

By Senator Detert

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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; providing that a quorum of
12 remaining members may conduct business if there is a
13 vacancy on the board; revising provisions relating to
14 the membership of the Manasota Basin Board; providing
15 for the designation of a member of the district
16 governing board to serve on the basin board; amending
17 s. 373.171, F.S.; exempting cooperative funding
18 programs from certain rulemaking requirements;
19 amending s. 373.228, F.S.; revising legislative intent
20 relating to landscape irrigation restrictions;
21 providing that local governments may adopt
22 restrictions set forth in district rules or orders;
23 amending s. 373.707, F.S.; authorizing water
24 management districts to use certain moneys in the
25 Water Protection and Sustainability Program Trust Fund
26 for water resource development projects; 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. Subsections (1) through (7) of section 373.0693,
32 Florida Statutes, are amended to read:

33 373.0693 Basins; basin boards.—

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

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

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

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

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

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

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

83 (6) (a) Notwithstanding any other provision of the
84 ~~provisions of any other~~ general or special law ~~to the contrary,~~
85 a member of the district governing board ~~of the district~~
86 residing in the basin, or, if no member resides in the basin, a
87 member of the district governing board designated by the chair

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88 of the district governing board, shall be a voting member of the
89 basin board and counted for purposes of establishing a quorum.

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

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

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

114 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~
115 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
116 ~~Management District, which is annexed to the Southwest Florida~~

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

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

137 373.171 Rules.—

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

142 Section 3. Section 373.228, Florida Statutes, is amended to
143 read:

144 373.228 Landscape irrigation ~~design~~.—

145 (1) The Legislature finds that multiple areas throughout

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146 the state have been identified by water management districts as
147 water resource caution areas, which indicates that in the near
148 future water demand in those areas will exceed the current
149 available ~~water~~ supply and that conservation is one of the
150 mechanisms by which future water demand will be met.

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

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

162 (4) The water management districts shall work with the
163 Florida Nursery, Growers and Landscape Association, the Florida
164 Native Plant Society, the Florida Chapter of the American
165 Society of Landscape Architects, the Florida Irrigation Society,
166 the Department of Agriculture and Consumer Services, the
167 Institute of Food and Agricultural Sciences, the Department of
168 Environmental Protection, the Department of Transportation, the
169 Florida League of Cities, the Florida Association of Counties,
170 and the Florida Association of Community Developers to develop
171 landscape irrigation and Florida-friendly landscaping design
172 standards for new construction which incorporate a landscape
173 irrigation system and develop scientifically based model
174 guidelines for urban, commercial, and residential landscape

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175 irrigation, including drip irrigation, for plants, trees, sod,
176 and other landscaping. The standards must ~~shall~~ be based on the
177 irrigation code defined in the Florida Building Code, Plumbing
178 Volume, Appendix F. Local governments shall use the standards
179 and guidelines when developing landscape irrigation and Florida-
180 friendly landscaping ordinances. By January 1, 2011, the
181 agencies and entities specified in this subsection shall review
182 the standards and guidelines to determine whether new research
183 findings require a change or modification of the standards and
184 guidelines.

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

193 Section 4. Paragraph (c) of subsection (8) of section
194 373.707, Florida Statutes, is amended to read:

195 373.707 Alternative water supply development.—

196 (8)

197 (c) ~~The~~ Financial assistance for alternative water supply
198 projects allocated in each district's budget as required in
199 subsection (6) shall be combined with the state funds and used
200 to assist in funding the project construction costs of
201 alternative water supply projects and the project costs of
202 conservation projects that result in quantifiable water savings
203 selected by the governing board. ~~If the district has not~~

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204 ~~completed any regional water supply plan, or the regional water~~
205 ~~supply plan does not identify the need for any alternative water~~
206 ~~supply projects,~~ Funds deposited in the Water Protection and
207 Sustainability Program Trust Fund to the credit of the Suwannee
208 River Water Management District ~~that district's trust fund~~ may
209 also be used for regional water supply planning, water resource
210 development, and water resource projects, including, but not
211 limited to, springs protection.

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