

# Agency Snapshot: Department of Environmental Protection

by Francine M. Ffolkes

The Florida Department of Environmental Protection, the state's lead agency for environmental management and stewardship, is a diverse agency, established to protect and manage our state's natural resources, including our air, water, and land. The Department is an executive agency headed by the Secretary, who is appointed by the Governor. The Department's business is conducted by its various divisions located in Tallahassee and six district offices located throughout the state.

The Division of Air Resource Management (DARM) is charged with the regulation and management of Florida's air resource, including air quality monitoring, permitting and ensuring compliance of emission sources, and implementing the Siting Acts. DARM regulates Florida's air resource, while implementing state and federal requirements. DARM provides these services through its Office of Business Planning, Office of Air Monitoring, and Office of Permitting and Compliance. The Division's Siting Coordination Office implements Florida's Siting Acts, which establish procedures for licensing the construction and operation of power plants, transmission lines, and natural gas pipelines.

The Division of Water Resource Management is responsible for implementing state laws for the protection of the quality of Florida's drinking water, ground water, rivers, lakes, estuaries, and wetlands; reclamation of mined lands; and the preservation of the state's beach and dune systems. The Division is the central point of contact for federally delegated water programs such as the National Pollutant Discharge Elimination System (NPDES), Drinking Water, and Underground Injection Control (UIC).

The Division of Waste Management is responsible for overseeing a number of program areas, such as hazardous waste regulation, solid waste management facilities, storage

tanks compliance, and a variety of specialized cleanup programs. Division staff are responsible both for rule development and overall coordination and consistency of these statewide regulatory programs, and also have direct regulatory responsibilities for a variety of permitting and inspection functions. In some cases, those functions are facilitated by the Division's management of contracts with local entities.

The Division of Environmental Assessment and Restoration (DEAR) is charged with monitoring and assessing Florida's surface water and ground water quality; identifying, verifying and prioritizing pollution problems; developing strategies to resolve the problems; and implementing those strategies through comprehensive restoration actions in partnership with local stakeholders. The Department's laboratory also is housed in DEAR and is integral to fulfilling the division's responsibilities and supporting other Department programs and objectives.

The Division of State Lands' core mission is to provide consistent and efficient real estate and land management services to the Board of Trustees of the Internal Improvement Trust Fund. The Division's Negotiations/Litigation Services (NLS) team tackles some of the Division's more complex, historically unresolved boundary determination projects, as well as new projects, across office boundaries. The primary purpose of the NLS team is to provide litigation support to the Office of General Counsel for all cases involving the ownership of state lands for the public use. NLS provides expertise and guidance to the district offices, private sector, and Office of General Counsel in support of State Lands. In addition to litigation support, NLS works with the public on their individual issues for the privately owned lands adjacent to sovereignty lands.

## Agency Secretary:

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## Agency Clerk:

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## Number of Lawyers on Staff: 42

## Kinds of Cases:

The Department is involved in and has expertise in a wide variety of cases. Many of these cases include different facets of administrative, environmental, land use, and real property law. A sample of the types of cases the Department handles includes permit challenges, rule challenges, enforcement actions, bid protests, takings litigation, land acquisitions, property disputes, and any related appeals that might result from these cases.

## Practice Tips:

Prior to filing matters with the Department, practitioners should ensure that filings conform, both in content and in timeliness, with the Uniform Rules of Procedure in chapter 28-106, Florida Administrative Code; and the Department's Exceptions to the Uniform Rules of Procedure in chapter 62-110, Florida Administrative Code.