

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 Environment and Natural Resources

BILL: SB 1658

INTRODUCER: Senator Bean

SUBJECT: Executive Appointments

DATE: January 28, 2022

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|--------------------|
| 1. | <u>Carroll</u> | <u>Rogers</u> | <u>EN</u> | <u>Pre-meeting</u> |
| 2. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

SB 1658 removes the statutory requirement that the appointment of the head of the Department of Environmental Protection be subject to the concurrence of the cabinet.

II. Present Situation:

Department of Environmental Protection

The Department of Environmental Protection (DEP) is the state's lead agency for environmental management and stewardship.¹ DEP is divided into three primary program areas:

- Land and recreation programs, which acquire land for preservation and recreation;
- Regulatory programs, which oversee permitting and compliance activities that protect air and water quality and manage waste cleanups; and
- Ecosystems restoration programs, which protect and improve water quality and aquatic resources.²

DEP has six administrative districts involved in regulatory matters of water management, water resource management, wetlands, and air resources.³ DEP has nine divisions, which direct the district offices and bureaus in matters of interpretation and applicability of DEP's rules and programs.⁴ The divisions are:

- Administrative Services,
- Air Resource Management,
- Water Resource Management,
- Environmental Assessment and Restoration,
- Waste Management,

¹ DEP, *About DEP*, <https://floridadep.gov/about-dep> (last visited Jan 12, 2022).

² *Id.*

³ Section 20.255(d), F.S.

⁴ Section 20.255(e), F.S.

- Recreation and Parks,
- State Lands,
- Water Restoration Assistance, and
- Law Enforcement.⁵

Secretary of the Department of Environmental Protection

The head of DEP is a secretary who is appointed by the governor with the concurrence of three members of the cabinet.⁶ The secretary must be confirmed by the Florida Senate and serves at the pleasure of the governor.⁷ The secretary is responsible for appointing deputy secretaries and a general counsel, as well as overseeing all functions of DEP.⁸

Article IV, section 6 of the Florida Constitution provides that the administration of each executive department⁹ is supervised directly by the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor; except, when provided by law, senate confirmation or approval of three members of the cabinet is required for appointment to or removal from any designated statutory office.¹⁰

III. Effect of Proposed Changes:

Section 1 amends s. 20.255, F.S., to remove the statutory requirement that the appointment of the head of the Department of Environmental Protection be subject to the concurrence of three members of the Cabinet. The bill clarifies that the appointment is subject to confirmation by the Senate. The bill also makes technical changes.

Section 2 provides that the bill will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵ *Id.*

⁶ Section 20.255(1), F.S.

⁷ *Id.*

⁸ Section 20.244(2), F.S.; DEP, *Office of the Secretary*, <https://floridadep.gov/sec> (last visited Jan. 12, 2022).

⁹ Executive departments are departments that are allotted the functions of the executive branch of state government. FLA. CONST. art. IV, s. 6.

¹⁰ *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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:

None.

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.)

None.

B. Amendments:

None.