

**By** the Committees on Governmental Oversight and Accountability;  
Environmental Preservation and Conservation; and Environmental  
Preservation and Conservation

585-05778-09

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1                                   A bill to be entitled  
2           An act relating to water management; reenacting ss.  
3           373.069, 373.0693, 373.0695, 373.073, and 373.083,  
4           F.S., relating to the creation of the water management  
5           districts, pursuant to the provisions of the Florida  
6           Government Accountability Act; amending s. 350.031,  
7           F.S.; redesignating the Florida Public Service  
8           Commission Nominating Council as the "Legislative  
9           Nominating Council"; providing council members  
10          authority to nominate water management district  
11          governing board members; amending s. 373.0693, F.S.;  
12          providing conditions for serving on a basin board  
13          after a term expires; removing ex officio designation  
14          for board members serving on basin boards; revising  
15          the membership of certain basin boards; eliminating  
16          the Oklawaha River Basin Advisory Council; amending s.  
17          373.323, F.S.; providing for an applicant who meets  
18          certain conditions to be certified as a licensed water  
19          well contractor; amending s. 373.536, F.S.;  
20          authorizing certain chairs of committees of the Senate  
21          and the House of Representatives to submit comments  
22          and objections to proposed district budgets; amending  
23          s. 373.079, F.S.; providing for the delegation of  
24          permit decisions to the executive director of a water  
25          management district; revising meeting requirements for  
26          members of the governing boards, committees, and  
27          advisory boards of the water management districts, as  
28          provided in s. 120.54, F.S.; creating s. 373.0725,  
29          F.S.; providing for the Legislative Nominating Council

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30 to nominate candidates for appointment to the water  
31 management boards; providing requirements; amending s.  
32 373.073, F.S.; providing conforming changes; amending  
33 s. 373.083, F.S.; providing conforming changes;  
34 prohibiting the governing board of a water management  
35 district from interfering during review of permits;  
36 amending s. 373.118, F.S.; providing conforming  
37 changes; amending s. 373.584, F.S.; providing for a  
38 cap on revenues pledged for debt service; providing  
39 for legislative approval to exceed the cap; amending  
40 s. 373.59, F.S.; allowing for the use of funds to pay  
41 for nominating council activities; clarifying  
42 conditions under which payment in lieu of taxes shall  
43 be paid; amending s. 373.236, F.S.; providing for 25-  
44 year permits for renewable energy generating  
45 facilities under certain conditions; providing for a  
46 compliance report every 5 years during the term of the  
47 permit; encouraging participation in and contributions  
48 to alternative water supply development projects by  
49 private rural landowners; providing 50-year permits  
50 for such projects under certain conditions; granting  
51 the water management district authority to modify such  
52 permits to ensure compliance; amending s. 373.243,  
53 F.S.; providing for revocation authority to the  
54 governing board under certain conditions; repealing  
55 ss. 373.465 and 373.466, F.S., relating to the Lake  
56 Panasoffkee Restoration Council and the restoration  
57 program; providing an effective date.  
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59 Be It Enacted by the Legislature of the State of Florida:

60  
61 Section 1. Sections 373.069, 373.0693, 373.0695, 373.073,  
62 and 373.083, Florida Statutes, are reenacted.

63 Section 2. Section 350.031, Florida Statutes, is amended to  
64 read:

65 350.031 Legislative ~~Florida Public Service Commission~~  
66 Nominating Council.—

67 (1) (a) There is created a Legislative ~~Florida Public~~  
68 ~~Service Commission~~ Nominating Council consisting of 12 members.  
69 At least one member of the council must be 60 years of age or  
70 older. Six members, including three members of the House of  
71 Representatives, one of whom shall be a member of the minority  
72 party, shall be appointed by and serve at the pleasure of the  
73 Speaker of the House of Representatives. Six members, including  
74 three members of the Senate, one of whom shall be a member of  
75 the minority party, shall be appointed by and serve at the  
76 pleasure of the President of the Senate.

77 (b) All terms shall be for 4 years except those members of  
78 the House and Senate, who shall serve 2-year terms concurrent  
79 with the 2-year elected terms of House members. All terms of the  
80 members of the Legislative ~~Public Service Commission~~ Nominating  
81 Council existing on June 30, 2008, shall terminate upon the  
82 effective date of this act; however, such members may serve an  
83 additional term if reappointed by the Speaker of the House of  
84 Representatives or the President of the Senate. To establish  
85 staggered terms, appointments of members shall be made for  
86 initial terms to begin on July 1, 2008, with each appointing  
87 officer to appoint three legislator members, one of whom shall

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88 be a member of the minority party, to terms through the  
89 remainder of the 2-year elected terms of House members; one  
90 nonlegislator member to a 6-month term; one nonlegislator member  
91 to an 18-month term; and one nonlegislator member to a 42-month  
92 term. Thereafter, the terms of the nonlegislator members of the  
93 Legislative ~~Public Service Commission~~ Nominating Council shall  
94 begin on January 2 of the year the term commences and end 4  
95 years later on January 1.

