

By the Committee on Governmental Operations and
Representatives Posey, Merchant, Logan, Safley and Fasano

1 A bill to be entitled
2 An act relating to the executive branch of
3 state government; amending ss. 20.21 and 20.37,
4 F.S.; providing that the head of the Department
5 of Revenue and the Department of Veterans'
6 Affairs shall be a secretary appointed by the
7 Governor, subject to confirmation by the
8 Senate; amending s. 20.10, F.S.; repealing s.
9 20.24, F.S.; creating s. 20.241, F.S.;
10 abolishing the Department of Highway Safety and
11 Motor Vehicles and creating a Department of
12 Highway Safety; transferring the Division of
13 Driver Licenses and Division of Motor Vehicles
14 to the Department of State; transferring the
15 Florida Highway Patrol to the Department of
16 Highway Safety; providing for transfer of
17 positions and trust funds and for interagency
18 agreements; providing for availability of
19 driver's license information to the Department
20 of Highway Safety; directing that reviser's
21 bills be prepared to conform the Florida
22 Statutes; amending s. 322.125, F.S.; providing
23 for appointment of members of the Medical
24 Advisory Board within the Department of State
25 by the Secretary of State; amending ss. 20.32,
26 947.02, 947.021, 947.03, and 947.04, F.S.;
27 providing for appointment of the Parole
28 Commission, parole qualifications committees,
29 and officers thereof by the Governor, rather
30 than the Governor and Cabinet; amending s.
31 106.24, F.S.; removing a requirement that three

1 Cabinet members approve the Governor's
2 appointments to the Florida Elections
3 Commission; amending s. 110.181, F.S.;
4 providing for appointment of seven members of
5 the Florida State Employees' Charitable
6 Campaign steering committee by the Governor and
7 Cabinet members rather than the Administration
8 Commission; amending ss. 110.112, 110.161,
9 110.209, 110.21, 110.211, and 110.219, F.S.;
10 removing the requirement that the
11 Administration Commission approve rules
12 relating to agency affirmative action plans,
13 the pretax benefits program, pay plans, shared
14 employment, recruitment, and attendance and
15 leave; amending s. 110.1225, F.S.; providing
16 that the Governor, rather than the
17 Administration Commission, may propose employee
18 furlough plans; providing that a Cabinet member
19 may propose such plans for his or her agency;
20 amending s. 110.205, F.S.; removing the
21 requirement that the Administration Commission
22 approve certain positions exempt from the
23 Career Service System; amending s. 110.209,
24 F.S.; providing that the Governor, rather than
25 the Administration Commission, shall review
26 actions relating to pay grade assignments;
27 amending s. 112.175, F.S.; providing that the
28 Department of Management Services, rather than
29 the Administration Commission, shall adopt
30 rules relating to withholding of wages to repay
31 educational loans; amending ss. 215.18 and

1 215.32, F.S.; providing that the Governor,
2 rather than the Administration Commission,
3 shall order certain transfers between funds and
4 approve trust fund consolidations; amending ss.
5 216.177, 216.179, 216.181, 216.182, 216.192,
6 216.195, 216.221, 216.231, 216.241, 216.251,
7 216.262, 216.292, and 240.513, F.S.; providing
8 that the Governor, rather than the
9 Administration Commission, shall have
10 responsibilities in the following areas
11 relating to appropriations and budgeting:
12 appropriations act review and objection
13 procedures, authorization of expenditures,
14 amendments to approved operating budgets,
15 review of determinations relating to fixed
16 capital outlay program plans, review of plans
17 for releases of funds, impoundment of funds,
18 implementing certain deficit reduction plans,
19 release of funds classified as "deficiency,"
20 approval of new programs or program changes,
21 setting of certain salaries, certain
22 adjustments to authorized positions, and
23 authorization of certain fund transfers;
24 amending s. 195.087, F.S.; removing provisions
25 which allow property appraisers to appeal
26 budget decisions to the Administration
27 Commission; amending s. 213.055, F.S.;
28 providing that the Governor, rather than the
29 Governor and Cabinet, may grant certain fuel
30 tax refunds in an emergency; amending s.
31 336.025, F.S.; providing that the Governor,

1 rather than the Administration Commission,
2 shall resolve disputes relating to
3 determination of distribution proportions for
4 the local option fuel tax for county
5 transportation systems; amending ss. 212.0599,
6 213.065, and 213.066, F.S.; removing references
7 to adoption by the Governor and Cabinet of
8 certain implementing rules of the Department of
9 Revenue; amending ss. 161.101 and 366.055,
10 F.S.; providing that the Governor, rather than
11 the Governor and Cabinet, shall have
12 responsibility for declaration of a shoreline
13 emergency and declaration of an energy
14 emergency; amending s. 339.135, F.S.; removing
15 responsibilities of the Administration
16 Commission with respect to approval of proposed
17 amendments by the Department of Transportation
18 to an adopted work program when objection has
19 been made thereto; amending s. 945.6035, F.S.;
20 providing for appeals to the Governor, rather
21 than the Administration Commission, for
22 resolution of disputes between the Department
23 of Corrections and the Correctional Medical
24 Authority; amending s. 20.13, F.S.;
25 establishing a Division of Information Systems
26 within the Department of Insurance; providing
27 effective dates.

