

By the Committee on Environmental Preservation and Conservation;
and Senator Detert

592-02716-10

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

20
21 Be It Enacted by the Legislature of the State of Florida:

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

25 373.0693 Basins; basin boards.—

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

592-02716-10

20101952c1

30 governing board ~~of the district~~ may change the boundaries of
31 such basins, or create new basins, by resolution.

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

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

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

592-02716-10

20101952c1

59 appointment was made.

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

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

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

592-02716-10

20101952c1

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

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

103 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~
104 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
105 ~~Management District, which is annexed to the Southwest Florida~~
106 ~~Water Management District by change of its boundaries pursuant~~
107 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
108 ~~subdistrict or basin of the Southwest Florida Water Management~~
109 ~~District, subject to the same provisions as the other basins in~~
110 ~~such district. Such subdistrict shall be designated initially as~~
111 ~~the Manasota Basin. The members of the governing board of the~~
112 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
113 ~~Management District shall become members of the governing board~~
114 ~~of the Manasota Basin of the Southwest Florida Water Management~~
115 ~~District. Notwithstanding other provisions in this section,~~
116 beginning on July 1, 2010 ~~2001~~, the membership of the Manasota

592-02716-10

20101952c1

117 Basin Board shall be comprised of two members from Manatee
118 County, ~~and~~ two members from Sarasota County, and a member of
119 the district governing board designated by the chair of the
120 district governing board pursuant to subsection (6). ~~Matters~~
121 ~~relating to tie votes shall be resolved pursuant to subsection~~
122 ~~(6) by the chair designated by the governing board to vote in~~
123 ~~ease of a tie vote.~~

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

126 373.171 Rules.—

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

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