

HB 7137

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1 A bill to be entitled
2 An act relating to water management districts; reenacting
3 s. 373.069, F.S., relating to the creation of the water
4 management districts, pursuant to the provisions of the
5 Florida Government Accountability Act; amending s.
6 373.0693, F.S.; limiting the period of time a basin board
7 member may serve after the end of a term; reducing the
8 number of members on the Manasota Basin Board; eliminating
9 the Oklawaha River Basin Advisory Council; removing ex
10 officio designation of basin board chairs; removing a
11 restriction on the voting authority of the chair; amending
12 s. 373.073, F.S.; revising the membership of water
13 management district governing boards; providing for
14 appointment of members commencing on a specified date;
15 amending s. 373.079, F.S.; requiring a water management
16 district's governing board to delegate to the executive
17 director its authority to approve certain permits or grant
18 variances or waivers of permitting requirements;
19 authorizing water management district governing boards,
20 basin boards, committees, and advisory boards to conduct
21 meetings by means of communications media technology;
22 amending s. 373.083, F.S.; requiring water management
23 district governing boards to delegate to the water
24 management district's executive director authority to
25 approve certain permits or grant variances or waivers of
26 permitting requirements; amending s. 373.118, F.S.;
27 removing provisions authorizing water management district
28 governing boards to delegate authority to issue general

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29 | permits to the executive director; amending s. 373.323,
30 | F.S.; revising application requirements for water well
31 | contractor licensure; requiring applicants to provide
32 | specified documentation; amending s. 373.236, F.S.;
33 | authorizing water management districts to issue 50-year
34 | consumptive use permits to specified entities for certain
35 | alternative water supply development projects; providing
36 | for compliance reporting and review, modification, and
37 | revocation relating to such permits; amending s. 373.536,
38 | F.S.; authorizing substantive legislative committee chairs
39 | to provide input on proposed water management district
40 | budgets; amending s. 373.584, F.S.; providing a limitation
41 | on certain bonding for water management districts;
42 | authorizing the Joint Legislative Budget Commission to
43 | approve bonding exceeding such limitation; exempting
44 | certain outstanding bonds from such limitation and its
45 | calculation; amending s. 373.59, F.S.; expanding water
46 | management district lands eligible to receive payment in
47 | lieu of taxes; revising the method used to determine
48 | eligibility for such payment; amending s. 373.5905, F.S.;
49 | providing conditions for reinstatement of payments in lieu
50 | of taxes and their duration; repealing s. 373.465, F.S.,
51 | to eliminate the Lake Panasoffkee Restoration Council;
52 | repealing s. 373.466, F.S., to eliminate the Lake
53 | Panasoffkee restoration program; providing an effective
54 | date.

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56 | Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 373.069, Florida Statutes, is reenacted.

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

373.0693 Basins; basin boards.--

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

(6) (a) Notwithstanding the provisions of any other general or special law to the contrary, a member of the governing board of the district residing in the basin or, if no member resides in the basin, a member of the governing board designated by the chair of the governing board shall be the ~~ex-officio~~ chair of the basin board. The ~~ex-officio~~ chair shall preside at all meetings of the basin board, except that the vice chair may preside in his or her absence. The ~~ex-officio~~ chair shall ~~have no official vote, except in case of a tie vote being cast by the~~

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85 ~~members, but~~ shall be the liaison officer of the district in all
86 affairs in the basin and shall be kept informed of all such
87 affairs.

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

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

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113 beginning on July 1, 2001, the membership of the Manasota Basin
114 Board shall be comprised of two ~~three~~ members from Manatee
115 County and two ~~three~~ members from Sarasota County. Matters
116 relating to tie votes shall be resolved pursuant to subsection
117 (6) by the ~~ex-officio~~ chair designated by the governing board to
118 vote in case of a tie vote.

