

9. **OLD BUSINESS**

a. Water Quality Issues

6. Information regarding House Bill 559 Elections of SFWMD members

Crystal Mansell

From: Jamie Wilson [Jamie.Wilson@dutkoworldwide.com]

Sent: Wednesday, January 25, 2006 11:11 AM

To: Crystal Mansell

HB 559 - Water Management Districts

GENERAL BILL by Brummer (CO-SPONSORS) Davis, M.

Water Management Districts: Eliminates provisions for the appointment of members to water management district governing boards; requires vacancies to be filled by gubernatorial appointment; directs the existing governing board of each district to create residence areas of equal size; requires such elections to be nonpartisan; authorizes board members to amend residence area boundaries under certain circumstances; requires a certified copy of such resolution submitted to the Department of State following adoption; provides for inclusion of board members in the Senate; provides for inclusion of board members in the Senate following gubernatorial approval and Senate confirmation.

Effective Date: July 1, 2006.

Last Event: Now in Water & Natural Resources Committee on Tuesday, January 10, 2006 1:17 PM

Referred Committees and Committee Actions:

- Water & Natural Resources Committee
- Agriculture & Environment Appropriations Committee
- State Resources Council

Related Bills:

(no related bills on record)

There has been no Senate companion bill filed as of this morning.

Jamie

Jamie Wilson
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1/25/2006

A bill to be entitled

An act relating to water management districts; amending s. 373.0693, F.S.; conforming a cross-reference; amending s. 373.073, F.S.; eliminating provisions for the appointment of members to water management district governing boards; requiring board members to be elected; providing for staggered terms of office; requiring vacancies to be filled by gubernatorial appointment; directing the governing board of each district to create residence areas of equal population within the district for the purpose of electing members; requiring such elections to be nonpartisan; authorizing board members to amend residence area boundaries under certain circumstances; requiring such amendments to be shown by resolution published for notice purposes and a certified copy of such resolution submitted to the Department of State following adoption; amending s. 373.079, F.S.; providing for inclusion of board members in the Senior Management Service; removing requirements subjecting employment of an executive director to gubernatorial approval and Senate confirmation; providing an effective date.

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

Section 1. Paragraph (a) of subsection (8) of section 373.0693, Florida Statutes, is amended to read:
 373.0693 Basins; basin boards.--

28 (8) (a) At 11:59 p.m. on June 30, 1988, the area
 29 transferred from the Southwest Florida Water Management District
 30 to the St. Johns River Water Management District by change of
 31 boundaries pursuant to chapter 76-243, Laws of Florida, shall
 32 cease to be a subdistrict or basin of the St. Johns River Water
 33 Management District known as the Oklawaha River Basin and said
 34 Oklawaha River Basin shall cease to exist. However, any
 35 recognition of an Oklawaha River Basin or an Oklawaha River
 36 Hydrologic Basin for regulatory purposes shall be unaffected.
 37 The area formerly known as the Oklawaha River Basin shall
 38 continue to be part of the St. Johns River Water Management
 39 District. There shall be established by the governing board of
 40 the St. Johns River Water Management District the Oklawaha River
 41 Basin Advisory Council to receive public input and advise the
 42 St. Johns River Water Management District's governing board on
 43 water management issues affecting the Oklawaha River Basin. The
 44 Oklawaha River Basin Advisory Council shall be appointed by
 45 action of the St. Johns River Water Management District's
 46 governing board and shall include one representative from each
 47 county which is wholly or partly included in the Oklawaha River
 48 Basin. The St. Johns River Water Management District's governing
 49 board member whose residence area includes the area generally
 50 designated as the Oklawaha River Basin hydrologic unit ~~currently~~
 51 ~~serving pursuant to s. 373.073(2)(c)3.~~ shall serve as chair of
 52 the Oklawaha River Basin Advisory Council. Members of the
 53 Oklawaha River Basin Advisory Council shall receive no
 54 compensation for their services but are entitled to be

55 reimbursed for per diem and travel expenses as provided in s.
 56 112.061.

