

**RESOLUTION
BY THE FISH AND WILDLIFE CONSERVATION
COMMISSION
ESTABLISHING DELEGATIONS OF AUTHORITY
TO THE EXECUTIVE DIRECTOR**

RESOLUTION

WHEREAS, The Fish and Wildlife Conservation Commission (Commission) is empowered, and has determined it is necessary, to delegate to the Executive Director certain powers and duties to carry out the day-to-day operations of the Commission so as to effectively administer the Commission's executive and regulatory responsibilities provided in Article IV, Section 9, Florida Constitution; and

THEREFORE, BE IT RESOLVED by the Fish and Wildlife Conservation Commission to delegate to the Executive Director the following powers and duties to act on its behalf subject to the scope and limitations of the delegations set forth herein:

Scope and Limitations

(1) Nothing herein shall preclude the Commission from acting on its behalf as to any other matter that is a subject of this delegation;

(2) Nothing herein is intended to supercede any action taken by the executive directors of the Florida Game and Fresh Water Fish Commission and the Marine Fisheries Commission pursuant to delegations of authority provided to them by the commissions;

(3) The delegation, and scope and limitations thereto, are not exclusive and the Commission may modify or alter any of the delegations.

(4) This delegation replaces and supercedes Commission Resolution of Delegation dated July 7, 1999 and the Commission hereby ratifies any and all actions taken by the Executive Director prior to the execution of this resolution;

(5) Nothing herein precludes the Executive Director from further delegating authority provided herein to the extent allowed by law.

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR OF THE FISH AND WILDLIFE CONSERVATION COMMISSION

1. The Executive Director shall fully inform and advise the Commission about matters related to the day-to-day operations of the Commission and about actions taken by the Executive Director that have a significant fiscal, administrative or legal impact upon the Commission.

2. To the extent allowed by law, the Executive Director shall have authority to delegate duties and responsibilities provided herein to appropriate staff and may designate assistants to assist him in exercising his powers or fulfilling his duties as to any matter which is the subject of this delegation.

3. The Executive Director shall administer personnel rules and actions for Career Service employees, persons paid from Other Personnel Services, and employees exempt from the Career Service system.

4. The Executive Director shall administer travel and per diem expenses of public officers, employees, and authorized persons on official business, pursuant to sections 112.061 and 370.026(3), Florida Statutes.

5. The Executive Director shall approve the transfer of appropriations pursuant to section 216.292, Florida Statutes.

6. The Executive Director shall add, delete and transfer authorized positions within each budget entity in accordance with sections 216.262 and 216.141, Florida Statutes.

7. The Executive Director shall designate appropriate officials or employees to act as custodians of the records of the Commission.

8. The Executive Director shall make purchases necessary to carry out the day-to-day operations of the Commission, and shall have authority to expend appropriated funds.

9. The Executive Director shall negotiate, execute, and enter into contracts and agreements required for the operations of the Commission or to carry out programs approved by the Commission.

10. The Executive Director shall enter into leases of real property for Commission operations.

11. Upon Commission approval of the establishment of an area of land for Commission management for conservation, hunting, fishing or other outdoor recreational activities, the Executive Director shall execute leases or management agreements for lands to be so managed. The Executive Director is authorized to add or delete lands to such areas established by the Commission.

12. The Executive Director shall have authority to enter option or purchase agreements for the purchase of real property subject to final approval of the Commission when necessary to carry out land acquisition programs.

13. The Executive Director shall have authority to accept donations and gifts of property or grants of money to the Commission.

14. The Executive Director shall accept service of process on behalf of the Commission, shall defend or provide for defense of lawsuits filed against the Commission and shall have authority to bring lawsuits in the name of the Commission, provided that if the lawsuit being brought has a substantial administrative, fiscal or legal impact on the agency, the Executive Director shall consult with the Commission or the Chairman prior to pursuing the action.

15. The Executive Director, shall have authority to settle claims, lawsuits, or legal proceedings of any kind brought against the Commission or any of its employees acting within the scope of their employment. In cases where settlement of a claim or lawsuit has a substantial administrative, fiscal or legal impact on the agency, the Executive Director will consult with the Commission or its chairman prior to final settlement.

16. The Executive Director shall initiate all rule-making under the provisions of Chapter 120, Florida Statutes, and shall me rules for adoption once approved. The Executive Director shall have authority to promulgate emergency rules pursuant to section 120.54(4), F.S., and conforming rules in response to adoption of federal standards pursuant to section 120.54(6), F.S.

17. The Executive Director shall respond to administrative petitions filed pursuant to section 120.57, Florida Statutes, and to issue declaratory statements pursuant to section 120.565, Florida Statutes.

18. The Executive Director shall establish written internal operating policies and procedures.

19. The Executive Director shall perform functions, such as, but not limited to, issuing executive orders pursuant to section 120.81(5), F.S., or issuing executive orders in response to declarations of emergency by the Governor, as may be necessary to supervise, direct, conduct, and administer the day-to-day operations of the Commission pursuant to its duties under Article IV, Section 9, Florida Constitution, or as authorized or required by law.

ADOPTED by affirmative vote of the Florida Fish and Wildlife Conservation Commission at its duly scheduled meeting in Tallahassee, Florida on April 14, 2005.

Florida Fish and Wildlife Conservation Commission



H. A. "Herky" Huffman
Chairman

Attest:


Commission Secretary