119 (8) (a) At 11:59 p.m. on June 30, 1988, the area
120 transferred from the Southwest Florida Water Management District
121 to the St. Johns River Water Management District by change of
122 boundaries pursuant to chapter 76-243, Laws of Florida, shall
123 cease to be a subdistrict or basin of the St. Johns River Water
124 Management District known as the Oklawaha River Basin and said
125 Oklawaha River Basin shall cease to exist. However, any
126 recognition of an Oklawaha River Basin or an Oklawaha River
127 Hydrologic Basin for regulatory purposes shall be unaffected.
128 The area formerly known as the Oklawaha River Basin shall
129 continue to be part of the St. Johns River Water Management
130 District. ~~There shall be established by the governing board of~~
131 ~~the St. Johns River Water Management District the Oklawaha River~~
132 ~~Basin Advisory Council to receive public input and advise the~~
133 ~~St. Johns River Water Management District's governing board on~~
134 ~~water management issues affecting the Oklawaha River Basin. The~~
135 ~~Oklawaha River Basin Advisory Council shall be appointed by~~
136 ~~action of the St. Johns River Water Management District's~~
137 ~~governing board and shall include one representative from each~~
138 ~~county which is wholly or partly included in the Oklawaha River~~
139 ~~Basin. The St. Johns River Water Management District's governing~~
140 ~~board member currently serving pursuant to s. 373.073(2)(c)3.~~

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141 ~~shall serve as chair of the Oklawaha River Basin Advisory~~
 142 ~~Council. Members of the Oklawaha River Basin Advisory Council~~
 143 ~~shall receive no compensation for their services but are~~
 144 ~~entitled to be reimbursed for per diem and travel expenses as~~
 145 ~~provided in s. 112.061.~~

146 Section 3. Paragraph (b) of subsection (1) of section
 147 373.073, Florida Statutes, is amended to read:

148 373.073 Governing board.--

149 (1)

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

153 1. In the first year of the Governor's term of office, the
 154 Governor shall appoint four members to the governing board of
 155 the Southwest Florida Water Management District and appoint
 156 three members to the governing board of each other district.

157 2. In the second year of the Governor's term of office,
 158 the Governor shall appoint three members to the governing board
 159 of the Southwest Florida Water Management District and two
 160 members to the governing board of each other district.

161 3. In the third year of the Governor's term of office, the
 162 Governor shall appoint three members to the governing board of
 163 the Southwest Florida Water Management District and two members
 164 to the governing board of each other district.

165 4. In the fourth year of the Governor's term of office,
 166 the Governor shall appoint three members to the governing board
 167 of the Southwest Florida Water Management District and two
 168 members to the governing board of each other district.

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170 For any governing board vacancy that occurs before the date
171 scheduled for the office to be filled under this paragraph, the
172 Governor shall appoint a person meeting residency requirements
173 of subsection (2) for a term that will expire on the date
174 scheduled for the term of that office to terminate under this
175 subsection. In addition to the residency requirements for the
176 governing boards as provided by subsection (2), the Governor
177 shall consider appointing governing board members to represent
178 an equitable cross-section of regional interests and technical
179 expertise.

180 Section 4. Subsections (4) and (7) of section 373.079,
181 Florida Statutes, are amended to read:

182 373.079 Members of governing board; oath of office;
183 staff.--

184 (4) (a) The governing board of the district is authorized
185 to employ an executive director, ombudsman, and such engineers,
186 other professional persons, and other personnel and assistants
187 as it deems necessary and under such terms and conditions as it
188 may determine and to terminate such employment. The appointment
189 of an executive director by the governing board is subject to
190 approval by the Governor and must be initially confirmed by the
191 Florida Senate. The governing board may delegate all or part of
192 its authority under this paragraph to the executive director.
193 However, the governing board shall delegate to the executive
194 director all of its authority to take final action on permit
195 applications under part II or part IV or petitions for variances
196 or waivers of permitting requirements under part II or part IV,

197 except for denials of such actions as provided in s. 373.083(5).
 198 The executive director must be confirmed by the Senate upon
 199 employment and must be confirmed or reconfirmed by the Senate
 200 during the second regular session of the Legislature following a
 201 gubernatorial election.

202 (b)1. The governing board of each water management
 203 district shall employ an inspector general, who shall report
 204 directly to the board. However, the governing boards of the
 205 Suwannee River Water Management District and the Northwest
 206 Florida Water Management District may jointly employ an
 207 inspector general, or provide for inspector general services by
 208 interagency agreement with a state agency or water management
 209 district inspector general.