28
29 WHEREAS, the Citizens Commission on Cabinet Reform was
30 established by resolution of the Governor and Cabinet to
31 review the hundreds of statutory responsibilities now assigned

1 to the Governor and Cabinet and to determine whether
2 modifications were needed, and

3 WHEREAS, the Commission, led by its Chair, Honorable
4 Reubin O'D. Askew, and Vice Chair, Honorable Bob Martinez,
5 presented a Final Report to the Governor and Cabinet on
6 December 12, 1995, and

7 WHEREAS, the Commission determined that certain
8 administrative responsibilities now assigned to the Governor
9 and Cabinet could be transferred or eliminated so that the
10 Governor and Cabinet could focus on important questions of
11 statewide policy, and

12 WHEREAS, the transfer or elimination of such duties
13 would enhance governmental accountability and efficiency, NOW,
14 THEREFORE,

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsections (1) and (5) of section 20.21,
19 Florida Statutes, as amended by section 16 of chapter 95-272,
20 Laws of Florida, are amended to read:

21 20.21 Department of Revenue.--There is created a
22 Department of Revenue.

23 (1) The head of the Department of Revenue is the
24 Secretary of Revenue ~~Governor and Cabinet~~. The secretary
25 shall be appointed by the Governor, subject to confirmation by
26 the Senate. The secretary shall serve at the pleasure of the
27 Governor.

28 (5) The position of taxpayers' rights advocate is
29 created within the Department of Revenue. The taxpayers'
30 rights advocate shall be appointed by and report to the
31 secretary ~~executive director of the department~~. The

1 responsibilities of the taxpayers' rights advocate include,
2 but are not limited to, the following:

3 (a) Facilitating the resolution of taxpayer complaints
4 and problems which have not been resolved through normal
5 administrative channels within the department, including any
6 taxpayer complaints regarding unsatisfactory treatment of
7 taxpayers by employees of the department.

8 (b) Issuing a stay action on behalf of a taxpayer who
9 has suffered or is about to suffer irreparable loss as a
10 result of action by the department.

11 Section 2. Subsection (1) of section 20.37, Florida
12 Statutes, is amended to read:

13 20.37 Department of Veterans' Affairs.--There is
14 created a Department of Veterans' Affairs.

15 (1) The head of the department is the Secretary of
16 Veterans' Affairs ~~Governor and Cabinet~~. The secretary
17 ~~executive director of the department~~ shall be appointed by the
18 Governor, ~~with the approval of three members of the Cabinet~~
19 ~~and~~ subject to confirmation by the Senate. The secretary
20 ~~executive director~~ shall serve at the pleasure of the Governor
21 ~~and Cabinet~~.

22 Section 3. The Division of Statutory Revision of the
23 Joint Legislative Management Committee is directed to conform
24 provisions of the Florida Statutes to reflect the changes made
25 by this act relating to the heads of the Department of Revenue
26 and the Department of Veterans' Affairs. The division shall
27 prepare reviser's bills to implement this section in
28 consultation with the appropriate committees of the
29 Legislature.

30 Section 4. The Department of Highway Safety and Motor
31 Vehicles is abolished.

1 (1) All statutory powers, duties, functions, records,
2 personnel, property, and unexpended balances of
3 appropriations, allocations, or other funds of the Division of
4 Motor Vehicles and the Division of Driver Licenses of the
5 department, and all existing authority and actions of those
6 divisions, including, but not limited to, all pending and
7 completed actions on orders and rules, all enforcement
8 matters, and delegations, interagency agreements, and
9 contracts with federal, state, regional, and local governments
10 and private entities, are transferred to the Department of
11 State.

