

"FL DEP Employees Speak Out"

The following represents the results of the 1999 FL PEER survey. In this survey, employees of Florida's Department of Environmental Protection (DEP) put forth recommendations to the incoming administration as to how the agency may be improved and environmental protection strengthened. These recommendations are based upon direct meetings with DEP personnel as well as written responses to a questionnaire circulated to all staff by Public Employees for Environmental Responsibility (PEER).

DEP employees overwhelmingly feel the new Bush Administration should go back to the basics -- eschew new reorganizations or regulatory rewrites and instead concentrate on setting clear priorities, enforcing the law consistently and creating incentives for good people to stay within the agency. The people within the DEP say that all elements for environmental protection are present but have not been effectively utilized.

The reservoir of knowledge and expertise within DEP can be ignored, as it was in the past, or it can be tapped. But in order to harness these residual assets, there must be open lines of communication, an end to reprisals and a genuine interest in what the staff in the field actually think.

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FLORIDA DEP REFORM PLAN

I. Laws Are Fine But Need Enforcement

a) Need consistency not a rewrite

"The rules/statutes seem fine. The problem from my experience is middle and upper managers who completely ignore them or just refuse to follow them."

"Florida Statutes & Florida Administrative Code do not have to be reworked if upper management will stop creating policies contradictory to the code."

"Wetherell backed 'management' has so poisonously contaminated the department that it became acceptable to say about developer violators: 'Regulations are made to be broken.' That became the rule, not the exception."

"The laws work if they were enforced equally. Inspections and audits must be done. Self auditing isn't going to work, if they don't know enough to do it right, how are they going to do enough to realize they're doing it wrong."

"Sorry to sound cynical as I love my job, but for those of us stuck in the trenches facing the public who's destroying habitat and getting laughed at because we can't do anything. Its frustrating!"

"The laws and rules as they exist are sufficient if they could be applied as intended. Unfortunately, some supervisors still exist as road blocks do to either a lack or training or fear."

"Let us work on permits. We don't need another reorganization just push for strict permit guidelines."

"Until Mickey Watson and his 'yes men' are removed from this agency the entire enforcement arm of DEP is simply in hiding. His mis-management has almost reached a criminal level. They give lip service to marine conservation but his policies and decisions are diametrically opposed. If Watson doesn't want us to enforce these laws just say so."

"Enforce existing state statutes and administrative codes. They were established for a reason and were not meant to be circumvented by the 'permit negotiation process'."

"If laws can't be enforced, they shouldn't be made. If they are made, they need to be enforced."

"Leave statutes and regulations alone! We have enough laws to regulate proper environmental protection in Florida. What we need is the right people in management dedicated to 'balance' between development and resource protection who service the citizens of the state, not their own personal concerns."

"We don't need any changes. Just push for strong enforcement."

b) Remove politics

"Prohibit-industry and developer lobbyist and lawyers from writing their own versions of DEP regulations to use in negotiating private sessions with DEP managers. Allow negotiation only through the public hearing process, or require that environmental represent activist be present at negotiation with industry and developers."

"The 'impossible' -- the removal of political pressure and favoritism. Consistency for all violations -- developers, municipalities and the like."

"Take the politics out of permitting. Use code numbers so that everyone gets equal treatment."

"Need to get rid of the 'Bubba' system."

"DEP needs to show some guts and be willing to attack serious environmental problems, no matter the

power or prestige of the perpetrator."

"Everyone is afraid to offend violators with money or powerful or both."

"Just stop Tallahassee-granted permits. Money has preference over environmental issues."

"First we need management to make up their minds whether we serve the voters by protecting the environment or suck up to politicians to keep their appointed jobs."

"Quit letting people with money have whatever they can afford to buy. If 'Joe Blow' can't buy a permit to develop a wetland or coastal environmentally sensitive piece of land then I don't care how much money a developer has, he shouldn't be able to buy what 'Joe Blow' can't."

c) Back up field staff when they make a call

"The existing regulations need to be used and enforced. The regulatory arm of the agency doesn't get the support (on-site and upper level) that it needs to do the right job."

"Trust in the knowledge and instincts and respect staff's desire to do the right thing -- most field staff are only there because they care about the resources."