210 2. An inspector general must have the qualifications
 211 prescribed and perform the applicable duties of state agency
 212 inspectors general as provided in s. 20.055.

213 (7) The governing board shall meet at least once a month
 214 and upon call of the chair. The governing board, a basin board,
 215 a committee, or an advisory board may conduct meetings by means
 216 of communications media technology in accordance with rules
 217 adopted pursuant to s. 120.54.

218 Section 5. Subsection (5) of section 373.083, Florida
 219 Statutes, is amended to read:

220 373.083 General powers and duties of the governing
 221 board.--In addition to other powers and duties allowed it by
 222 law, the governing board is authorized to:

223 (5) Execute any of the powers, duties, and functions
 224 vested in the governing board through a member or members

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225 | thereof, the executive director, or other district staff as
 226 | designated by the governing board. The governing board may
 227 | establish the scope and terms of any delegation. The ~~However, if~~
 228 | ~~the governing board~~ shall delegate to the executive director all
 229 | of its delegates ~~the~~ authority to take final action on permit
 230 | applications under part II or part IV, or petitions for
 231 | variances or waivers of permitting requirements under part II or
 232 | part IV. However, the governing board shall provide a process
 233 | for referring any denial of such application or petition to the
 234 | governing board to take final action. Such process shall
 235 | expressly prohibit any member of a governing board from
 236 | intervening in any manner during the review of an application
 237 | prior to such application being referred to the governing board
 238 | for final action. The authority in this subsection is
 239 | supplemental to any other provision of this chapter granting
 240 | authority to the governing board to delegate specific powers,
 241 | duties, or functions.

242 | Section 6. Present subsection (4) of section 373.118,
 243 | Florida Statutes, is amended, and subsection (5) of that section
 244 | is renumbered as subsection (4), to read:

245 | 373.118 General permits; delegation.--

246 | ~~(4) To provide for greater efficiency, the governing board~~
 247 | ~~may delegate by rule its powers and duties pertaining to general~~
 248 | ~~permits to the executive director. The executive director may~~
 249 | ~~execute such delegated authority through designated staff.~~
 250 | ~~However, when delegating the authority to take final action on~~
 251 | ~~permit applications under part II or part IV or petitions for~~
 252 | ~~variances or waivers of permitting requirements under part II or~~

253 ~~part IV, the governing board shall provide a process for~~
 254 ~~referring any denial of such application or petition to the~~
 255 ~~governing board to take such final action.~~

256 Section 7. Subsection (3) of section 373.323, Florida
 257 Statutes, is amended to read:

258 373.323 Licensure of water well contractors; application,
 259 qualifications, and examinations; equipment identification.--

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

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

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

267 1. Evidence of the length of time the applicant has been
 268 engaged in the business of the construction, repair, or
 269 abandonment of water wells as a major activity, as attested to
 270 by a letter from three of the following persons:

271 a. A water well contractor.

272 b. A water well driller.

273 c. A water well parts and equipment vendor.

274 d. A water well inspectors employed by a governmental
 275 agency.

276 2. A list of at least 10 water wells that the applicant
 277 has constructed, repaired, or abandoned within the preceding 5
 278 years. Of these wells, at least seven must have been
 279 constructed, as defined in s. 373.303(2), by the applicant. The
 280 list shall also include:

281 a. The name and address of the owner or owners of each
 282 well.

283 b. The location, primary use, and approximate depth and
 284 diameter of each well that the applicant has constructed,
 285 repaired, or abandoned.

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

288 (c) Has completed the application form and remitted a
 289 nonrefundable application fee.

290 Section 8. Subsection (6) is added to section 373.236,
 291 Florida Statutes, to read:

292 373.236 Duration of permits; compliance reports.--

293 (6) (a) The Legislature finds that the need for alternative
 294 water supply development projects to meet anticipated public
 295 water supply demands of the state is so important that it is
 296 essential to encourage participation in and contribution to
 297 these projects by private-rural-land owners who
 298 characteristically have relatively modest near-term water
 299 demands but substantially increasing demands after the 20-year
 300 planning period in s. 373.0361. Therefore, where such landowners
 301 make extraordinary contributions of lands or construction
 302 funding to enable the expeditious implementation of such
 303 projects, water management districts and the department may
 304 grant permits for such projects for a period of up to 50 years
 305 to municipalities, counties, special districts, regional water
 306 supply authorities, multijurisdictional water supply entities,
 307 and publicly or privately owned utilities, with the exception of
 308 any publicly or privately owned utilities created for or by a

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309 private landowner after April 1, 2008, which have entered into
 310 an agreement with the private landowner for the purpose of more
 311 efficiently pursuing alternative public water supply development
 312 projects identified in a district's regional water supply plan
 313 and meeting water demands of both the applicant and the
 314 landowner.

