

HB 1367

2010

1 A bill to be entitled
2 An act relating to water management districts; amending s.
3 373.0693, F.S.; revising provisions relating to the
4 membership of basin boards; specifying the terms of
5 service for basin board members designated by district
6 governing board chairs; providing that basin board members
7 designated by district governing board chairs are voting
8 members and counted for quorum purposes; providing for
9 designated district governing board members to serve as
10 basin board chairs and co-chairs; authorizing basin boards
11 to transact official business under certain conditions;
12 revising provisions relating to the membership of the
13 Manasota Basin Board; providing for the designation of a
14 member of the district governing board to serve on the
15 basin board; amending s. 373.171, F.S.; exempting
16 cooperative funding programs from certain rulemaking
17 requirements; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:
20

21 Section 1. Subsections (1) through (7) of section
22 373.0693, Florida Statutes, are amended to read:

23 373.0693 Basins; basin boards.—

24 (1) (a) Any areas within a district may be designated by
25 the district governing board as subdistricts or basins. The
26 designations of such basins shall be made by resolution of the
27 district governing board ~~by resolutions thereof~~. The district
28 governing board ~~of the district~~ may change the boundaries of

29 such basins, or create new basins, by resolution.

30 (2) Each basin shall be under the control of a basin board
 31 ~~which shall be~~ composed of at least ~~not less than~~ three members,
 32 including one or more representatives ~~but shall include one~~
 33 ~~representative~~ from each of the counties included in the basin.

34 (3) Except for a member of the district governing board
 35 serving on a basin board pursuant to subsection (6), each member
 36 of a ~~the various~~ basin board ~~boards~~ shall be appointed ~~serve~~ for
 37 ~~a period of~~ 3 years or until a successor is appointed, but not
 38 more than 180 days after the end of the term., ~~except that~~ The
 39 ~~board~~ membership of each new basin board shall be divided into
 40 three groups as equally as possible, with members in such groups
 41 to be appointed for 1, 2, and 3 years, respectively. Each basin
 42 board shall choose a vice chair and a secretary to serve for ~~a~~
 43 ~~period of~~ 1 year. The term of office of a basin board member
 44 shall ~~be construed to~~ commence on March 2 preceding the date of
 45 appointment and ~~to~~ terminate March 1 of the year of the end of a
 46 term or ~~may continue~~ until a successor is appointed, but not
 47 more than 180 days after the end of the expired term. A member
 48 of the district governing board serving on a basin board
 49 pursuant to subsection (6) shall serve for a period commensurate
 50 with his or her term on the governing board.

51 (4) Except for a member of the district governing board
 52 serving on a basin board pursuant to subsection (6), members of
 53 a basin board ~~boards~~ shall be appointed by the Governor, subject
 54 to confirmation by the Senate at the next regular session of the
 55 Legislature; and the refusal or failure of the Senate to confirm
 56 an appointment shall create a vacancy in the office to which the

HB 1367

2010

57 | appointment was made.

58 | (5) Basin board members shall serve without ~~receive no~~
59 | compensation ~~for services as such;~~ but are entitled to
60 | reimbursement for per diem and travel expenses as provided in s.
61 | 112.061, ~~while officially on work for the district, they shall~~
62 | ~~receive their actual travel expenses between their respective~~
63 | ~~places of residence and the place where official district~~
64 | ~~business is conducted, subsistence, lodging, and other expenses~~
65 | ~~in the amount actually incurred. These expenses may not exceed~~
66 | ~~the statutory amount allowed state officers and employees. This~~
67 | subsection applies retroactively to the effective date of the
68 | creation of each of the five separate water management
69 | districts.

70 | (6) (a) Notwithstanding any other provision of the
71 | ~~provisions of any other~~ general or special law ~~to the contrary,~~
72 | a member of the district governing board ~~of the district~~
73 | residing in the basin or, if no member resides in the basin, a
74 | member of the district governing board designated by the chair
75 | of the district governing board shall be a voting member of the
76 | basin board and counted for purposes of establishing a quorum.

77 | (b) A governing board member shall serve as the chair of
78 | the basin board. If more than one governing board member is
79 | designated to a basin board, each shall rotate as co-chair of
80 | the basin board. The chair or co-chair shall preside at all
81 | meetings of the basin board, except that the vice chair may
82 | preside in the his or her absence of the chair and co-chair. The
83 | chair shall be the liaison officer of the district in all
84 | affairs in the basin and shall be kept informed of all such

85 | affairs.

86 | (c) If a vacancy occurs on a basin board, a quorum of the
 87 | total remaining members of the basin board may continue to
 88 | transact official business until a successor is appointed.

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

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

HB 1367

2010

113 ~~District.~~ Notwithstanding other provisions in this section,
114 beginning on July 1, 2010 ~~2001~~, the membership of the Manasota
115 Basin Board shall be comprised of two members from Manatee
116 County, ~~and~~ two members from Sarasota County, and a member of
117 the district governing board designated by the chair of the
118 district governing board pursuant to subsection (6). ~~Matters~~
119 ~~relating to tie votes shall be resolved pursuant to subsection~~
120 ~~(6) by the chair designated by the governing board to vote in~~
121 ~~ease of a tie vote.~~

122 Section 2. Paragraph (d) is added to subsection (1) of
123 section 373.171, Florida Statutes, to read:

124 373.171 Rules.—

125 (5) Cooperative funding programs are not subject to the
126 rulemaking requirements of chapter 120. However, any portion of
127 an approved program which affects the substantial interests of a
128 party shall be subject to s. 120.569.

129 Section 3. This act shall take effect July 1, 2010.