12 (2) All statutory powers, duties, functions, records,
13 personnel, property, and unexpended balances of
14 appropriations, allocations, or other funds of the Florida
15 Highway Patrol of the department, and all existing legal
16 authorities and actions of the Florida Highway Patrol,
17 including, but not limited to, all pending and completed
18 action on orders and rules, all enforcement matters, and all
19 delegations, interagency agreements, and contracts with
20 federal, state, regional, and local governments and private
21 entities are transferred to the Department of Highway Safety.
22 Those positions primarily supporting the Division of the
23 Florida Highway Patrol within the Department of Highway Safety
24 and Motor Vehicles are hereby transferred to the Department of
25 Highway Safety.

26 (3) The Governor is hereby granted the specific
27 authority to shift positions, consistent with the notice and
28 review requirements of s. 216.177, Florida Statutes, between
29 the former Department of Highway Safety and Motor Vehicles now
30 located within the Department of State and the Department of
31

1 Highway Safety as created by this act to promote the efficient
2 and effective operation of both departments.

3 (4) The Department of State and the Department of
4 Highway Safety shall have the authority to enter into
5 interagency agreements with each other concerning any matter
6 affected by the transfer of the Department of Highway Safety
7 and Motor Vehicles to the Department of State and the creation
8 of the Department of Highway Safety to promote the efficient
9 and effective operation of both departments.

10 (5) Those trust funds or portions of trust funds which
11 were used to fund the operation of the Division of the Florida
12 Highway Patrol within the Department of Highway Safety and
13 Motor Vehicles are transferred to the Administration Trust
14 Fund of the Department of Highway Safety.

15 Section 5. Paragraphs (h) and (i) are added to
16 subsection (2) of section 20.10, Florida Statutes, and
17 subsection (3) is added to said section, to read:

18 20.10 Department of State.--There is created a
19 Department of State.

20 (2) The following divisions of the Department of State
21 are established:

22 (h) Division of Driver Licenses.

23 (i) Division of Motor Vehicles.

24 (3) Driver license information obtained by the
25 Department of State shall be available on a priority basis to
26 the Department of Highway Safety for any purposes necessary to
27 carry out the responsibilities of the Department of Highway
28 Safety.

29 Section 6. Section 20.24, Florida Statutes, is hereby
30 repealed.

31

1 Section 7. Section 20.241, Florida Statutes, is
2 created to read:

3 20.241 Department of Highway Safety.--There is created
4 a Department of Highway Safety.

5 (1) The head of the department is the Secretary of
6 Highway Safety. The secretary shall be appointed by the
7 Governor with the approval of three members of the Cabinet,
8 subject to confirmation by the Senate. The secretary shall
9 serve at the pleasure of the Governor.

10 (2) The following divisions of the Department of
11 Highway Safety are established:

12 (a) Division of Administration.

13 (b) Division of the Florida Highway Patrol.

14 (3) Bureaus may be established as deemed necessary to
15 promote efficient and effective operation of the department,
16 pursuant to s. 20.04.

17 Section 8. The Division of Statutory Revision of the
18 Joint Legislative Management Committee is directed to conform
19 provisions of the Florida Statutes to reflect the abolition of
20 the Department of Highway Safety and Motor Vehicles, creation
21 of the Department of Highway Safety, and transfer of the
22 Florida Highway Patrol, Division of Motor Vehicles, and
23 Division of Driver Licenses by this act. The division shall
24 prepare a reviser's bill to implement this section in
25 consultation with the appropriate committees of the
26 Legislature.

27 Section 9. Subsection (1) of section 322.125, Florida
28 Statutes, 1996 Supplement, is amended to read:

29 322.125 Medical Advisory Board.--

30 (1) There shall be a Medical Advisory Board
31 established within the Department of State to be composed of

1 not fewer than 12 or more than 25 members, at least one of
2 whom must be 60 years of age or older and all but one of whose
3 medical and other specialties must relate to driving
4 abilities, which number must include a doctor of medicine who
5 is employed by the Department of State Highway Safety and
6 ~~Motor Vehicles~~ in Tallahassee, who shall serve as
7 administrative officer for the board. The directors of the
8 Division of Motor Vehicles and the Division of Driver Licenses
9 ~~executive director of the Department of Highway Safety and~~
10 ~~Motor Vehicles~~ shall recommend persons to serve as board
11 members. Every member but two must be a doctor of medicine
12 licensed to practice medicine in this or any other state and
13 must be a member in good standing of the Florida Medical
14 Association or the Florida Osteopathic Association. One
15 member must be an optometrist licensed to practice optometry
16 in this state and must be a member in good standing of the
17 Florida Optometric Association. One member must be a
18 chiropractor licensed to practice chiropractic in this state.
19 Members shall be appointed ~~approved~~ by the Secretary of State
20 ~~Cabinet~~ and shall serve 4-year staggered terms. The board
21 membership must, to the maximum extent possible, consist of
22 equal representation of the disciplines of the medical
23 community treating the mental or physical disabilities that
24 could affect the safe operation of motor vehicles.

