

1                                   A bill to be entitled  
 2           An act relating to water management districts; amending s.  
 3           373.073, F.S.; requiring the election rather than  
 4           appointment of members of the governing boards of the  
 5           water management districts; providing for termination of  
 6           terms of current officeholders; providing for terms of  
 7           office, nonpartisan elections, filling of vacancies, and  
 8           residency requirements; amending s. 373.536, F.S.;  
 9           revising provisions relating to the fiscal year and budget  
 10          submission; transferring budget approval authority from  
 11          the Executive Office of the Governor to the Legislature;  
 12          revising provisions relating to the review and submission  
 13          of water management district budgets; amending s. 373.026,  
 14          F.S.; conforming a reference; providing an effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1.   Section 373.073, Florida Statutes, is amended  
 19   to read:

20           373.073   Governing board.—

21           (1) (a)   The governing board of each water management  
 22   district shall be composed of 9 elected members who must ~~shall~~  
 23   reside within the district, except that the Southwest Florida  
 24   Water Management District shall be composed of 13 elected  
 25   members who must ~~shall~~ reside within the district. ~~Members of~~  
 26   ~~the governing boards shall be appointed by the Governor, subject~~  
 27   ~~to confirmation by the Senate at the next regular session of the~~  
 28   ~~Legislature, and the refusal or failure of the Senate to confirm~~

29 ~~an appointment creates a vacancy in the office to which the~~  
 30 ~~appointment was made.~~

31 (b) The term of a member currently appointed to the  
 32 governing board of a water management district office shall  
 33 terminate upon the swearing in of an elected member.

34 (c) The term of office for a governing board member is 4  
 35 years and commences on the first Tuesday after the first Monday  
 36 in January after the previous general election. The office is a  
 37 nonpartisan office and candidates for such office are prohibited  
 38 from campaigning or qualifying for election based on party  
 39 affiliation. Each candidate for water management district board  
 40 member shall qualify as provided under chapter 99 March 2 of the  
 41 year in which the appointment is made and terminates on March 1  
 42 of the fourth calendar year of the term or may continue until a  
 43 successor is appointed, but not more than 180 days. Terms of  
 44 office of governing board members shall be staggered to help  
 45 maintain consistency and continuity in the exercise of governing  
 46 board duties and to minimize disruption in district operations.

47 ~~(b) Commencing January 1, 2011, the Governor shall appoint~~  
 48 ~~the following number of governing board members in each year of~~  
 49 ~~the Governor's 4-year term of office:~~

50 ~~1. In the first year of the Governor's term of office, the~~  
 51 ~~Governor shall appoint four members to the governing board of~~  
 52 ~~the Southwest Florida Water Management District and appoint~~  
 53 ~~three members to the governing board of each other district.~~

54 ~~2. In the second year of the Governor's term of office,~~  
 55 ~~the Governor shall appoint three members to the governing board~~  
 56 ~~of the Southwest Florida Water Management District and two~~

57 ~~members to the governing board of each other district.~~

58 ~~3. In the third year of the Governor's term of office, the~~  
 59 ~~Governor shall appoint three members to the governing board of~~  
 60 ~~the Southwest Florida Water Management District and two members~~  
 61 ~~to the governing board of each other district.~~

62 ~~4. In the fourth year of the Governor's term of office,~~  
 63 ~~the Governor shall appoint three members to the governing board~~  
 64 ~~of the Southwest Florida Water Management District and two~~  
 65 ~~members to the governing board of each other district.~~

66  
 67 For any governing board vacancy that occurs before the next date  
 68 scheduled election for that the office ~~to be filled under this~~  
 69 ~~paragraph~~, the Governor shall appoint a person who meets the  
 70 applicable meeting residency requirements of subsection (2) to  
 71 complete the term of that office ~~for a term that will expire on~~  
 72 ~~the date scheduled for the term of that office to terminate~~  
 73 ~~under this subsection. In addition to the residency requirements~~  
 74 ~~for the governing boards as provided by subsection (2), the~~  
 75 ~~Governor shall consider appointing governing board members to~~  
 76 ~~represent an equitable cross-section of regional interests and~~  
 77 ~~technical expertise.~~

78 (2) Election to membership on governing boards must be in  
 79 accordance with ~~shall be selected from candidates who have~~  
 80 ~~significant experience in one or more of the following areas,~~  
 81 ~~including, but not limited to: agriculture, the development~~  
 82 ~~industry, local government, government-owned or privately owned~~  
 83 ~~water utilities, law, civil engineering, environmental science,~~  
 84 ~~hydrology, accounting, or financial businesses. Notwithstanding~~