"First, start by actually enforcing the existing regulations. Second, establish ticketing (i.e. citation) authority for inspectors. For example, an effluent exceedance = \$100, or an unlabeled hazardous waste drum = \$50. Way too much time and money is wasted on the enforcement negotiation process and DEP always loses. Also convince the state attorney's offices to actually prosecute the egregious environmental crimes and establish a deterrent in our state. Compare state convictions to federal convictions, and you'll see what I mean."

"Florida park rangers need some sort of ability to be able to enforce the laws environmentally. Since enforcement ability was removed from Park staff more and more incidents occur with no way to stop them."

"Make all the inspectors and their supervisors accountable for promptly sending the inspections reports. Empower our criminal investigation section to perform swift investigations resulting in actual action."

"Field personnel are over worked under paid, and confused. If we do it, it's wrong, if we don't do it, it's wrong (depending on who committed the offense)."

II. Set Clear Environmental Goals

a) Prioritize based on measurable goals

"My day to day experience tells me that DEP has no goals that are clear-cut."

"I think the most important issue is defining environmental performance indicators so DEP's effectiveness can be measured. How about a statewide environmental report card?"

"The DEP is forever having staff meetings, parties, seminars, etc., most of which has nothing to do with the environment."

"What exactly are DEP's goals? Because DEP does not have qualifiable goals for the most part we cannot gauge performance."

"Prioritize enforcement cases. Support criminal enforcement of blatant violators."

"Quit working so hard to 'dink' the little guy (average citizen with minor violations) and focus more on the big guy (city's who dump millions of gallons of sewage-developers - big buck people who don't mind a couple minor fines) de-criminalize small time fishing violators."

"Polluting industries should prove that their discharges are safe rather than DEP proving they are

unsafe."

"We joke about ecosystem management because FDEP has never clearly defined what it is. FDEP has defined EM as common sense management, and as I believe that enforcement has been and will largely remain ineffectual, I think common sense management is worth considering and refining."

"There is no system set up to insure that we do our jobs. Specifically, we are not held accountable for failing to collect stipulated penalties or for failing to enforce consent orders or for allowing plants to operate without a permit for years. Years ago, our district had a separate enforcement section. Occasionally, that enforcement head had to beat up on the heads of permitting. However, when they put enforcement under permitting, that system of checks and balances was eliminated. As a result, the permitting chiefs are not concerned with the timely processing of enforcement actions and enforcement languished."

"We don't even know the state condition of Florida's environment, so we can not effectively focus enforcement or assessment activities."

"Of course more staffing would be nice, but it ain't gonna happen. Instead reevaluate agency priorities. Quit spending so much time on the small stuff. Follow the federal programs and eliminate need for resources to be spent writing Florida specific rules."

"The ecosystem management initiative is a smoke screen for the dis-empowerment of regulatory functions and a waste of tax payer money. Those resources would accomplish more if put elsewhere."

b) Improve the data and the data systems

"Initiate periodic and regular review and analysis of monitoring data."

"Computer support is deplorable and no one in upper management has enough system knowledge to recognize it. Desperately need someone to 'ride hard' on this function."

"Abolish BIS (Bureau of Info Service) in Tallahassee. They have destroyed our ability to function efficiently -- have taken away user friendly functioning systems and equipment and instituted extremely expensive and poorly designed, poorly conceived systems and procedures for tracking permits, enforcement compliance etc. Its a bloody MESS! And affects all districts!"

"Understanding and utilizing data more effectively. Stop ignoring recommendations or warnings that the data are invalid or flawed. Consider data quality as an integral part of decision making."

"Take the lobbyist out and encourage the employees on initiatives in protecting the environment pro-actively e.g., document how much wetlands lost per year (realistic) not just doing data gathering link wetland losses to water quality issues."

"The backbone of Eco Management must be information/data."

c) Educate the public (once the goal is clear)

"The regulations are written by engineers and lawyers for engineers and lawyers. No wonder the noncompliance rate for 'ma-and-pa' operations is high. The EPA recognizes the communication gap between the 'chosen few' and masses. That is why the EPA distributes publications like 'Plain English Guide for Wastewater Sludge'."

