13          applicant who meets certain conditions to be certified  
14          as a licensed water well contractor; amending s.  
15          373.536, F.S.; authorizing certain chairs of  
16          committees of the Senate and the House of  
17          Representatives to submit comments and objections to  
18          proposed district budgets; amending s. 373.079, F.S.;  
19          revising meeting requirements for members of the  
20          governing boards, committees, and advisory boards of  
21          the water management districts, as provided in s.  
22          120.54, F.S.; creating the Reclaimed Water  
23          Coordination Task Force; providing legislative  
24          findings; providing purposes; requiring that the task  
25          force review certain rules, programs, and policies  
26          when preparing its recommendations; providing for  
27          membership of the task force; requiring that members  
28          be appointed on or before a specified date; providing  
29          for administrative support for the task force;

592-03881-09

20091898c1

30 providing duties of the task force; requiring that the  
31 Department of Environmental Protection and each water  
32 management district encourage the use of pilot  
33 projects for certain purposes; requiring that the task  
34 force submit a report to the Governor, the President  
35 of the Senate, and the Speaker of the House of  
36 Representatives on or before a specified date;  
37 requiring that the report contain certain information;  
38 requiring that the department and each water  
39 management district cooperate with the task force;  
40 requesting that all other agencies cooperate with the  
41 task force; providing for dissolution of the task  
42 force; creating s. 373.0725, F.S.; providing for the  
43 Florida Public Service Commission Nominating Council  
44 to nominate candidates for appointment to the water  
45 management boards; providing requirements; amending s.  
46 373.073, F.S.; providing conforming changes; amending  
47 s. 373.079, F.S.; providing for the delegation of  
48 environmental resource permit issuance to the  
49 executive directors; amending s. 373.083, F.S.;  
50 providing conforming changes; amending s. 373.118,  
51 F.S.; providing conforming changes; amending s.  
52 373.584, F.S.; providing for a cap on revenues pledged  
53 for debt service; providing for legislative approval  
54 to exceed the cap; amending s. 373.59, F.S.; allowing  
55 for the use of funds to pay for nominating council  
56 activities; clarifying conditions under which payment  
57 in lieu of taxes shall be paid; repealing ss. 373.465,  
58 and 373.466, F.S., relating to the Lake Panasoffkee

592-03881-09

20091898c1

59 Restoration Council and the restoration program;  
60 providing an effective date.

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
64 Section 1. Sections 373.069, 373.0693, 373.0695, 373.073,  
65 and 373.083, Florida Statutes, are reenacted.

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

69 373.0693 Basins; basin boards.—

70 (3) Each member of the various basin boards shall serve for  
71 a period of 3 years or until a successor is appointed, but not  
72 more than 180 days beyond the end of the expired term, except  
73 that the board membership of each new basin shall be divided  
74 into three groups as equally as possible, with members in such  
75 groups to be appointed for 1, 2, and 3 years, respectively. Each  
76 basin board shall choose a vice chair and a secretary to serve  
77 for a period of 1 year. The term of office of a basin board  
78 member shall be construed to commence on March 2 preceding the  
79 date of appointment and to terminate March 1 of the year of the  
80 end of a term or may continue until a successor is appointed,  
81 but not more than 180 days beyond the end of the expired term.

82 (6) (a) Notwithstanding the provisions of any other general  
83 or special law to the contrary, a member of the governing board  
84 of the district residing in the basin or, if no member resides  
85 in the basin, a member of the governing board designated by the  
86 chair of the governing board shall be the ~~ex officio~~ chair of  
87 the basin board. The ~~ex officio~~ chair shall preside at all

592-03881-09

20091898c1

88 meetings of the basin board, except that the vice chair may  
89 preside in his or her absence. The ~~ex-officio~~ chair shall have  
90 no official vote, except in case of a tie vote being cast by the  
91 members, but shall be the liaison officer of the district in all  
92 affairs in the basin and shall be kept informed of all such  
93 affairs.