96 (c) The President of the Senate shall appoint the chair of  
97 the council in even-numbered years and the vice chair in odd-  
98 numbered years, and the Speaker of the House of Representatives  
99 shall appoint the chair of the council in odd-numbered years and  
100 the vice chair in even-numbered years, from among the council  
101 membership.

102 (d) Vacancies on the council shall be filled for the  
103 unexpired portion of the term in the same manner as original  
104 appointments to the council. A member may not be reappointed to  
105 the council, except for a member of the House of Representatives  
106 or the Senate who may be appointed to two 2-year terms, members  
107 who are reappointed pursuant to paragraph (b), or a person who  
108 is appointed to fill the remaining portion of an unexpired term.

109 (2) (a) No member or spouse shall be the holder of the  
110 stocks or bonds of any company, other than through ownership of  
111 shares in a mutual fund, regulated by the commission, or any  
112 affiliated company of any company regulated by the commission,  
113 or be an agent or employee of, or have any interest in, any  
114 company regulated by the commission or any affiliated company of  
115 any company regulated by the commission, or in any firm which  
116 represents in any capacity either companies which are regulated

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117 by the commission or affiliates of companies regulated by the  
118 commission. As a condition of appointment to the council, each  
119 appointee shall affirm to the Speaker and the President his or  
120 her qualification by the following certification: "I hereby  
121 certify that I am not a stockholder, other than through  
122 ownership of shares in a mutual fund, in any company regulated  
123 by the commission or in any affiliate of a company regulated by  
124 the commission, nor in any way, directly or indirectly, in the  
125 employment of, or engaged in the management of any company  
126 regulated by the commission or any affiliate of a company  
127 regulated by the commission, or in any firm which represents in  
128 any capacity either companies which are regulated by the  
129 commission or affiliates of companies regulated by the  
130 commission."

131  
132 This certification is made as condition to appointment to the  
133 Legislative ~~Florida Public Service Commission~~ Nominating  
134 Council.

135 (b) A member of the council may be removed by the Speaker  
136 of the House of Representatives and the President of the Senate  
137 upon a finding by the Speaker and the President that the council  
138 member has violated any provision of this subsection or for  
139 other good cause.

140 (c) If a member of the council does not meet the  
141 requirements of this subsection, the President of the Senate or  
142 the Speaker of the House of Representatives, as appropriate,  
143 shall appoint a legislative replacement.

144 (3) A majority of the membership of the council may conduct  
145 any business before the council. All meetings and proceedings of

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146 the council shall be staffed by the Office of Legislative  
147 Services and shall be subject to the provisions of ss. 119.07  
148 and 286.011. Members of the council are entitled to receive per  
149 diem and travel expenses as provided in s. 112.061, which shall  
150 be funded by the Florida Public Service Regulatory Trust Fund.  
151 Applicants invited for interviews before the council may, in the  
152 discretion of the council, receive per diem and travel expenses  
153 as provided in s. 112.061, which shall be funded by the Florida  
154 Public Service Regulatory Trust Fund. The council shall  
155 establish policies and procedures to govern the process by which  
156 applicants are nominated.

157 (4) The council may spend a nominal amount, not to exceed  
158 \$10,000, to advertise a vacancy on the council, which shall be  
159 funded by the Florida Public Service Regulatory Trust Fund.

160 (5) A person may not be nominated to the Governor for  
161 appointment to the Public Service Commission until the council  
162 has determined that the person is competent and knowledgeable in  
163 one or more fields, which shall include, but not be limited to:  
164 public affairs, law, economics, accounting, engineering,  
165 finance, natural resource conservation, energy, or another field  
166 substantially related to the duties and functions of the  
167 commission. The commission shall fairly represent the above-  
168 stated fields. Recommendations of the council shall be  
169 nonpartisan.

170 (6) It is the responsibility of the council to nominate to  
171 the Governor no fewer than three persons for each vacancy  
172 occurring on the Public Service Commission. The council shall  
173 submit the recommendations to the Governor by September 15 of  
174 those years in which the terms are to begin the following

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175 January, or within 60 days after a vacancy occurs for any reason  
176 other than the expiration of the term.

177 (7) The Governor shall fill a vacancy occurring on the  
178 Public Service Commission by appointment of one of the  
179 applicants nominated by the council only after a background  
180 investigation of such applicant has been conducted by the  
181 ~~Florida~~ Department of Law Enforcement. If the Governor has not  
182 made an appointment within 30 consecutive calendar days after  
183 the receipt of the recommendation, the council, by majority  
184 vote, shall appoint, within 30 days after the expiration of the  
185 Governor's time to make an appointment, one person from the  
186 applicants previously nominated to the Governor to fill the  
187 vacancy.

