



197126

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .
. .

Floor: WD/3R

04/30/2010 03:41 PM

Senator Baker moved the following:

Senate Amendment (with title amendment)

Between lines 188 and 189

insert:

Section 4. Subsection (4) of section 373.079, Florida Statutes, is amended to read:

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

(4) ~~(a)~~ The governing board of the district shall ~~is~~ authorized to employ:

(a) An executive director, ombudsman, and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment



197126

14 of an executive director by the governing board is subject to
15 approval by the Governor and must be initially confirmed by the
16 ~~Florida~~ Senate. The governing board may delegate all or part of
17 its authority under this paragraph to the executive director.
18 However, the governing board shall delegate to the executive
19 director ~~all of~~ its authority to take final action on permit
20 applications under ~~part II or~~ part IV or petitions for variances
21 or waivers of permitting requirements under ~~part II or~~ part IV,
22 except for denials of such actions as provided in s. 373.083(5).
23 The governing board must provide a process for referring the
24 denial of such application or petition to the governing board
25 for the purpose of taking final action. The executive director
26 may execute such delegated authority through designated staff
27 members. Such delegations are ~~shall~~ not be subject to ~~the~~
28 rulemaking under ~~requirements of~~ chapter 120. The executive
29 director must be confirmed by the Senate upon employment and
30 must be confirmed or reconfirmed by the Senate during the second
31 regular session of the Legislature following a gubernatorial
32 election.

33 (b) The delegation required by this subsection shall
34 expressly prohibit governing board members from individually
35 intervening in any manner during the review of an application
36 before such application is referred to the governing board for
37 final action. This paragraph does not prohibit the governing
38 board as a collegial body from acting on any permit application
39 or supervising, overseeing, or directing the activities of
40 district staff. This paragraph shall expire on June 1, 2011,
41 unless reenacted by the Legislature.

42 (c)1. The governing board of each water management district



197126

43 ~~shall employ~~ An inspector general, who shall report directly to
44 the board. However, the governing boards of the Suwannee River
45 Water Management District and the Northwest Florida Water
46 Management District may jointly employ an inspector general, or
47 provide for inspector general services by interagency agreement
48 with a state agency or water management district inspector
49 general.

50 ~~2.~~ An inspector general must have the same qualifications
51 ~~prescribed~~ and perform the applicable duties of state agency
52 inspectors general as provided in s. 20.055.

53 Section 5. Subsection (5) of section 373.083, Florida
54 Statutes, is amended to read:

55 373.083 General powers and duties of the governing board.-
56 In addition to other powers and duties allowed it by law, the
57 governing board is authorized to:

58 (5) Execute any of the powers, duties, and functions vested
59 in the governing board through a member ~~or members thereof~~, the
60 executive director, or other district staff as designated by the
61 governing board. The governing board may establish the scope and
62 terms of any delegation and no delegation shall be subject to
63 the rulemaking requirements of chapter 120. However, if the
64 governing board delegates ~~shall delegate~~ to the executive
65 director ~~all of~~ its authority to take final action on permit
66 applications under part II ~~or part IV~~ or petitions for variances
67 or waivers of permitting requirements under part II ~~or part IV~~,
68 ~~and~~ the executive director may execute such delegated authority
69 through designated staff. ~~Such delegations shall not be subject~~
70 ~~to the rulemaking requirements of chapter 120.~~ However, the
71 governing board must ~~shall~~ provide a process for referring a any



72 denial of such application or petition to the governing board
73 for the purpose of taking to take final action. Such process
74 shall expressly prohibit any member of a governing board from
75 intervening in any manner during the review of an application
76 prior to such application being referred to the governing board
77 for final action. The authority to delegate under ~~in~~ this
78 subsection is supplemental to any other provision of this
79 chapter granting authority to the governing board to delegate
80 specific powers, duties, or functions.

81 Section 6. Subsection (5) is added to section 373.118,
82 Florida Statutes, to read:

83 373.118 General permits; delegation.-

84 (5) To improve efficiency, the governing board may delegate
85 by rule its powers and duties pertaining to general permits to
86 the executive director. The executive director may execute such
87 delegated authority through designated staff. However, when
88 delegating the authority to take final action on permit
89 applications under part II or part IV or petitions for variances
90 or waivers of permitting requirements under part II or part IV,
91 the governing board must provide a process for referring a
92 denial of such application or petition to the governing board
93 for the purpose of taking final action. Such delegations are not
94 subject to rulemaking under chapter 120.

95
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:

98 Delete line 10

99 and insert:

100 site rehabilitation; amending s. 373.079, F.S.;



197126

101 revising the requirement that the district governing
102 board delegate its authority to take final actions to
103 the executive director; requiring the board to provide
104 a process for referring denials to the board for final
105 action; providing a prohibition concerning certain
106 types of communication between governing board members
107 and district staff; providing for the sunset of the
108 communication prohibition; amending s. 373.083, F.S.;
109 revising the boards authority to delegate final
110 actions to the executive director; amending s.
111 373.118, F.S.; requiring the board to provide a
112 process for referring certain delegated actions to the
113 governing board for final action; amending s. 403.973,
114 F.S.;