

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

BILL: CS/CS/SB 1898

INTRODUCER: Governmental Oversight and Accountability Committee, Environmental Preservation and Conservation Committee, and Senator Constantine

SUBJECT: Review of Water Management Districts

DATE: April 21, 2009 **REVISED:** 4/23/09 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hennigan</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>McKay</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill:

- Reenacts sections 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S.
- Limits, to 180 days, the amount of time a basin member may serve once their term of office has expired if the vacancy has not been filled.
- Decreases from 6 to 4 the membership of the Manasota Basin Board.
- Provides that Governing Board members may serve as full voting members on basin boards.
- Repeals the Oklawaha River Basin Advisory Council and the Lake Panasoffkee Restoration Council.
- Provides additional guidance for the development of rules related to water well contractor licensing.
- Amends a provision to provide that the chairs of the substantive legislative committees may review and comment on water management districts budgets.
- Allows water management district governing boards to conduct meetings using means of communications media technology.

- Provides that Governing Board members will now be appointed from a list submitted to the Governor by the Public Service Commission Nominating Council which is redesignated as the Legislative Nominating Council.
- Requires the Governing Boards to delegate their authority for the issuance of Consumptive Use Permits (CUPs) and Environmental Resource Permits (ERPs) to the Executive Directors of the districts except in cases of denial.
- Prohibits governing board members from interfering with the processing of CUPs and ERPs.
- Provides for the issuance of 25 or 50 year CUPs for specific renewable energy projects or alternative water supply projects.
- Removes the 10 year limitation for payment in lieu of taxes.
- Directs that no water management district may issue bonds if the debt service for such bonds exceeds 25 percent of their annual ad valorem revenue.

The bill provides that the act shall take effect upon becoming law.

The bill reenacts sections 373.069, 373.0693, 373.0695, 373.073, and 373.083, Florida Statutes.

The bill amends sections 353.031, 373.0693, 373.073, 373.079, 373.083, 373.118, 373.236, 373.323, 373.243, 373.536, 373.584, and 373.59, Florida Statutes.

The bill creates section 373.0725, Florida Statutes.

The bill repeals sections 373.465 and 373.466, Florida Statutes.

II. Present Situation:

The Florida Government Accountability Act

Under the Florida Government Accountability Act, sections 11.901-920, F.S., most state agencies and their respective advisory committees are subject to a “sunset” review process to determine whether they should be retained, modified or abolished.

Reviews are accomplished in three steps. First, an agency under review must produce a report providing specific information, as enumerated in s. 11.906, F.S. Upon receipt of the agency information, the Joint Legislative Sunset Committee and the House and Senate committees assigned to act as sunset review committees must review the information submitted and may request studies by the OPPAGA.

Based on the agency submissions, the OPPAGA studies and public input, the Joint Legislative Sunset Committee and the legislative sunset review committees will:

- Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees; and
- Make recommendations on the consolidation, transfer, or reorganization of programs within the state agencies not under review when the programs duplicate functions performed in agencies under review.
- Also, the House and Senate sunset review committees must propose legislation necessary to carry out the committee’s recommendations.

An agency subject to review is scheduled to be abolished on June 30 following the date of the review as specified in s. 11.905, F.S., provided the Legislature finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency. If an agency is not abolished, continued, or reorganized, the agency shall continue to be subject to annual sunset review by the Legislature.

The Senate Environmental Preservation and Conservation Committee is the primary sunset review committee for reviews of the state's five water management districts. The Senate General Government Appropriations Committee is assisting in this review.

Water Management in Florida

The institutional arrangement for managing water in Florida is unique in the United States. Emerging from a series of legislative actions in 1972, five water management districts were created. They are the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and the South Florida Water Management District. The geographical boundaries for the districts were set up largely on hydrologic boundaries.

Direct oversight for each district's activities is provided by a Governing Board whose members are appointed by the Governor and subject to confirmation by the Florida Senate.¹ Each Governing Board in turn hires an Executive Director who must also be confirmed by the Florida Senate. In addition, pursuant to s. 373.026(7), F.S., the Department of Environmental Protection (DEP/department) is authorized to "exercise general supervisory authority over all water management districts."