188 (8) Each appointment to the Public Service Commission shall  
189 be subject to confirmation by the Senate during the next regular  
190 session after the vacancy occurs. If the Senate refuses to  
191 confirm or fails to consider the Governor's appointment, the  
192 council shall initiate, in accordance with this section, the  
193 nominating process within 30 days.

194 (9) When the Governor makes an appointment to fill a  
195 vacancy occurring due to expiration of the term, and that  
196 appointment has not been confirmed by the Senate before the  
197 appointing Governor's term ends, a successor Governor may,  
198 within 30 days after taking office, recall the appointment and,  
199 prior to the first day of the next regular session, make a  
200 replacement appointment from the list provided to the previous  
201 Governor by the council. Such an appointment is subject to  
202 confirmation by the Senate at the next regular session following  
203 the creation of the vacancy to which the appointments are being

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204 made. If the replacement appointment is not timely made, or if  
205 the appointment is not confirmed by the Senate for any reason,  
206 the council, by majority vote, shall appoint, within 30 days  
207 after the Legislature adjourns sine die, one person from the  
208 applicants previously nominated to the Governor to fill the  
209 vacancy, and this appointee is subject to confirmation by the  
210 Senate during the next regular session following the  
211 appointment.

212 (10) The council shall also be responsible for nominating  
213 individuals to serve as water management district governing  
214 board members pursuant to the provisions of s. 373.0725.

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

218 373.0693 Basins; basin boards.—

219 (3) Each member of the various basin boards shall serve for  
220 a period of 3 years or until a successor is appointed, but not  
221 more than 180 days beyond the end of the expired term, except  
222 that the board membership of each new basin shall be divided  
223 into three groups as equally as possible, with members in such  
224 groups to be appointed for 1, 2, and 3 years, respectively. Each  
225 basin board shall choose a vice chair and a secretary to serve  
226 for a period of 1 year. The term of office of a basin board  
227 member shall be construed to commence on March 2 preceding the  
228 date of appointment and to terminate March 1 of the year of the  
229 end of a term or may continue until a successor is appointed,  
230 but not more than 180 days beyond the end of the expired term.

231 (6) (a) Notwithstanding the provisions of any other general  
232 or special law to the contrary, a member of the governing board



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233 of the district residing in the basin or, if no member resides  
234 in the basin, a member of the governing board designated by the  
235 chair of the governing board shall be the ~~ex-officio~~ chair of  
236 the basin board. The ~~ex-officio~~ chair shall preside at all  
237 meetings of the basin board, except that the vice chair may  
238 preside in his or her absence. The ~~ex-officio~~ chair shall ~~have~~  
239 ~~no official vote, except in case of a tie vote being cast by the~~  
240 ~~members, but shall~~ be the liaison officer of the district in all  
241 affairs in the basin and shall be kept informed of all such  
242 affairs.

243 (b) Basin boards within the Southwest Florida Water  
244 Management District shall meet regularly as determined by a  
245 majority vote of the basin board members. Subject to notice  
246 requirements of chapter 120, special meetings, both emergency  
247 and nonemergency, may be called either by the ~~ex-officio~~ chair  
248 or the elected vice chair of the basin board or upon request of  
249 two basin board members. The district staff shall include on the  
250 agenda of any basin board meeting any item for discussion or  
251 action requested by a member of that basin board. The district  
252 staff shall notify any basin board, as well as their respective  
253 counties, of any vacancies occurring in the district governing  
254 board or their respective basin boards.

255 (7) At 11:59 p.m. on December 31, 1976, the Manasota  
256 Watershed Basin of the Ridge and Lower Gulf Coast Water  
257 Management District, which is annexed to the Southwest Florida  
258 Water Management District by change of its boundaries pursuant  
259 to chapter 76-243, Laws of Florida, shall be formed into a  
260 subdistrict or basin of the Southwest Florida Water Management  
261 District, subject to the same provisions as the other basins in

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262 such district. Such subdistrict shall be designated initially as  
263 the Manasota Basin. The members of the governing board of the  
264 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water  
265 Management District shall become members of the governing board  
266 of the Manasota Basin of the Southwest Florida Water Management  
267 District. Notwithstanding other provisions in this section,  
268 beginning on July 1, 2001, the membership of the Manasota Basin  
269 Board shall be comprised of two ~~three~~ members from Manatee  
270 County and two ~~three~~ members from Sarasota County. Matters  
271 relating to tie votes shall be resolved pursuant to subsection  
272 (6) by the ~~ex officio~~ chair designated by the governing board to  
273 vote in case of a tie vote.

