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Water control may change

Bill gives power to 5 unelected execs

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For years environmentalists and developers often said governing board members of Florida's five regional water management districts had too much authority and should be elected rather than appointed.

Now the Florida Legislature has agreed to transfer a big chunk of that authority into the hands of just five people, the executive directors hired by those boards. The rule change comes courtesy of an amendment tucked into a seemingly innocuous legislative bill that sets Florida on a course to use less water on landscaping.

Environmental advocates statewide are infuriated because the rule could move key discussions over who gets water -- and how much -- from public meetings to executive offices.

"It creates five water czars," said Karen Ahlers, president of the Putnam County Environmental Council Inc. "These are five unelected people who will basically control Florida's water resources."

Audubon of Florida, the environmental council and others are lobbying the governor to veto the bill. The Volusia County Council voted Thursday to add its voice to the chorus. Gov. Charlie Crist said last week he was aware of the concerns but hadn't decided what to do.

The new rule would put executive directors in charge of approving nearly all permits for water use, wetland impacts and storm water storage and treatment.

In the St. Johns River Water Management District, which includes Volusia and Flagler counties, about 85 percent of those permits already are approved by the executive director, based on thresholds set by the board.

The rule change would dramatically cut the time it takes for the remaining 15 percent to be approved. Executive Director Kirby Green estimates the rule would save 45 days on each permit.

All projects will continue to get the same level of review and the same standards will be applied, Green said. "It just doesn't go to the board and cuts out that last final public comment period."

The amendment dovetails with a course legislators set early on, to streamline permitting and make economic development easier in Florida.

But as a result, the public will have less time and fewer opportunities to protest a proposed permit, said Eric Draper, Audubon's deputy director.

"These governing boards, which are representative of the public and collect taxes from the public, now are not able to make the actual decisions about the public's water supply," Draper said.

Governing board members are appointed by the governor to represent geographic areas within each district. Ahlers said each board member takes an oath of office, promising to "honestly, faithfully, and impartially perform the duties devolving upon him or her in office."

Under the existing system, governing boards consider permits in an open meeting with time for public comment. Draper points to the recent St. Johns meeting where hundreds turned out to ask the board to deny Seminole County a permit to pull water from the St. Johns River.

The change makes that "much harder," Draper said. When an executive director has the decision, Draper and others wonder how the public will get the chance to respond.

Green wonders the same thing. He said the responsibility will be on the districts to make sure interested citizens are informed, know when a permit may be issued and have a chance to comment.

The district must be "extra careful about paying attention to citizens' comments," Green said.

He doesn't know what they'll do on controversial projects, such as the pending permit to allow a water bottling plant in Lake County. He said he thinks those "deserve a higher level of public comment."

That might include the executive director conducting a meeting in the affected area to give people an opportunity for face-to-face discussion, Green said.

With the new language, governing boards would only review a permit if it had been denied by the director. The St. Petersburg Times reported last week that one board member for the Suwannee River Water Management District suggested its board would direct the chief executive to deny all permits.

Draper knows getting a veto may be tough. The bill contains a number of measures environmental groups have lobbied for, including language that implements more water-friendly landscaping rules and prevents homeowners associations from forcing members to use water intensive plants.

Those other facets of the bill are "a big deal," Green said. The associations would no longer be able to require members to do things "contrary to water conservation."

-- Staff Writer James Miller contributed to this report.

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