

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. 298.66, F.S.;
 35 revising provisions prohibiting the obstruction of certain
 36 drainage works; providing an effective date.

37

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

39

40 Section 1. Subsections (1) through (7) of section
 41 373.0693, Florida Statutes, are amended to read:

42 373.0693 Basins; basin boards.—

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

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

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

56 (3) Except for a member of the district governing board

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

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

80 (5) Basin board members shall serve without ~~receive no~~
 81 ~~compensation for services as such,~~ but are entitled to
 82 reimbursement for per diem and travel expenses as provided in s.
 83 112.061, ~~while officially on work for the district,~~ they shall
 84 ~~receive their actual travel expenses between their respective~~

85 ~~places of residence and the place where official district~~
 86 ~~business is conducted, subsistence, lodging, and other expenses~~
 87 ~~in the amount actually incurred. These expenses may not exceed~~
 88 ~~the statutory amount allowed state officers and employees. This~~
 89 subsection applies retroactively to the effective date of the
 90 creation of each of the five separate water management
 91 districts.

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

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

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

111 (d) ~~(b)~~ Basin boards within the Southwest Florida Water
 112 Management District shall meet regularly as determined by a

113 majority vote of the basin board members. Subject to notice
 114 requirements of chapter 120, special meetings, both emergency
 115 and nonemergency, may be called ~~either~~ by the chair or the
 116 elected vice chair ~~of the basin board~~ or upon request of two
 117 basin board members. The district staff shall include on the
 118 agenda of any basin board meeting any item for discussion or
 119 action requested by a member of that basin board. The district
 120 staff shall notify any basin board, as well as their respective
 121 counties, of any vacancies occurring in the district governing
 122 board or their respective basin boards.

123 (7) ~~At 11:59 p.m. on December 31, 1976, the Manasota~~
 124 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 125 ~~Management District, which is annexed to the Southwest Florida~~
 126 ~~Water Management District by change of its boundaries pursuant~~
 127 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
 128 ~~subdistrict or basin of the Southwest Florida Water Management~~
 129 ~~District, subject to the same provisions as the other basins in~~
 130 ~~such district. Such subdistrict shall be designated initially as~~
 131 ~~the Manasota Basin. The members of the governing board of the~~
 132 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 133 ~~Management District shall become members of the governing board~~
 134 ~~of the Manasota Basin of the Southwest Florida Water Management~~
 135 ~~District.~~ Notwithstanding other provisions in this section,
 136 beginning on July 1, 2010 ~~2001~~, the membership of the Manasota
 137 Basin Board shall be comprised of two members from Manatee
 138 County, ~~and~~ two members from Sarasota County, and a member of
 139 the district governing board designated by the chair of the
 140 district governing board pursuant to subsection (6). ~~Matters~~

141 ~~relating to tie votes shall be resolved pursuant to subsection~~
 142 ~~(6) by the chair designated by the governing board to vote in~~
 143 ~~ease of a tie vote.~~

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

146 373.171 Rules.—

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

151 Section 3. Section 373.0725, Florida Statutes, is created
 152 to read:

153 373.0725 Water management district governing board
 154 nominating commission.—

155 (1) (a) Members of each water management district governing
 156 board shall be nominated for appointment by a commission
 157 composed of nine members.

158 (b) Commission members shall submit to the Governor three
 159 recommended nominees for each district governing board position.
 160 Nominees must reside in the territorial jurisdiction of the
 161 governing board to which the commission will recommend
 162 appointments and must have significant experience in one or more
 163 of the following areas: agriculture, the development industry,
 164 local government, government-owned or privately owned water
 165 utilities, law, civil engineering, environmental science,
 166 hydrology, accounting, finance, or professional landscaping.

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

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

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

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

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

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

186
 187 Every subsequent appointment, except an appointment to fill a
 188 vacant, unexpired term, shall be for 4 years. Each expired term
 189 or vacancy shall be filled by appointment in the same manner as
 190 the member whose position is being filled.

