

HB 1407

2010

1 A bill to be entitled
2 An act relating to water management district governing
3 boards; creating s. 373.0725, F.S.; establishing a water
4 management district governing board nominating commission;
5 providing criteria for governing board member nominees;
6 providing for the appointment of commission members by the
7 Governor, the President of the Senate, and the Speaker of
8 the House of Representatives; providing for terms and
9 duties of commission members; requiring the Executive
10 Office of the Governor to provide administrative support
11 to the commission and to adopt rules; amending s. 373.086,
12 F.S.; requiring governing boards to obtain legislative
13 authorization for acquisition costs and professional
14 service procurement costs in excess of specified amounts;
15 amending s. 373.089, F.S.; requiring governing boards to
16 review and make available for purchase specified lands;
17 amending s. 373.139, F.S.; prohibiting the purchase of
18 specified lands by a governing board unless deemed
19 environmentally critical or sensitive by the Century
20 Commission for a Sustainable Florida and authorized by the
21 Legislature; amending s. 112.3145, F.S.; providing that
22 members of the water management district governing board
23 nominating commission are state officers for purposes of
24 financial disclosure requirements; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Section 373.0725, Florida Statutes, is created
 30 to read:

31 373.0725 Water management district governing board
 32 nominating commission.—

33 (1) (a) Members of each water management district governing
 34 board shall be nominated for appointment by a commission
 35 composed of 11 members.

36 (b) Commission members shall submit to the Governor three
 37 recommended nominees for each district governing board position.
 38 Nominees must reside in the territorial jurisdiction of the
 39 governing board to which the commission will recommend
 40 appointments and must have significant experience in one or more
 41 of the following areas: agriculture, the development industry,
 42 local government, government-owned or privately owned water
 43 utilities, law, civil engineering, environmental science,
 44 hydrology, accounting, or finance.

45 (c) The Governor shall select appointees from the list of
 46 nominees recommended for a position.

47 (2) A current or former governing board member may not be
 48 a member of the governing board nominating commission. A member
 49 of the governing board nominating commission may hold public
 50 office. A member of the governing board nominating commission is
 51 not eligible for appointment, during his or her term of office
 52 and for a period of 2 years thereafter, to any board for which
 53 the commission has the authority to make nominations. All acts
 54 of the governing board nominating commission must be made with a
 55 concurrence of a majority of its members.

HB 1407

2010

56 (3) Members shall be appointed to the governing board
57 nominating commission in the following manner:

58 (a) The Governor shall appoint three members for terms
59 ending July 1, 2014.

60 (b) The President of the Senate shall appoint three
61 members for terms ending July 1, 2013, and one member of the
62 Senate who shall serve at the pleasure of the President of the
63 Senate.

64 (c) The Speaker of the House of Representatives shall
65 appoint three members for terms ending July 1, 2012, and one
66 member of the House of Representatives who shall serve at the
67 pleasure of the Speaker of the House of Representatives.

68
69 Every subsequent appointment, except the appointment of a member
70 of the Senate and of the House of Representatives and an
71 appointment to fill a vacant, unexpired term, shall be for 4
72 years. Each expired term or vacancy shall be filled by
73 appointment in the same manner as the member whose position is
74 being filled.

75 (4) In making appointments, the Governor, the President of
76 the Senate, and the Speaker of the House of Representatives
77 shall seek to ensure that, to the extent possible, the
78 membership of the governing board nominating commission reflects
79 the racial, ethnic, and gender diversity of the state and shall
80 also consider the adequacy of representation of each geographic
81 region within the state.

82 (5) A member of the governing board nominating commission
 83 may be suspended for cause by the person who appointed him or
 84 her.

85 (6) The governing board nominating commission shall
 86 recommend appointments to the governing board of a water
 87 management district pursuant to s. 373.073. A quorum of the
 88 commission is necessary to take any action or transact any
 89 business. For purposes of this section, a majority of the
 90 commission members shall constitute a quorum. However, if a
 91 vacancy occurs, a majority of the total remaining commission
 92 members shall constitute a quorum.

93 (7) The Executive Office of the Governor shall provide all
 94 administrative support for the governing board nominating
 95 commission and shall adopt rules necessary to administer this
 96 section.

97 Section 2. Subsection (4) is added to section 373.086,
 98 Florida Statutes, to read:

99 373.086 Providing for district works.—

100 (4) The governing board must obtain specific legislative
 101 authorization for any acquisition costs in excess of \$50 million
 102 and for any professional service procurement costs in excess of
 103 \$5 million.

104 Section 3. Paragraph (e) is added to subsection (6) of
 105 section 373.089, Florida Statutes, to read:

106 373.089 Sale or exchange of lands, or interests or rights
 107 in lands.—The governing board of the district may sell lands, or
 108 interests or rights in lands, to which the district has acquired
 109 title or to which it may hereafter acquire title in the

HB 1407

2010

110 following manner:

111 (6) Any lands the title to which is vested in the
112 governing board of a water management district may be surplused
113 pursuant to the procedures set forth in this section and s.
114 373.056 and the following:

115 (e) For any lands for which title is vested in the
116 governing board, the governing board shall conduct reviews to
117 determine which lands are no longer needed for conservation and
118 restoration purposes or no longer considered environmentally
119 critical or sensitive and make such lands available for purchase
120 so long as the property can be reentered onto the county ad
121 valorem tax roll.

122 Section 4. Paragraph (d) is added to subsection (3) of
123 section 373.139, Florida Statutes, to read:

124 373.139 Acquisition of real property.—

125 (3) The initial 5-year work plan and any subsequent
126 modifications or additions thereto shall be adopted by each
127 water management district after a public hearing. Each water
128 management district shall provide at least 14 days' advance
129 notice of the hearing date and shall separately notify each
130 county commission within which a proposed work plan project or
131 project modification or addition is located of the hearing date.

132 (d) The governing board may not purchase lands appraised
133 in excess of \$50 million unless such lands are deemed
134 environmentally critical or sensitive by the Century Commission
135 for a Sustainable Florida and such purchase is specifically
136 authorized by the Legislature.

137 Section 5. Paragraph (c) of subsection (1) of section
 138 112.3145, Florida Statutes, is amended to read:

139 112.3145 Disclosure of financial interests and clients
 140 represented before agencies.—

141 (1) For purposes of this section, unless the context
 142 otherwise requires, the term:

143 (c) "State officer" means:

144 1. Any elected public officer, excluding those elected to
 145 the United States Senate and House of Representatives, not
 146 covered elsewhere in this part and any person who is appointed
 147 to fill a vacancy for an unexpired term in such an elective
 148 office.

149 2. An appointed member of each board, commission,
 150 authority, or council having statewide jurisdiction, excluding a
 151 member of an advisory body.

152 3. A member of the Board of Governors of the State
 153 University System or a state university board of trustees, the
 154 Chancellor and Vice Chancellors of the State University System,
 155 and the president of a state university.

156 4. A member of the judicial nominating commission for any
 157 district court of appeal or any judicial circuit.

158 5. A member of the water management district governing
 159 board nominating commission.

160 Section 6. This act shall take effect July 1, 2010.