94 (b) Basin boards within the Southwest Florida Water  
95 Management District shall meet regularly as determined by a  
96 majority vote of the basin board members. Subject to notice  
97 requirements of chapter 120, special meetings, both emergency  
98 and nonemergency, may be called either by the ~~ex-officio~~ chair  
99 or the elected vice chair of the basin board or upon request of  
100 two basin board members. The district staff shall include on the  
101 agenda of any basin board meeting any item for discussion or  
102 action requested by a member of that basin board. The district  
103 staff shall notify any basin board, as well as their respective  
104 counties, of any vacancies occurring in the district governing  
105 board or their respective basin boards.

106 (7) At 11:59 p.m. on December 31, 1976, the Manasota  
107 Watershed Basin of the Ridge and Lower Gulf Coast Water  
108 Management District, which is annexed to the Southwest Florida  
109 Water Management District by change of its boundaries pursuant  
110 to chapter 76-243, Laws of Florida, shall be formed into a  
111 subdistrict or basin of the Southwest Florida Water Management  
112 District, subject to the same provisions as the other basins in  
113 such district. Such subdistrict shall be designated initially as  
114 the Manasota Basin. The members of the governing board of the  
115 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water  
116 Management District shall become members of the governing board

592-03881-09

20091898c1

117 of the Manasota Basin of the Southwest Florida Water Management  
118 District. Notwithstanding other provisions in this section,  
119 beginning on July 1, 2001, the membership of the Manasota Basin  
120 Board shall be comprised of two ~~three~~ members from Manatee  
121 County and two ~~three~~ members from Sarasota County. Matters  
122 relating to tie votes shall be resolved pursuant to subsection  
123 (6) by the ~~ex-officio~~ chair designated by the governing board to  
124 vote in case of a tie vote.

125 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred  
126 from the Southwest Florida Water Management District to the St.  
127 Johns River Water Management District by change of boundaries  
128 pursuant to chapter 76-243, Laws of Florida, shall cease to be a  
129 subdistrict or basin of the St. Johns River Water Management  
130 District known as the Oklawaha River Basin and said Oklawaha  
131 River Basin shall cease to exist. However, any recognition of an  
132 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for  
133 regulatory purposes shall be unaffected. The area formerly known  
134 as the Oklawaha River Basin shall continue to be part of the St.  
135 Johns River Water Management District. ~~There shall be~~  
136 ~~established by the governing board of the St. Johns River Water~~  
137 ~~Management District the Oklawaha River Basin Advisory Council to~~  
138 ~~receive public input and advise the St. Johns River Water~~  
139 ~~Management District's governing board on water management issues~~  
140 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~  
141 ~~Advisory Council shall be appointed by action of the St. Johns~~  
142 ~~River Water Management District's governing board and shall~~  
143 ~~include one representative from each county which is wholly or~~  
144 ~~partly included in the Oklawaha River Basin. The St. Johns River~~  
145 ~~Water Management District's governing board member currently~~

592-03881-09

20091898c1

146 ~~servng pursuant to s. 373.073(2)(c)3. shall serve as chair of~~  
147 ~~the Oklawaha River Basin Advisory Council. Members of the~~  
148 ~~Oklawaha River Basin Advisory Council shall receive no~~  
149 ~~compensation for their services but are entitled to be~~  
150 ~~reimbursed for per diem and travel expenses as provided in s.~~  
151 ~~112.061.~~

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

154 373.323 Licensure of water well contractors; application,  
155 qualifications, and examinations; equipment identification.—

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

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

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

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

167 a. Water well contractors.

168 b. Water well drillers.

169 c. Water well parts and equipment vendors.

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

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

174 a. The name and address of the owner or owners of each

592-03881-09

20091898c1

175 well.

176 b. The location, primary use, and approximate depth and  
177 diameter of each well that the applicant has constructed,  
178 repaired, or abandoned.

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

181  
182 All listed wells must have been constructed, repaired, or  
183 abandoned within 5 years immediately preceding the filing of the  
184 license application. At least seven of the 10 water wells must  
185 have been constructed by the applicant as defined in s.  
186 373.303(2).