25 Section 10. Subsection (2) of section 20.32, Florida
26 Statutes, 1996 Supplement, is amended to read:

27 20.32 Parole Commission.--

28 (2) All powers, duties, and functions relating to the
29 appointment of the Parole Commission as provided in s. 947.02
30 or s. 947.021 shall be exercised and performed by the Governor
31 ~~and the Cabinet~~. Except as provided in s. 947.021, each

1 appointment shall be made from among the first three eligible
2 persons on the list of the persons eligible for said position.

3 Section 11. Section 947.02, Florida Statutes, 1996
4 Supplement, is amended to read:

5 947.02 Parole Commission; members, appointment.--

6 (1) Except as provided in s. 947.021, the members of
7 the Parole Commission shall be appointed by the Governor ~~and~~
8 ~~Cabinet~~ from a list of eligible applicants submitted by a
9 parole qualifications committee. The appointments of members
10 of the commission shall be certified to the Senate by the
11 Governor ~~and Cabinet~~ for confirmation, and the membership of
12 the commission shall include representation from minority
13 persons as defined in s. 288.703.

14 (2) A parole qualifications committee shall consist of
15 five persons who are appointed by the Governor ~~and Cabinet~~.
16 One member shall be designated as chairman by the Governor ~~and~~
17 ~~Cabinet~~. The committee shall provide for statewide
18 advertisement and the receiving of applications for any
19 position or positions on the commission and shall devise a
20 plan for the determination of the qualifications of the
21 applicants by investigations and comprehensive evaluations,
22 including, but not limited to, investigation and evaluation of
23 the character, habits, and philosophy of each applicant. Each
24 parole qualifications committee shall exist for 2 years. If
25 additional vacancies on the commission occur during this
26 2-year period, the committee may advertise and accept
27 additional applications; however, all previously submitted
28 applications shall be considered along with the new
29 applications according to the previously established plan for
30 the evaluation of the qualifications of applicants.

31

1 (3) Within 90 days before an anticipated vacancy by
2 expiration of term pursuant to s. 947.03 or upon any other
3 vacancy, the Governor ~~and Cabinet~~ shall appoint a parole
4 qualifications committee if one has not been appointed during
5 the previous 2 years. The committee shall consider
6 applications for the commission seat, including the
7 application of an incumbent commissioner if he applies,
8 according to the provisions of subsection (2). The committee
9 shall submit a list of three eligible applicants, which may
10 include the incumbent if the committee so decides, without
11 recommendation, to the Governor ~~and Cabinet~~ for appointment to
12 the commission. In the case of an unexpired term, the
13 appointment must be for the remainder of the unexpired term
14 and until a successor is appointed and qualified. If more than
15 one seat is vacant, the committee shall submit a list of
16 eligible applicants, without recommendation, containing a
17 number of names equal to three times the number of vacant
18 seats; however, the names submitted shall not be distinguished
19 by seat, and each submitted applicant shall be considered
20 eligible for each vacancy.

21 (4) Upon receiving a list of eligible persons from the
22 parole qualifications committee, the Governor ~~and Cabinet~~ may
23 reject the list. If the list is rejected, the committee shall
24 reinitiate the application and examination procedure according
25 to the provisions of subsection (2).

26 (5) The provisions of s. 120.525 and chapters 119 and
27 286 apply to all activities and proceedings of a parole
28 qualifications committee.

29 Section 12. Section 947.021, Florida Statutes, 1996
30 Supplement, is amended to read:

31

1 947.021 Parole Commission; expedited
2 appointments.--Whenever the Legislature decreases the
3 membership of the commission, all terms of office shall
4 expire, notwithstanding any law to the contrary. Under such
5 circumstances, the Governor ~~and Cabinet~~ shall expedite the
6 appointment of commissioners. Notwithstanding the parole
7 qualifications committee procedure in s. 947.02, members shall
8 be directly appointed by the Governor ~~and Cabinet~~. Members
9 appointed to the commission may be selected from incumbents.
10 Members shall be certified to the Senate by the Governor ~~and~~
11 ~~Cabinet~~ for confirmation, and the membership of the commission
12 shall include representation from minority persons as defined
13 in s. 288.703.

