

By Senator Bennett

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

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Section 373.0725, Florida Statutes, is created
32 to read:

33 373.0725 Water management district governing board
34 nominating commission.-

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

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

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

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

58 (3) Members shall be appointed to the governing board

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59 nominating commission in the following manner:

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

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

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

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

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

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

86 (6) The governing board nominating commission shall
87 recommend appointments to the governing board of a water

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88 management district pursuant to s. 373.073. A quorum of the
89 commission is necessary to take any action or transact any
90 business. For purposes of this section, a majority of the
91 commission members shall constitute a quorum. However, if a
92 vacancy occurs, a majority of the total remaining commission
93 members shall constitute a quorum.

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

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

100 373.086 Providing for district works.—

101 (4) The governing board must obtain specific legislative
102 authorization for any acquisition costs in excess of \$50 million
103 and for any professional service procurement costs in excess of
104 \$5 million.

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

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

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

116 (e) For any lands for which title is vested in the

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

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

125 373.139 Acquisition of real property.—

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

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

138 Section 5. Paragraph (c) of subsection (1) of section
139 112.3145, Florida Statutes, is amended to read:

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

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

144 (c) "State officer" means:

145 1. Any elected public officer, excluding those elected to

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146 the United States Senate and House of Representatives, not
147 covered elsewhere in this part and any person who is appointed
148 to fill a vacancy for an unexpired term in such an elective
149 office.

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

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

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

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

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