

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; creating s. 373.0725, F.S.; establishing a
18 water management district governing board nominating
19 commission; providing criteria for governing board member
20 nominees; providing for the appointment of commission
21 members by the Governor, the President of the Senate, and
22 the Speaker of the House of Representatives; providing for
23 terms and duties of commission members; requiring the
24 Executive Office of the Governor to provide administrative
25 support to the commission and to adopt rules; amending s.
26 373.089, F.S.; requiring governing boards to review and
27 make available for purchase specified lands; amending s.
28 112.3145, F.S.; providing that members of the water

29 management district governing board nominating commission
 30 are state officers for purposes of financial disclosure
 31 requirements; amending s. 373.228, F.S.; revising
 32 provisions relating to the authority of local governments
 33 to adopt and implement, by ordinance, specified landscape
 34 irrigation restrictions; amending s. 373.246, F.S.;
 35 authorizing local governments to adopt ordinances that
 36 implement specified water shortage and emergency orders;
 37 amending s. 298.66, F.S.; revising provisions prohibiting
 38 the obstruction of certain drainage works; providing an
 39 effective date.

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Subsections (1) through (7) of section
 44 373.0693, Florida Statutes, are amended to read:

45 373.0693 Basins; basin boards.—

46 (1) (a) Any areas within a district may be designated by
 47 the district governing board as subdistricts or basins. The
 48 designations of such basins shall be made by resolution of the
 49 district governing board ~~by resolutions thereof~~. The district
 50 governing board ~~of the district~~ may change the boundaries of
 51 such basins, or create new basins, by resolution.

52 (b) No subdistrict or basin in the St. Johns River Water
 53 Management District other than established by this act shall
 54 become effective until approved by the Legislature.

55 (2) Each basin shall be under the control of a basin board
 56 ~~which shall be~~ composed of at least ~~not less than~~ three members,

57 including one or more representatives ~~but shall include one~~
 58 ~~representative~~ from each of the counties included in the basin.

59 (3) Except for a member of the district governing board
 60 serving on a basin board pursuant to subsection (6), each member
 61 of a ~~the various~~ basin board ~~boards~~ shall be appointed ~~serve~~ for
 62 ~~a period of~~ 3 years or until a successor is appointed, but not
 63 more than 180 days after the end of the term. ~~, except that~~ The
 64 ~~board~~ membership of each new basin board shall be divided into
 65 three groups as equally as possible, with members in such groups
 66 to be appointed for 1, 2, and 3 years, respectively. Each basin
 67 board shall choose a vice chair and a secretary to serve for ~~a~~
 68 ~~period of~~ 1 year. The term of office of a basin board member
 69 shall ~~be construed to~~ commence on March 2 preceding the date of
 70 appointment and ~~to~~ terminate March 1 of the year of the end of a
 71 term or ~~may continue~~ until a successor is appointed, but not
 72 more than 180 days after the end of the expired term. A member
 73 of the district governing board serving on a basin board
 74 pursuant to subsection (6) shall serve for a period commensurate
 75 with his or her term on the governing board.

76 (4) Except for a member of the district governing board
 77 serving on a basin board pursuant to subsection (6), members of
 78 a basin board ~~boards~~ shall be appointed by the Governor, subject
 79 to confirmation by the Senate at the next regular session of the
 80 Legislature, ~~and~~ and the refusal or failure of the Senate to
 81 confirm an appointment shall create a vacancy in the office to
 82 which the appointment was made.

83 (5) Basin board members shall serve without ~~receive no~~
 84 ~~compensation for services as such,~~ but are entitled to

85 reimbursement for per diem and travel expenses as provided in s.
 86 112.061, ~~while officially on work for the district, they shall~~
 87 ~~receive their actual travel expenses between their respective~~
 88 ~~places of residence and the place where official district~~
 89 ~~business is conducted, subsistence, lodging, and other expenses~~
 90 ~~in the amount actually incurred. These expenses may not exceed~~
 91 ~~the statutory amount allowed state officers and employees. This~~
 92 subsection applies retroactively to the effective date of the
 93 creation of each of the five separate water management
 94 districts.