14 Section 13. Section 947.03, Florida Statutes, 1996
15 Supplement, is amended to read:

16 947.03 Commissioners; tenure and removal.--

17 (1) Unless otherwise provided by law, each
18 commissioner serving on July 1, 1983, shall be permitted to
19 remain in office until completion of his current term. Upon
20 the expiration of the term, a successor shall be appointed in
21 the manner prescribed pursuant to the provisions of this
22 section, unless otherwise provided by law. Members appointed
23 by the Governor ~~and Cabinet~~ shall be appointed for terms of 6
24 years, unless otherwise provided by law. No person is
25 eligible to be appointed for more than two consecutive 6-year
26 terms.

27 (2) Vacancies in the membership of the commission
28 shall be filled by the Governor ~~and Cabinet~~ for the unexpired
29 term in the manner provided for in s. 947.02.

30 (3) Each member appointed by the Governor ~~and Cabinet~~
31 is accountable to the Governor ~~and Cabinet~~ for the proper

1 performance of the duties of his office. The Governor ~~and~~
2 ~~Cabinet~~ may remove from office any such member for
3 malfeasance, misfeasance, neglect of duty, drunkenness,
4 incompetence, or permanent inability to perform official
5 duties or for pleading guilty or nolo contendere to, or being
6 found guilty of, a felony. All such removals shall be
7 submitted to the Senate for its consent as provided by the
8 constitution.

9 Section 14. Subsection (1) of section 947.04, Florida
10 Statutes, 1996 Supplement, is amended to read:

11 947.04 Organization of commission; officers;
12 offices.--

13 (1) Before July 1 of each even-numbered year, the
14 Governor ~~and Cabinet~~ shall select a chairman who shall serve
15 for a period of 2 years and until a successor is selected and
16 qualified. The Governor ~~and Cabinet~~ shall, at the same time
17 that a chairman is selected, select a vice chairman to serve
18 during the same 2-year period as the chairman, in the absence
19 of the chairman. The chairman may not succeed himself. The
20 chairman, as chief administrative officer of the commission,
21 has the authority and responsibility to plan, direct,
22 coordinate, and execute the powers, duties, and
23 responsibilities assigned to the commission, except those of
24 granting and revoking parole as provided for in this chapter.
25 Subject to approval by the Governor ~~and the Cabinet~~, the
26 chairman may assign consenting retired commissioners or former
27 commissioners to temporary duty when there is a workload need.
28 Any such commissioner shall be paid \$100 for each day or
29 portion of a day spent on the work of the commission and shall
30 be reimbursed for travel expenses as provided in s. 112.061.
31 The chairman is authorized to provide or disseminate

1 information relative to parole by means of documents,
2 seminars, programs, or otherwise as he determines necessary.
3 The chairman shall establish, execute, and be held accountable
4 for all administrative policy decisions. However, decisions to
5 grant or revoke parole shall be made in accordance with the
6 provisions of ss. 947.172, 947.174, and 947.23. The
7 commissioners shall be directly accountable to the chairman in
8 the execution of their duties as commissioners, and the
9 chairman has authority to recommend to the Governor suspension
10 of a commissioner who fails to perform the duties provided for
11 by statute.

12 Section 15. Subsection (1) of section 106.24, Florida
13 Statutes, is amended to read:

14 106.24 Florida Elections Commission; membership;
15 powers; duties.--

16 (1) There is created within the Department of State a
17 Florida Elections Commission, hereinafter referred to as the
18 commission. The commission shall not be subject to control,
19 supervision, or direction by the Department of State in the
20 performance of its duties. It shall be composed of seven
21 members, including a chair, all of whom shall be appointed by
22 the Governor, ~~with the approval of three members of the~~
23 ~~Cabinet~~ and subject to confirmation by the Senate. Members of
24 the commission appointed by the Governor shall serve for
25 4-year terms. The chair of the commission shall be designated
26 by the Governor. Vacancies on the commission shall be filled
27 for the unexpired terms in the manner of the original
28 appointment to the vacated position. Members of the commission
29 may not serve more than two terms. Members of the commission
30 shall be paid travel and per diem as provided in s. 112.061
31 while in performance of their duties and in traveling to,

1 from, and upon same. Of the seven members of the commission,
2 no more than four members shall be from the same political
3 party at any one time.

4 Section 16. Subsection (4) of section 110.181, Florida
5 Statutes, is amended to read:

6 110.181 Florida State Employees' Charitable
7 Campaign.--

8 (4) FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN
9 STEERING COMMITTEE.--A Florida State Employees' Charitable
10 Campaign steering committee shall be established with nine
11 ~~seven~~ members. The chair shall be appointed by the Governor
12 and each Cabinet officer shall appoint a member.~~appointed by~~
13 ~~members of the administration commission,~~ and Two members
14 shall be appointed by the secretary of the department from
15 among applications submitted from other agencies or
16 departments. The committee, whose members shall serve
17 staggered terms, shall meet at the call of the secretary.
18 Members shall serve without compensation, but shall be
19 entitled to receive reimbursement for travel and per diem
20 expenses as provided in s. 112.061.