57 Section 2. Section 373.073, Florida Statutes, is amended
 58 to read:

59 373.073 Governing board.--

60 (1)~~(a)~~ The governing board of each water management
 61 district shall be composed of 9 members ~~who shall reside within~~
 62 ~~the district~~, except that the Southwest Florida Water Management
 63 District shall be composed of 11 members. Each member of the
 64 governing board of a water management district shall be a
 65 qualified elector of the district in which he or she serves,
 66 shall be a resident of the district residence area from which he
 67 or she is elected, and shall maintain that residency throughout
 68 the term of office ~~who shall reside within the district. Members~~
 69 ~~of the governing boards shall be appointed by the Governor,~~
 70 ~~subject to confirmation by the Senate at the next regular~~
 71 ~~session of the Legislature, and the refusal or failure of the~~
 72 ~~Senate to confirm an appointment creates a vacancy in the office~~
 73 ~~to which the appointment was made. The term of office for a~~
 74 ~~governing board member is 4 years and commences on March 2 of~~
 75 ~~the year in which the appointment is made and terminates on~~
 76 ~~March 1 of the fourth calendar year of the term or may continue~~
 77 ~~until a successor is appointed, but not more than 180 days.~~
 78 ~~Terms of office of governing board members shall be staggered to~~
 79 ~~help maintain consistency and continuity in the exercise of~~
 80 ~~governing board duties and to minimize disruption in district~~
 81 ~~operations.~~

82 ~~(b) Commencing January 1, 1999, the Governor shall appoint~~
 83 ~~the following number of governing board members in each year of~~
 84 ~~the Governor's 4 year term of office.~~

85 ~~1. In the first year of the Governor's term of office, the~~
 86 ~~Governor shall appoint three members to the governing board of~~
 87 ~~each district.~~

88 ~~2. In the second year of the Governor's term of office,~~
 89 ~~the Governor shall appoint three members to the governing board~~
 90 ~~of the Southwest Florida Water Management District and two~~
 91 ~~members to the governing board of each other district.~~

92 ~~3. In the third year of the Governor's term of office, the~~
 93 ~~Governor shall appoint three members to the governing board of~~
 94 ~~the Southwest Florida Water Management District and two members~~
 95 ~~to the governing board of each other district.~~

96 ~~4. In the fourth year of the Governor's term of office,~~
 97 ~~the Governor shall appoint two members to the governing board of~~
 98 ~~each district.~~

99
 100 ~~For any governing board vacancy that occurs before the date~~
 101 ~~scheduled for the office to be filled under this paragraph, the~~
 102 ~~Governor shall appoint a person meeting residency requirements~~
 103 ~~of subsection (2) for a term that will expire on the date~~
 104 ~~scheduled for the term of that office to terminate under this~~
 105 ~~subsection. In addition to the residency requirements for the~~
 106 ~~governing boards as provided by subsection (2), the Governor~~
 107 ~~shall consider appointing governing board members to represent~~
 108 ~~an equitable cross section of regional interests and technical~~
 109 ~~expertise.~~

110 (2) Governing board members shall be elected beginning at
 111 the 2008 general election for terms of 4 years, but such terms
 112 shall be staggered so that, alternately, one more or one less
 113 than half of the members elected from residence areas are
 114 elected every 2 years. In order to accomplish staggered terms,
 115 at the 2008 general election, members in odd-numbered districts
 116 shall be elected for two-year terms. The term of office shall
 117 begin on the first Tuesday after the first Monday in January of
 118 the year immediately following the general election. A vacancy
 119 in office shall be filled by appointment of the Governor for the
 120 remainder of the term if less than 28 months remaining in the
 121 term, otherwise until the first Tuesday after the first Monday
 122 in January of the year immediately following the next general
 123 election. Membership on governing boards shall be selected from
 124 ~~candidates who have significant experience in one or more of the~~
 125 ~~following areas, including, but not limited to: agriculture, the~~
 126 ~~development industry, local government, government owned or~~
 127 ~~privately owned water utilities, law, civil engineering,~~
 128 ~~environmental science, hydrology, accounting, or financial~~
 129 ~~businesses. Notwithstanding the provisions of any other general~~
 130 ~~or special law to the contrary, vacancies in the governing~~
 131 ~~boards of the water management districts shall be filled~~
 132 ~~according to the following residency requirements, representing~~
 133 ~~areas designated by the United States Water Resources Council in~~
 134 ~~United States Geological Survey, River Basin and Hydrological~~
 135 ~~Unit Map of Florida 1975, Map Series No. 72.~~
 136 ~~(a) Northwest Florida Water Management District.~~