The mission of the districts is to implement the provisions of Chapter 373, Florida Statutes, also known as the Florida Water Resources Act of 1972.² In implementing the act, the districts are to seek to manage water and related natural resources to ensure their continued availability while maximizing environmental, economic and recreational benefits.

Central to the mission is maintaining the balance between the water needs of current and future users while protecting and maintaining water and related natural resources which provide the district with its existing and future water supply. In order to accomplish their missions the districts assume their responsibilities as authorized in Chapter 373, F.S., and other chapters of the Florida Statutes by directing a wide range of programs, initiatives and actions. These include, but are not limited to, flood protection, water use, well construction, environmental resource permitting, water conservation, education, land acquisition, water resource and supply development, and supportive data collection and analysis efforts. As an outgrowth of this the districts have identified what are referred to as the "Areas of Responsibility," these are:

- Water Supply
- Flood Protection
- Water Quality

¹ Section 373.073(1)(a), F.S.

² Section 373.016, F.S.

- Natural Systems

Many provisions in Chapter 373, F.S., confer power to the Governing Boards either directly or indirectly through shared responsibility with the department. However, section 373.083, F.S., provides for their general powers and duties. These are:

- Enter into contracts with public agencies, private corporations, or other persons.
- To appoint and remove agents and employees.
- Issue orders to implement or enforce any of the provisions or regulations of Chapter 373, F.S.
- Make surveys and investigations of the water supply and water resources of their respective districts.
- Solicit and accept donations or grants from both public and private sources for any district activity.
- To exercise any delegation and to sub-delegate to district staff.
- Specific delegation of the CUP or the ERP programs must include a process by which permit denials may be taken to the Governing Board for final action.

As an outgrowth of these general powers and duties, along with delegation agreements with the department, district responsibilities have grown over the years. Though the original mission of flood control remains central to their operations, districts now have responsibilities in many environmental arenas. These include:

- Consumptive Use Permitting
- Environmental Resource Permitting
- Surface Water Improvement and Management
- Uses of district lands, canals, streams or aquifers
- Drainage system construction or operation
- Well construction and well contractor licensing
- Land acquisition and management
- Public education

The districts are funded from many different sources; however, they are unique in that they are granted specific authority to levy ad valorem taxes. Section 9(b), Article VII, of the Florida Constitution provides authority for four of the water management districts to levy up to 1.0 mills for water management purposes. The Northwest Florida Water Management District is capped at 0.05 mills.³ Subsequent to these constitutional caps the Legislature has placed statutory caps⁴ on the districts ad valorem millage rates as follows:

0.05	Northwest Florida
0.75	Suwannee River
0.6	St. Johns River
1.0	Southwest Florida ⁵
0.8	South Florida ⁶

³ 1.00 mill equals \$1.00 per \$1,000 of assessed value. 0.05 mills equals \$0.05 per \$1,000 of assessed value.

⁴ Section 373.509(3)(a), Florida Statutes.

⁵ This taxing authority is divided evenly between the district and the district's eight basin boards.

⁶ This taxing authority is shared with the Big Cypress Basin, the Okeechobee Basin, and the 0.01 of a mill tied to the Everglades Forever Act.

**4-YEAR AD VALOREM HISTORY – ALL DISTRICTS
(Revenue in Millions)**

Districts		05-06 (Actual)			06-07 (Actual)			07-08 (Est.)			08-09 (Adopted)	
	Revenue	Rate	Percent of Total Revenues	Revenue	Rate	Percent of Total Revenues	Revenue	Rate ⁷	Percent of Total Revenues	Revenue	Rate	Percent of Total Revenues
Northwest	\$3.9	0.05	9%	\$4.9	0.05	12%	\$5.3	0.045	4%	\$5.0	0.045	4%
Suwannee	\$4.6	0.4914	6%	\$6.1	0.4914	7%	\$6.1	0.4399	7%	\$6.0	0.4399	9%
St. Johns	\$102.9	0.462	66%	\$142.5	0.462	34%	\$144.7	0.4158	36%	\$136.6	0.4158	36%
Southwest	\$189.4	0.422	69%	\$237.5	0.422	77%	\$237.5	0.3866	62%	\$216.1	0.3866	58%
South	\$444.1	0.697	43%	\$553.0	0.697	38%	\$549.5	0.624	43%	\$525.25	0.624	18%

In addition to the uniqueness of having ad valorem taxing authority, the districts operate on a Federal fiscal year which begins on October 1 and ends on September 30 unlike the State fiscal year which begins on July 1 and ends of June 30.⁸ Each district’s annual work plan and budget development process is specifically governed by s. 373.536, F.S.