274 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred  
275 from the Southwest Florida Water Management District to the St.  
276 Johns River Water Management District by change of boundaries  
277 pursuant to chapter 76-243, Laws of Florida, shall cease to be a  
278 subdistrict or basin of the St. Johns River Water Management  
279 District known as the Oklawaha River Basin and said Oklawaha  
280 River Basin shall cease to exist. However, any recognition of an  
281 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for  
282 regulatory purposes shall be unaffected. The area formerly known  
283 as the Oklawaha River Basin shall continue to be part of the St.  
284 Johns River Water Management District. ~~There shall be~~  
285 ~~established by the governing board of the St. Johns River Water~~  
286 ~~Management District the Oklawaha River Basin Advisory Council to~~  
287 ~~receive public input and advise the St. Johns River Water~~  
288 ~~Management District's governing board on water management issues~~  
289 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~  
290 ~~Advisory Council shall be appointed by action of the St. Johns~~

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291 ~~River Water Management District's governing board and shall~~  
292 ~~include one representative from each county which is wholly or~~  
293 ~~partly included in the Oklawaha River Basin. The St. Johns River~~  
294 ~~Water Management District's governing board member currently~~  
295 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~  
296 ~~the Oklawaha River Basin Advisory Council. Members of the~~  
297 ~~Oklawaha River Basin Advisory Council shall receive no~~  
298 ~~compensation for their services but are entitled to be~~  
299 ~~reimbursed for per diem and travel expenses as provided in s.~~  
300 ~~112.061.~~

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

303 373.323 Licensure of water well contractors; application,  
304 qualifications, and examinations; equipment identification.—

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

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

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

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

316 a. Water well contractors.

317 b. Water well drillers.

318 c. Water well parts and equipment vendors.

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

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

323 a. The name and address of the owner or owners of each  
324 well.

325 b. The location, primary use, and approximate depth and  
326 diameter of each well that the applicant has constructed,  
327 repaired, or abandoned.

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

330

331 All listed wells must have been constructed, repaired, or  
332 abandoned within 5 years immediately preceding the filing of the  
333 license application. At least seven of the 10 water wells must  
334 have been constructed by the applicant as defined in s.  
335 373.303(2).

336 (c) Has completed the application form and remitted a  
337 nonrefundable application fee.

338 Section 5. Paragraph (e) of subsection (5) of section  
339 373.536, Florida Statutes, is amended to read:

340 373.536 District budget and hearing thereon.—

341 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
342 APPROVAL.—

343 (e) By September 5 of the year in which the budget is  
344 submitted, the House and Senate appropriations and appropriate  
345 substantive committee chairs may transmit to each district  
346 comments and objections to the proposed budgets. Each district  
347 governing board shall include a response to such comments and  
348 objections in the record of the governing board meeting where

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349 final adoption of the budget takes place, and the record of this  
350 meeting shall be transmitted to the Executive Office of the  
351 Governor, the department, and the chairs of the House and Senate  
352 appropriations committees.

353 Section 6. Subsections (4) and (7) of section 373.079,  
354 Florida Statutes, are amended to read:

355 373.079 Members of governing board; oath of office; staff.-

356 (4) (a) The governing board of the district is authorized to  
357 employ an executive director, ombudsman, and such engineers,  
358 other professional persons, and other personnel and assistants  
359 as it deems necessary and under such terms and conditions as it  
360 may determine and to terminate such employment. The appointment  
361 of an executive director by the governing board is subject to  
362 approval by the Governor and must be initially confirmed by the  
363 Florida Senate. The governing board may delegate all or part of  
364 its authority under this paragraph to the executive director.  
365 However, the governing board shall delegate to the executive  
366 director all of its authority to take final action on permit  
367 applications under part II or part IV, or petitions for  
368 variances or waivers of permitting requirements under part II or  
369 part IV, except for denials of such actions as provided in s.  
370 373.083(5). The executive director must be confirmed by the  
371 Senate upon employment and must be confirmed or reconfirmed by  
372 the Senate during the second regular session of the Legislature  
373 following a gubernatorial election.

374 (b)1. The governing board of each water management district  
375 shall employ an inspector general, who shall report directly to  
376 the board. However, the governing boards of the Suwannee River  
377 Water Management District and the Northwest Florida Water

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378 Management District may jointly employ an inspector general, or  
379 provide for inspector general services by interagency agreement  
380 with a state agency or water management district inspector  
381 general.

382 2. An inspector general must have the qualifications  
383 prescribed and perform the applicable duties of state agency  
384 inspectors general as provided in s. 20.055.