137 ~~1. One member shall reside in the area generally~~
 138 ~~designated as the "Perdido River Basin Perdido Bay Coastal Area~~
 139 ~~Lower Conecuh River Escambia River Basin" hydrologic units and~~
 140 ~~that portion of the "Escambia Bay Coastal Area" hydrologic unit~~
 141 ~~which lies west of Pensacola Bay and Escambia Bay.~~

142 ~~2. One member shall reside in the area generally~~
 143 ~~designated as the "Blackwater River Basin Yellow River Basin~~
 144 ~~Choctawhatchee Bay Coastal Area" hydrologic units and that~~
 145 ~~portion of the "Escambia Bay Coastal Area" hydrologic unit which~~
 146 ~~lies east of Pensacola Bay and Escambia Bay.~~

147 ~~3. One member shall reside in the area generally~~
 148 ~~designated as the "Choctawhatchee River Basin St. Andrews Bay~~
 149 ~~Coastal Area" hydrologic units.~~

150 ~~4. One member shall reside in the area generally~~
 151 ~~designated as the "Lower Chattahoochee Apalachicola River~~
 152 ~~Chipola River Basin Coastal Area between Ochlockonee River~~
 153 ~~Apalachicola Rivers Apalachicola Bay coastal area and offshore~~
 154 ~~islands" hydrologic units.~~

155 ~~5. One member shall reside in the area generally~~
 156 ~~designated as the "Ochlockonee River Basin St. Marks and Wakulla~~
 157 ~~Rivers and coastal area between Aucilla and Ochlockonee River~~
 158 ~~Basin" hydrologic units.~~

159 ~~6. Four members shall be appointed at large, except that~~
 160 ~~no county shall have more than two members on the governing~~
 161 ~~board.~~

162 ~~(b) Suwannee River Water Management District:~~

163 ~~1. One member shall reside in the area generally~~
 164 ~~designated as the "Aucilla River Basin" hydrologic unit.~~

165 ~~2. One member shall reside in the area generally~~
 166 ~~designated as the "Coastal Area between Suwannee and Aucilla~~
 167 ~~Rivers" hydrologic unit.~~

168 ~~3. One member shall reside in the area generally~~
 169 ~~designated as the "Withlacoochee River Basin Alapaha River~~
 170 ~~Basin Suwannee River Basin above the Withlacoochee River"~~
 171 ~~hydrologic units.~~

172 ~~4. One member shall reside in the area generally~~
 173 ~~designated as the "Suwannee River Basin below the Withlacoochee~~
 174 ~~River excluding the Santa Fe River Basin" hydrologic unit.~~

175 ~~5. One member shall reside in the area generally~~
 176 ~~designated as the "Santa Fe Basin Waccasassa River and coastal~~
 177 ~~area between Withlacoochee and Suwannee River" hydrologic units.~~

178 ~~6. Four members shall be appointed at large, except that~~
 179 ~~no county shall have more than two members on the governing~~
 180 ~~board.~~

181 ~~(c) St. Johns River Water Management District:~~

182 ~~1. One member shall reside in the area generally~~
 183 ~~designated as the "St. Mary River Basin Coastal area between St.~~
 184 ~~Marys and St. Johns Rivers" hydrologic units.~~

185 ~~2. One member shall reside in the area generally~~
 186 ~~designated as the "St. Johns River Basin below Oklawaha River-~~
 187 ~~Coastal area between the St. Johns River and Ponce de Leon~~
 188 ~~Inlet" hydrologic units.~~

189 ~~3. One member shall reside in the area generally~~
 190 ~~designated as the "Oklawaha River Basin" hydrologic unit.~~

