

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 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:

Leda Kelly, Secretary
Florida Land and Water Adjudicatory Commission
Office of Policy and Budget
Office of the Governor
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
Office of Policy and Budget
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001
(850) 717-9432

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:

Brian Mimbs, Policy Coordinator
Transportation and Economic Development Policy Unit
Office of Policy and Budget
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001
(850) 717-9513

Additional support is provided by the Florida Land and Water Adjudicatory Commission's General Counsel. The General Counsel for the Commission is:

Mark A. Buckles, Esquire
Office of Policy and Budget
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001
(850) 717-9550

Filings

While filing by electronic transmission is preferred, the Secretary to the Commission is authorized to accept service of legal and other documents on behalf of the Commission. Please call (850) 717-9513 for instructions for filing in person from 8:00 AM to 5:00 PM on regular business days. Legal and other documents may also be filed by fax at (850) 922-0666.

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

Filing by Electronic Transmission

Electronic transmission is the Commission's preferred method of receiving filings or other materials. Documents may 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. Individuals with questions 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 during regular business hours. Any document received after 5:00 PM shall be filed as of 8:00 AM on the next regular business day.

The maximum electronic 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 the Commission's 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, 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 (.005; .046);
369.305, FS	Review of local comprehensive plans 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 the Commission 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 relating to arthropod (mosquito) control.