85 ~~the provisions of any other general or special law to the~~  
 86 ~~contrary, vacancies in the governing boards of the water~~  
 87 ~~management districts shall be filled according to the following~~  
 88 residency requirements, representing areas designated by the  
 89 United States Water Resources Council in United States  
 90 Geological Survey, River Basin and Hydrological Unit Map of  
 91 Florida-1975, Map Series No. 72:

92 (a) Northwest Florida Water Management District:

93 1. One member must ~~shall~~ reside in the area generally  
 94 designated as the "Perdido River Basin-Perdido Bay Coastal Area-  
 95 Lower Conecuh River-Escambia River Basin" hydrologic units and  
 96 that portion of the "Escambia Bay Coastal Area" hydrologic unit  
 97 which lies west of Pensacola Bay and Escambia Bay.

98 2. One member must ~~shall~~ reside in the area generally  
 99 designated as the "Blackwater River Basin-Yellow River Basin-  
 100 Choctawhatchee Bay Coastal Area" hydrologic units and that  
 101 portion of the "Escambia Bay Coastal Area" hydrologic unit which  
 102 lies east of Pensacola Bay and Escambia Bay.

103 3. One member must ~~shall~~ reside in the area generally  
 104 designated as the "Choctawhatchee River Basin-St. Andrews Bay  
 105 Coastal Area" hydrologic units.

106 4. One member must ~~shall~~ reside in the area generally  
 107 designated as the "Lower Chattahoochee-Apalachicola River-  
 108 Chipola River Basin-Coastal Area between Ochlockonee River  
 109 Apalachicola Rivers-Apalachicola Bay coastal area and offshore  
 110 islands" hydrologic units.

111 5. One member must ~~shall~~ reside in the area generally  
 112 designated as the "Ochlockonee River Basin-St. Marks and Wakulla

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113 Rivers and coastal area between Aucilla and Ochlockonee River  
 114 Basin" hydrologic units.

115 6. Four members shall be elected ~~appointed~~ at large,  
 116 ~~except that no county shall have more than two members on the~~  
 117 ~~governing board.~~

118 (b) Suwannee River Water Management District:

119 1. One member must ~~shall~~ reside in the area generally  
 120 designated as the "Aucilla River Basin" hydrologic unit.

121 2. One member must ~~shall~~ reside in the area generally  
 122 designated as the "Coastal Area between Suwannee and Aucilla  
 123 Rivers" hydrologic unit.

124 3. One member must ~~shall~~ reside in the area generally  
 125 designated as the "Withlacoochee River Basin-Alapaha River  
 126 Basin-Suwannee River Basin above the Withlacoochee River"  
 127 hydrologic units.

128 4. One member must ~~shall~~ reside in the area generally  
 129 designated as the "Suwannee River Basin below the Withlacoochee  
 130 River excluding the Santa Fe River Basin" hydrologic unit.

131 5. One member must ~~shall~~ reside in the area generally  
 132 designated as the "Santa Fe Basin-Waccasassa River and coastal  
 133 area between Withlacoochee and Suwannee River" hydrologic units.

134 6. Four members shall be elected ~~appointed~~ at large,  
 135 ~~except that no county shall have more than two members on the~~  
 136 ~~governing board.~~

137 (c) St. Johns River Water Management District:

138 1. One member must ~~shall~~ reside in the area generally  
 139 designated as the "St. Marys River Basin-Coastal area between  
 140 St. Marys and St. Johns Rivers" hydrologic units.

141           2. One member must ~~shall~~ reside in the area generally  
 142 designated as the "St. Johns River Basin below Oklawaha River-  
 143 Coastal area between the St. Johns River and Ponce de Leon  
 144 Inlet" hydrologic units.

145           3. One member must ~~shall~~ reside in the area generally  
 146 designated as the "Oklawaha River Basin" hydrologic unit.

147           4. One member must ~~shall~~ reside in the area generally  
 148 designated as the "St. Johns River Basin above the Oklawaha  
 149 River" hydrologic unit.

150           5. One member must ~~shall~~ reside in the area generally  
 151 designated as the "Coastal area between Ponce de Leon Inlet and  
 152 Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River"  
 153 hydrologic units.

154           6. Four members shall be elected ~~appointed~~ at large,  
 155 ~~except that no county shall have more than two members on the~~  
 156 ~~governing board.~~

157           (d) South Florida Water Management District:

158           1. Two members must ~~shall~~ reside in Miami-Dade County.

159           2. One member must ~~shall~~ reside in Broward County.

160           3. One member must ~~shall~~ reside in Palm Beach County.

161           4. One member must ~~shall~~ reside in Collier County, Lee  
 162 County, Hendry County, or Charlotte County.