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

390 Section 7. Section 373.0725, Florida Statutes, is created  
391 to read:

392 373.0725 Appointment of governing board members.-

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

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

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

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

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

406 (a) The candidate is competent, knowledgeable, and

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407 possesses substantial technical expertise in a field related to  
408 the duties and functions of the water management districts.  
409 These fields shall include, but are not limited to, agriculture,  
410 the development industry, local government, government-owned or  
411 privately owned water utilities, law, civil engineering,  
412 environmental science, hydrology, accounting, financial  
413 businesses, or another field substantially related to the duties  
414 and functions of the water management district, or the candidate  
415 may be a member of the business community within the water  
416 management district's boundaries.

417 (b) The candidate is a homesteaded resident within the  
418 district he or she is nominated to represent and the candidate  
419 meets the residency requirements of s. 373.072(2) for the  
420 vacancy being filled.

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

424 (6) In developing a list of nominees, the council shall  
425 ensure that no more than two governing board members on each  
426 water management district governing board are residents of the  
427 same county, and a person may not represent more than one water  
428 management district governing board. The council shall consider  
429 nominating candidates that represent an equitable cross-section  
430 of regional interests and technical expertise. Recommendations  
431 of the council must be nonpartisan.

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

435 (8) The council expenses must be proportionately shared by

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436 the respective water management district whose governing board  
437 vacancy is being filled. The Department of Environmental  
438 Protection is authorized to execute a memorandum of  
439 understanding between the state's water management districts and  
440 the department in order to fund the expenses of the council.

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

444 Section 8. Section 373.073, Florida Statutes, is amended to  
445 read:

446 373.073 Governing board.—

447 (1) (a) The governing board of each water management  
448 district shall be composed of 9 members who shall reside within  
449 the district, except that the Southwest Florida Water Management  
450 District shall be composed of 13 members who shall reside within  
451 the district. Members of the governing boards shall be appointed  
452 by the Governor from a list of candidates nominated by the  
453 Legislative Nominating Council, subject to confirmation by the  
454 Senate at the next regular session of the Legislature, and the  
455 refusal or failure of the Senate to confirm an appointment  
456 creates a vacancy in the office to which the appointment was  
457 made. The term of office for a governing board member is 4 years  
458 and commences on March 2 of the year in which the appointment is  
459 made and terminates on March 1 of the fourth calendar year of  
460 the term or may continue until a successor is appointed, but not  
461 more than 180 days. Terms of office of governing board members  
462 shall be staggered to help maintain consistency and continuity  
463 in the exercise of governing board duties and to minimize  
464 disruption in district operations.



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

468 1. In the first year of the Governor's term of office, the  
469 Governor shall appoint four members to the governing board of  
470 the Southwest Florida Water Management District and appoint  
471 three members to the governing board of each other district.

472 2. In the second year of the Governor's term of office, the  
473 Governor shall appoint three members to the governing board of  
474 the Southwest Florida Water Management District and two members  
475 to the governing board of each other district.

476 3. In the third year of the Governor's term of office, the  
477 Governor shall appoint three members to the governing board of  
478 the Southwest Florida Water Management District and two members  
479 to the governing board of each other district.

480 4. In the fourth year of the Governor's term of office, the  
481 Governor shall appoint three members to the governing board of  
482 the Southwest Florida Water Management District and two members  
483 to the governing board of each other district.

484  
485 For any governing board vacancy that occurs before the date  
486 scheduled for the office to be filled under this paragraph, the  
487 Governor shall appoint a person nominated by the Legislative  
488 Nominating Council ~~meeting residency requirements of subsection~~  
489 ~~(2)~~ for a term that will expire on the date scheduled for the  
490 term of that office to terminate under this subsection. ~~In~~  
491 ~~addition to the residency requirements for the governing boards~~  
492 ~~as provided by subsection (2), the Governor shall consider~~  
493 ~~appointing governing board members to represent an equitable~~

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494 ~~cross-section of regional interests and technical expertise.~~

495 (2) ~~Membership on governing boards shall be selected from~~  
496 ~~candidates who have significant experience in one or more of the~~  
497 ~~following areas, including, but not limited to: agriculture, the~~  
498 ~~development industry, local government, government-owned or~~  
499 ~~privately owned water utilities, law, civil engineering,~~  
500 ~~environmental science, hydrology, accounting, or financial~~  
501 ~~businesses.~~ Notwithstanding the provisions of any other general  
502 or special law to the contrary, vacancies in the governing  
503 boards of the water management districts shall be filled  
504 according to the following residency requirements, representing  
505 areas designated by the United States Water Resources Council in  
506 United States Geological Survey, River Basin and Hydrological  
507 Unit Map of Florida-1975, Map Series No. 72:

508 (a) Northwest Florida Water Management District:

509 1. One member shall reside in the area generally designated  
510 as the "Perdido River Basin-Perdido Bay Coastal Area-Lower  
511 Conecuh River-Escambia River Basin" hydrologic units and that  
512 portion of the "Escambia Bay Coastal Area" hydrologic unit which  
513 lies west of Pensacola Bay and Escambia Bay.

