

HB 659

2010

1 A bill to be entitled  
2 An act relating to water management districts; amending s.  
3 373.079, F.S.; deleting the requirement that the district  
4 governing board delegate its authority to take final  
5 actions; amending s. 373.083, F.S.; deleting the  
6 restriction against reviewing delegations by the board  
7 under ch. 120, F.S.; amending s. 373.118, F.S.; requiring  
8 the board to provide a process for referring certain  
9 delegated actions to the governing board for final action;  
10 providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (4) of section 373.079, Florida  
15 Statutes, is amended to read:

16 373.079 Members of governing board; oath of office;  
17 staff.—

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

20 (a) An executive director, ombudsman, and such engineers,  
21 other professional persons, and other personnel and assistants  
22 as it deems necessary and under such terms and conditions as it  
23 may determine and to terminate such employment. The appointment  
24 of an executive director by the governing board is subject to  
25 approval by the Governor and must be initially confirmed by the  
26 ~~Florida~~ Senate. The governing board may delegate all or part of  
27 its authority under this paragraph to the executive director.  
28 ~~However, the governing board shall delegate to the executive~~

29 ~~director all of its authority to take final action on permit~~  
 30 ~~applications under part II or part IV or petitions for variances~~  
 31 ~~or waivers of permitting requirements under part II or part IV,~~  
 32 ~~except for denials of such actions as provided in s. 373.083(5).~~  
 33 ~~The executive director may execute such delegated authority~~  
 34 ~~through designated staff members. Such delegations shall not be~~  
 35 ~~subject to the rulemaking requirements of chapter 120. The~~  
 36 executive director must be confirmed by the Senate upon  
 37 employment and must be confirmed or reconfirmed by the Senate  
 38 during the second regular session of the Legislature following a  
 39 gubernatorial election.

40 ~~(b)1. The governing board of each water management~~  
 41 ~~district shall employ~~ An inspector general, who shall report  
 42 directly to the board. However, the governing boards of the  
 43 Suwannee River Water Management District and the Northwest  
 44 Florida Water Management District may jointly employ an  
 45 inspector general, or provide for inspector general services by  
 46 interagency agreement with a state agency or water management  
 47 district inspector general.

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

51 Section 2. Subsection (5) of section 373.083, Florida  
 52 Statutes, is amended to read:

53 373.083 General powers and duties of the governing board.—  
 54 In addition to other powers and duties allowed it by law, the  
 55 governing board is authorized to:

56 (5) Execute any of the powers, duties, and functions

57 vested in the governing board through a member ~~or members~~  
 58 ~~thereof~~, the executive director, or other district staff as  
 59 designated by the governing board. The governing board may  
 60 establish the scope and terms of any delegation. However, if the  
 61 governing board delegates ~~shall delegate to the executive~~  
 62 ~~director all of~~ its authority to take final action on permit  
 63 applications under part II or part IV or petitions for variances  
 64 or waivers of permitting requirements under part II or part IV,  
 65 ~~and the executive director may execute such delegated authority~~  
 66 ~~through designated staff. Such delegations shall not be subject~~  
 67 ~~to the rulemaking requirements of chapter 120. However, the~~  
 68 governing board must ~~shall~~ provide a process for referring a ~~any~~  
 69 denial of such application or petition to the governing board  
 70 for the purpose of taking ~~to take~~ final action. ~~Such process~~  
 71 ~~shall expressly prohibit any member of a governing board from~~  
 72 ~~intervening in any manner during the review of an application~~  
 73 ~~prior to such application being referred to the governing board~~  
 74 ~~for final action.~~ The authority to delegate under ~~in~~ this  
 75 subsection is supplemental to any other provision of this  
 76 chapter granting authority to the governing board to delegate  
 77 specific powers, duties, or functions.

78 Section 3. Subsection (5) is added to section 373.118,  
 79 Florida Statutes, to read:

80 373.118 General permits; delegation.—

81 (5) To improve efficiency, the governing board may  
 82 delegate by rule its powers and duties pertaining to general  
 83 permits to the executive director. The executive director may  
 84 execute such delegated authority through designated staff.

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85 However, when delegating the authority to take final action on  
86 permit applications under part II or part IV or petitions for  
87 variances or waivers of permitting requirements under part II or  
88 part IV, the governing board must provide a process for  
89 referring a denial of such application or petition to the  
90 governing board for the purpose of taking final action.

91 Section 4. This act shall take effect July 1, 2010.