

By Senator Detert

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1 A bill to be entitled
 2 An act relating to water resources; amending s.
 3 373.0693, F.S.; revising the requirements for
 4 membership on a basin board and the Manasota Basin
 5 Board; deleting obsolete provisions; amending s.
 6 373.171, F.S.; specifying that cooperative funding
 7 programs are not subject to rulemaking; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsections (2) through (7) of section 373.0693,
 13 Florida Statutes, are amended to read:

14 373.0693 Basins; basin boards.—

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

19 (3) Except for a member of the district governing board
 20 serving pursuant to subsection (6), each member of a the various
 21 basin board boards shall be appointed ~~serve~~ for ~~a period of~~ 3
 22 years or until a successor is appointed, but not more than 180
 23 days after the end of the term. If a successor is not appointed
 24 within 180 days, a quorum of the total remaining members of the
 25 basin board may continue to transact official business until a
 26 successor is appointed. ~~, except that~~ The ~~board~~ membership of
 27 each new basin board shall be divided into three groups as
 28 equally as possible, with members in such groups to be appointed
 29 for 1, 2, and 3 years, respectively. Except for a member of the

23-00959E-10

20101952

30 district governing board serving on a basin board pursuant to
31 subsection (6), the members of each basin board shall choose a
32 vice chair and a secretary to serve for ~~a period of 1 year~~. The
33 term of office of a basin board member commences ~~shall be~~
34 ~~construed to commence~~ on March 2 preceding the date of
35 appointment and terminates ~~to terminate~~ March 1 of the year of
36 the end of a term or ~~may continue~~ until a successor is
37 appointed, but not more than 180 days after the end of the
38 expired term. The term of a member of the district governing
39 board serving on the basin board is the same as his or her term
40 of service on the governing board.

41 (4) Except for a member of the district governing board
42 serving on the basin board pursuant to subsection (6), members
43 of a basin board ~~boards~~ shall be appointed by the Governor,
44 subject to confirmation by the Senate at the next regular
45 session of the Legislature; and the refusal or failure of the
46 Senate to confirm an appointment creates ~~shall create~~ a vacancy
47 in the office to which the appointment was made.

48 (5) Basin board members shall serve without ~~receive no~~
49 ~~compensation for services as such;~~ but are entitled to
50 reimbursement for per diem and travel expenses as provided in s.
51 112.061, ~~while officially on work for the district, they shall~~
52 ~~receive their actual travel expenses between their respective~~
53 ~~places of residence and the place where official district~~
54 ~~business is conducted, subsistence, lodging, and other expenses~~
55 ~~in the amount actually incurred. These expenses may not exceed~~
56 ~~the statutory amount allowed state officers and employees.~~ This
57 subsection applies retroactively to the effective date of the
58 creation of each of the five separate water management

23-00959E-10

20101952

59 districts.

60 (6) ~~(a)~~ Notwithstanding any other provision of the
61 ~~provisions of any other~~ general or special law ~~to the contrary,~~
62 a member of the district governing board ~~of the district~~
63 residing in the basin or, if no member resides in the basin, a
64 member of the governing board designated by the chair of the
65 governing board shall be a voting member of the basin board
66 having the same rights, duties, and responsibilities as other
67 members including being counted for purposes of establishing a
68 quorum.

69 (a) The governing board member shall serve as the chair of
70 the basin board. If alternate governing board members are
71 appointed, each shall rotate as basin board co-chair. A ~~The~~
72 chair or co-chair shall preside at all meetings of the basin
73 board, except that the vice chair may preside in the ~~his or her~~
74 absence of the chair or a co-chair. The chair shall be the
75 liaison officer of the district in all affairs in the basin and
76 shall be kept informed of all such affairs.

77 (b) Basin boards within the Southwest Florida Water
78 Management District shall meet regularly as determined by a
79 majority vote of the basin board members. Subject to notice
80 requirements of chapter 120, special meetings, both emergency
81 and nonemergency, may be called ~~either~~ by the chair or the
82 elected vice chair ~~of the basin board~~ or upon request of two
83 basin board members. The district staff shall include on the
84 agenda of any basin board meeting any item for discussion or
85 action requested by a member of that basin board. The district
86 staff shall notify any basin board, as well as their respective
87 counties, of any vacancies occurring in the district governing

23-00959E-10

20101952

88 board or their respective basin boards.

89 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~
90 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
91 ~~Management District, which is annexed to the Southwest Florida~~
92 ~~Water Management District by change of its boundaries pursuant~~
93 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
94 ~~subdistrict or basin of the Southwest Florida Water Management~~
95 ~~District, subject to the same provisions as the other basins in~~
96 ~~such district. Such subdistrict shall be designated initially as~~
97 ~~the Manasota Basin. The members of the governing board of the~~
98 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
99 ~~Management District shall become members of the governing board~~
100 ~~of the Manasota Basin of the Southwest Florida Water Management~~
101 ~~District. Notwithstanding other provisions in this section,~~
102 ~~beginning on July 1, 2010 2001, the membership of the Manasota~~
103 ~~Basin Board shall be comprised of two members from Manatee~~
104 ~~County, and two members from Sarasota County, and the member of~~
105 ~~the district governing board serving on the basin board pursuant~~
106 ~~to subsection (6). Matters relating to tie votes shall be~~
107 ~~resolved pursuant to subsection (6) by the chair designated by~~
108 ~~the governing board to vote in case of a tie vote.~~

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

111 373.171 Rules.—

112 (5) Cooperative funding programs approved by the board are
113 not subject to rulemaking. However, any portion of an approved
114 program which affects the substantial interests of a party is
115 subject to s. 120.569.

116 Section 3. This act shall take effect July 1, 2010.