A significant milestone for the districts in the development of their annual budgets is the submission of their Tentative Budget on August 1st of each year. The tentative budget is submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House, the chairs of specific legislative committees, the Secretary of DEP, and each county commission within the districts’ boundaries.

Pursuant to s. 373.536, F.S., the Executive Office of the Governor upon receipt of the tentative budget has the authority to “approve or disapprove, in whole or in part, the budget of each water management district...” The Governor must submit his recommendations to the districts 5 days prior to their final adoption hearing which is usually held in the final 10 days of September. If the Governor has disapproved a specific budget item, it shall not be in the final approved budget.

Concurrent to the review by the Governor’s Office, the statute also provides that, by September 5th, the House and Senate appropriations chairs may comment and raise objections to the provisions in the tentative budgets. In response to these comments, the Governing Boards are required to make them part of the public record at the meeting in which the final budget is adopted.

While each district has many specific activities, s. 373.536, F.S., requires activities to be rolled into one of six defined program areas. These six program areas are:

- Water Resources Planning and Monitoring
- Acquisition, Restoration, and Public Works
- Operation and Maintenance of Lands and Works
- Regulation
- Outreach

⁷ The lower millage rates reflect the districts compliance with House Bill 1B, enacted on June 21, 2007. The bill required special independent districts including water management districts to establish their ad valorem rates for this fiscal year at 97% of the existing rolled back rate.

⁸ According to discussions with those involved with the creation of the districts, the use of a Federal fiscal year dates was because the old Central and Southern Florida flood control district was a creation of the federal government as was the Southwest Flood control district. Because of this the federal fiscal year was already in use and by default was maintained.

- District Management and Administration

The Florida Statutes contain a number of provisions that provide for the creation of various advisory bodies or councils designed to assist the districts in carrying out some of their various duties and responsibilities. One such advisory council is the Oklawaha River Basin Advisory Council created pursuant to s. 373.0693(8)(a), F.S. The Council was created in 1988 to replace the then existing Oklawaha River Basin Board, which had been created as a separate taxing entity within the St. Johns River Water Management District. The Council was established to advise the district governing board on water management issues affecting the Oklawaha River Basin. The Council has been inactive and not met in over 10 years.

Another such council is the Lake Panasoffkee Restoration Council which was created by the 1998 Legislature (Chapter 98-69, Laws of Florida) in an effort to protect and restore the environmental and economic importance of the lake. In 2003, the council approved a final restoration plan. According to the Southwest Florida water management district all restoration activities associated with the final plan will be complete by mid-October 2008. The total project cost is \$28.3 million. Funding partners and their contributions are: \$19.5 million from the state; \$1.1 million from the federal government; \$4.95 million from the district; \$2.25 million from the Fish and Wildlife Conservation Commission; and \$0.5 million from the Department of Transportation.

Pursuant to s. 373.0693, F.S., any area within a water management district may be designated by the Governing Board as a subdistrict or basin.⁹ Each designated basin shall be controlled by a basin board whose members shall be appointed by the Governor. Ten basin boards exist in Florida: two in the South Florida Water Management District and eight in the Southwest Florida Water Management District. Basin Board members are unpaid citizen volunteers who are appointed to three year terms. Each Basin Board includes one person from each county within the basin, and there must be at least three members on each board. Each Basin Board has at least one member from the Governing Board that serves as the board's chair ex officio. The Basin Boards meet every other month. Currently once appointed basin board members may serve beyond the end their term until a successor is named.

Part III, Chapter 373, F.S., establishes the authority for the state to regulate water wells. Originally placed with the department and then delegated to the districts in 1984, the statutes direct that established construction standards and reporting requirements be implemented by rule in order to ensure that newly constructed water wells do not cause uncontrolled water flow or degrade water quality. The districts also issue licenses to water well contractors to ensure their understanding of state and district water well rules and regulations. During the past year, the districts sought to update their licensing requirements to add additional specificity for water well contractors to meet prior to being able to sit for their licensure examination. The Joint Administrative Procedures Committee raised an objection that the proposed changes were outside the rule making provisions currently in law.