95 (6) (a) Notwithstanding any other provision of the
 96 ~~provisions of any other~~ general or special law ~~to the contrary,~~
 97 a member of the district governing board ~~of the district~~
 98 residing in the basin or, if no member resides in the basin, a
 99 member of the district governing board designated by the chair
 100 of the district governing board shall be a voting member of the
 101 basin board and counted for purposes of establishing a quorum.

102 (b) A governing board member shall serve as the chair of
 103 the basin board. If more than one governing board member is
 104 designated to a basin board, each shall rotate as co-chair of
 105 the basin board. The chair or co-chair shall preside at all
 106 meetings of the basin board, except that the vice chair may
 107 preside in the his or her absence of the chair and co-chair. The
 108 chair shall be the liaison officer of the district in all
 109 affairs in the basin and shall be kept informed of all such
 110 affairs.

111 (c) If a vacancy occurs on a basin board, a quorum of the
 112 total remaining members of the basin board may continue to

113 transact official business until a successor is appointed.

114 (d) ~~(b)~~ Basin boards within the Southwest Florida Water
 115 Management District shall meet regularly as determined by a
 116 majority vote of the basin board members. Subject to notice
 117 requirements of chapter 120, special meetings, both emergency
 118 and nonemergency, may be called ~~either~~ by the chair or the
 119 elected vice chair ~~of the basin board~~ or upon request of two
 120 basin board members. The district staff shall include on the
 121 agenda of any basin board meeting any item for discussion or
 122 action requested by a member of that basin board. The district
 123 staff shall notify any basin board, as well as their respective
 124 counties, of any vacancies occurring in the district governing
 125 board or their respective basin boards.

126 (7) ~~At 11:59 p.m. on December 31, 1976, the Manasota~~
 127 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 128 ~~Management District, which is annexed to the Southwest Florida~~
 129 ~~Water Management District by change of its boundaries pursuant~~
 130 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
 131 ~~subdistrict or basin of the Southwest Florida Water Management~~
 132 ~~District, subject to the same provisions as the other basins in~~
 133 ~~such district. Such subdistrict shall be designated initially as~~
 134 ~~the Manasota Basin. The members of the governing board of the~~
 135 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 136 ~~Management District shall become members of the governing board~~
 137 ~~of the Manasota Basin of the Southwest Florida Water Management~~
 138 ~~District.~~ Notwithstanding other provisions in this section,
 139 beginning on July 1, 2010 ~~2001~~, the membership of the Manasota
 140 Basin Board shall be comprised of two members from Manatee

141 County, ~~and~~ two members from Sarasota County, and a member of
 142 the district governing board designated by the chair of the
 143 district governing board pursuant to subsection (6). ~~Matters~~
 144 ~~relating to tie votes shall be resolved pursuant to subsection~~
 145 ~~(6) by the chair designated by the governing board to vote in~~
 146 ~~ease of a tie vote.~~

147 Section 2. Subsection (5) is added to section 373.171,
 148 Florida Statutes, to read:

149 373.171 Rules.—

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

154 Section 3. Section 373.0725, Florida Statutes, is created
 155 to read:

156 373.0725 Water management district governing board
 157 nominating commission.—

158 (1) (a) Members of each water management district governing
 159 board shall be nominated for appointment by a commission
 160 composed of nine members.

161 (b) Commission members shall submit to the Governor three
 162 recommended nominees for each district governing board position.
 163 Nominees must reside in the territorial jurisdiction of the
 164 governing board to which the commission will recommend
 165 appointments and must have significant experience in one or more
 166 of the following areas: agriculture, the development industry,
 167 local government, government-owned or privately owned water

168 utilities, law, civil engineering, environmental science,
 169 hydrology, accounting, finance, or professional landscaping.