315 (b) A permit under paragraph (a) may be granted only for
 316 that period for which there is sufficient data to provide
 317 reasonable assurance that the conditions for permit issuance
 318 will be met. Such a permit shall require a compliance report by
 319 the permittee every 5 years during the term of the permit. The
 320 report shall contain sufficient data to maintain reasonable
 321 assurance that the conditions for permit issuance applicable at
 322 the time of district review of the compliance report are met.
 323 After review of this report, the governing board or the
 324 department may modify the permit to ensure that the use meets
 325 the conditions for issuance. This subsection does not limit the
 326 existing authority of the department or the governing board to
 327 modify or revoke a consumptive use permit.

328 Section 9. Paragraph (e) of subsection (5) of section
 329 373.536, Florida Statutes, is amended to read:

330 373.536 District budget and hearing thereon.--

331 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 332 APPROVAL.--

333 (e) By September 5 of the year in which the budget is
 334 submitted, the House and Senate appropriations and appropriate
 335 substantive committee chairs may transmit to each district
 336 comments and objections to the proposed budgets. Each district

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337 governing board shall include a response to such comments and
338 objections in the record of the governing board meeting where
339 final adoption of the budget takes place, and the record of this
340 meeting shall be transmitted to the Executive Office of the
341 Governor, the department, and the chairs of the House and Senate
342 appropriations committees.

343 Section 10. Subsection (5) is added to section 373.584,
344 Florida Statutes, to read:

345 373.584 Revenue bonds.--

346 (5) (a) The total annual debt service for bonds issued
347 pursuant to this section and s. 373.563 may not exceed 20
348 percent of the annual ad valorem tax revenues of the water
349 management district, unless approved by the Joint Legislative
350 Budget Commission.

351 (b) The Joint Legislative Budget Commission is authorized
352 to review the financial soundness of a water management district
353 and determine whether bonds may be issued by a water management
354 district in excess of the limitation provided in paragraph (a).

355 (c) A water management district may not take any action
356 regarding the issuance of bonds in excess of the limitation of
357 paragraph (a) without prior approval of the Joint Legislative
358 Budget Commission pursuant to joint rules of the House of
359 Representative and the Senate.

360 (d) Bonds issued and outstanding before January 1, 2009,
361 are exempt from this subsection and shall not be included in the
362 calculation of the limitation of paragraph (a).

363 (e) This subsection does not affect the validity or
364 enforceability of outstanding revenue bonds.

365 Section 11. Subsection (10) of section 373.59, Florida
 366 Statutes, is amended to read:

367 373.59 Water Management Lands Trust Fund.--

368 (10) (a) Beginning July 1, 1999, not more than one-fourth
 369 of the funds provided for in subsections (1) and (8) in any year
 370 shall be reserved annually by a governing board, during the
 371 development of its annual operating budget, for payments in lieu
 372 of taxes for all actual ad valorem tax losses incurred as a
 373 result of all governing board acquisitions for water management
 374 district purposes ~~districts pursuant to ss. 259.101, 259.105,~~
 375 ~~373.470, and this section during any year.~~ Reserved funds not
 376 used for payments in lieu of taxes in any year shall revert to
 377 the Water Management Lands Trust Fund to be used in accordance
 378 with the provisions of this section.

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

380 1. To all counties that have a population of 150,000 or
 381 fewer. Population levels shall be determined pursuant to s.
 382 186.901 ~~11.031~~. The population estimates published April 1 and
 383 used in the revenue-sharing formula pursuant to s. 186.901 shall
 384 be used to determine eligibility under this subsection and shall
 385 apply to payments made for the subsequent fiscal year.

