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1                   A bill to be entitled  
2           An act relating to water management districts;  
3           amending s. 373.1961, F.S.; authorizing water  
4           management districts to use certain moneys in the  
5           Water Protection and Sustainability Program Trust Fund  
6           for water resource development projects; amending s.  
7           373.0693, F.S.; revising provisions relating to the  
8           membership of basin boards; specifying the terms of  
9           service for basin board members designated by district  
10          governing board chairs; providing that basin board  
11          members designated by district governing board chairs  
12          are voting members and counted for quorum purposes;  
13          providing for designated district governing board  
14          members to serve as basin board chairs and co-chairs;  
15          providing that a quorum of remaining members may  
16          conduct business if there is a vacancy on the board;  
17          revising provisions relating to the membership of the  
18          Manasota Basin Board; providing for the designation of  
19          a member of the district governing board to serve on  
20          the basin board; amending s. 373.171, F.S.; exempting  
21          cooperative funding programs from certain rulemaking  
22          requirements; amending s. 373.228, F.S.; revising  
23          legislative intent relating to landscape irrigation  
24          restrictions; providing that local governments may  
25          adopt restrictions set forth in district rules or  
26          orders; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraph (c) of subsection (3) of section  
31 373.1961, Florida Statutes, is amended to read:

32 373.1961 Water production; general powers and duties;  
33 identification of needs; funding criteria; economic incentives;  
34 reuse funding.—

35 (3) FUNDING.—

36 (c) The financial assistance for alternative water supply  
37 projects allocated in each district's budget as required in s.  
38 373.196(6) shall be combined with the state funds and used to  
39 assist in funding the project construction costs of alternative  
40 water supply projects selected by the governing board. ~~If the~~  
41 ~~district has not completed any regional water supply plan, or~~  
42 ~~the regional water supply plan does not identify the need for~~  
43 ~~any alternative water supply projects,~~ Funds deposited in the  
44 Water Protection and Sustainability Program Trust Fund to the  
45 credit of the Northwest Florida Water Management District and  
46 the Suwannee River Water Management District ~~that district's~~  
47 ~~trust fund~~ may also be used for regional water supply planning,  
48 water resource development, and water resource projects,  
49 including, but not limited to, springs protection.

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

52 373.0693 Basins; basin boards.—

53 (1) (a) Any areas within a district may be designated by the  
54 district governing board as subdistricts or basins. The  
55 designations ~~of such basins~~ shall be made by resolution of the  
56 district governing board ~~by resolutions thereof~~. The governing  
57 board ~~of the district~~ may change the boundaries of such basins,  
58 or create new basins, by resolution.

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59 (b) No subdistrict or basin in the St. Johns River Water  
60 Management District other than established by this act is ~~shall~~  
61 ~~become~~ effective until approved by the Legislature.

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

66 (3) Except for a member of the district governing board  
67 serving on a basin board pursuant to subsection (6), each member  
68 of a ~~the various~~ basin board ~~boards~~ shall be appointed ~~serve~~ for  
69 ~~a period of~~ 3 years or until a successor is appointed, but not  
70 more than 180 days after the end of the term., ~~except that~~ The  
71 ~~board~~ membership of each new basin board shall be divided into  
72 three groups as equally as possible, with members in such groups  
73 ~~to be~~ appointed for 1, 2, and 3 years, respectively. Each basin  
74 board shall choose a vice chair and a secretary to serve for ~~a~~  
75 ~~period of~~ 1 year. The term of office of a basin board member  
76 shall ~~be construed to~~ commence on March 2 preceding the date of  
77 appointment and ~~to~~ terminate March 1 of the year of the end of a  
78 term or ~~may continue~~ until a successor is appointed, but not  
79 more than 180 days after the end of the expired term. A member  
80 of the district governing board serving on a basin board  
81 pursuant to subsection (6) shall serve for a period commensurate  
82 with his or her term on the governing board.

83 (4) Except for a member of the district governing board  
84 serving on a basin board pursuant to subsection (6), members of  
85 a basin board ~~boards~~ shall be appointed by the Governor, subject  
86 to confirmation by the Senate at the next regular session of the  
87 Legislature., ~~and~~ The refusal or failure of the Senate to

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88 confirm an appointment shall create a vacancy in the office to  
89 which the appointment was made.

90 (5) Basin board members shall serve without ~~receive no~~  
91 ~~compensation for services as such;~~ but are entitled to  
92 reimbursement for per diem and travel expenses as provided in s.  
93 112.061, ~~while officially on work for the district, they shall~~  
94 ~~receive their actual travel expenses between their respective~~  
95 ~~places of residence and the place where official district~~  
96 ~~business is conducted, subsistence, lodging, and other expenses~~  
97 ~~in the amount actually incurred. These expenses may not exceed~~  
98 ~~the statutory amount allowed state officers and employees.~~ This  
99 subsection applies retroactively to the effective date of the  
100 creation of each of the five separate water management  
101 districts.

102 (6) (a) Notwithstanding any other provision of the  
103 ~~provisions of any other~~ general or special law ~~to the contrary,~~  
104 a member of the district governing board ~~of the district~~  
105 residing in the basin, or, if no member resides in the basin, a  
106 member of the district governing board designated by the chair  
107 of the district governing board, shall be a voting member of the  
108 basin board and counted for purposes of establishing a quorum.