187 (c) Has completed the application form and remitted a  
188 nonrefundable application fee.

189 Section 4. Paragraph (e) of subsection (5) of section  
190 373.536, Florida Statutes, is amended to read:

191 373.536 District budget and hearing thereon.—

192 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
193 APPROVAL.—

194 (e) By September 5 of the year in which the budget is  
195 submitted, the House and Senate appropriations and appropriate  
196 substantive committee chairs may transmit to each district  
197 comments and objections to the proposed budgets. Each district  
198 governing board shall include a response to such comments and  
199 objections in the record of the governing board meeting where  
200 final adoption of the budget takes place, and the record of this  
201 meeting shall be transmitted to the Executive Office of the  
202 Governor, the department, and the chairs of the House and Senate  
203 appropriations committees.

592-03881-09

20091898c1

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

206 373.079 Members of governing board; oath of office; staff.—

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

212 Section 6. The Legislature finds that encouragement and  
213 promotion of reuse of reclaimed water, as defined by the  
214 Department of Environmental Protection, are state objectives and  
215 serve the public interest. The Legislature finds that the  
216 implementation of this policy has been hampered by a lack of  
217 clear understanding as to the role of local governments  
218 producing and distributing reclaimed water and water management  
219 districts as to the regulation of the use of reclaimed water.  
220 The Legislature further finds that the Department of  
221 Environmental Protection and water management districts do not  
222 have a common policy regarding reclaimed water as applied to  
223 processes related to water-use permitting and water shortage.  
224 The Legislature also finds that a clear and consistent policy  
225 regarding the use of reclaimed water is required to achieve the  
226 most efficient and beneficial use of this resource.

227 (1) The Reclaimed Water Coordination Task Force is created  
228 for the purposes of recommending clear direction as to the  
229 relative roles of local governments and water management  
230 districts with regard to the regulation of the use of reclaimed  
231 water and proposing a statewide uniform approach to  
232 consideration of use of reclaimed water as applied to processes

592-03881-09

20091898c1

233 related to water-use permitting and water shortages. When  
234 preparing its recommendations, the task force shall review the  
235 rules, programs, and policies of the five water management  
236 districts in this state as such rules, programs, and policies  
237 relate to considerations involving the use of reclaimed water  
238 with respect to water-use permitting, water shortages, and  
239 related actions, activities, or programs.

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

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

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

245 (c) The Commissioner of Agriculture, or his or her  
246 designee.

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

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

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

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

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

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

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

261 (k) In addition to the appointments in paragraph (a), the

592-03881-09

20091898c1

262 President of the Senate and the Speaker of the House of  
263 Representatives shall each appoint:

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

266 2. A representative of a not-for-profit environmental  
267 advocacy organization.

268 3. A representative from a company that is a self-supplier  
269 of water.

270 (3) Members of the task force shall be appointed on or  
271 before August 1, 2009.

272 (4) The clerical and professional staff of the Department  
273 of Environmental Protection shall provide administrative support  
274 to the task force. The task force may request support from the  
275 clerical and professional staff of the standing committees of  
276 the Senate and the House of Representatives.

277 (5) The task force shall:

278 (a) Determine the role of the use of reclaimed water as  
279 applied to processes related to water-use permitting and water  
280 shortage.

281 (b) Assess the appropriate roles of local governments and  
282 water management districts in regulating the use of reclaimed  
283 water.

284 (c) Consider how the use of reclaimed water could be  
285 promoted in areas in which new or increased water withdrawals  
286 have been limited by law through the use of offsets or other  
287 similar incentives.

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

592-03881-09

20091898c1

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

293 (6) The Department of Environmental Protection and each  
294 water management district shall encourage the use of pilot  
295 projects for the purpose of obtaining data and operating  
296 experience regarding various types of reuse and irrigation  
297 systems.

