By Senator Bean

A bill to be entitled
An act relating to the executive branch; amending s.
20.201, F.S.; providing that the appointment of the
executive director of the Department of Law
Enforcement is subject to a majority vote of the
Governor and Cabinet, with the Governor and Attorney
General on the prevailing side; amending s. 20.37,
F.S.; providing that the Governor’s appointment of the
executive director of the Department of Veterans’
Affairs is subject to a majority vote of the Governor
and Cabinet, with the Governor on the prevailing side
of such vote; requiring the Office of Program Policy
Analysis and Government Accountability to contract for
a review of the Department of Law Enforcement to
determine whether the programs, functions, and
services provided by the department are consistent
with its mission; requiring that the contractor meet
certain requirements; requiring the contractor to
review the programs, functions, and services provided
by the department; requiring the contractor to make
certain recommendations; requiring the department to
provide access to any information requested by the
contractor; requiring the contractor to maintain
confidentiality of any protected information;
requiring the contractor to submit the report to
certain elected officials by a specified date;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
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 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 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 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 shall serve at the pleasure of the Governor and Cabinet.
Section 3. (1) Subject to an appropriation, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall contract for a review of the Department of Law Enforcement.

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

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

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

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

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

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

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

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

5. A comparison of the department’s laboratories’ scope of...
services, accreditation, and sample processing time with those of other crime laboratories in similar jurisdictions.

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

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

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

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

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

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

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

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

(4) Notwithstanding any other law to the contrary, the
department shall provide the contractor with access to any information requested by the contractor to complete its review. Information or records obtained by the contractor which are otherwise exempt or confidential and exempt from public records requirements shall retain such exempt or confidential and exempt status, and the contractor may not disclose any such information or records.

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

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