

MEMORANDUM

TO: Governing Board Members

FROM: Robert M. Brown, Director, Water Resource Regulation Department

DATE: June 1, 2010

SUBJECT: Any action associated with implementation of Senate Bill 550's provisions concerning discretionary Board authority to delegate the consumptive use permit program to the Executive Director

Recommendation

Staff recommends the Governing Board take action, as may be necessary, to implement Senate Bill 550's provisions concerning discretionary authority to delegate final agency action on consumptive use permit applications.

Background

During the 2009 Legislative Session, Senate Bill 2080 passed and became law. This legislation amended sections 373.083(5) and 373.079(4)(a), of the Florida Statutes concerning delegation of the environmental resource and consumptive use permit programs. At the July, 2009 Governing Board meeting, the Board voted to delegate issuance of consumptive use and environmental resource permit programs pursuant to the Board's mandatory and discretionary delegation authority, respectively. Since that time, the Executive Director has taken all final agency action on these permit applications, with the exception of application denials.

Discussion

Senate Bill 550, passed during the 2010 Legislative session, amends the same statutes and again addresses the Governing Board's authority to delegate final agency action, except permit denials, as related to these programs. This legislation clarifies the mandatory requirement to delegate final agency action on applications for environmental resource permits and continues to authorize discretionary Board delegation of final agency action concerning consumptive use permit applications. Staff will present a review of the Executive Director's implementation of the permit program delegation as well as the amendments contained in Senate Bill 550 during the Wednesday Governing Board Workshop Meeting. During this discussion, staff will seek insight into whether or not the Governing Board would like to amend the scope of the currently existing delegation associated with the consumptive use permit program.

Staff Contact: Robert M. Brown, Director, Environmental Resource Regulation Department (x6283)