298 (7) The task force shall submit a report to the Governor,  
299 the President of the Senate, and the Speaker of the House of  
300 Representatives summarizing its findings and recommendations on  
301 or before January 31, 2010.

302 (8) The Department of Environmental Protection and the  
303 water management districts are directed, and all other agencies  
304 and local governments are requested, to render assistance to and  
305 cooperate with the task force.

306 (9) The task force shall dissolve on January 31, 2010.

307 Section 7. Section 373.0725, Florida Statutes, is created  
308 to read:

309 373.0725 Appointment of governing board members.-

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

314 (2) The Governor shall appoint members from those nominated  
315 by the Florida Public Service Commission Nominating Council  
316 created in s. 350.031.

317 (3) The council shall submit recommendations to the  
318 Governor 60 days prior to the date in which a term is to begin  
319 and within 60 days after a vacancy occurs for any reason other

592-03881-09

20091898c1

320 than the expiration of the term.

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

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

324 (a) The candidate is competent, knowledgeable, and  
325 possesses substantial technical expertise in a field related to  
326 the duties and functions of the water management districts.  
327 These fields shall include, but are not limited to, agriculture,  
328 the development industry, local government, government-owned or  
329 privately owned water utilities, law, civil engineering,  
330 environmental science, hydrology, accounting, financial  
331 businesses, or another field substantially related to the duties  
332 and functions of the water management district, or the candidate  
333 may be a member of the business community within the water  
334 management district's boundaries.

335 (b) The candidate is a homesteaded resident within the  
336 district he or she is nominated to represent and the candidate  
337 meets the residency requirements of s. 373.072(2) for the  
338 vacancy being filled.

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

342 (6) In developing a list of nominees, the council shall  
343 ensure that no more than two governing board members on each  
344 water management district governing board are residents of the  
345 same county, and a person may not represent more than one water  
346 management district governing board. The council shall consider  
347 nominating candidates that represent an equitable cross-section  
348 of regional interests and technical expertise. Recommendations

592-03881-09

20091898c1

349 of the council must be nonpartisan.

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

353 (8) The council expenses must be proportionately shared by  
354 the respective water management district whose governing board  
355 vacancy is being filled. The Department of Environmental  
356 Protection is authorized to execute a memorandum of  
357 understanding between the state's water management districts and  
358 the department in order to fund the expenses of the council.

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

362 Section 8. Section 373.073, Florida Statutes, is amended to  
363 read:

364 373.073 Governing board.—

365 (1) (a) The governing board of each water management  
366 district shall be composed of 9 members who shall reside within  
367 the district, except that the Southwest Florida Water Management  
368 District shall be composed of 13 members who shall reside within  
369 the district. Members of the governing boards shall be appointed  
370 by the Governor from a list of candidates nominated by the  
371 Florida Public Service Commission Nominating Council, subject to  
372 confirmation by the Senate at the next regular session of the  
373 Legislature, and the refusal or failure of the Senate to confirm  
374 an appointment creates a vacancy in the office to which the  
375 appointment was made. The term of office for a governing board  
376 member is 4 years and commences on March 2 of the year in which  
377 the appointment is made and terminates on March 1 of the fourth

592-03881-09

20091898c1

378 calendar year of the term or may continue until a successor is  
379 appointed, but not more than 180 days. Terms of office of  
380 governing board members shall be staggered to help maintain  
381 consistency and continuity in the exercise of governing board  
382 duties and to minimize disruption in district operations.

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

386 1. In the first year of the Governor's term of office, the  
387 Governor shall appoint four members to the governing board of  
388 the Southwest Florida Water Management District and appoint  
389 three members to the governing board of each other district.

390 2. In the second year of the Governor's term of office, the  
391 Governor shall appoint three members to the governing board of  
392 the Southwest Florida Water Management District and two members  
393 to the governing board of each other district.

394 3. In the third year of the Governor's term of office, the  
395 Governor shall appoint three members to the governing board of  
396 the Southwest Florida Water Management District and two members  
397 to the governing board of each other district.