"Public education so that people know the rules and most importantly, why they are important. More public support will mean less violations so that we could better enforce the rules on the few who still break the regulations."

"If the laws are enforced and the violators serve as examples, the word will get out that DEP has a 'zero tolerance' policy."

"The public has a right to be confused and upset about what we do (and why). Our fearless 'leaders' white-wash the facts and focus on telling people what they think they want to hear."

III. Put Resources in the Field

a) Slim down the high pay grade positions -- DEP is top heavy

"Too many chiefs and not enough field staff. Upper level manager all have 'friends' they owe: people who belong to the same church, club; etc; this allows a patronage system where these 'friends' receive preferential treatment; or worse yet, jobs that have titles and big salaries but not much work to show for it. The more managerial staff there are the worse it becomes and the state is top heavy with these people."

"Reduce upper management positions. The difference in educating and getting compliance from the citizens about environmental issues results in 'field personnel,' not behind closed door bureaucrats. The inverted pyramid syndrome has suffered through for several years now is most evident in people attitudes toward the department employees and citizens."

"Too many chiefs and too few Indians. Some of us single handedly cover multiple counties with no help from top-heavy management. We almost have to beg to get the necessary resources to do our jobs. Some sections are understaffed, we do not get paid overtime yet consistently put in 20+ hours or more extra a month."

"Much too top heavy. Lots of chiefs -- some of which are never at work and are never held responsible by anyone (DDM?) For anything. Others are ---- in ecosystem management meetings with nothing resolved or accomplished while dozens of unanswered telephone calls remain unanswered and the public becomes increasingly frustrated and angry."

b) Get people out of the office -- the best deterrent

"Get the permiters out from behind their desks looking at proposed facilities for compliance with all environmental requirements, rather than rubber stamping things. Also look at past environmental violations of co-owners before issuing new permits."

"We need more staff in the districts, less in Tally."

"We need way more officers and way less upper level managers. These people draw huge pay checks to sit around in meetings, talking about what is needed at field level."

"Reorganization and change always mean less field work, we just need to be able to enforce and check compliance with the regulations."

c) Put more cops on the beat

"More visibility in the field."

"Need more cops on the beat."

"Stop downsizing state law enforcement. We have inadequate staffing levels now. Officer safety is a major concern."

"More marine patrol officers, more time on the water. Increase education. Prosecute no matter if they have friends in Tally or not."

"Fund more positions for enforcement of environmental rules. Often, people (contractors) ignore the rules established on cleanup of sites -- then the enforcement of wrong doings never come about because funding for cleanup gets threatened."

"Stop making budget cuts to already underfunded programs or sections of the agency -- particularly Florida Marine Patrol and field stations. Staff are underpaid and do not have adequate equipment, time and resources to do their jobs. Officers try but the agency is burning out some of its hardest workers."

IV. End the Climate of Fear

a) Open up communication channels

"The ability to by-pass the chain of command when enforcement needs are ignored, without the possibility of reprisals."

"Employees should feel free to contact Division of Law Enforcement Officers directly when they are aware of the commission of an offense."

"Require all senior management to report on meeting with permittees and their representatives, and contrast them on an annual basis with any meetings with environmentalists or common citizens."

"As a DEP employee I was taken aside by my manager and all kinds of threats were made. I was then told, 'and if you repeat anything I have just said, I will personally sue you because you can't prove it'."

"Employees' morale will always be low when operating under fear of repercussion from management simply for doing the job one was hired to do. Employees are told to enforce laws certain ways, then reprimanded for doing so."

"Take drastic measures to stop the 'managerial reign of terror' in the department. When employees are told not to tell what they know, it's backed up."

"Get management to support staff, not leave them hanging or override their scientifically defensible decisions."

b) Restore civil service protection for managers (reduce political appointments)

"The select-exempt majors are neutered and virtually helpless to change the way things are done. The new form of 'management-by-threat-and-intimidation' should be added to the text books."

"The 'Politicians' who control permitting decisions (i.e. Division Directors/Administrators) must be replaced and career service protection provided for their replacements."

"We had a great agency. Secretary Wetherell, Dir. Watson, Dep. Dir. Miller have destroyed the morale, respect and work ethic that we had. Our current administration has destroyed our agency. They are inconsistent and the organizational culture is based on fear."

