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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/26/2010 05:02 PM

Senator Baker moved the following:

Senate Amendment (with title amendment)

Between lines 360 and 361

insert:

Section 2. 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



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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) ~~1. The governing board of each water management district~~
34 ~~shall employ~~ An inspector general, who shall report directly to
35 the board. However, the governing boards of the Suwannee River
36 Water Management District and the Northwest Florida Water
37 Management District may jointly employ an inspector general, or
38 provide for inspector general services by interagency agreement
39 with a state agency or water management district inspector
40 general.

41 ~~2.~~ An inspector general must have the same qualifications
42 ~~prescribed~~ and perform the applicable duties of state agency



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43 inspectors general as provided in s. 20.055.

44 Section 3. Subsection (5) of section 373.083, Florida
45 Statutes, is amended to read:

46 373.083 General powers and duties of the governing board.-
47 In addition to other powers and duties allowed it by law, the
48 governing board is authorized to:

49 (5) Execute any of the powers, duties, and functions vested
50 in the governing board through a member ~~or members thereof~~, the
51 executive director, or other district staff as designated by the
52 governing board. The governing board may establish the scope and
53 terms of any delegation and no delegation shall be subject to
54 the rulemaking requirements of chapter 120. However, if the
55 governing board delegates shall delegate to the executive
56 director ~~all of~~ its authority to take final action on permit
57 applications under part II ~~or part IV~~ or petitions for variances
58 or waivers of permitting requirements under part II ~~or part IV~~,
59 ~~and~~ the executive director may execute such delegated authority
60 through designated staff. ~~Such delegations shall not be subject~~
61 ~~to the rulemaking requirements of chapter 120.~~ However, the
62 governing board must shall provide a process for referring a any
63 denial of such application or petition to the governing board
64 for the purpose of taking to take final action. ~~Such process~~
65 ~~shall expressly prohibit any member of a governing board from~~
66 ~~intervening in any manner during the review of an application~~
67 ~~prior to such application being referred to the governing board~~
68 ~~for final action.~~ The authority to delegate under ~~in~~ this
69 subsection is supplemental to any other provision of this
70 chapter granting authority to the governing board to delegate
71 specific powers, duties, or functions.



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72 Section 4. Subsection (5) is added to section 373.118,
73 Florida Statutes, to read:

74 373.118 General permits; delegation.—

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

86
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 31

90 and insert:

91 expedited review; amending s. 373.079, F.S.; revising the
92 requirement that the district governing board delegate its
93 authority to take final actions to the executive director;
94 requiring the board to provide a process for referring denials
95 to the board for final action; amending s. 373.083, F.S.;

96 revising the boards authority to delegate final actions to the
97 executive director; amending s. 373.118, F.S.; requiring the
98 board to provide a process for referring certain delegated
99 actions to the governing board for final action; providing an
100 effective date.



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