398 4. In the fourth year of the Governor's term of office, the  
399 Governor shall appoint three members to the governing board of  
400 the Southwest Florida Water Management District and two members  
401 to the governing board of each other district.

402  
403 For any governing board vacancy that occurs before the date  
404 scheduled for the office to be filled under this paragraph, the  
405 Governor shall appoint a person nominated by the Florida Public  
406 Service Commission Nominating Council ~~meeting residency~~

592-03881-09

20091898c1

407 ~~requirements of subsection (2) for a term that will expire on~~  
408 ~~the date scheduled for the term of that office to terminate~~  
409 ~~under this subsection. In addition to the residency requirements~~  
410 ~~for the governing boards as provided by subsection (2), the~~  
411 ~~Governor shall consider appointing governing board members to~~  
412 ~~represent an equitable cross-section of regional interests and~~  
413 ~~technical expertise.~~

414 (2) ~~Membership on governing boards shall be selected from~~  
415 ~~candidates who have significant experience in one or more of the~~  
416 ~~following areas, including, but not limited to: agriculture, the~~  
417 ~~development industry, local government, government-owned or~~  
418 ~~privately owned water utilities, law, civil engineering,~~  
419 ~~environmental science, hydrology, accounting, or financial~~  
420 ~~businesses.~~ Notwithstanding the provisions of any other general  
421 or special law to the contrary, vacancies in the governing  
422 boards of the water management districts shall be filled  
423 according to the following residency requirements, representing  
424 areas designated by the United States Water Resources Council in  
425 United States Geological Survey, River Basin and Hydrological  
426 Unit Map of Florida-1975, Map Series No. 72:

427 (a) Northwest Florida Water Management District:

428 1. One member shall reside in the area generally designated  
429 as the "Perdido River Basin-Perdido Bay Coastal Area-Lower  
430 Conecuh River-Escambia River Basin" hydrologic units and that  
431 portion of the "Escambia Bay Coastal Area" hydrologic unit which  
432 lies west of Pensacola Bay and Escambia Bay.

433 2. One member shall reside in the area generally designated  
434 as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee  
435 Bay Coastal Area" hydrologic units and that portion of the

592-03881-09

20091898c1

436 "Escambia Bay Coastal Area" hydrologic unit which lies east of  
437 Pensacola Bay and Escambia Bay.

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

441 4. One member shall reside in the area generally designated  
442 as the "Lower Chattahoochee-Apalachicola River-Chipola River  
443 Basin-Coastal Area between Ochlockonee River Apalachicola  
444 Rivers-Apalachicola Bay coastal area and offshore islands"  
445 hydrologic units.

446 5. One member shall reside in the area generally designated  
447 as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and  
448 coastal area between Aucilla and Ochlockonee River Basin"  
449 hydrologic units.

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

452 (b) Suwannee River Water Management District:

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

455 2. One member shall reside in the area generally designated  
456 as the "Coastal Area between Suwannee and Aucilla Rivers"  
457 hydrologic unit.

458 3. One member shall reside in the area generally designated  
459 as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee  
460 River Basin above the Withlacoochee River" hydrologic units.

461 4. One member shall reside in the area generally designated  
462 as the "Suwannee River Basin below the Withlacoochee River  
463 excluding the Santa Fe River Basin" hydrologic unit.

464 5. One member shall reside in the area generally designated

592-03881-09

20091898c1

465 as the "Santa Fe Basin-Waccasassa River and coastal area between  
466 Withlacoochee and Suwannee River" hydrologic units.

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

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

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

473 2. One member shall reside in the area generally designated  
474 as the "St. Johns River Basin below Oklawaha River-Coastal area  
475 between the St. Johns River and Ponce de Leon Inlet" hydrologic  
476 units.

477 3. One member shall reside in the area generally designated  
478 as the "Oklawaha River Basin" hydrologic unit.

479 4. One member shall reside in the area generally designated  
480 as the "St. Johns River Basin above the Oklawaha River"  
481 hydrologic unit.