21 Section 17. Paragraph (a) of subsection (2) of section
22 110.112, Florida Statutes, 1996 Supplement, is amended to
23 read:

24 110.112 Affirmative action; equal employment
25 opportunity.--

26 (2)(a) The head of each executive agency shall develop
27 and implement an affirmative action plan in accordance with
28 rules adopted by the department ~~and approved by a majority~~
29 ~~vote of the Administration Commission before their adoption.~~

30 Section 18. Section 110.1225, Florida Statutes, is
31 amended to read:

1 110.1225 Furloughs.--When a deficit is projected by
2 the Revenue Estimating Conference pursuant to s. 216.136(3),
3 in any fund that supports salary and benefit appropriations to
4 an agency headed by the Governor or when such deficit is
5 projected in any fund or funds that support salary and benefit
6 appropriations to all agencies, the Governor Administration
7 ~~Commission~~ may propose a furlough plan to the Legislature,
8 which must approve or disapprove such plan. The plan must
9 identify all affected positions and ensure that all affected
10 employees are subject to the same reduction of hours for the
11 same number of pay periods with a commensurate reduction in
12 pay. In the case of a projected deficit which is limited to a
13 fund that supports salary and benefits within a single agency
14 headed by a Cabinet member, that member may propose a furlough
15 plan to the Legislature, which must approve or disapprove such
16 plan.

17 Section 19. Subsection (5) of section 110.161, Florida
18 Statutes, is amended to read:

19 110.161 State employees; pretax benefits program.--

20 (5) The Department of Management Services shall
21 develop rules for the pretax benefits program, which shall
22 specify the benefits to be offered under the program, the
23 continuing tax-exempt status of the program, and any other
24 matters deemed necessary by the department to implement this
25 section. ~~The rules must be approved by a majority vote of the~~
26 ~~Administration Commission.~~

27 Section 20. Paragraph (m) of subsection (2) of section
28 110.205, Florida Statutes, 1996 Supplement, is amended to
29 read:

30 110.205 Career service; exemptions.--

31

1 (2) EXEMPT POSITIONS.--The exempt positions which are
2 not covered by this part include the following, provided that
3 no position, except for positions established for a limited
4 period of time pursuant to paragraph (h), shall be exempted if
5 the position reports to a position in the career service:

6 (m)1. In addition to those positions exempted by other
7 paragraphs of this subsection, each department head may
8 designate a maximum of 20 policymaking or managerial
9 positions, as defined by the department ~~and approved by the~~
10 Administration Commission, as being exempt from the Career
11 Service System. Career service employees who occupy a
12 position designated as a position in the Selected Exempt
13 Service under this paragraph shall have the right to remain in
14 the Career Service System by opting to serve in a position not
15 exempted by the employing agency. Unless otherwise fixed by
16 law, the department shall set the salary and benefits of these
17 positions in accordance with the rules of the Selected Exempt
18 Service; provided, however, that if the agency head determines
19 that the general counsel, chief Cabinet aide, public
20 information administrator or comparable position for a Cabinet
21 officer, inspector general, or legislative affairs director
22 has both policymaking and managerial responsibilities and if
23 the department determines that any such position has both
24 policymaking and managerial responsibilities, the salary and
25 benefits for each such position shall be established by the
26 department in accordance with the rules of the Senior
27 Management Service.

28 2. If otherwise exempt, employees of the Public
29 Employees Relations Commission, the Commission on Human
30 Relations, and the Unemployment Appeals Commission, upon the
31 certification of their respective commission heads, may be

1 provided for under this paragraph as members of the Senior
2 Management Service, if otherwise qualified. However, the
3 deputy general counsels of the Public Employees Relations
4 Commission shall be compensated as members of the Selected
5 Exempt Service.

6 Section 21. Paragraph (f) of subsection (2) and
7 subsection (3) of section 110.209, Florida Statutes, 1996
8 Supplement, are amended to read:

9 110.209 Pay plan.--

10 (2)

11 (f) Any action taken by the department in regard to
12 the revision or establishment of a pay grade assignment which
13 affects a department headed by a Cabinet officer ~~or by the~~
14 ~~Governor and Cabinet~~ may be reviewed and changed by the
15 Governor Administration Commission, ~~and the department's~~
16 ~~decision may be changed by a majority vote of the~~
17 ~~Administration Commission.~~

18 (3) The department shall adopt any rules necessary to
19 implement the provisions of this section; ~~however, such rules~~
20 ~~shall be approved by the Administration Commission prior to~~
21 ~~their adoption by the department.~~

22 Section 22. Subsection (5) of section 110.21, Florida
23 Statutes, 1996 Supplement, is amended to read:

24 110.21 Shared employment.--In order to promote
25 part-time career employment opportunities at all levels in the
26 career service, the department shall establish and maintain a
27 plan for shared employment applicable to all classes in the
28 career service and shall be responsible for the overall
29 review, coordination, and administration of the
30 shared-employment plan.