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

172 (2) A current or former governing board member may not be
 173 a member of the governing board nominating commission. A member
 174 of the governing board nominating commission may hold public
 175 office. A member of the governing board nominating commission is
 176 not eligible for appointment, during his or her term of office
 177 and for a period of 2 years thereafter, to any board for which
 178 the commission has the authority to make nominations. All acts
 179 of the governing board nominating commission must be made with a
 180 concurrence of a majority of its members.

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

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

185 (b) The President of the Senate shall appoint three
 186 members for terms ending July 1, 2013.

187 (c) The Speaker of the House of Representatives shall
 188 appoint three members for terms ending July 1, 2012.

189
 190 Every subsequent appointment, except an appointment to fill a
 191 vacant, unexpired term, shall be for 4 years. Each expired term
 192 or vacancy shall be filled by appointment in the same manner as
 193 the member whose position is being filled.

194 (4) In making appointments, the Governor, the President of
 195 the Senate, and the Speaker of the House of Representatives

196 shall seek to ensure that, to the extent possible, the
 197 membership of the governing board nominating commission reflects
 198 the racial, ethnic, and gender diversity of the state and shall
 199 also consider the adequacy of representation of each geographic
 200 region within the state.

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

204 (6) The governing board nominating commission shall
 205 recommend appointments to the governing board of a water
 206 management district pursuant to s. 373.073. A quorum of the
 207 commission is necessary to take any action or transact any
 208 business. For purposes of this section, a majority of the
 209 commission members shall constitute a quorum. However, if a
 210 vacancy occurs, a majority of the total remaining commission
 211 members shall constitute a quorum.

212 (7) The Executive Office of the Governor shall provide all
 213 administrative support for the governing board nominating
 214 commission and shall adopt rules necessary to administer this
 215 section.

216 Section 4. Paragraph (e) is added to subsection (6) of
 217 section 373.089, Florida Statutes, to read:

218 373.089 Sale or exchange of lands, or interests or rights
 219 in lands.—The governing board of the district may sell lands, or
 220 interests or rights in lands, to which the district has acquired
 221 title or to which it may hereafter acquire title in the
 222 following manner:

223 (6) Any lands the title to which is vested in the

224 governing board of a water management district may be surplusd
 225 pursuant to the procedures set forth in this section and s.
 226 373.056 and the following:

227 (e) For any lands for which title is vested in the
 228 governing board, the governing board shall conduct reviews to
 229 determine which lands are no longer needed for conservation and
 230 restoration purposes or no longer considered environmentally
 231 critical or sensitive and make such lands available for purchase
 232 so long as the property can be reentered onto the county ad
 233 valorem tax roll.

234 Section 5. Paragraph (c) of subsection (1) of section
 235 112.3145, Florida Statutes, is amended to read:

236 112.3145 Disclosure of financial interests and clients
 237 represented before agencies.—

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

240 (c) "State officer" means:

241 1. Any elected public officer, excluding those elected to
 242 the United States Senate and House of Representatives, not
 243 covered elsewhere in this part and any person who is appointed
 244 to fill a vacancy for an unexpired term in such an elective
 245 office.

246 2. An appointed member of each board, commission,
 247 authority, or council having statewide jurisdiction, excluding a
 248 member of an advisory body.

249 3. A member of the Board of Governors of the State
 250 University System or a state university board of trustees, the

251 Chancellor and Vice Chancellors of the State University System,
 252 and the president of a state university.

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

255 5. A member of the water management district governing
 256 board nominating commission.

257 Section 6. Section 373.228, Florida Statutes, is amended
 258 to read:

259 373.228 Landscape irrigation ~~design~~.—

260 (1) The Legislature finds that multiple areas throughout
 261 the state have been identified by water management districts as
 262 water resource caution areas, which indicates that in the near
 263 future water demand in those areas will exceed the current
 264 available water supply and that conservation is one of the
 265 mechanisms by which future water demand will be met.

266 (2) The Legislature finds that landscape irrigation
 267 comprises a significant portion of water use and that current
 268 typical landscape irrigation systems, ~~and~~ Florida-friendly
 269 landscaping designs, and landscape irrigation restrictions offer
 270 significant potential water conservation benefits.