482 5. One member shall reside in the area generally designated  
483 as the "Coastal area between Ponce de Leon Inlet and Sebastian  
484 Inlet-Coastal area Sebastian Inlet to St. Lucie River"  
485 hydrologic units.

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

488 (d) South Florida Water Management District:

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

490 2. One member shall reside in Broward County.

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

492 4. One member shall reside in Collier County, Lee County,  
493 Hendry County, or Charlotte County.

592-03881-09

20091898c1

494           5. One member shall reside in Glades County, Okeechobee  
495 County, Highlands County, Polk County, Orange County, or Osceola  
496 County.

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

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

503           8. No county shall have more than three members on the  
504 governing board.

505           (e) Southwest Florida Water Management District:

506           1. Two members shall reside in Hillsborough County.

507           2. One member shall reside in the area consisting of  
508 Hillsborough and Pinellas Counties.

509           3. Two members shall reside in Pinellas County.

510           4. One member shall reside in Manatee County.

511           5. Two members shall reside in Polk County.

512           6. One member shall reside in Pasco County.

513           7. One member shall be appointed at large from Levy,  
514 Citrus, Sumter, and Lake Counties.

515           8. One member shall be appointed at large from Hardee,  
516 DeSoto, and Highlands Counties.

517           9. One member shall be appointed at large from Marion and  
518 Hernando Counties.

519           10. One member shall be appointed at large from Sarasota  
520 and Charlotte Counties.

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

592-03881-09

20091898c1

523 373.079 Members of governing board; oath of office; staff.-

524 (4) (a) The governing board of the district is authorized to  
525 employ an executive director, ombudsman, and such engineers,  
526 other professional persons, and other personnel and assistants  
527 as it deems necessary and under such terms and conditions as it  
528 may determine and to terminate such employment. The appointment  
529 of an executive director by the governing board is subject to  
530 approval by the Governor and must be initially confirmed by the  
531 Florida Senate. The governing board may delegate all or part of  
532 its authority under this paragraph to the executive director.  
533 However, the governing board shall delegate to the executive  
534 director all of its authority to take final action on permit  
535 applications under part II or part IV, or petitions for  
536 variances or waivers of permitting requirements under part II or  
537 part IV, except for denials of such actions as provided in s.  
538 373.083(5). The executive director must be confirmed by the  
539 Senate upon employment and must be confirmed or reconfirmed by  
540 the Senate during the second regular session of the Legislature  
541 following a gubernatorial election.

542 (b)1. The governing board of each water management district  
543 shall employ an inspector general, who shall report directly to  
544 the board. However, the governing boards of the Suwannee River  
545 Water Management District and the Northwest Florida Water  
546 Management District may jointly employ an inspector general, or  
547 provide for inspector general services by interagency agreement  
548 with a state agency or water management district inspector  
549 general.

550 2. An inspector general must have the qualifications  
551 prescribed and perform the applicable duties of state agency

592-03881-09

20091898c1

552 inspectors general as provided in s. 20.055.

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

555 373.083 General powers and duties of the governing board.-  
556 In addition to other powers and duties allowed it by law, the  
557 governing board is authorized to:

558 (5) Execute any of the powers, duties, and functions vested  
559 in the governing board through a member or members thereof, the  
560 executive director, or other district staff as designated by the  
561 governing board. The governing board may establish the scope and  
562 terms of any delegation. The ~~However, if the~~ governing board  
563 shall delegate all of its delegates the authority to the  
564 executive director to take final action on permit applications  
565 under part II or part IV, or petitions for variances or waivers  
566 of permitting requirements under part II or part IV. However,  
567 the governing board shall provide a process for referring any  
568 denial of such application or petition to the governing board to  
569 take final action. The authority in this subsection is  
570 supplemental to any other provision of this chapter granting  
571 authority to the governing board to delegate specific powers,  
572 duties, or functions.