31

1 (5) The department shall adopt any rules necessary to
2 implement the provisions of this section; ~~however, such rules~~
3 ~~shall be approved by the Administration Commission prior to~~
4 ~~their adoption by the department.~~

5 Section 23. Subsection (6) of section 110.211, Florida
6 Statutes, is amended to read:

7 110.211 Recruitment.--

8 (6) The department shall develop model recruitment
9 rules which may be used by employing agencies. ~~Such rules~~
10 ~~must be approved by the Administration Commission before their~~
11 ~~adoption by the department.~~Employing agencies electing to
12 adopt recruitment rules that are inconsistent with the model
13 rules must consult with and submit such rules to the
14 department for review and approval. ~~Such rules must also be~~
15 ~~approved by the Administration Commission before their~~
16 ~~adoption by the employing agencies.~~

17 Section 24. Subsection (5) of section 110.219, Florida
18 Statutes, 1996 Supplement, is amended to read:

19 110.219 Attendance and leave; general policies.--

20 (5) Rules shall be adopted by the department in
21 cooperation and consultation with the agencies to implement
22 the provisions of this section; ~~however, such rules must be~~
23 ~~approved by the Administration Commission prior to their~~
24 ~~adoption.~~ Such rules must provide for, but need not be limited
25 to:

26 (a) The maximum responsibility and authority resting
27 with each agency head to administer attendance and leave
28 matters in the agency within the parameters of the rules
29 adopted by the department.

30 (b) Creditable service in which 1 month of service
31 credit is awarded for each calendar month that the employee is

1 on the payroll of a state agency or during which the employee
2 is on authorized leave without pay.

3 (c) Holidays as provided in s. 110.117.
4 (d) Overtime provisions.
5 (e) Annual leave provisions.
6 (f) Sick leave provisions.
7 (g) Parental leave provisions.
8 (h) Family medical leave provisions.
9 (i) Disability leave provisions.
10 (j) Compulsory disability leave provisions.
11 (k) Administrative leave provisions.
12 (l) Military leave provisions.
13 (m) Educational leave with pay provisions.
14 (n) Leave of absence without pay provisions.

15 Section 25. Subsection (2) of section 112.175, Florida
16 Statutes, is amended to read:

17 112.175 Employee wages; withholding to repay
18 educational loan.--

19 (2) The Department of Management Services
20 ~~Administration Commission~~ shall adopt rules to implement this
21 section, which shall include, but not be limited to, a
22 standard method of calculating amounts to be withheld from
23 employees who have failed to establish a repayment schedule
24 within the specified period of time or failed to meet the
25 terms and conditions of the agreed to or approved repayment
26 schedule provided for in this section. Such method shall
27 consider the following factors:

28 (a) The amount of the loan which remains outstanding;
29 (b) The income of the employee who owes such amount;
30 and
31

1 (c) Other factors such as the number of dependents
2 supported by the employee.

3 Section 26. Section 215.18, Florida Statutes, is
4 amended to read:

5 215.18 Transfers between funds; limitation.--Whenever
6 there exists in any fund provided for by s. 215.32 a
7 deficiency which would render such fund insufficient to meet
8 its just requirements, and there shall exist in the other
9 funds in the State Treasury moneys which are for the time
10 being or otherwise in excess of the amounts necessary to meet
11 the just requirements of such last-mentioned funds, the
12 ~~Administration Commission, with the concurrence of the~~
13 ~~Governor,~~ may order a temporary transfer of moneys from one
14 fund to another in order to meet temporary deficiencies in a
15 particular fund without resorting to the necessity of
16 borrowing money and paying interest thereon. The fund from
17 which any money is temporarily transferred shall be repaid the
18 amount transferred from it not later than the end of the
19 fiscal year in which such transfer is made, the date of
20 repayment to be specified in the order of the Governor
21 ~~Administration Commission.~~

22 Section 27. Paragraph (b) of subsection (2) of section
23 215.32, Florida Statutes, is amended to read:

24 215.32 State funds; segregation.--

25 (2) The source and use of each of these funds shall be
26 as follows:

27 (b)1. The trust funds shall consist of moneys received
28 by the state which under law or under trust agreement are
29 segregated for a purpose authorized by law. The state agency
30 or branch of state government receiving or collecting such
31 moneys shall be responsible for their proper expenditure as

1 provided by law. Upon the request of the state agency or
2 branch of state government responsible for the administration
3 of the trust fund, the Comptroller may establish accounts
4 within the trust fund at a level deemed necessary for proper
5 accountability. Once an account is established within a trust
6 fund, the Comptroller shall authorize payment from that
7 account only upon determining that there is sufficient cash
8 and releases at the level of the account.

