

**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 General Government Appropriations Committee

**BILL:** CS/CS/SB 1952

**INTRODUCER:** General Government Appropriations Committee, Environmental Preservation and Conservation Committee, and Senator Detert

**SUBJECT:** Water Management Districts

**DATE:** April 21, 2010      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Uchino</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/2 amendments</u>
3.	<u>Pigott</u>	<u>DeLoach</u>	<u>GA</u>	<u>Fav/CS</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 authorizes water management districts to use certain moneys in the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection for water resource development projects. The bill also makes technical revisions and clarifications to the basin board section of chapter 373, Florida Statutes, related to board constitution and voting conditions for basin board chairs.

The bill provides an effective date of July 1, 2010.

This bill substantially amends sections 373.0693 and 373.1961, Florida Statutes.

**II. Present Situation:**

Basin boards are unique to the Southwest Florida Water Management District (SWFWMD) and the South Florida Water Management District (SFWMD). The SWFWMD maintains seven basin boards and the SFWMD maintains one. These boards provide guidance for local programs and projects that are specific to the watershed basin they protect. Currently, each basin is under

the control of a basin board, which is composed of not less than three members and must include one representative from each of the counties included in the basin."<sup>1</sup> The districts interpret this provision to mean that, in the absence of at least one representative from each county, the basin board would not be properly constituted. When not properly constituted, a basin board would not be able to transact official business until the Executive Office of the Governor appoints individuals to fill vacancies. While vacancies of this kind occur from time to time, if it were to coincide with the budget and tax levy process, it is possible that a basin board would not be able to establish its annual budget or to request its annual tax levy. The basin boards ensure that local concerns within the districts are addressed effectively. Each board has half of the districts' millage capacity to fund innovative projects that address water supply, flood protection, water quality and natural systems issues in its watershed. Basin board members are appointed by the Governor and must be confirmed by the Senate.

Governing Board Policy 110-8 provides that the Governing Board Chair may appoint more than one governing board member to serve as chair of a basin board, on a rotating basis. This is inconsistent with subsection 373.0693(6), F.S. Further, nothing in s. 373.0693, F.S., indicates the actual status of the basin chairs with respect to voting or the establishment of a quorum.

SB 2080, signed into law by the Governor in 2009, addresses cooperative funding programs. However, it was placed in statute so that it only applied to cooperative funding in the Southern Water Use Caution Area (SWUCA), instead of to cooperative funding programs in general. Cooperative funding is not considered a regulatory program. It is a cost-share program for local governments for projects that develop sustainable water resources, provide flood protection and enhance conservation efforts. Therefore, if a district needed to adopt rules for all of the procedures and policies in a cooperative funding program, it would be unable to adapt or modify the program as necessary.

### III. Effect of Proposed Changes:

**Section 1** amends s. 373.1961, F.S., to provide that funds deposited in the Water Protection and Sustainability Program Trust Fund to the credit of the Northwest Florida Water Management District and the Suwannee River Water Management District may also be used for regional water supply planning, water resource development, and water resource projects including springs protection.

**Section 2** amends s. 373.0693, F.S., to provide that a member of the governing board serving as chair of a basin board be a regular, voting member of the basin board and be counted for purposes of establishing a quorum. In the event a vacancy occurs and a successor is not appointed within 180 days, the remaining members of the basin board will be able to continue to transact official business provided a quorum of the whole authorized number of members of the board is present. This will provide continuity in basin board operations, particularly during budget and tax time. The bill also provides for the appointment of more than one basin board chair from among the members of the governing board, to be consistent with governing board practice and policy.

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<sup>1</sup> §373.0693(2), *Fla. Stat.* (2009)

**Section 3** provides an effective date of July 1, 2010.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There will be negligible impacts to the private sector.

C. Government Sector Impact:

Additional efficiencies and continuity in the operation of the basin boards will be realized; however, the fiscal impact is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**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 General Government Appropriations Committee on April 19, 2010:**

The committee substitute authorizes water management districts to use certain moneys in the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection for water resource development projects. It makes technical and clarifying changes to the basin board section of ch. 373, F.S.

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**CS by Environmental Preservation and Conservation on March 9, 2010:**

The purpose of the strike all amendment was to address stylistic, technical and conforming changes to make the Senate and House of Representatives bills identical. There are no substantive changes in the CS.

**B. Amendments:**

None.