271 (3) It is the intent of the Legislature to improve
 272 landscape irrigation water use efficiency by ensuring that
 273 landscape irrigation systems meet or exceed minimum design
 274 criteria and that, pursuant to s. 373.609, the landscape
 275 irrigation restrictions of a water management district may be
 276 implemented by ordinance of the applicable local governments.

277 (4) The water management districts shall work with the
 278 Florida Nursery, Growers and Landscape Association, the Florida

279 Native Plant Society, the Florida Chapter of the American
 280 Society of Landscape Architects, the Florida Irrigation Society,
 281 the Department of Agriculture and Consumer Services, the
 282 Institute of Food and Agricultural Sciences, the Department of
 283 Environmental Protection, the Department of Transportation, the
 284 Florida League of Cities, the Florida Association of Counties,
 285 and the Florida Association of Community Developers to develop
 286 landscape irrigation and Florida-friendly landscaping design
 287 standards for new construction which incorporate a landscape
 288 irrigation system and develop scientifically based model
 289 guidelines for urban, commercial, and residential landscape
 290 irrigation, including drip irrigation, for plants, trees, sod,
 291 and other landscaping. The standards must ~~shall~~ be based on the
 292 irrigation code defined in the Florida Building Code, Plumbing
 293 Volume, Appendix F. Local governments shall use the standards
 294 and guidelines when developing landscape irrigation and Florida-
 295 friendly landscaping ordinances. By January 1, 2011, the
 296 agencies and entities specified in this subsection shall review
 297 the standards and guidelines to determine whether new research
 298 findings require a change or modification of the standards and
 299 guidelines.

300 (5) Local governments may adopt ordinances that implement
 301 landscape irrigation restrictions as set forth in water
 302 management district rules or orders. In evaluating water use
 303 applications from public water suppliers, water management
 304 districts shall consider whether the applicable local government
 305 has adopted an ordinance implementing such landscape irrigation
 306 restrictions and has adopted ordinances for landscaping and

307 irrigation systems consistent with the Florida-friendly
 308 landscaping provisions of s. 373.185.

309 Section 7. Subsection (9) is added to section 373.246,
 310 Florida Statutes, to read:

311 373.246 Declaration of water shortage or emergency.—

312 (9) Local governments may adopt ordinances that implement
 313 water shortage and emergency orders under this section and s.
 314 373.175.

315 Section 8. Section 298.66, Florida Statutes, is amended to
 316 read:

317 298.66 Obstruction of public drainage canals, etc.,
 318 prohibited; damages; penalties.—

319 (1) A ~~No~~ person may not willfully, or otherwise, obstruct
 320 any public canal, drain, ditch or watercourse or damage or
 321 destroy any public drainage works constructed in any district.

322 (2) ~~(1)~~ Any person who ~~shall~~ willfully obstructs ~~obstruct~~
 323 any public canal, drain, ditch, or watercourse or damages or
 324 destroys ~~shall damage or destroy~~ any public drainage works
 325 constructed in ~~by~~ any district, shall be liable to any person
 326 injured thereby for the full amount of the injury occasioned to
 327 any land or crops or other property by reason of such
 328 misconduct, and shall be liable to the district constructing the
 329 drainage ~~said~~ work for double the cost of removing such
 330 obstruction or repairing such damage.

331 (3) ~~(2)~~ Any person who ~~Whoever shall~~ willfully, or
 332 otherwise, obstructs ~~obstruct~~ any public canal, drain, ditch, or
 333 watercourse, impedes or obstructs ~~or impede or obstruct~~ the flow
 334 of water therein, or damages or destroys ~~shall damage or destroy~~

CS for HB 1407, HB 1367 & HB 1605

2010

335 | any public drainage works constructed in ~~by~~ any district commits
336 | ~~shall be guilty of~~ a felony of the third degree, punishable as
337 | provided in s. 775.082, s. 775.083, or s. 775.084.

338 | Section 9. This act shall take effect July 1, 2010.