

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 400

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Hays

SUBJECT: Organizational Structure of the Department of Environmental Protection

DATE: February 24, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.	Howard	DeLoach	AGG	Recommend: Favorable
3.	Howard	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 400 revises the organizational structure of the Department of Environmental Protection (department) and authorizes the secretary of the department to establish divisions and offices to accomplish the agency's mission and goals. These divisions include, but are not limited to, water resources management, regulatory programs, and lands and recreation. The bill provides greater flexibility in the coordination of existing programs in order to increase responsiveness to public needs.

There is no fiscal impact on the department.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Chapter 20, F.S., sets forth the requirements for the organizational structure of the executive branch to maximize the efficiency and effectiveness of agencies. Specifically, s. 20.02, F.S., requires departments to be organized along functional or program lines and stipulates the structural reorganization of departments to be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and coordination of existing programs in response to public needs.

Section 20.04(3), F.S., requires each department¹ to adhere to the following organizational structure:

- The principal unit of the department is the “division.” Each division is headed by a “director.”
- The principal unit of the division is the “bureau.” Each bureau is headed by a “chief.”
- The principal unit of the bureau is the “section.” Each section is headed by an “administrator.”
- If further subdivision is necessary, sections may be divided into “subsections,” which are headed by “supervisors.”

The head of a department is prohibited from reallocating duties and functions specifically assigned by law to a specific unit of the department, unless specifically authorized by law. However, the head of the department is authorized to allocate or reallocate those duties or functions that are assigned generally.²

Additional divisions, bureaus, sections, and subsections of a department may be recommended by the head of the department to promote efficient and effective operation. New bureaus, sections, and subsections of a department may be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.³

Some departments, such as the Department of State and the Department of Management Services, have organizational structures that statutorily establish each division or program within the department.⁴ Whereas, other departments like the Department of Transportation and the Department of Corrections have organizational structures that statutorily authorize the secretaries of such departments to appoint positions at the level of deputy assistant secretary, director, or other positions as the secretary deems necessary to accomplish the mission and goals of the department.⁵

Section 20.255, F.S., provides the organizational structure for the Department of Environmental Protection and statutorily establishes each division and special office within the department. Additionally, s. 20.255, F.S., requires there to be six administrative districts involved in regulatory matters of waste management, water resource management, wetlands, and air resources.

III. Effect of Proposed Changes:

This bill revises the requirements for the organizational structure of the Department of Environmental Protection (department) to promote efficiency and effectiveness and to provide greater flexibility in the coordination of existing programs in response to public needs.

¹ Section 20.04(3), F.S. provides an exception for the Department of Financial Services, the Department of Children and Families, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation.

² Section 20.04(7)(a), F.S.

³ Section 20.04(7)(b), F.S.

⁴ See s. 20.10, F.S., creating the Department of State and s. 20.22, F.S., creating the Department of Management Services.

⁵ See s. 20.23, F.S., creating the Department of Transportation and s. 20.315, F.S., creating the Department of Corrections.

The bill requires the secretary of the department to appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary. The bill provides that the general counsel is responsible for all legal matters of the department.

Rather than statutorily establishing each division, the bill authorizes the secretary to establish divisions as he or she deems necessary to accomplish the mission and goals of the department, which include, but are not limited to, the following program areas:

- Water Resources Management;
- Regulatory Programs; and
- Lands and Recreation.

As required under s. 20.04, F.S., the bill specifies that divisions shall be headed by directors. Each director is to be appointed by and shall serve at the pleasure of the secretary. The bill does not revise the statutorily established Division of State Lands within the department.

The bill authorizes offices to be established as deemed necessary to promote the effective and efficient operation of the department. Under the bill, the secretary is authorized to combine, separate, or delete offices as necessary in consultation with the Executive Office of the Governor.

The bill removes the authorization for a division to have one assistant or two deputy division directors and the requirement that there be six administrative districts limited to the areas of waste management, water resource management, wetlands, and air resources.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

There are numerous references in statute to specific divisions and offices within the department. If the department revises the names of divisions or offices or transfers authority between divisions or offices, then the statutory references to such division or office will need to be amended.

VIII. Statutes Affected:

This bill substantially amends section 20.255 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on November 18, 2015:

The CS requires the Secretary of the Department of Environmental Protection to appoint a general counsel and provides that the general counsel is responsible for all legal matters of the department.

B. Amendments:

None.