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

575 373.118 General permits; delegation.-

576 ~~(4) To provide for greater efficiency, the governing board~~  
577 ~~may delegate by rule its powers and duties pertaining to general~~  
578 ~~permits to the executive director. The executive director may~~  
579 ~~execute such delegated authority through designated staff.~~  
580 ~~However, when delegating the authority to take final action on~~

592-03881-09

20091898c1

581 ~~permit applications under part II or part IV or petitions for~~  
582 ~~variances or waivers of permitting requirements under part II or~~  
583 ~~part IV, the governing board shall provide a process for~~  
584 ~~referring any denial of such application or petition to the~~  
585 ~~governing board to take such final action.~~

586 Section 12. Subsection (5) is added to section 373.584,  
587 Florida Statutes, to read:

588 373.584 Revenue bonds.—

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

594 (b) The Joint Legislative Budget Commission is authorized  
595 to review the financial soundness of a water management district  
596 and determine whether bonds may be issued by a water management  
597 district in excess of the limitation of paragraph (a).

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

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

609 Section 13. Subsection (1) and paragraphs (a) and (b) of

592-03881-09

20091898c1

610 subsection (10) of section 373.59, Florida Statutes, are amended  
611 to read:

612 373.59 Water Management Lands Trust Fund.—

613 (1) There is established within the Department of  
614 Environmental Protection the Water Management Lands Trust Fund  
615 to be used as a nonlapsing fund for the purposes of this  
616 section. The moneys in this fund are hereby continually  
617 appropriated for the purposes of land acquisition, management,  
618 maintenance, capital improvements of land titled to the  
619 districts, payments in lieu of taxes, debt service on bonds  
620 issued prior to July 1, 1999, debt service on bonds issued on or  
621 after July 1, 1999, which are issued to refund bonds issued  
622 before July 1, 1999, preacquisition costs associated with land  
623 purchases, ~~and~~ the department's costs of administration of the  
624 fund, and the direct expenses of the Florida Public Service  
625 Commission Nominating Council. No refunding bonds may be issued  
626 which mature after the final maturity date of the bonds being  
627 refunded or which provide for higher debt service in any year  
628 than is payable on such bonds as of February 1, 2009. The  
629 department's costs of administration shall be charged  
630 proportionally against each district's allocation using the  
631 formula provided in subsection (8). Capital improvements shall  
632 include, but need not be limited to, perimeter fencing, signs,  
633 firelanes, control of invasive exotic species, controlled  
634 burning, habitat inventory and restoration, law enforcement,  
635 access roads and trails, and minimal public accommodations, such  
636 as primitive campsites, garbage receptacles, and toilets. The  
637 moneys in the fund may also be appropriated to supplement  
638 operational expenditures at the Northwest Florida Water

592-03881-09

20091898c1

639 Management District and the Suwannee River Water Management  
640 District, with such appropriations allocated prior to the  
641 allocations set out in subsection (8) to the five water  
642 management districts.

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

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

655 1. To all counties that have a population of 150,000 or  
656 fewer. Population levels shall be determined pursuant to s.  
657 11.031.

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

660

661 For properties acquired after January 1, 2000, in the event that  
662 such properties otherwise eligible for payment in lieu of taxes  
663 under this subsection are leased or reserved and remain subject  
664 to ad valorem taxes, payments in lieu of taxes shall commence or  
665 recommence upon the expiration or termination of the lease or  
666 reservation, ~~but in no event shall there be more than a total of~~  
667 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the

592-03881-09

20091898c1

668 lease is terminated for only a portion of the lands at any time,  
669 the 10 annual payments shall be made for that portion only  
670 commencing the year after such termination, without limiting the  
671 requirement that 10 annual payments shall be made on the  
672 remaining portion or portions of the land as the lease on each  
673 expires. For the purposes of this subsection, "local government"  
674 includes municipalities, the county school board, mosquito  
675 control districts, and any other local government entity which  
676 levies ad valorem taxes.

677 Section 14. Sections 373.465 and 373.466, Florida Statutes  
678 are repealed.

679 Section 15. This act shall take effect upon becoming a law.