163           5. One member must ~~shall~~ reside in Glades County,  
 164 Okeechobee County, Highlands County, Polk County, Orange County,  
 165 or Osceola County.

166           6. Two members, elected ~~appointed~~ at large, must ~~shall~~  
 167 reside in ~~an area consisting of~~ St. Lucie County, Martin County,  
 168 Palm Beach County, Broward County, Miami-Dade County, or ~~and~~

169 Monroe County ~~Counties~~.

170 7. One member, elected ~~appointed~~ at large, must ~~shall~~  
 171 reside in ~~an area consisting of~~ Collier County, Lee County,  
 172 Charlotte County, Hendry County, Glades County, Osceola County,  
 173 Okeechobee County, Polk County, Highlands County, or ~~and~~ Orange  
 174 County ~~Counties~~.

175 ~~8. No county shall have more than three members on the~~  
 176 ~~governing board.~~

177 (e) Southwest Florida Water Management District:

178 1. Two members shall reside in Hillsborough County.

179 2. One member must ~~shall~~ reside in the area consisting of  
 180 Hillsborough and Pinellas Counties.

181 3. Two members must ~~shall~~ reside in Pinellas County.

182 4. One member must ~~shall~~ reside in Manatee County.

183 5. Two members must ~~shall~~ reside in Polk County.

184 6. One member must ~~shall~~ reside in Pasco County.

185 7. One member must ~~shall~~ be elected ~~appointed~~ at large  
 186 from Levy County, Citrus County, Sumter County, or ~~and~~ Lake  
 187 County ~~Counties~~.

188 8. One member shall be elected ~~appointed~~ at large from  
 189 Hardee County, DeSoto County, or ~~and~~ Highlands County ~~Counties~~.

190 9. One member shall be elected ~~appointed~~ at large from  
 191 Marion County ~~or~~ ~~and~~ Hernando County ~~Counties~~.

192 10. One member shall be elected ~~appointed~~ at large from  
 193 Sarasota County ~~or~~ ~~and~~ Charlotte County ~~Counties~~.

194 Section 2. Subsections (1), (2), and (5) of section  
 195 373.536, Florida Statutes, are amended to read:

196 373.536 District budget and hearing thereon.—

197 (1) FISCAL YEAR.—The fiscal year of districts created  
 198 under the provisions of this chapter shall extend from July  
 199 ~~October~~ 1 of one year through June ~~September~~ 30 of the following  
 200 year.

201 (2) BUDGET SUBMITTAL.—The budget officer of the district  
 202 shall, ~~on or before July 15 of each year,~~ submit for  
 203 consideration by the governing board of the district a tentative  
 204 budget for the district covering its proposed operations and  
 205 funding requirements for the ensuing fiscal year.

206 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
 207 APPROVAL.—

208 (a) The Legislature ~~Executive Office of the Governor~~ is  
 209 authorized to approve or disapprove, in whole or in part, the  
 210 budget of each water management district and shall analyze each  
 211 budget as to the adequacy of fiscal resources available to the  
 212 district and the adequacy of district expenditures related to  
 213 water supply, including water resource development projects  
 214 identified in the district's regional water supply plans; water  
 215 quality; flood protection and floodplain management; and natural  
 216 systems. This analysis shall be based on the particular needs  
 217 within each water management district in those four areas of  
 218 responsibility.

219 ~~(b) The Executive Office of the Governor and the water~~  
 220 ~~management districts shall develop a process to facilitate~~  
 221 ~~review and communication regarding water management district~~  
 222 ~~budgets, as necessary. Written disapproval of any provision in~~  
 223 ~~the tentative budget must be received by the district at least 5~~  
 224 ~~business days prior to the final district budget adoption~~

225 ~~hearing conducted under s. 200.065(2)(d). If written disapproval~~  
 226 ~~of any portion of the budget is not received at least 5 business~~  
 227 ~~days prior to the final budget adoption hearing, the governing~~  
 228 ~~board may proceed with final adoption. Any provision rejected by~~  
 229 ~~the Governor shall not be included in a district's final budget.~~

230 (b) ~~(e)~~ Each water management district shall, by January  
 231 ~~August~~ 1 of each year, submit for review a tentative budget to  
 232 the Governor, the President of the Senate, the Speaker of the  
 233 House of Representatives, the chairs of all legislative  
 234 committees and subcommittees with substantive or fiscal  
 235 jurisdiction over water management districts, as determined by  
 236 the President of the Senate or the Speaker of the House of  
 237 Representatives as applicable, the secretary of the department,  
 238 and the governing body of each county in which the district has  
 239 jurisdiction or derives any funds for the operations of the  
 240 district.