191 (4) In making appointments, the Governor, the President of
 192 the Senate, and the Speaker of the House of Representatives
 193 shall seek to ensure that, to the extent possible, the
 194 membership of the governing board nominating commission reflects
 195 the racial, ethnic, and gender diversity of the state and shall

196 also consider the adequacy of representation of each geographic
 197 region within the state.

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

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

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

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

215 373.089 Sale or exchange of lands, or interests or rights
 216 in lands.—The governing board of the district may sell lands, or
 217 interests or rights in lands, to which the district has acquired
 218 title or to which it may hereafter acquire title in the
 219 following manner:

220 (6) Any lands the title to which is vested in the
 221 governing board of a water management district may be surplusd
 222 pursuant to the procedures set forth in this section and s.
 223 373.056 and the following:

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

231 Section 5. Paragraph (c) of subsection (1) of section
 232 112.3145, Florida Statutes, is amended to read:

233 112.3145 Disclosure of financial interests and clients
 234 represented before agencies.—

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

237 (c) "State officer" means:

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

243 2. An appointed member of each board, commission,
 244 authority, or council having statewide jurisdiction, excluding a
 245 member of an advisory body.

246 3. A member of the Board of Governors of the State
 247 University System or a state university board of trustees, the
 248 Chancellor and Vice Chancellors of the State University System,
 249 and the president of a state university.

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

252 5. A member of the water management district governing
 253 board nominating commission.

254 Section 6. Section 373.228, Florida Statutes, is amended
 255 to read:

256 373.228 Landscape irrigation ~~design~~.—

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

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

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

274 (4) The water management districts shall work with the
 275 Florida Nursery, Growers and Landscape Association, the Florida
 276 Native Plant Society, the Florida Chapter of the American
 277 Society of Landscape Architects, the Florida Irrigation Society,
 278 the Department of Agriculture and Consumer Services, the
 279 Institute of Food and Agricultural Sciences, the Department of

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

297 (5) Notwithstanding s. 373.217, local governments may
298 adopt ordinances that implement landscape irrigation
299 restrictions set forth in water management district rules or
300 orders. In evaluating water use applications from public water
301 suppliers, water management districts shall consider whether the
302 applicable local government has adopted ordinances for
303 landscaping and irrigation systems consistent with the Florida-
304 friendly landscaping provisions of s. 373.185.

305 Section 7. Section 298.66, Florida Statutes, is amended to
306 read:

307 298.66 Obstruction of public drainage canals, etc.,

308 prohibited; damages; penalties.-

309 (1) ~~A~~ ~~Ne~~ person may not willfully, or otherwise, obstruct
 310 any public canal, drain, ditch or watercourse or damage or
 311 destroy any public drainage works constructed in any district.

312 (2)~~(1)~~ Any person who ~~shall~~ willfully obstructs ~~obstruct~~
 313 any public canal, drain, ditch, or watercourse or damages or
 314 destroys ~~shall damage or destroy~~ any public drainage works
 315 constructed in ~~by~~ any district, shall be liable to any person
 316 injured thereby for the full amount of the injury occasioned to
 317 any land or crops or other property by reason of such
 318 misconduct, and shall be liable to the district constructing the
 319 drainage ~~said~~ work for double the cost of removing such
 320 obstruction or repairing such damage.

321 (3)~~(2)~~ Any person who ~~Whoever shall~~ willfully, or
 322 otherwise, obstructs ~~obstruct~~ any public canal, drain, ditch, or
 323 watercourse, impedes or obstructs ~~or impede or obstruct~~ the flow
 324 of water therein, or damages or destroys ~~shall damage or destroy~~
 325 any public drainage works constructed in ~~by~~ any district commits
 326 ~~shall be guilty of~~ a felony of the third degree, punishable as
 327 provided in s. 775.082, s. 775.083, or s. 775.084.

328 Section 8. This act shall take effect July 1, 2010.