



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

August 2, 2007

Mr. Jerry Phillips, Florida Director  
Public Employees for Environmental Responsibility  
P.O. Box 14463  
Tallahassee, FL 32317

Dear Mr. Phillips:

I was truly disappointed to see how the facts about the Florida Department of Environmental Protection's (DEP) recent updates to our environmental penalty guidelines were so misrepresented and distorted by PEER's July 26 press release. PEER claims to be a "watchdog for the public interest," but inherent in the responsibilities of a watchdog organization is to avoid disingenuous correlations that result in what would be called a very real disservice to the same public you claim to serve.

As you know, last month I announced significant changes to the agency's penalty guidelines. The penalty guidelines provide a more rational, fair and consistent method for determining the appropriate amount of civil and administrative penalties the Department should seek for environmental violations. The new guidelines will result in stiffer penalties by taking a tougher stance on the most serious environmental violations statewide. However, you incorrectly assert that these updates were somehow related to state budget shortfalls - this could not be further from the truth. I initiated the thorough review of the previous penalty guidelines months ago, well before potential budget shortfalls were even identified and more than four months before cuts were assigned to the agency. To establish a causal link between the budget cuts and the stiffer fines in penalty guidelines does nothing but insult and disparage the hard work conducted in the four months prior to my signing the directive in July. I believe given your past employment with DEP as an enforcement attorney, you of all people could appreciate the time-consuming and complex work involved (on top of regular day-to-day activity) to change the penalty matrix.

My July 3 email to DEP staff regarding a revenue projection shortfall provided guidance to staff on reducing discretionary spending, such as non-critical travel or purchases. I also advised that DEP staff continue to fill *essential* positions - such as our inspectors and attorneys - so that we can continue to fulfill our commitment to protecting

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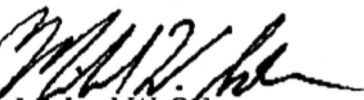
Florida's environment and natural resources. Your erroneous claim of a "hiring freeze" that will impact our regulatory and enforcement programs is completely misguided, but again, I believe purposeful, for an easy headline or soundbyte.

We are tackling complex, long-standing environmental problems and doing it more efficiently and at less cost to Florida's taxpayers, while increasing our attention to the "worst of the worst" offenders inasmuch as Legislative support allows for. We stand by our strong record of enforcement.

I am aware of your erroneous press release earlier this year as well. My intention with this letter was simply to avoid sitting by a second time within a few months and watch your "media spin" dilute the work of attorneys and regulators who worked so hard for me on developing the stronger penalty guidelines matrix in a relatively short amount of time, considering our current caseload. I hope that your commentaries in the future will provide a fuller picture of your criticism. We have no objection to constructive criticism - as long as it is based on fact.

Thank you for your time.

Sincerely,



Michael W. Sole  
Secretary