

HB 649

2011

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; providing that a quorum
11 of remaining members may conduct business if there is a
12 vacancy on the board; revising provisions relating to the
13 membership of the Manasota Basin Board; providing for the
14 designation of a member of the district governing board to
15 serve on the basin board; amending s. 373.171, F.S.;
16 exempting cooperative funding programs from certain
17 rulemaking requirements; amending s. 373.228, F.S.;
18 revising legislative intent relating to landscape
19 irrigation restrictions; providing that local governments
20 may adopt restrictions set forth in district rules or
21 orders; amending s. 373.707, F.S.; authorizing water
22 management districts to use certain moneys in the Water
23 Protection and Sustainability Program Trust Fund for water
24 resource development projects; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Subsections (1) through (7) of section
 30 373.0693, Florida Statutes, are amended to read:

31 373.0693 Basins; basin boards.—

32 (1) (a) Any areas within a district may be designated by
 33 the district governing board as subdistricts or basins. The
 34 designations ~~of such basins~~ shall be made by resolution of the
 35 district governing board ~~by resolutions thereof~~. The governing
 36 board ~~of the district~~ may change the boundaries of such basins,
 37 or create new basins, by resolution.

38 (b) No subdistrict or basin in the St. Johns River Water
 39 Management District other than established by this act ~~is shall~~
 40 ~~become~~ effective until approved by the Legislature.

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

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

57 | term or ~~may continue~~ until a successor is appointed, but not
 58 | more than 180 days after the end of the expired term. A member
 59 | of the district governing board serving on a basin board
 60 | pursuant to subsection (6) shall serve for a period commensurate
 61 | with his or her term on the governing board.

62 | (4) Except for a member of the district governing board
 63 | serving on a basin board pursuant to subsection (6), members of
 64 | a basin board ~~boards~~ shall be appointed by the Governor, subject
 65 | to confirmation by the Senate at the next regular session of the
 66 | Legislature. ~~and~~ The refusal or failure of the Senate to
 67 | confirm an appointment shall create a vacancy in the office to
 68 | which the appointment was made.

69 | (5) Basin board members shall serve without ~~receive no~~
 70 | compensation ~~for services as such;~~ but are entitled to
 71 | reimbursement for per diem and travel expenses as provided in s.
 72 | 112.061, ~~while officially on work for the district, they shall~~
 73 | ~~receive their actual travel expenses between their respective~~
 74 | ~~places of residence and the place where official district~~
 75 | ~~business is conducted, subsistence, lodging, and other expenses~~
 76 | ~~in the amount actually incurred. These expenses may not exceed~~
 77 | ~~the statutory amount allowed state officers and employees.~~ This
 78 | subsection applies retroactively to the effective date of the
 79 | creation of each of the five separate water management
 80 | districts.

81 | (6) (a) Notwithstanding any other provision of the
 82 | ~~provisions of any other~~ general or special law ~~to the contrary,~~
 83 | a member of the district governing board ~~of the district~~
 84 | residing in the basin, or, if no member resides in the basin, a

85 member of the district governing board designated by the chair
 86 of the district governing board, shall be a voting member of the
 87 basin board and counted for purposes of establishing a quorum.

88 (b) A governing board member shall serve as the chair of
 89 the basin board. If more than one governing board member is
 90 designated to a basin board, each shall rotate as co-chair of
 91 the basin board. The chair or co-chair shall preside at all
 92 meetings of the basin board, except that the vice chair may
 93 preside in the his or her absence of the chair and co-chair. The
 94 chair shall be the liaison officer of the district in all
 95 affairs in the basin and shall be kept informed of all such
 96 affairs.

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

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

112 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~

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113 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 114 ~~Management District, which is annexed to the Southwest Florida~~
 115 ~~Water Management District by change of its boundaries pursuant~~
 116 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
 117 ~~subdistrict or basin of the Southwest Florida Water Management~~
 118 ~~District, subject to the same provisions as the other basins in~~
 119 ~~such district. Such subdistrict shall be designated initially as~~
 120 ~~the Manasota Basin. The members of the governing board of the~~
 121 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 122 ~~Management District shall become members of the governing board~~
 123 ~~of the Manasota Basin of the Southwest Florida Water Management~~
 124 ~~District. Notwithstanding other provisions in this section,~~
 125 ~~beginning on July 1, 2011 ~~2001~~, the membership of the Manasota~~
 126 ~~Basin Board shall be comprised of two members from Manatee~~
 127 ~~County, and two members from Sarasota County, and any members of~~
 128 ~~the district governing board designated by the chair of the~~
 129 ~~district governing board pursuant to subsection (6). Matters~~
 130 ~~relating to tie votes shall be resolved pursuant to subsection~~
 131 ~~(6) by the chair designated by the governing board to vote in~~
 132 ~~ease of a tie vote.~~

