

By Senator Bean

4-00392A-21

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1 A bill to be entitled
2 An act relating to the executive branch; amending s.
3 20.201, F.S.; providing that the appointment of the
4 executive director of the Department of Law
5 Enforcement is subject to a majority vote of the
6 Governor and Cabinet, with the Governor and Attorney
7 General on the prevailing side; amending s. 20.37,
8 F.S.; providing that the Governor's appointment of the
9 executive director of the Department of Veterans'
10 Affairs is subject to a majority vote of the Governor
11 and Cabinet, with the Governor on the prevailing side
12 of such vote; requiring the Office of Program Policy
13 Analysis and Government Accountability to contract for
14 a review of the Department of Law Enforcement to
15 determine whether the programs, functions, and
16 services provided by the department are consistent
17 with its mission; requiring that the contractor meet
18 certain requirements; requiring the contractor to
19 review the programs, functions, and services provided
20 by the department; requiring the contractor to make
21 certain recommendations; requiring the department to
22 provide access to any information requested by the
23 contractor; requiring the contractor to maintain
24 confidentiality of any protected information;
25 requiring the contractor to submit the report to
26 certain elected officials by a specified date;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (1) of section 20.201, Florida Statutes, is amended to read:

20.201 Department of Law Enforcement.—

(1) There is created a Department of Law Enforcement. The head of the department is the Governor and Cabinet. The executive director of the department is ~~shall be~~ appointed by the Governor subject to approval by a majority vote, with at least three affirmative votes, of the Governor and Cabinet. Both the Governor and the Attorney General must be on the prevailing side for approval. The appointment also is ~~with the approval of three members of the Cabinet and~~ subject to confirmation by the Senate. The executive director serves ~~shall serve~~ at the pleasure of the Governor and Cabinet. The executive director may establish a command, operational, and administrative services structure to assist, manage, and support the department in operating programs and delivering services.

Section 2. Subsection (1) of section 20.37, Florida Statutes, is amended to read:

20.37 Department of Veterans' Affairs.—There is created a Department of Veterans' Affairs.

(1) The head of the department is the Governor and Cabinet. The executive director of the department is ~~shall be~~ appointed by the Governor subject to the approval by a majority vote, with at least three affirmative votes, of the Governor and Cabinet with the Governor on the prevailing side. The appointment also is ~~with the approval of three members of the Cabinet and~~ subject to confirmation by the Senate. The executive director serves ~~shall serve~~ at the pleasure of the Governor and Cabinet.

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59 Section 3. (1) Subject to an appropriation, the Office of
60 Program Policy Analysis and Government Accountability (OPPAGA)
61 shall contract for a review of the Department of Law
62 Enforcement.

63 (2) The contractor selected by OPPAGA must have experience
64 in reviewing large state or federal law enforcement agencies.

65 (3) The contractor shall perform a comprehensive review of
66 the Department of Law Enforcement and determine whether the
67 programs, functions, and services provided by the department are
68 consistent with its mission. The contractor shall review each
69 such program, function, and service, identifying its number of
70 users, cost, and effectiveness by geographical location. As part
71 of its review, the contractor shall do all of the following:

72 (a) Make recommendations regarding the department's scope
73 of services, including, but not limited to, identifying any
74 service that should be expanded, consolidated, eliminated, or
75 transferred to another agency or entity.

76 (b) Investigate and make specific findings and
77 recommendations on the department's crime laboratories and
78 forensic analysis processes including:

79 1. The accreditation and qualifications of the crime
80 laboratories and their employees.

81 2. The number and type of forensic analyses performed at
82 each laboratory.

83 3. The average length of time required to complete each
84 type of forensic analysis.

85 4. Whether there is an existing backlog of material
86 submitted for forensic analysis.

87 5. A comparison of the department's laboratories' scope of

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88 services, accreditation, and sample processing time with those
89 of other crime laboratories in similar jurisdictions.

90 6. Whether any of the forensic analysis performed by the
91 department should be transferred to another state or local
92 agency, and whether barriers exist to any such transfers.

93 (c) Investigate and make specific findings and
94 recommendations on any programs operated by the department which
95 are limited to a given geographic service area, including the
96 following:

97 1. Identification of the number of users, cost, and
98 effectiveness of the programs, and

99 2. A determination as to whether the programs should be
100 expanded statewide, eliminated, or transferred to another state
101 or local agency, and whether barriers exist to any such
102 transfers.

103 (d) Identification of each accreditation earned by the
104 department and a determination as to whether any additional
105 accreditation is recommended.

106 (e) Identification of the number and types of cases
107 investigated by the department and a determination as to whether
108 criminal charges were filed as a result of such investigations.

109 (f) Identification of the number of cases involving
110 cybersecurity and related technology issues which were
111 investigated by the department and a determination as to whether
112 criminal charges were filed as a result of such investigations.

113 (g) Identification of any responsibilities of the
114 department which can be transferred to another state or local
115 agency, resulting in improved efficiency or accountability.

116 (4) Notwithstanding any other law to the contrary, the

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117 department shall provide the contractor with access to any
118 information requested by the contractor to complete its review.
119 Information or records obtained by the contractor which are
120 otherwise exempt or confidential and exempt from public records
121 requirements shall retain such exempt or confidential and exempt
122 status, and the contractor may not disclose any such information
123 or records.

124 (5) The contractor shall submit its report to the Governor,
125 the Attorney General, the Chief Financial Officer, the
126 Commissioner of Agriculture, the President of the Senate, and
127 the Speaker of the House of Representatives by January 1, 2022.

128 Section 4. This act shall take effect July 1, 2021.