191 ~~4. One member shall reside in the area generally~~
 192 ~~designated as the "St. Johns River Basin above the Oklawaha~~
 193 ~~River" hydrologic unit.~~

194 ~~5. One member shall reside in the area generally~~
 195 ~~designated as the "Coastal area between Ponce de Leon Inlet and~~
 196 ~~Sebastian Inlet Coastal area Sebastian Inlet to St. Lucie River"~~
 197 ~~hydrologic units.~~

198 ~~6. Four members shall be appointed at large, except that~~
 199 ~~no county shall have more than two members on the governing~~
 200 ~~board.~~

201 ~~(d) South Florida Water Management District:~~

202 ~~1. Two members shall reside in Dade County.~~

203 ~~2. One member shall reside in Broward County.~~

204 ~~3. One member shall reside in Palm Beach County.~~

205 ~~4. One member shall reside in Collier County, Lee County,~~
 206 ~~Hendry County, or Charlotte County.~~

207 ~~5. One member shall reside in Glades County, Okeechobee~~
 208 ~~County, Highlands County, Polk County, Orange County, or Osceola~~
 209 ~~County.~~

210 ~~6. Two members, appointed at large, shall reside in an~~
 211 ~~area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade,~~
 212 ~~and Monroe Counties.~~

213 ~~7. One member, appointed at large, shall reside in an area~~
 214 ~~consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola,~~
 215 ~~Okeechobee, Polk, Highlands, and Orange Counties.~~

216 ~~8. No county shall have more than three members on the~~
 217 ~~governing board.~~

218 ~~(e) Southwest Florida Water Management District:~~

219 ~~1. Two members shall reside in Hillsborough County.~~
 220 ~~2. One member shall reside in the area consisting of~~
 221 ~~Hillsborough and Pinellas Counties.~~
 222 ~~3. Two members shall reside in Pinellas County.~~
 223 ~~4. One member shall reside in Manatee County.~~
 224 ~~5. One member shall reside in Polk County.~~
 225 ~~6. One member shall reside in Pasco County.~~
 226 ~~7. One member shall be appointed at large from Levy,~~
 227 ~~Marion, Citrus, Sumter, Hernando, and Lake Counties.~~
 228 ~~8. One member shall be appointed at large from Sarasota,~~
 229 ~~Hardee, DeSoto, Charlotte, and Highlands Counties.~~
 230 ~~9. One member shall be appointed at large from Levy,~~
 231 ~~Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee,~~
 232 ~~DeSoto, Charlotte, and Highlands Counties.~~
 233
 234 ~~No county described in subparagraph 7., subparagraph 8., or~~
 235 ~~subparagraph 9. shall have more than one member on the governing~~
 236 ~~board.~~

237 (3) For the purpose of electing district governing board
 238 members, the existing governing board shall divide each district
 239 into residence areas, which shall be numbered consecutively and
 240 which shall, as nearly as practicable, be equal in population.
 241 District governing board members shall reside one in each of the
 242 residence areas, the areas together covering the entire
 243 district, each of whom shall be elected only by the qualified
 244 electors who reside in the same residence area as the member.

245 (4) District governing board members shall run in
 246 nonpartisan elections and qualify with the Division of Elections

247 of the Department of State pursuant to the requirements of s.
 248 99.061 for multicounty district office.

249 (5) Once elected members have been seated, the district
 250 governing board may amend the boundaries of any residence area
 251 at a meeting of the governing board, provided that:

252 (a) Such amendments shall be made only in odd-numbered
 253 years; and

254 (b) No amendment affecting the residence qualifications of
 255 an incumbent member shall disqualify such incumbent member
 256 during the term for which he or she is elected.

257 (6) Amendments to boundaries of a residence area shall be
 258 shown by resolution published at least once in a newspaper
 259 published in the district within 30 days after the adoption of
 260 the resolution. A certified copy of the resolution shall be
 261 transmitted to the Department of State within 30 days after
 262 adoption of the resolution.