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

135 373.171 Rules.—

136 (5) Cooperative funding programs are not subject to the
 137 rulemaking requirements of chapter 120. However, any portion of
 138 an approved program which affects the substantial interests of a
 139 party is subject to s. 120.569.

140 Section 3. Section 373.228, Florida Statutes, is amended

141 to read:

142 373.228 Landscape irrigation ~~design~~.—

143 (1) The Legislature finds that multiple areas throughout
 144 the state have been identified by water management districts as
 145 water resource caution areas, which indicates that in the near
 146 future water demand in those areas will exceed the current
 147 available ~~water~~ supply and that conservation is one of the
 148 mechanisms by which future water demand will be met.

149 (2) The Legislature finds that landscape irrigation
 150 comprises a significant portion of water use and that current
 151 typical landscape irrigation systems, ~~and~~ Florida-friendly
 152 landscaping designs, and landscape irrigation restrictions offer
 153 significant potential water conservation benefits.

154 (3) It is the intent of the Legislature to improve
 155 landscape irrigation water use efficiency by ensuring that
 156 landscape irrigation systems meet or exceed minimum design
 157 criteria and that, pursuant to s. 373.609, the landscape
 158 irrigation restrictions of a water management district may be
 159 implemented by ordinance of the applicable local governments.

160 (4) The water management districts shall work with the
 161 Florida Nursery, Growers and Landscape Association, the Florida
 162 Native Plant Society, the Florida Chapter of the American
 163 Society of Landscape Architects, the Florida Irrigation Society,
 164 the Department of Agriculture and Consumer Services, the
 165 Institute of Food and Agricultural Sciences, the Department of
 166 Environmental Protection, the Department of Transportation, the
 167 Florida League of Cities, the Florida Association of Counties,
 168 and the Florida Association of Community Developers to develop

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169 landscape irrigation and Florida-friendly landscaping design
170 standards for new construction which incorporate a landscape
171 irrigation system and develop scientifically based model
172 guidelines for urban, commercial, and residential landscape
173 irrigation, including drip irrigation, for plants, trees, sod,
174 and other landscaping. The standards must ~~shall~~ be based on the
175 irrigation code defined in the Florida Building Code, Plumbing
176 Volume, Appendix F. Local governments shall use the standards
177 and guidelines when developing landscape irrigation and Florida-
178 friendly landscaping ordinances. By January 1, 2011, the
179 agencies and entities specified in this subsection shall review
180 the standards and guidelines to determine whether new research
181 findings require a change or modification of the standards and
182 guidelines.

183 (5) Notwithstanding s. 373.217, local governments may
184 adopt ordinances that implement landscape irrigation
185 restrictions set forth in water management district rules or
186 orders. In evaluating water use applications from public water
187 suppliers, water management districts shall consider whether the
188 applicable local government has adopted ordinances for
189 landscaping and irrigation systems consistent with the Florida-
190 friendly landscaping provisions of s. 373.185.

191 Section 4. Paragraph (c) of subsection (8) of section
192 373.707, Florida Statutes, is amended to read:

193 373.707 Alternative water supply development.—

194 (8)

195 (c) ~~The~~ Financial assistance for alternative water supply
196 projects allocated in each district's budget as required in

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197 subsection (6) shall be combined with the state funds and used
198 to assist in funding the project construction costs of
199 alternative water supply projects and the project costs of
200 conservation projects that result in quantifiable water savings
201 selected by the governing board. ~~If the district has not~~
202 ~~completed any regional water supply plan, or the regional water~~
203 ~~supply plan does not identify the need for any alternative water~~
204 ~~supply projects,~~ Funds deposited in the Water Protection and
205 Sustainability Program Trust Fund to the credit of the Suwannee
206 River Water Management District ~~that district's trust fund~~ may
207 also be used for regional water supply planning, water resource
208 development, and water resource projects, including, but not
209 limited to, springs protection.

210 Section 5. This act shall take effect July 1, 2011.