109 (b) A governing board member shall serve as the chair of  
110 the basin board. If more than one governing board member is  
111 designated to a basin board, each shall rotate as co-chair of  
112 the basin board. The chair or co-chair shall preside at all  
113 meetings of the basin board, except that the vice chair may  
114 preside in the his or her absence of the chair and co-chair. The  
115 chair shall be the liaison officer of the district in all  
116 affairs in the basin and shall be kept informed of all such

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117 affairs.

118 (c) If a vacancy occurs on a basin board, a quorum of the  
119 total remaining members may continue to transact official  
120 business until a successor is appointed.

121 (d) ~~(b)~~ Basin boards within the Southwest Florida Water  
122 Management District shall meet regularly as determined by a  
123 majority vote of the basin board members. Subject to notice  
124 requirements of chapter 120, special meetings, both emergency  
125 and nonemergency, may be called ~~either~~ by the chair or the  
126 elected vice chair ~~of the basin board~~ or upon request of two  
127 basin board members. The district staff shall include on the  
128 agenda of any basin board meeting any item for discussion or  
129 action requested by a member of that basin board. The district  
130 staff shall notify any basin board, as well as their respective  
131 counties, of any vacancies occurring in the district governing  
132 board or their respective basin boards.

133 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~  
134 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~  
135 ~~Management District, which is annexed to the Southwest Florida~~  
136 ~~Water Management District by change of its boundaries pursuant~~  
137 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~  
138 ~~subdistrict or basin of the Southwest Florida Water Management~~  
139 ~~District, subject to the same provisions as the other basins in~~  
140 ~~such district. Such subdistrict shall be designated initially as~~  
141 ~~the Manasota Basin. The members of the governing board of the~~  
142 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~  
143 ~~Management District shall become members of the governing board~~  
144 ~~of the Manasota Basin of the Southwest Florida Water Management~~  
145 ~~District.~~ Notwithstanding other provisions in this section,

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146 beginning on July 1, 2010 ~~2001~~, the membership of the Manasota  
147 Basin Board shall be comprised of two members from Manatee  
148 County, ~~and~~ two members from Sarasota County, and a member of  
149 the district governing board designated by the chair of the  
150 district governing board pursuant to subsection (6). ~~Matters~~  
151 ~~relating to tie votes shall be resolved pursuant to subsection~~  
152 ~~(6) by the chair designated by the governing board to vote in~~  
153 ~~case of a tie vote.~~

154 Section 3. Subsection (5) is added to section 373.171,  
155 Florida Statutes, to read:

156 373.171 Rules.—

157 (5) Cooperative funding programs are not subject to the  
158 rulemaking requirements of chapter 120. However, any portion of  
159 an approved program which affects the substantial interests of a  
160 party is subject to s. 120.569.

161 Section 4. Section 373.228, Florida Statutes, is amended to  
162 read:

163 373.228 Landscape irrigation ~~design~~.—

164 (1) The Legislature finds that multiple areas throughout  
165 the state have been identified by water management districts as  
166 water resource caution areas, which indicates that in the near  
167 future water demand in those areas will exceed the current  
168 available ~~water~~ supply and that conservation is one of the  
169 mechanisms by which future water demand will be met.

170 (2) The Legislature finds that landscape irrigation  
171 comprises a significant portion of water use and that current  
172 typical landscape irrigation systems, ~~and~~ Florida-friendly  
173 landscaping designs, and landscape irrigation restrictions offer  
174 significant potential water conservation benefits.

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175 (3) It is the intent of the Legislature to improve  
176 landscape irrigation water use efficiency by ensuring that  
177 landscape irrigation systems meet or exceed minimum design  
178 criteria and that, pursuant to s. 373.609, the landscape  
179 irrigation restrictions of a water management district may be  
180 implemented by ordinance of the applicable local governments.

181 (4) The water management districts shall work with the  
182 Florida Nursery, Growers and Landscape Association, the Florida  
183 Native Plant Society, the Florida Chapter of the American  
184 Society of Landscape Architects, the Florida Irrigation Society,  
185 the Department of Agriculture and Consumer Services, the  
186 Institute of Food and Agricultural Sciences, the Department of  
187 Environmental Protection, the Department of Transportation, the  
188 Florida League of Cities, the Florida Association of Counties,  
189 and the Florida Association of Community Developers to develop  
190 landscape irrigation and Florida-friendly landscaping design  
191 standards for new construction which incorporate a landscape  
192 irrigation system and develop scientifically based model  
193 guidelines for urban, commercial, and residential landscape  
194 irrigation, including drip irrigation, for plants, trees, sod,  
195 and other landscaping. The standards must ~~shall~~ be based on the  
196 irrigation code defined in the Florida Building Code, Plumbing  
197 Volume, Appendix F. Local governments shall use the standards  
198 and guidelines when developing landscape irrigation and Florida-  
199 friendly landscaping ordinances. By January 1, 2011, the  
200 agencies and entities specified in this subsection shall review  
201 the standards and guidelines to determine whether new research  
202 findings require a change or modification of the standards and  
203 guidelines.

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204           (5) Notwithstanding s. 373.217, local governments may adopt  
205 ordinances that implement landscape irrigation restrictions set  
206 forth in water management district rules or orders. In  
207 evaluating water use applications from public water suppliers,  
208 water management districts shall consider whether the applicable  
209 local government has adopted ordinances for landscaping and  
210 irrigation systems consistent with the Florida-friendly  
211 landscaping provisions of s. 373.185.

212           Section 5. This act shall take effect July 1, 2010.