

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2011- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CHOOSING THE EXEMPTION FROM THE ENHANCED BIENNIAL REVIEW AND COMPLIANCE ECONOMIC REVIEW PURSUANT TO SUBSECTION 120.745(9), F.S., AUTHORIZING THE GOVERNING BOARD CHAIR TO EXECUTE A CERTIFICATION OF CLAIM OF EXEMPTION FROM THE ENHANCED BIENNIAL REVIEW AND COMPLIANCE ECONOMIC REVIEW, AND AUTHORIZING TRANSMITTAL OF THE SAME TO THE JOINT ADMINISTRATIVE PROCEDURES COMMITTEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 2011-225, Laws of Florida (HB 993/HB 7239), effective June 24, 2011, amended the rulemaking provisions of the Administrative Procedures Act, Chapter 120, Florida Statutes (F.S.). The amendments require agencies to undertake additional rule reviews, unless an exemption applies;

WHEREAS, section 120.745, F.S., is created and requires agencies to conduct, by December 1, 2011, an enhanced review of all rules in effect on or before November 16, 2010 as well as a compliance economic review;

WHEREAS, subsection 120.745(9), F.S., provides that an agency may be exempt from the enhanced rule review and compliance economic review if: (1) it has cooperated or cooperates with the Office of Fiscal Accountability and Regulatory Reform (OFARR) in a review of the agency's rules in a manner consistent with Executive Order 11-01 or any alternative review directed by OFARR; (2) the agency or OFARR identifies each data collection rule and each revenue rule; and (3) the information developed thereby becomes publicly available on the agency website by December 1, 2011;

WHEREAS, this exemption does not apply unless the agency head certifies in writing to the Joint Administrative Procedures Committee (JAPC) on or before October 1, 2011, that the agency has chosen such exemption and has cooperated with OFARR in undertaking the review required by Executive Order 11-01 or an alternative review;

WHEREAS, the District voluntarily complied with the mandates of Executive Order 11-01, and the superseding Executive Order 11-72, and timely submitted its rule review and regulatory plan to OFARR; and

WHEREAS, the District qualifies for the exemption available pursuant to section 120.745(9), F.S.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. Based on the findings stated above, the Governing Board of the District hereby chooses the exemption from the enhanced biennial review and compliance economic review pursuant to subsection 120.745(9), F.S., authorizes the Governing Board Chair to execute a Certification of Claim of Exemption from Enhanced Biennial Review and Compliance Economic Review, and authorizes transmittal of the same to the Joint Administrative Procedures Committee.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of September, 2011.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Joe Collins, Governing Board Chair

ATTEST:

Secretary

Approved as to form:

By:

Office of Counsel