⁹ Provisions in s. 373.0693, F.S., designate several specific basin boards. In addition this section contains a provision that prohibits the creation of a subdistrict or basin board in the St. Johns River Water Management District unless created by the Legislature.

Section 120.54, F.S., provides for uniform rules of procedures that are to be utilized by state agencies in conducting their business. As a part of these, the agencies are authorized to utilize communications media technology to allow for remote participation by certain officials. Because the districts are not state agencies, they cannot avail themselves of this option. During times of natural disasters and given that many governing board members may live some distance from the districts' headquarters there have been problems with being able to physically assemble the governing board members in order to allow the districts to conduct the necessary business.

The Florida Environmental Reorganization Act of 1993 (ch. 93-204) created the environmental resource permitting program (ERP). Operationally the ERP program is now jointly implemented by the department through its district offices and the districts. Most of the ERP permits are issued by the districts; however large projects with statewide implications are issued by the department. Operating agreements between the department and the districts spell out which agency will process any given application. Under this division of responsibility, the department's authorizations primarily address water quality, water quantity (flooding), and wetland impacts associated with single-family residences and small multi-family dwellings. The reason the department retained the ERP for these types of developments is the agency's historic dealings with landowners through the issuance of dredge and fill permits. Additional areas for which the department retains ERP authority include: docks and marinas, mining, utility construction, coastal development, seaports, navigational dredging, other water-related projects that are not part of larger plans of a development, hazardous waste management facilities and solid waste management facilities that do not qualify for a general permit under ch. 403, F.S. In turn, the districts are responsible for all other activities that would need an ERP. Primarily these are large residential and all commercial developments.

The Consumptive Use Permitting (CUP) program includes permitting, compliance and enforcement, and water shortage plan support and enforcement. Any entity or person that wants to use large amounts of water, except those exempted by statute or rule, are required to obtain a CUP. These permits are issued for a finite duration and, upon expiration, must be renewed.

Section 373.219, F.S., gives the districts the authority to define the requirements for issuance of these permits. Such requirements, however, must follow a set of conditions enumerated in s. 373.223(1), F.S. These conditions state:

That the applicants establish that the proposed use of water:¹⁰

- Is a reasonable-beneficial use as defined by Florida Statutes.
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.

Pursuant to their rulemaking authority, each district has adopted rules that detail when and what type of permit (individual or general) an applicant may need.¹¹

In general you need a permit if:

¹⁰ These conditions are generally referred to as the "three-prong" test.

¹¹ See the following Florida Administrative Code rules for each district's criteria: 40A-2 (Northwest Florida); 40B-2 (Suwannee River); 40C-2 (St. Johns River); 40D-2 (Southwest Florida); and 40E-2 (South Florida).

- You plan to withdraw more than 100,000 gallons per day, or
- The outside diameter of your groundwater well is six inches or larger, or
- The outside diameter of your withdrawal pipe from a surface water is four inches or larger, or
- Your total withdrawal capacity of your system is 1 million gallons per day or larger.

In order to accomplish their missions the districts are allowed to utilize general obligation and revenue bonds. Specific authority and guidelines governing bond terms and methods for issuance are found in sections 373.563 and 373.584, F.S.

Florida Public Service Commission Nominating Council

This council, comprised of 12 members, was created to nominate to the Governor no fewer than three persons for each vacancy occurring on the Public Service Commission. The council consists of:

- Six members, including 3 members of the House of Representatives, one of whom shall be a member of the minority party, shall be appointed and serve at the pleasure of the Speaker.
- Six members, including 3 members of the Senate, one of whom shall be a member of the minority party, shall be appointed by and serve at the pleasure of the President.
- At least of one of the 12 appointees must be 60 years of age or older.

Payment in Lieu of Taxes

As a part of the state's land acquisition programs funds are set aside for payments in lieu of taxes for all actual ad valorem tax losses incurred as a result of acquisitions by the state or a water management district. PILT as it is more commonly known is available to counties with a population under 150,000 and all local governments within those eligible counties.

III. Effect of Proposed Changes:

Section 1: Provides that ss. 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S., relating to the water management districts and basin boards, are reenacted.

