

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

STATEMENT OF AGENCY ORGANIZATION AND OPERATION

General Information

The Florida Land and Water Adjudicatory Commission (the “Commission”) consists of the Administration Commission (Governor and members of the Cabinet). The Governor is the chair of the Commission. The Commission is created pursuant to section 380.07, Florida Statutes, and is charged with implementing numerous statutory responsibilities to protect Florida’s natural resources and environment, ensure a water management system that will reverse the deterioration of water quality and provide optimum utilization of our limited water resources, facilitate orderly and well-planned development, and protect the health, welfare, safety and quality of life of Florida’s residents.

Regular public meetings of the Commission are scheduled at the beginning of each calendar year and noticed for the entire year. The Commission generally meets on the first and third Tuesdays of each month in the Cabinet Meeting Room, LL03, Capitol Building, Tallahassee, Florida. The Governor may also call a meeting of the Commission each time the need arises.

Secretary to the Commission and Agency Clerk

The Secretary to the Florida Land and Water Adjudicatory Commission is the Director of the Office of Policy and Budget in the Executive Office of the Governor or his designee. The Secretary’s name and mailing address are as follows:

Cynthia Kelly, Secretary
Florida Land and Water Adjudicatory Commission
Room 1802, The Capitol
Tallahassee, Florida 32399-0001

The Secretary designates the person to serve as the official agency clerk. The clerk to the Florida Land and Water Adjudicatory Commission is:

Barbara Leighty, Clerk
Florida Land and Water Adjudicatory Commission
Room 1802, The Capitol
Tallahassee, Florida 32399-0001
(850) 717-9491

Staff to the Commission

The Florida Land and Water Adjudicatory Commission is generally staffed by the Governor's Office of Policy and Budget. Primary staff support is provided by the Transportation and Economic Development Policy Unit. The Policy Coordinator for the Transportation and Economic Development Policy Unit is:

Mark Kruse
Transportation and Economic Development Policy Unit
Office of Policy and Budget
Office of the Governor
Room 1802, The Capitol
Tallahassee, Florida 32399-0001
(850) 717-9513

Additional staff support is provided by the Governor's Office of General Counsel. The Attorney assigned to provide legal counsel for the Florida Land and Water Adjudicatory Commission is:

John MacIver, Esquire
Office of General Counsel
Office of the Governor
Room 209, The Capitol
Tallahassee, Florida 32399-0001
(850) 717-9310

Filings

The Secretary to the Commission is authorized to accept service of legal and other documents on behalf of the Commission in person at Room 1802, The Capitol, Tallahassee, Florida, from 8:00 AM to 5:00 PM. Legal and other documents may also be filed by fax at (850) 922-6200.

Any document received by the office of the agency clerk after 5:00 PM shall be filed as of 8:00 AM on the next regular business day.

Filing by Electronic Transmission

Documents may also be filed with the Secretary by electronic transmission by submitting all required materials to the Clerk at e-mail address: FLWAC.Clerk@LASPBS.STATE.FL.US . Persons with questions regarding electronic filing may call (850) 717-9513.

A party who files a document by electronic transmission shall:

(1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties; and

(2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed. The filing date for any

electronically transmitted document shall be the date the Florida Land and Water Adjudicatory Commission received the complete document.

The maximum file size that can be submitted to the Clerk of the Commission under a single electronic communication is 30MB. If a filing exceeds 30MB, the filing may be submitted in multiple electronic communications.

Variance and Waiver

To obtain information about variances from or waivers of agency rules, or to file written petitions for variances or waivers, contact the Secretary to the Commission at the address shown above.

Statutory References

Statutory references include:

- | | |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 120.80(5), FS | Forward appeal petitions to the Division of Administrative Hearings for assignment of Administrative Law Judge and further proceedings; |
| 161.55, FS | Take appropriate action on certain activities or construction within a coastal building zone; |
| 163.3245, FS | Consider challenges regarding the consistency of development orders adopting sector plans; |
| 190, FS | Consider petitions to establish, amend, or dissolve certain community development districts; |
| 369.305, FS | Review of local comprehensive plan to determine if appropriate additional land development regulations applicable to the Wekiva River Protection Area have been adopted; |
| 373.114, FS | Consider appeals of certain orders or rules of a water management district and consider appeals of certain orders of the Department of Environmental Protection to ensure consistency with provisions of law; |
| 373.139, FS | Consider appeals of denials of the release of acquisition funds; |
| 373.217, FS | Review issuance of permits authorizing the consumptive use of particular quantities of water by the Department of Environmental Protection; |
| 373.2295, FS | Consider appeals of a local authority's denial of application for rezoning with regard to groundwater production, treatment, or transmission facilities; |

- 373.4275, FS Review consolidated orders authorizing permits for use of submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (The Governor and Cabinet sit concurrently as the Land and Water Adjudicatory Commission and the Board of Trustees of the Internal Improvement Trust Fund in exercising the exclusive authority to review an order.);
- 373.703, FS Consider appeals of denials of the provision of water and financial assistance to regional water supply authorities; review water supply rates under certain circumstances;
- 380.07, FS Creates the Florida Land and Water Adjudicatory Commission and authorizes it to hear appeals of development orders issued by local governments in Areas of Critical State Concern and for developments of regional impact; and
- 388.4111, FS Consider appeals relating to public lands control plans.