514 2. One member shall reside in the area generally designated  
515 as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee  
516 Bay Coastal Area" hydrologic units and that portion of the  
517 "Escambia Bay Coastal Area" hydrologic unit which lies east of  
518 Pensacola Bay and Escambia Bay.

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

522 4. One member shall reside in the area generally designated

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523 as the "Lower Chattahoochee-Apalachicola River-Chipola River  
524 Basin-Coastal Area between Ochlockonee River Apalachicola  
525 Rivers-Apalachicola Bay coastal area and offshore islands"  
526 hydrologic units.

527 5. One member shall reside in the area generally designated  
528 as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and  
529 coastal area between Aucilla and Ochlockonee River Basin"  
530 hydrologic units.

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

533 (b) Suwannee River Water Management District:

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

536 2. One member shall reside in the area generally designated  
537 as the "Coastal Area between Suwannee and Aucilla Rivers"  
538 hydrologic unit.

539 3. One member shall reside in the area generally designated  
540 as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee  
541 River Basin above the Withlacoochee River" hydrologic units.

542 4. One member shall reside in the area generally designated  
543 as the "Suwannee River Basin below the Withlacoochee River  
544 excluding the Santa Fe River Basin" hydrologic unit.

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

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

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

551 1. One member shall reside in the area generally designated

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552 as the "St. Marys River Basin-Coastal area between St. Marys and  
553 St. Johns Rivers" hydrologic units.

554 2. One member shall reside in the area generally designated  
555 as the "St. Johns River Basin below Oklawaha River-Coastal area  
556 between the St. Johns River and Ponce de Leon Inlet" hydrologic  
557 units.

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

560 4. One member shall reside in the area generally designated  
561 as the "St. Johns River Basin above the Oklawaha River"  
562 hydrologic unit.

563 5. One member shall reside in the area generally designated  
564 as the "Coastal area between Ponce de Leon Inlet and Sebastian  
565 Inlet-Coastal area Sebastian Inlet to St. Lucie River"  
566 hydrologic units.

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

569 (d) South Florida Water Management District:

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

571 2. One member shall reside in Broward County.

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

573 4. One member shall reside in Collier County, Lee County,  
574 Hendry County, or Charlotte County.

575 5. One member shall reside in Glades County, Okeechobee  
576 County, Highlands County, Polk County, Orange County, or Osceola  
577 County.

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

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

584           8. No county shall have more than three members on the  
585 governing board.

586           (e) Southwest Florida Water Management District:

587           1. Two members shall reside in Hillsborough County.

588           2. One member shall reside in the area consisting of  
589 Hillsborough and Pinellas Counties.

590           3. Two members shall reside in Pinellas County.

591           4. One member shall reside in Manatee County.

592           5. Two members shall reside in Polk County.

593           6. One member shall reside in Pasco County.

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

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

598           9. One member shall be appointed at large from Marion and  
599 Hernando Counties.

600           10. One member shall be appointed at large from Sarasota  
601 and Charlotte Counties.

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

604           373.083 General powers and duties of the governing board.—  
605 In addition to other powers and duties allowed it by law, the  
606 governing board is authorized to:

607           (5) Execute any of the powers, duties, and functions vested  
608 in the governing board through a member or members thereof, the  
609 executive director, or other district staff as designated by the

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610 governing board. The governing board may establish the scope and  
611 terms of any delegation. The ~~However, if the~~ governing board  
612 shall delegate all of its delegates the authority to the  
613 executive director to take final action on permit applications  
614 under part II or part IV, or petitions for variances or waivers  
615 of permitting requirements under part II or part IV. However,  
616 the governing board shall provide a process for referring any  
617 denial of such application or petition to the governing board to  
618 take final action. Such process shall expressly prohibit any  
619 member of a governing board from intervening in any manner  
620 during the review of an application prior to such application  
621 being referred to the governing board for final action. The  
622 authority in this subsection is supplemental to any other  
623 provision of this chapter granting authority to the governing  
624 board to delegate specific powers, duties, or functions.

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

627 373.118 General permits; delegation.—

628 ~~(4) To provide for greater efficiency, the governing board~~  
629 ~~may delegate by rule its powers and duties pertaining to general~~  
630 ~~permits to the executive director. The executive director may~~  
631 ~~execute such delegated authority through designated staff.~~  
632 ~~However, when delegating the authority to take final action on~~  
633 ~~permit applications under part II or part IV or petitions for~~  
634 ~~variances or waivers of permitting requirements under part II or~~  
635 ~~part IV, the governing board shall provide a process for~~  
636 ~~referring any denial of such application or petition to the~~  
637 ~~governing board to take such final action.~~

638 Section 11. Subsection (5) is added to section 373.584,

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639 Florida Statutes, to read:

640 373.584 Revenue bonds.—

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

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

650 (c) A water management district may not take any action  
651 regarding the issuance of bonds in excess of the limitation in  
652 paragraph (a) without the prior approval of the Joint  
653 Legislative Budget Commission pursuant to joint rules of the  
654 Senate and the House of Representatives.