386 2. To all municipalities ~~local governments~~ located in
 387 eligible counties and whose lands are bought and taken off the
 388 tax rolls.

389
 390 For properties acquired after January 1, 2000, in the event that
 391 such properties otherwise eligible for payment in lieu of taxes
 392 under this subsection are leased or reserved and remain subject

393 to ad valorem taxes, payments in lieu of taxes shall commence or
 394 recommence upon the expiration or termination of the lease or
 395 reservation, ~~but in no event shall there be more than a total of~~
 396 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the
 397 lease is terminated for only a portion of the lands at any time,
 398 the ~~10~~ annual payments shall be made for that portion only
 399 commencing the year after such termination, without limiting the
 400 requirement that ~~10~~ annual payments shall be made on the
 401 remaining portion or portions of the land as the lease on each
 402 expires. ~~For the purposes of this subsection, "local government"~~
 403 ~~includes municipalities, the county school board, mosquito~~
 404 ~~control districts, and any other local government entity which~~
 405 ~~levies ad valorem taxes.~~

406 (c) If sufficient funds are unavailable in any year to
 407 make full payments to all qualifying counties and municipalities
 408 ~~local governments~~, such counties and municipalities ~~local~~
 409 ~~governments~~ shall receive a pro rata share of the moneys
 410 available.

411 (d) The payment amount shall be based on the average
 412 amount of actual taxes paid on the property for the 3 years
 413 preceding acquisition. ~~Applications for payment in lieu of taxes~~
 414 ~~shall be made no later than January 31 of the year following~~
 415 ~~acquisition.~~ No payment in lieu of taxes shall be made for
 416 properties which were exempt from ad valorem taxation for the
 417 year immediately preceding acquisition.

418 (e) If property that was subject to ad valorem taxation
 419 was acquired by a tax-exempt entity for ultimate conveyance to
 420 the state under this chapter, payment in lieu of taxes shall be

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421 made for such property based upon the average amount of taxes
 422 paid on the property for the 3 years prior to its being removed
 423 from the tax rolls. The water management districts shall certify
 424 to the Department of Revenue those properties that may be
 425 eligible under this provision. Once eligibility has been
 426 established, that governmental entity shall receive annual
 427 payments for each tax loss until the qualifying governmental
 428 entity exceeds the population threshold pursuant to s.
 429 259.032(12)(b).

430 (f) Payment in lieu of taxes pursuant to this subsection
 431 shall be made annually to qualifying counties and municipalities
 432 ~~local governments~~ after certification by the Department of
 433 Revenue that the amounts applied for are reasonably appropriate,
 434 based on the amount of actual taxes paid on the eligible
 435 property, and after the water management districts have provided
 436 supporting documents to the Chief Financial Officer and have
 437 requested that payment be made in accordance with the
 438 requirements of this section. With the assistance of the county
 439 or municipality ~~local government~~ requesting payment in lieu of
 440 taxes, the water management district that acquired the land is
 441 responsible for preparing and submitting application requests
 442 for payment to the Department of Revenue for certification.

443 (g) If a water management district conveys to a county or
 444 municipality ~~local government~~ title to any land owned by the
 445 district, any payments in lieu of taxes on the land made to the
 446 county or municipality ~~local government~~ shall be discontinued as
 447 of the date of the conveyance.

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448 Section 12. Section 373.5905, Florida Statutes, is amended
449 to read:

450 373.5905 Reinstatement ~~Reinstitution~~ of payments in lieu
451 of taxes; duration.--If a water management district has made a
452 payment in lieu of taxes to a governmental entity and
453 subsequently suspended such payment, beginning July 1, 2009, the
454 water management district shall reinstate ~~reinstitute~~
455 appropriate payments and continue the payments for as long as
456 the county population remains below the population threshold
457 pursuant to s. 373.59(10) (b). This section does not authorize or
458 provide for payments in arrears ~~in consecutive years until the~~
459 ~~governmental entity has received a total of 10 payments for each~~
460 ~~tax loss.~~

461 Section 13. Sections 373.465 and 373.466, Florida
462 Statutes, are repealed.

463 Section 14. This act shall take effect July 1, 2009.