

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4137 Basins  
**SPONSOR(S):** Pilon  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	13 Y, 0 N	Deslatte	Blalock
2) State Affairs Committee	15 Y, 0 N	Deslatte	Hamby

### SUMMARY ANALYSIS

The Department of Environmental Protection (DEP) manages the quality and quantity of water in Florida through its relationship with the state's water management districts (WMDs), which are tasked with the preservation and management of Florida's water resources. The WMDs include the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, South Florida Water Management District, and the Southwest Florida Water Management District<sup>1</sup>.

Any areas within a WMD may be designated by the WMD governing board as subdistricts or basins by resolution, with the exception of basins within the St. Johns River Water Management District (SJRWMD), which are approved by the Legislature. Each basin has a board composed of not less than three members, but must include one representative from each of the counties included in the basin. Members serve for a period of 3 years or until a successor is appointed, but usually not more than 180 days after the end of the term. Each basin board chooses a vice chair and a secretary to serve for a period of 1 year. The basin board chair is typically a member of the WMD governing board of the district residing in the basin. If no member resides in the basin, a member of the governing board is designated as chair by the chair of the WMD board. Members of basin boards are appointed by the Governor and subject to confirmation by the Senate. Refusal or failure of the Senate to confirm an appointment creates a vacancy in the office.

Current law provides that at 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin, is to be formed into a subdistrict or basin of the Southwest Florida Water Management District (SWFWMD), and states that two members from Manatee County and two members from Sarasota County shall serve on the Board. The statute also provides that at 11:59 p.m. on June 30, 1988, the Oklawaha River Basin and Greater St. Johns River Basin will cease to be a subdistrict or basin in the St. Johns River WMD.

The bill repeals these provisions in current law, which includes repealing the Manasota Basin and board.

This bill does not appear to have a fiscal impact on state government. The bill appears to have a potentially positive fiscal impact on the SWFWMD due to not having to operate the basin boards; however, the SWFWMD currently has not appointed any members to the board.

<sup>1</sup> The Water Resources Act of 1972 (Chapter 373, Florida Statutes) mandated that five WMDs be created to manage the water resources of the state. After a process which took several years, the WMDs' boundaries were drawn based on natural, hydrologic basins rather than political or county limits to allow for effective and efficient planning and management. These boundaries are generally as they exist today.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h4137c.SAC

DATE: 1/19/2012

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

The DEP manages the quality and quantity of water in Florida through its relationship with the state's WMDs, which are tasked with the preservation and management of Florida's water resources. The WMDs include the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, South Florida Water Management District and the Southwest Florida Water Management District.

Chapter 373, F.S., charges the WMDs with managing regional water supplies, water quality, flood protection, and the protection of natural systems. The Legislature has directed the WMDs to engage in plan development and implementation, regulation, land acquisition, financial and technical assistance, water resource restoration, water resource development, and other activities to achieve the statutory water management objectives. By statute, each WMD is overseen by a governing board appointed by the Governor and confirmed by the Senate.

##### ***Basin Boards***

Florida has 52 large watersheds. In order to make environmental management easier, more effective and more uniform across programs, the DEP has grouped these watersheds into 29 groups of basins.

Section 373.0693, F.S., provides that any areas within a WMD may be designated by the WMD governing board as subdistricts or basins by resolution, with the exception of basins within the SJRWMD, which are approved by the Legislature. Each basin has a board composed of not less than three members, but must include one representative from each of the counties included in the basin. Members serve for a period of 3 years or until a successor is appointed, but usually not more than 180 days after the end of the term. Each basin board chooses a vice chair and a secretary to serve for a period of 1 year. The basin board chair is typically a member of the WMD governing board of the district residing in the basin. If no member resides in the basin, a member of the governing board is designated as chair by the chair of the WMD board. Members of basin boards are appointed by the Governor and subject to confirmation by the Senate. Refusal or failure of the Senate to confirm an appointment creates a vacancy in the office.

Statutory duties of basin boards, pursuant to section 373.0695, F.S., include:

- The preparation of engineering plans for development of the water resources of the basin and the conduct of public hearings on such plans.
- The development and preparation of an overall basin plan of secondary water control facilities for the guidance of subdrainage districts and private land owners in the development of their respective systems of water control, which will be connected to the primary works of the basin to complement the engineering plan of primary works for the basin.
- The preparation of the annual budget for the basin and the submission of such budget to the WMD governing board for inclusion in the WMD budget.
- The consideration and prior approval of final construction plans of the WMD for works to be constructed in the basin.
- The administration of the affairs of the basin.
- Planning for and, upon request by a county, municipality, private utility, or regional water supply authority, providing water supply and transmission facilities for the purpose of assisting such counties, municipalities, private utilities, or regional water supply authorities within or serving the basin.

Section 373.0693(7), F.S., provides that at 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast WMD, which is annexed to the SWFWMD by

change of its boundaries pursuant to chapter 76-243, Laws of Florida, must be formed into a subdistrict or basin of the SWFWMD, subject to the same provisions as the other basins in the WMD. This subdistrict is designated as the Manasota Basin. Beginning on July 1, 2001, the basin board must be comprised of two members from Manatee County and two members from Sarasota County.

Section 373.0693(8)(a), F.S., provides that at 11:59 p.m. on June 30, 1988, the Oklawaha River Basin will cease to be a subdistrict or basin in the St. Johns River WMD. However, this area will continue to be part of the SJRWMD.

Section 373.0693(8)(b), F.S., provides that the area of the St. Johns River Water Management District known as the Greater St. Johns River Basin and the Greater St. Johns River Basin will cease to be a subdistrict or basin of the SJRWMD known as the and this basin will cease to exist. However, this area will continue to be part of the SJRWMD.

Section 373.0693(8)(c), F.S., provides that as of 11:59 p.m. on June 30, 1988, assets and liabilities of the former Oklawaha River and Greater St. Johns River Basins will be assets and liabilities of the SJRWMD. Any contracts, plans, orders, or agreements will continue to be in effect, but may be modified or repealed by the SJRWMD in accordance with law.

### **Effect of Proposed Changes**

The bill repeals subsections (7) and (8) of s. 373.0693, F.S., detailed above, which includes repealing the Manasota Basin and board.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 373.0693, F.S., repealing provisions relating to the formation and designation of the Manasota Basin; repealing provisions relating to the termination of the Oklawaha River Basin and the Greater St. Johns River Basin.

Section 2. Provides an effective date of July 1, 2012.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

The bill has a potentially positive fiscal impact on the SWFWMD due to not having to operate the two basin boards; however, the SWFWMD currently has not appointed any members to the board.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.