

By Senator Baker

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

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

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

17 373.079 Members of governing board; oath of office; 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~~

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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 district~~
41 ~~shall employ~~ An inspector general, who shall report directly to
42 the board. However, the governing boards of the Suwannee River
43 Water Management District and the Northwest Florida Water
44 Management District may jointly employ an inspector general, or
45 provide for inspector general services by interagency agreement
46 with a state agency or water management district inspector
47 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 vested
57 in the governing board through a member ~~or members thereof~~, the
58 executive director, or other district staff as designated by the

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59 governing board. The governing board may establish the scope and
60 terms of any delegation. However, if the governing board
61 delegates shall delegate to the executive director all of its
62 authority to take final action on permit applications under part
63 II or part IV or petitions for variances or waivers of
64 permitting requirements under part II or part IV, ~~and the~~
65 ~~executive director may execute such delegated authority through~~
66 ~~designated staff. Such delegations shall not be subject to the~~
67 ~~rulemaking requirements of chapter 120. However,~~ the governing
68 board must shall provide a process for referring a any denial of
69 such application or petition to the governing board for the
70 purpose of taking to take final action. ~~Such process shall~~
71 ~~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 delegate
82 by rule its powers and duties pertaining to general permits to
83 the executive director. The executive director may execute such
84 delegated authority through designated staff. However, when
85 delegating the authority to take final action on permit
86 applications under part II or part IV or petitions for variances
87 or waivers of permitting requirements under part II or part IV,

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88 the governing board must provide a process for referring a
89 denial of such application or petition to the governing board
90 for the purpose of taking final action.

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