"We need better and fewer managers and administrators who are held responsible yet are able to function and act without fear of dismissal. Lack of accountability in general is a Big Problem and it trickles down from the top to all levels!"

"The insecurities which exist in upper management result in micro management."

"Remove program administrators in districts from select exempt category. They were made 'political' positions a couple years ago. They make the call on all permits and all enforcement cases before anything ever goes to director and not much goes to director anymore."

"Put the program administrators back on career service so they can have more spine in dealings with developers. The developers have effectively bought the state's politicians many years ago."

"Undo the select/exempt status of the program administrators. It makes them political pawns rather than administrators of our state's environmental laws."

c) Protect employees from individual SLAPP suits (legal harassment)

"During this year's legislative session, a bill was introduced in the House of Representatives which, if it had passed, would essentially have been an open invitation for anyone to personally sue a state employee for official actions performed on the job. Some DEP employees believed that the agency and perhaps even specific employees were targeted in this proposed legislation. Had it passed, this bill would have seriously undermined the morale of all DEP regulatory employees, and would have made it much more difficult for employees to effectively perform their duties."

"Legislation should be proposed which would make it difficult or impossible to personally sue a state employee, and further should impose sanctions and penalties upon those who chose to do so. DEP or the appropriate agency of state government should also pursue litigation or criminal charges against those who presently waste employees' time and energy, and DEP's valuable resources, with frivolous lawsuits. It is extremely difficult to concentrate on protecting the environment while constantly maintaining a defense posture. It is time to go on the offensive."

V. Keep Good People at DEP

a) Provide step increases and a career ladder

"All good technical people leave because the technical jobs are dead end jobs unless they become administrators."

"DEP desperately needs step salary increases yearly. The potential for advancement is so poor and so haphazard that once people are trained, they leave DEP. Environmental protection suffers as a result. Knowledge has declined."

"Need to improve opportunities for upgrades or merit pay. Employees who consistently perform well should get small increases periodically. Employees who are willing to take on more responsibilities should get upgrades. There is little opportunities to get sufficient salary or rate money and little flexibility in job descriptions. This causes high turn-over except with incompetent staff."

"Allow field people to advance in pay without becoming desk bound managers."

"Staffing levels and position levels are too low -- can't keep lower position doing professional environmental work (ES levels). Pay is too low."

"DEP field personnel are some of the lowest paid professionals in the country. Highly qualified, devoted employees have low morales because of it. Movers and shakers move on because of it. You're left with mediocre job hungry employees and disgruntled professionals."

"Merit raises are recommended for field personnel but it is rare that it trickles down to the field. District level and Tally gets most of them."

"Pay increases to keep good employees."

"A restructuring of the pay scale for lower level field staff would enable the department to retain trained, qualified, motivated individuals who believe in DEP's mission."

"I left Florida DEP approximately one year ago due to dissatisfaction with department. All divisions are severely understaffed and under resource making job completion inefficient and breeding much frustration among staffers. More employees where needed at better wages and more resources would be a wise investment for DEP. Morale improves for any agency when its staff is not being overworked for subsistence wages and dealing with poor management. I miss my job but suffered in it for so long that I wouldn't return to DEP for anything in the world now."

b) Equalize pay with other agencies

"We need more funding for the positions that we already have. Good people are leaving because there is no money for advancements, salary increases, or prestige."

"Compliance/enforcement personnel. Salaries in the south could not compensate for higher cost of living."

"Is it fair that Florida Highway Patrol makes \$5000 more a year? We are all state Law Enforcement Officers."

"Employees often leave for bigger salaries elsewhere. We need to have yearly merit raises to help morale and keep our work force of hard working employees."

c) Solicit employee input

"Listen to field staff's suggestions. More input from field staff."

"Much of our top management is 'out of touch.' They need to listen to middle -low management and get less political."

"Asking in the field what we think. I mean officers sitting at the meetings to hear what is going on and how it effects us."

"A whole lot more input from the field is needed at every conceivable level of planning. I don't mean a little."

"In 11 years of wetlands permitting no one has ever asked me what I feel I would need to do a better job."