241 (c) ~~(d)~~ The tentative budget must set forth the proposed  
 242 expenditures of the district, to which may be added an amount to  
 243 be held as reserve. The tentative budget must include, but is  
 244 not limited to, the following information for the preceding  
 245 fiscal year and the current fiscal year, and the proposed  
 246 amounts for the upcoming fiscal year, in a standard format  
 247 prescribed by the Legislature ~~Executive Office of the Governor~~:

248 1. The estimated amount of funds remaining at the  
 249 beginning of the fiscal year which have been obligated for the  
 250 payment of outstanding commitments not yet completed.

251 2. The estimated amount of unobligated funds or net cash  
 252 balance on hand at the beginning of the fiscal year, and the

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253 estimated amount of funds to be raised by district taxes or  
254 received from other sources to meet the requirements of the  
255 district.

256 3. The millage rates and the percentage increase above the  
257 rolled-back rate, together with a summary of the reasons the  
258 increase is required, and the percentage increase in taxable  
259 value resulting from new construction within the district.

260 4. The salaries and benefits, expenses, operating capital  
261 outlay, number of authorized positions, and other personal  
262 services for the following program areas of the district:

- 263 a. Water resource planning and monitoring;  
264 b. Land acquisition, restoration, and public works;  
265 c. Operation and maintenance of works and lands;  
266 d. Regulation;  
267 e. Outreach for which the information provided must  
268 contain a full description and accounting of expenditures for  
269 water resources education; public information and public  
270 relations, including public service announcements and  
271 advertising in any media; and lobbying activities related to  
272 local, regional, state and federal governmental affairs, whether  
273 incurred by district staff or through contractual services; and  
274 f. Management and administration.

275  
276 In addition to the program areas reported by all water  
277 management districts, the South Florida Water Management  
278 District shall include in its budget document separate sections  
279 on all costs associated with the Everglades Construction Project  
280 and the Comprehensive Everglades Restoration Plan.

281           5. The total estimated amount in the district budget for  
 282 each area of responsibility listed in subparagraph 4. and for  
 283 water resource development projects identified in the district's  
 284 regional water supply plans.

285           6. A description of each new, expanded, reduced, or  
 286 eliminated program.

287           7. The funding sources, including, but not limited to, ad  
 288 valorem taxes, Surface Water Improvement and Management Program  
 289 funds, other state funds, federal funds, and user fees and  
 290 permit fees for each program area.

291           ~~(e) By September 5 of the year in which the budget is~~  
 292 ~~submitted, the House and Senate appropriations and appropriate~~  
 293 ~~substantive committee chairs may transmit to each district~~  
 294 ~~comments and objections to the proposed budgets. Each district~~  
 295 ~~governing board shall include a response to such comments and~~  
 296 ~~objections in the record of the governing board meeting where~~  
 297 ~~final adoption of the budget takes place, and the record of this~~  
 298 ~~meeting shall be transmitted to the Executive Office of the~~  
 299 ~~Governor, the department, and the chairs of the House and Senate~~  
 300 ~~appropriations committees.~~

301           ~~(f) The Executive Office of the Governor shall annually,~~  
 302 ~~on or before December 15, file with the Legislature a report~~  
 303 ~~that summarizes its review of the water management districts'~~  
 304 ~~tentative budgets and displays the adopted budget allocations by~~  
 305 ~~program area. The report must identify the districts that are~~  
 306 ~~not in compliance with the reporting requirements of this~~  
 307 ~~section. State funds shall be withheld from a water management~~  
 308 ~~district that fails to comply with these reporting requirements.~~

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309 Section 3. Paragraph (d) of subsection (8) of section  
310 373.026, Florida Statutes, is amended to read:

311 373.026 General powers and duties of the department.—The  
312 department, or its successor agency, shall be responsible for  
313 the administration of this chapter at the state level. However,  
314 it is the policy of the state that, to the greatest extent  
315 possible, the department may enter into interagency or  
316 interlocal agreements with any other state agency, any water  
317 management district, or any local government conducting programs  
318 related to or materially affecting the water resources of the  
319 state. All such agreements shall be subject to the provisions of  
320 s. 373.046. In addition to its other powers and duties, the  
321 department shall, to the greatest extent possible:

322 (8)

323 (d) The Legislature ~~Executive Office of the Governor~~,  
324 pursuant to its duties under s. 373.536(5) to approve or  
325 disapprove, in whole or in part, the budget of each water  
326 management district, shall review all proposed expenditures for  
327 project components in the district's budget.

328 Section 4. This act shall take effect July 1, 2011.