Section 2: Amends s. 350.031, F.S., to rename the Florida Public Service Commission Nominating Council as the Legislative Nominating Council and to enable this council to nominate individuals to serve as water management district governing board members.

Section 3: Amends s. 373.0693, F.S., to:

- Limit to 180 days the time in which member of a basin board may serve beyond the end of their term if a successor has not been named.
- Remove the ex-officio designation for those governing board members serving on basin boards.
- Reduce the number of members serving on the Manasota Basin Board from 6 to 4.
- Repeal a provision that created that Oklawaha River Basin Advisory Council.

Section 4: Amends s. 373.323, F.S., relating to the licensure of water well contractors. Specific provisions create new requirements for individuals to meet prior to being able to take the water well contractor licensure examination. These include:

- Evidence of the length of time they have been engaged in water well business. Such evidence shall be attested to by at least three letters by any of the following: water well contractors, water well drillers, water well parts and equipment vendors, or water well inspectors.
- Providing a list of at least 10 water wells that they have worked on. The list shall detail the name and address of the well owner, the location, primary use and depth and diameter of the well, and the approximate date when such work was completed. The wells included on this list must have been worked on in the previous 5 years and at least 7 of them must have been constructed by the applicant.

Section 5: Amends s. 373.536, F.S., to provide that the appropriate substantive legislative committee chairs may provide comments and objections to the proposed budgets of the water management districts.

Section 6: Amends s. 373.079, F.S., to allow the water management district governing boards to conduct meetings by means of communications media technology pursuant to the uniform rules of procedure in s. 120.54, F.S. and to direct the governing boards to delegate to the executive directors their authority to take final action on CUPs and ERPs except for denials of such permits.

Section 7: Creates section 373.0725, F.S., to provide a method for the appointment of governing board members. The new provisions direct that the Governor shall appoint board members from a list of nominees provided by the Legislative Nominating Council. The council is directed to submit 3 names per vacancy. The council in identifying potential nominees shall ensure that they are competent, knowledgeable, and possess substantial technical expertise in a field related to the duties and functions of the water management districts. Aside from practical expertise the candidates will have to meet the existing residency requirements provided in s. 373.073, F.S., for each district. Expenses of the council are to be proportionately shared by the respective water management district whose vacancy is being filled.

Section 8: Amends 373.073, F.S., to provide conforming changes needed because of the new appointment process and updating existing provisions that provide for staggered appointments to account for the Southwest Florida Water Management Districts' increased board membership.

Section 9: Amends s. 373.083, F.S., to conform to the permit delegation provisions in Section 6 of the bill.

Section 10: Amends s. 373.118, F.S., to conform to the permit delegation provisions in Section 6 of the bill.

Section 11: Amends s. 373.584, F.S., to create a new requirement that will govern the issuance of revenue bonds by the water management districts. These provisions:

- Cap at 25 percent the amount of annual ad valorem revenues that may be pledged for debt service unless a waiver is approved by the Joint Legislative Budget Commission (commission).
- Authorize the commission to review the financial soundness of a district to determine whether bonds may be issued in excess of the cap.

- Restrict the districts from taking any action that would exceed the 25 percent limitation without prior approval of the commission.
- Direct that any bonds issued prior to January 1, 2009 will not be factored into the debt service calculation.

Section 12: Amends s. 373.59, F.S., to allow the districts to utilize funds from the Water Management Lands Trust Fund to pay for the services of the Legislative Nominating Council and to eliminate a provision that limited payment in lieu of tax payments to 10 years.

Section 13: Amends s. 373.236, F.S., to:

- Allow for a 25 year CUP permit for a renewable energy facility or for cultivating agriculture products on lands consisting of 1,000 acres or more for renewable energy.
- Allow for a 50 year CUP for projects by private rural landowners who make extraordinary contributions of lands or construction funding or for municipalities, counties, special districts, regional water supply authorities, multijurisdictional water supply entities, and publicly or privately owned utilities that have entered into an agreement with such landowner.

Section 14: Amends s. 373.243, F.S., to provide that the 25 year CUP issued pursuant to the provisions in Section 13 of the bill may be revoked for the nonuse of water over a 4 year period or more.

Section 15: Repeals sections 373.465 and 373.466, F.S., which created and provided for the duties of the Lake Panasoffkee Restoration Council.