655 (d) Bonds issued and outstanding prior to January 1, 2009,  
656 in excess of the limitation in paragraph (a) are not a violation  
657 of these provisions and shall not be included in the calculation  
658 of the limitation. Nothing contained in this subsection shall  
659 affect the validity or enforceability of outstanding revenue  
660 bonds.

661 Section 12. Subsections (1) and (10) of section 373.59,  
662 Florida Statutes, are amended to read:

663 373.59 Water Management Lands Trust Fund.—

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

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668 appropriated for the purposes of land acquisition, management,  
669 maintenance, capital improvements of land titled to the  
670 districts, payments in lieu of taxes, debt service on bonds  
671 issued prior to July 1, 1999, debt service on bonds issued on or  
672 after July 1, 1999, which are issued to refund bonds issued  
673 before July 1, 1999, preacquisition costs associated with land  
674 purchases, ~~and~~ the department's costs of administration of the  
675 fund, and those expenses of the Legislative Nominating Council  
676 attributable to duties performed concerning the districts. No  
677 refunding bonds may be issued which mature after the final  
678 maturity date of the bonds being refunded or which provide for  
679 higher debt service in any year than is payable on such bonds as  
680 of February 1, 2009. The department's costs of administration  
681 shall be charged proportionally against each district's  
682 allocation using the formula provided in subsection (8). Capital  
683 improvements shall include, but need not be limited to,  
684 perimeter fencing, signs, firelanes, control of invasive exotic  
685 species, controlled burning, habitat inventory and restoration,  
686 law enforcement, access roads and trails, and minimal public  
687 accommodations, such as primitive campsites, garbage  
688 receptacles, and toilets. The moneys in the fund may also be  
689 appropriated to supplement operational expenditures at the  
690 Northwest Florida Water Management District and the Suwannee  
691 River Water Management District, with such appropriations  
692 allocated prior to the allocations set out in subsection (8) to  
693 the five water management districts.

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



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697 development of its annual operating budget, for payments in lieu  
698 of taxes for all actual ad valorem tax losses incurred as a  
699 result of governing board acquisitions for water management  
700 district purposes ~~districts pursuant to ss. 259.101, 259.105,~~  
701 ~~373.470, and this section during any year.~~ Reserved funds not  
702 used for payments in lieu of taxes in any year shall revert to  
703 the Water Management Lands Trust Fund to be used in accordance  
704 with the provisions of this section.

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

706 1. To all counties that have a population of 150,000 or  
707 fewer. Population levels shall be determined pursuant to s.  
708 186.901 ~~s. 11.031~~. The population estimates published April 1  
709 and used in the revenue-sharing formula pursuant to s. 186.901  
710 shall be used to determine eligibility under this subsection and  
711 shall apply to payments made for the subsequent fiscal year.

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

714

715 For properties acquired after January 1, 2000, in the event that  
716 such properties otherwise eligible for payment in lieu of taxes  
717 under this subsection are leased or reserved and remain subject  
718 to ad valorem taxes, payments in lieu of taxes shall commence or  
719 recommence upon the expiration or termination of the lease or  
720 reservation, ~~but in no event shall there be more than a total of~~  
721 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the  
722 lease is terminated for only a portion of the lands at any time,  
723 the ~~10~~ annual payments shall be made for that portion only  
724 commencing the year after such termination, without limiting the  
725 requirement that ~~10~~ annual payments shall be made on the

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726 remaining portion or portions of the land as the lease on each  
727 expires. For the purposes of this subsection, "local government"  
728 includes municipalities, the county school board, mosquito  
729 control districts, and any other local government entity which  
730 levies ad valorem taxes.

731 (c) If sufficient funds are unavailable in any year to make  
732 full payments to all qualifying counties and local governments,  
733 such counties and local governments shall receive a pro rata  
734 share of the moneys available.

735 (d) The payment amount shall be based on the average amount  
736 of actual ad valorem taxes paid on the property for the 3 years  
737 preceding acquisition. Applications for payment in lieu of taxes  
738 shall be made no later than May ~~January~~ 31 of the year for which  
739 payment is sought ~~following acquisition~~. No payment in lieu of  
740 taxes shall be made for properties which were exempt from ad  
741 valorem taxation for the year immediately preceding acquisition.