263 Section 3. Section 373.079, Florida Statutes, is amended
 264 to read:

265 373.079 Members of governing board; oath of office;
 266 staff.--

267 (1) Each member of the governing board of the district,
 268 before entering upon his or her official duties, shall take and
 269 subscribe to an oath, before some officer authorized by law to
 270 administer oaths, that the member will honestly, faithfully, and
 271 impartially perform the duties devolving upon him or her in
 272 office as member of the governing board of the district to which
 273 the member was elected ~~appointed~~ and that he or she will not

274 neglect any of the duties imposed upon him or her by this
 275 chapter.

276 (2) Immediately after their election appointment, and
 277 every 2 years thereafter, the governing board shall meet at some
 278 convenient place and choose some suitable person, who may or may
 279 not be a member of the governing board, and who may be required
 280 to execute bond for the faithful performance of his or her
 281 duties as the governing board may determine, as secretary. Such
 282 board shall adopt a seal with a suitable device and shall keep a
 283 well-bound book entitled, in effect, "Record of Governing Board
 284 of _____ District," in which shall be recorded minutes of all
 285 meetings, resolutions, proceedings, certificates, bonds given by
 286 all employees, and any and all corporate acts, which book shall
 287 at reasonable times be open to the inspection of any citizen of
 288 this state or taxpayer in the district or his or her agent or
 289 attorney.

290 (3) The chair and members of the board shall be exempt
 291 from part II of chapter 110 and included in the Senior
 292 Management Service in accordance with s. 110.205(2)(f) receive
 293 ~~no compensation for services as such; but, while officially on~~
 294 ~~work for the district, they shall receive their actual travel~~
 295 ~~expenses between their respective places of residence and the~~
 296 ~~place where official district business is conducted,~~
 297 ~~subsistence, lodging, and other expenses in the actual amount~~
 298 ~~incurred therefor. These expenses may not exceed the statutory~~
 299 ~~amount allowed state officers and employees. Payment or~~
 300 ~~reimbursement to governing board members for the use of private~~
 301 ~~or charter aircraft may be no greater than that allowed for~~

302 ~~commercial air travel for equivalent distances. This subsection~~
 303 ~~applies retroactively to the effective date of the creation of~~
 304 ~~each of the five separate water management districts.~~

305 (4) (a) The governing board of the district is authorized
 306 to employ an executive director, ombudsman, and such engineers,
 307 other professional persons, and other personnel and assistants
 308 as it deems necessary and under such terms and conditions as it
 309 may determine and to terminate such employment. ~~The appointment~~
 310 ~~of an executive director by the governing board is subject to~~
 311 ~~approval by the Governor and must be initially confirmed by the~~
 312 ~~Florida Senate.~~ The governing board may delegate all or part of
 313 its authority under this paragraph to the executive director.
 314 ~~The executive director must be confirmed by the Senate upon~~
 315 ~~employment and must be confirmed or reconfirmed by the Senate~~
 316 ~~during the second regular session of the Legislature following a~~
 317 ~~gubernatorial election.~~

318 (b)1. The governing board of each water management
 319 district shall employ an inspector general, who shall report
 320 directly to the board. However, the governing boards of the
 321 Suwannee River Water Management District and the Northwest
 322 Florida Water Management District may jointly employ an
 323 inspector general, or provide for inspector general services by
 324 interagency agreement with a state agency or water management
 325 district inspector general.

326 2. An inspector general must have the qualifications
 327 prescribed and perform the applicable duties of state agency
 328 inspectors general as provided in s. 20.055.

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329 (5) The executive director may employ a legal staff for
330 the purposes of:

331 (a) Providing legal counsel to the executive director and
332 district staff on matters relating to the day-to-day operations
333 of the district;

334 (b) Representing the district in all proceedings of an
335 administrative or judicial nature; and

336 (c) Otherwise assisting in the administration of the
337 provisions of this chapter.

338

339 Attorneys employed by the governing board must represent the
340 legal interest or position of the governing board.

341 (6) By resolution the governing board may determine the
342 location of its principal office and provide for the change
343 thereof.

344 (7) The governing board shall meet at least once a month
345 and upon call of the chair.

346 Section 4. This act shall take effect July 1, 2006.