Section 16: Provides that this act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Under Florida's separation of powers provision in Art. II, Sec. 3, of the Florida Constitution, no person belonging to one branch may exercise any powers of another branch unless expressly provided in the constitution. Currently, the Florida Public Service Commission Nominating Council has legislative members. The exercise of their duties pertaining to the nomination of Public Service Commission (PSC) members has

been held to not infringe upon the Governor's authority to appoint PSC commissioners, because the PSC is a legislative entity, and the Legislature delegated to the Governor a limited authority to participate in the selection of PSC commissioners.¹² This bill would require the Governor to appoint water district governing board members from nominees identified by the renamed nominating council. It is not clear whether the act of having members of the Legislature specify the nominees from whom the Governor may appoint a water district governing board member unconstitutionally infringes upon the Governor's authority.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By adding specific requirements for those seeking to sit for the water well contractors licensing exam a new cost will be realized in having to obtain certain pieces of documentation. The cost is expected to be minimal.

The provisions that delegate the issuance of ERP and CUP permits to the Executive Directors will save applicants at least 30 days on permitting decisions. The savings will occur because of the time needed to notice and place items on a Governing Board agenda.

The ability to receive extended duration CUPs can help private interests when seeking funds for their projects. Additionally, private landowners may economically benefit from being utilized as alternative water supply sources.

C. Government Sector Impact:

The requirement for the districts to reimburse the Legislative Nominating Council for their services is expected to be minor.

The 25 percent cap on using annual ad valorem revenues for debt service payments, while not having a direct fiscal impact, will constrain the district's ability to raise capital funds. Aside from the South Florida Water Management Districts issuance of certificates of participation the districts have not historically utilized their bonding capacity.

The removal of the 10 year limitation on payment in lieu of tax payments will have a minimal impact. The removal of the limitation by the bill is done to conform this statutory reference to changes made in the 2008 Florida Forever legislation.

VI. Technical Deficiencies:

None.

¹² *Chiles v. Public Service Nominating Council*, 573 So.2d 829, 832 (Fla. 1991).

VII. Related Issues:

The bill establishes additional duties for the Florida Public Service Commission Nominating Council. Those additional duties are established by the bill in a new section created at s. 373.0725, F.S., but they might better be placed in the duties of the nominating council in s. 350.031, F.S.

The bill mandates the delegation of certain authority to water management district executive directors in ss. 373.079 and 373.083, F.S. This appears duplicative; the delegation may be more appropriate only in s. 373.083, F.S., which specifies the powers and duties of the governing boards.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Governmental Oversight and Accountability on April 21, 2009:

The CS/CS made the following changes to the CS:

- Removed provisions creating the Reclaimed Water Coordination Task Force.
- Renamed the Florida Public Service Commission nominating council as the Legislative Nominating Council and makes necessary conforming changes.
- Provided authority for the water management districts to issue 25 and 50 year CUPs for specific types of projects.

CS by Environmental Preservation and Conservation Committee on March 31, 2009:

The committee substitute (CS):

- Reenacts sections 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S.
- Limits, to 180 days, the amount of time a basin member may serve once their term of office has expired if the vacancy has not been filled.
- Decreases from 6 to 4 the membership of the Manasota Basin Board.
- Provides that Governing Board members may serve as full voting members on basin boards.
- Repeals the Oklawaha River Basin Advisory Council and the Lake Panasoffkee Restoration Council.
- Provides additional guidance for the development of rules related to water well contractor licensing.
- Amends a provision to provide that the chairs of the substantive legislative committees may review and comment on water management districts budgets.
- Allows water management district governing boards to conduct meetings using means of communications media technology.
- Creates the Reclaimed Water Coordination Task Force.
- Provides that Governing Board members will now be appointed from a list submitted to the Governor by the Florida Public Service Commission nominating council.

- Requires the Governing Boards to delegate their authority for the issuance of Consumptive Use Permits (CUPs) and Environmental Resource Permits (ERPs) to the Executive Directors of the districts except in cases of denial.
- Removes the 10 year limitation for payment in lieu of taxes.
- Directs that no water management district may issue bonds if the debt service for such bonds exceeds 25 percent of their annual ad valorem revenue.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