742 (e) If property that was subject to ad valorem taxation was  
743 acquired by a tax-exempt entity for ultimate conveyance to the  
744 state under this chapter, payment in lieu of taxes shall be made  
745 for such property based upon the average amount of ad valorem  
746 taxes paid on the property for the 3 years prior to its being  
747 removed from the tax rolls. The water management districts shall  
748 certify to the Department of Revenue those properties that may  
749 be eligible under this provision. Once eligibility has been  
750 established, that governmental entity shall receive annual  
751 payments for each tax loss until the qualifying governmental  
752 entity exceeds the population threshold pursuant to this  
753 subsection ~~s. 259.032(12)(b)~~.

754 (f) Payment in lieu of taxes pursuant to this subsection

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755 shall be made annually to qualifying counties and local  
756 governments after certification by the Department of Revenue  
757 that the amounts applied for are reasonably appropriate, based  
758 on the amount of actual ad valorem taxes paid on the eligible  
759 property, and after the water management districts have provided  
760 supporting documents to the Chief Financial Officer and have  
761 requested that payment be made in accordance with the  
762 requirements of this section. With the assistance of the local  
763 government requesting payment in lieu of taxes, the water  
764 management district that acquired the land is responsible for  
765 preparing and submitting application requests for payment to the  
766 Department of Revenue for certification.

767 (g) If a water management district conveys to a county or  
768 local government title to any land owned by the district, any  
769 payments in lieu of taxes on the land made to the county or  
770 local government shall be discontinued as of the date of the  
771 conveyance.

772 Section 13. Subsections (6) and (7) are added to section  
773 373.236, Florida Statutes, to read:

774 373.236 Duration of permits; compliance reports.—

775 (6) A permit that is approved for the use of water for a  
776 renewable energy generating facility or for cultivating  
777 agricultural products on lands consisting of 1,000 acres or more  
778 for renewable energy, as defined in s. 366.91(2)(d), shall be  
779 granted for a term of at least 25 years on the applicant's  
780 request based on the anticipated life of the facility if there  
781 is sufficient data to provide reasonable assurance that the  
782 conditions for permit issuance will be met for the duration of  
783 the permit; otherwise, a permit may be issued for a shorter

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784 duration that reflects the longest period for which such  
785 reasonable assurances are provided. The permittee shall provide  
786 a compliance report every 5 years during the term of the permit  
787 as required in subsection (4).

788 (7) (a) The Legislature finds that the need for alternative  
789 water supply development projects to meet the anticipated public  
790 water supply demands of the state is so important that it is  
791 essential to encourage participation in and contribution to such  
792 projects by private rural landowners who characteristically have  
793 relatively modest near-term water demands but substantially  
794 increasing demands after the 20-year horizon in s. 373.0361. If  
795 landowners make extraordinary contributions of lands or  
796 construction funding to enable the expeditious implementation  
797 for such projects, the governing boards of water management  
798 districts and the department may grant permits for such projects  
799 for a period of up to 50 years to municipalities, counties,  
800 special districts, regional water supply authorities,  
801 multijurisdictional water supply entities, and publicly owned or  
802 privately owned utilities that have entered into an agreement  
803 with the private landowner for the purpose of more efficiently  
804 pursuing alternative public water supply development projects  
805 that are identified in a district's regional water supply plan  
806 and that meet the water demands of both the applicant and the  
807 landowner. This paragraph does not apply to any foregoing entity  
808 created for or by a private landowner after April 1, 2008.

809 (b) A permit issued pursuant to paragraph (a) shall be  
810 granted only during the period of time for which there is  
811 sufficient data to provide reasonable assurance that the  
812 conditions of issuance will be met. Such permit shall require a

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813 compliance report by the permittee every 5 years during the term  
814 of the permit. The report shall contain sufficient data to  
815 maintain reasonable assurance that the conditions for permit  
816 issuance applicable at the time of district review of the  
817 compliance report are met. Following review of this report, the  
818 water management district or the department may modify the  
819 permit to ensure that the use meets the conditions for issuance.  
820 This subsection does not limit the existing authority of the  
821 department or the governing board to modify or revoke a  
822 consumptive use permit.

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

825 373.243 Revocation of permits.—The governing board or the  
826 department may revoke a permit as follows:

827 (4) For nonuse of the water supply allowed by the permit  
828 for a period of 2 years or more, the governing board or the  
829 department may revoke the permit permanently and in whole unless  
830 the user can prove that his or her nonuse was due to extreme  
831 hardship caused by factors beyond the user's control. For a  
832 permit with a duration determined under s. 373.236(6), the  
833 governing board or the department has such revocation authority  
834 only if the nonuse of the water supply allowed by the permit is  
835 for a period of 4 years or more.

836 Section 15. Sections 373.465 and 373.466, Florida Statutes  
837 are repealed.

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