

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. 373.707, F.S.;
 18 authorizing water management districts to use certain
 19 moneys in the Water Protection and Sustainability Program
 20 Trust Fund for water resource development projects;
 21 providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsections (1) through (7) of section
 26 373.0693, Florida Statutes, are amended to read:

27 373.0693 Basins; basin boards.—

28 (1)(a) Any areas within a district may be designated by

29 the district governing board as subdistricts or basins. The
 30 designations ~~of such basins~~ shall be made by resolution of the
 31 district governing board ~~by resolutions thereof~~. The governing
 32 board ~~of the district~~ may change the boundaries of such basins,
 33 or create new basins, by resolution.

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

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

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

57 with his or her term on the governing board.

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

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

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

84 (b) A governing board member shall serve as the chair of

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85 the basin board. If more than one governing board member is
86 designated to a basin board, each shall rotate as co-chair of
87 the basin board. The chair or co-chair shall preside at all
88 meetings of the basin board, except that the vice chair may
89 preside in the ~~his or her~~ absence of the chair and co-chair. The
90 chair shall be the liaison officer of the district in all
91 affairs in the basin and shall be kept informed of all such
92 affairs.

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

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

108 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~
109 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
110 ~~Management District, which is annexed to the Southwest Florida~~
111 ~~Water Management District by change of its boundaries pursuant~~
112 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~

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

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

131 373.171 Rules.—

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

136 Section 3. Paragraph (c) of subsection (8) of section
 137 373.707, Florida Statutes, is amended to read:

138 373.707 Alternative water supply development.—

139 (8)

140 (c) ~~The~~ Financial assistance for alternative water supply

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141 projects allocated in each district's budget as required in
142 subsection (6) shall be combined with the state funds and used
143 to assist in funding the project construction costs of
144 alternative water supply projects and the project costs of
145 conservation projects that result in quantifiable water savings
146 selected by the governing board. ~~If the district has not~~
147 ~~completed any regional water supply plan, or the regional water~~
148 ~~supply plan does not identify the need for any alternative water~~
149 ~~supply projects,~~ Funds deposited in the Water Protection and
150 Sustainability Program Trust Fund to the credit of the Suwannee
151 River Water Management District ~~that district's trust fund~~ may
152 also be used for regional water supply planning, water resource
153 development, and water resource projects, including, but not
154 limited to, springs protection.

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