

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5401 — Department of Environmental Protection

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Raschein

The bill creates the Division of Law Enforcement within the Department of Environmental Protection (DEP), which will employ state law enforcement officers.

The bill requires the DEP and the Fish and Wildlife Conservation Commission (FWC) to develop a new memorandum of agreement detailing the respective responsibilities of the two agencies, with regard to at least all of the following:

- Support and response for oil spills, hazardous spills, and natural disasters.
- Law enforcement patrol and investigative services for all state-owned lands managed by the DEP.
- Law enforcement services, including investigative services, for all criminal law violations of chapters 161, 258, 373, 376, 377, 378, and 403, F.S.
- Enforcement services for civil violations of the DEP's administrative rules related to all of the following program areas:
 - The Division of Recreation and Parks.
 - The Office of Coastal and Aquatic Managed Areas.
 - The Office of Greenways and Trails.
- Current and future funding, training, or other support for positions and equipment being transferred from the FWC to the DEP that are funded through any trust fund.

As determined by the new memorandum of agreement, the bill transfers from the FWC to the DEP the primary powers and duties of the FWC with regard to investigating certain environmental crimes and enforcing related laws. Under the bill, the FWC will retain law enforcement authority over the patrol of state-owned lands managed by the DEP. The bill contains conforming changes regarding law enforcement by the DEP and its officers.

The bill requires that all personnel and equipment assigned to the DEP's Office of Emergency Response be reassigned to the DEP's Division of Law Enforcement. Employees transferred from the FWC to fill the positions transferred to the DEP will retain their current position status and will retain and transfer any accrued leave. The Secretary of the DEP and the Executive Director of the FWC are each required to appoint two staff members to a transition advisory working group that will identify any rules adopted by either agency which must be amended to reflect the changes made by the bill.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 112-0