

Executive Order 02-21

Reorganization of the Natural Resources Board

Signed by Governor Scott on 1/14/21

Subject to disapproval by either body of the General Assembly by 4/14/21

NOW THEREFORE GOVERNOR SCOTT REORGANIZES THE NRB AND DISTRICT COMMISSIONS AS FOLLOWS:

Starting on July 1, 2021:

- 1. The Natural Resources Board changes from 5 members to 3 full-time professional members.
 - The current Board has a full-time Chair and four per diem members. The Chair serves at the pleasure of the Governor. The 4 members serve 4 yr terms and are removable for cause only.
- 2. Abolishes the current Board and transfers its duties and authority to the new Board.
- 3. The new Chair and 2 members shall be appointed by the Governor with the advice and consent of the Senate. They shall serve at the pleasure of the Governor and have 6 yr terms. They shall have staggered initial terms and be full-time, exempt employees.
- Also, when the Board takes up an application two District Commissioners from the district where the project is located shall join the Board as voting members. The Chair of the District Commission shall select which members will participate.
 - This means that each permit application will have a board of 5 people reviewing it; but each application will have a slightly different Board reviewing it.
- 4. The District Commissions' authority to decide whether an application is a major or a minor is transferred to the Board. No input from the District Commissions.
- 5. The District Commissions' authority to decide whether to issue an administrative amendment is transferred to the Board. No input from the District Commissions.
- 6. The District Commissions' authority over major application or minor w/a hearing* is transferred to the Board.
- 7. The statutes, rules, policies, and procedures relating to applications shall be transferred to the new Board.
- 8. An applicant may seek reconsideration of a Jurisdictional Opinion issued by a District Coordinator from the Board.
 - Currently, reconsideration is done by the District Commission, so this EO does not change the District Coordinator's role in issuing JOs, but where the initial appeal goes.
- 9. Applications made before July 1, 2021 remain in the jurisdiction of the District Commission.

- *one of the Whereas clauses states that the Board will review major applications, so while it is not explicit, this proposal appears to leave minor applications with the District Commissions.
 - The new Board will have authority over applications and assigning minor applications to the District Commissions is likely within that authority.
- Therefore, this proposal appears to be very similar to the one considered by and voted out of this Committee as part of H.926 on 2/13/20.
 - You may recall that House Appropriations removed the new Board from H.926 in its strike-all amendment when it reached the House floor.
- Unless disapproved by one body of the General Assembly, this EO becomes effective on April 15, 2021 and changes described within will go into effect on July 1, 2021.
- BTW, the Governor vetoed H.926 on October 5, 2020 and issued EO 04-20, adopting some of the recreational trail policy from H.926