

Amendment No. 5 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Representative(s) Alexander offered the following:

12

13 **Amendment**

14 On page 13, line 15, through page 17, line 16,
15 remove from the bill: all of said lines

16

17 and insert in lieu thereof:

18 Section 8. Subsections (2) and (6) of section 20.255,
19 Florida Statutes, 1998 Supplement, are amended, and new
20 subsections (7), (8), and (9) are added, and current
21 subsection (7) is renumbered subsection (10) in said section,
22 to read:

23 20.255 Department of Environmental Protection.--There
24 is created a Department of Environmental Protection.

25 (2)(a) There shall be two deputy secretaries and an
26 executive coordinator for ecosystem management who are to be
27 appointed by and shall serve at the pleasure of the secretary.
28 The secretary may assign either deputy secretary the
29 responsibility to supervise, coordinate, and formulate policy
30 for any division, office, or district. The following special
31 offices are established and headed by managers, each of whom

1 is to be appointed by and serve at the pleasure of the
2 secretary:

- 3 1. Office of General Counsel,
- 4 2. Office of Inspector General,
- 5 3. Office of Communication, the latter including
6 public information, legislative liaison, cabinet liaison and
7 special projects,
- 8 4. Office of Water Policy,
- 9 5. Office of Intergovernmental Programs,
- 10 6. Office of Ecosystem Planning and Coordination,
- 11 7. Office of Environmental Education, and an
- 12 8. Office of Greenways and Trails., ~~and an Office of~~
13 ~~the Youth Corps.~~

14 (b) The executive coordinator for ecosystem management
15 shall coordinate policy within the department to assure the
16 implementation of the ecosystem management provisions of
17 chapter 93-213, Laws of Florida. The executive coordinator for
18 ecosystem management shall supervise only the Office of Water
19 Policy, the Office of Intergovernmental Programs, the Office
20 of Ecosystem Planning and Coordination, and the Office of
21 Environmental Education. The executive coordinator for
22 ecosystem management may also be delegated authority by the
23 secretary to act on behalf of the secretary; this authority
24 may include the responsibility to oversee the inland
25 navigation districts.

26 (c) The other special offices not supervised by the
27 executive coordinator for ecosystem management shall report to
28 the secretary; however, the secretary may assign them, for
29 daily coordination purposes, to report through a senior
30 manager other than the secretary.

31 (d) There shall be six administrative districts

1 involved in regulatory matters of waste management, water
2 facilities, wetlands, and air resources, which shall be headed
3 by managers, each of whom is to be appointed by and serve at
4 the pleasure of the secretary. Divisions of the department may
5 have one assistant or two deputy division directors, as
6 required to facilitate effective operation.

7
8 The managers of all divisions and offices specifically named
9 in this section and the directors of the six administrative
10 districts are exempt from part II of chapter 110 and are
11 included in the Senior Management Service in accordance with
12 s. 110.205(2)(i). No other deputy secretaries or senior
13 management positions at or above the division level, except
14 those established in chapter 110, may be created without
15 specific legislative authority.

16 (6) The following divisions of the Department of
17 Environmental Protection are established:

- 18 (a) Division of Administrative and Technical Services.
19 (b) Division of Air Resource Management.
20 (c) Division of Water Resource Management ~~Facilities~~.
21 (d) Division of Law Enforcement.
22 (e) Division of Resource Assessment and Management
23 ~~Marine Resources~~.

24 ~~(e)(f)~~ Division of Waste Management.

25 ~~(f)(g)~~ Division of Recreation and Parks.

26 ~~(g)(h)~~ Division of State Lands, the director of which
27 is to be appointed by the secretary of the department, subject
28 to confirmation by the Governor and Cabinet sitting as the
29 Board of Trustees of the Internal Improvement Trust Fund.

30 ~~(i) Division of Environmental Resource Permitting.~~

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1 In order to ensure statewide and intradepartmental
2 consistency, the department's divisions shall direct the
3 district offices and bureaus on matters of interpretation and
4 applicability of the department's rules and programs.

5 (7) Law enforcement officers of the Department of
6 Environmental Protection who meet the provisions of s. 943.13
7 are constituted law enforcement officers of this state with
8 full power to investigate and arrest for any violation of the
9 laws of this state, and the rules of the department and the
10 Board of Trustees of the Internal Improvement Trust Fund. The
11 general laws applicable to investigations, searches, and
12 arrests by peace officers of this state apply to such law
13 enforcement officers.

14 (8) Records and documents of the Department of
15 Environmental Protection shall be retained by the department
16 as specified in record retention schedules established under
17 the general provisions of chapters 119 and 257. Further, the
18 department is authorized to:

19 (a) Destroy, or otherwise dispose of, those records
20 and documents in conformity with the approved retention
21 schedules.

22 (b) Photograph, microphotograph, or reproduce such
23 records and documents on film, as authorized and directed by
24 the approved retention schedules, whereby each page will be
25 exposed in exact conformity with the original records and
26 documents retained in compliance with the provisions of this
27 section. Photographs or microphotographs in the form of film
28 or print of any records, made in compliance with the
29 provisions of this section, shall have the same force and
30 effect as the originals thereof would have and shall be
31 treated as originals for the purpose of their admissibility in

1 evidence. Duly certified or authenticated reproductions of
2 such photographs or microphotographs shall be admitted in
3 evidence equally with the original photographs or
4 microphotographs. The impression of the seal of the
5 Department of Environmental Protection on a certificate made
6 by the department and signed by the Secretary of Environmental
7 Protection entitles the certificate to be received in all
8 courts and in all proceedings in this state and is prima facie
9 evidence of all factual matters set forth in the certificate.
10 A certificate may relate to one or more records as set forth
11 in the certificate or in a schedule attached to the
12 certificate.

13 (9) The Department of Environmental Protection may
14 require that bond be given by any employee of the department,
15 payable to the Governor of the state and the Governor's
16 successor in office, for the use and benefit of those whom it
17 concerns, in such penal sums and with such good and sufficient
18 surety or sureties as are approved by the department,
19 conditioned upon the faithful performance of the duties of the
20 employee.

21 (10)(7) There is created as a part of the Department
22 of Environmental Protection an Environmental Regulation
23 Commission. The commission shall be composed of seven
24 residents of this state appointed by the Governor, subject to
25 confirmation by the Senate. The commission shall include one,
26 but not more than two, members from each water management
27 district who have resided in the district for at least 1 year,
28 and the remainder shall be selected from the state at large.
29 Membership shall be representative of agriculture, the
30 development industry, local government, the environmental
31 community, lay citizens, and members of the scientific and

1 technical community who have substantial expertise in the
2 areas of the fate and transport of water pollutants,
3 toxicology, epidemiology, geology, biology, environmental
4 sciences, or engineering. The Governor shall appoint the
5 chair, and the vice chair shall be elected from among the
6 membership. The members serving on the commission on July 1,
7 1995, shall continue to serve on the commission for the
8 remainder of their current terms. All appointments thereafter
9 shall continue to be for 4-year terms. The Governor may at any
10 time fill a vacancy for the unexpired term. The members of the
11 commission shall serve without compensation, but shall be paid
12 travel and per diem as provided in s. 112.061 while in the
13 performance of their official duties. Administrative,
14 personnel, and other support services necessary for the
15 commission shall be furnished by the department.

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