9 2. In order to maintain a minimum number of trust
10 funds in the State Treasury, each state agency or the judicial
11 branch may consolidate, if permitted under the terms and
12 conditions of their receipt, the trust funds administered by
13 it; provided, however, the agency or judicial branch employs
14 effectively a uniform system of accounts sufficient to
15 preserve the integrity of such trust funds; and provided,
16 further, that consolidation of trust funds is approved by the
17 Governor ~~Administration Commission~~ or the Chief Justice.

18 3. All such moneys are hereby appropriated to be
19 expended in accordance with the law or trust agreement under
20 which they were received, subject always to the provisions of
21 chapter 216 relating to the appropriation of funds and to the
22 applicable laws relating to the deposit or expenditure of
23 moneys in the State Treasury.

24 4.a. Notwithstanding any provision of law restricting
25 the use of trust funds to specific purposes, unappropriated
26 cash balances from selected trust funds may be authorized by
27 the Legislature for transfer to the Working Capital Fund in
28 the General Appropriations Act.

29 b. The provisions of this subparagraph shall not apply
30 to trust funds required by federal programs or mandates; trust
31 funds established for bond covenants, indentures, or

1 resolutions whose revenues are legally pledged by the state or
2 public body to meet debt service or other financial
3 requirements of any debt obligations of the state or any
4 public body; the State Transportation Trust Fund; the trust
5 fund containing the net annual proceeds from the Florida
6 Education Lotteries; the Florida Retirement Trust Fund; trust
7 funds under the management of the Board of Regents, where such
8 trust funds are for auxiliary enterprises, self-insurance, and
9 contracts, grants, and donations, as those terms are defined
10 by general law; trust funds that serve as clearing funds or
11 accounts for the Comptroller or state agencies; trust funds
12 that account for assets held by the state in a trustee
13 capacity as an agent or fiduciary for individuals, private
14 organizations, or other governmental units; and other trust
15 funds authorized by the State Constitution.

16 Section 28. Section 216.177, Florida Statutes, is
17 amended to read:

18 216.177 Appropriations acts, statement of intent,
19 violation, notice, review and objection procedures.--

20 (1) As soon as practicable, but no later than the 10th
21 day before the end of the period allowed by law for veto
22 consideration in any year in which an appropriation is made,
23 the chairs of the legislative appropriations committees shall
24 jointly transmit:

25 (a) A statement of intent, including performance and
26 workload measures as appropriate;

27 (b) The official list of General Revenue Fund
28 appropriations determined in consultation with the Executive
29 Office of the Governor to be nonrecurring; and

30 (c) The documents set forth in s. 216.0442(2)(a) and
31 (c),

1
2 to the Executive Office of the Governor, the Comptroller, the
3 Auditor General, the Chief Justice of the Supreme Court, and
4 each state agency. The statement of intent constitutes a
5 manifestation of how the Legislature, in its considered
6 opinion as a representative of the people, thinks
7 appropriations should be spent. The statement of intent is
8 not a law and may not allocate or appropriate any funds, or
9 amend or correct any provision, in the General Appropriations
10 Act, but the statement of intent may provide additional
11 explanation to the Executive Office of the Governor, the
12 judicial branch, the Governor ~~Administration Commission~~, and
13 each affected state agency relative to the purpose,
14 objectives, spending philosophy, and restrictions associated
15 with any specific appropriation. The statement of intent
16 shall compare the request of the agency or of the judicial
17 branch or the recommendation of the Governor to the funds
18 appropriated for the purpose of establishing intent in the
19 development of the approved operating budget. A request for
20 additional explanation and direction regarding the legislative
21 intent of the General Appropriations Act during the fiscal
22 year may be made only by and through the Executive Office of
23 the Governor for state agencies, and by and through the Chief
24 Justice of the Supreme Court for the judicial branch, as is
25 deemed necessary. However, the Comptroller may also request
26 further clarification of legislative intent pursuant to the
27 Comptroller's responsibilities related to his or her preaudit
28 function of expenditures.

29 (2)(a) Whenever notice of action to be taken by the
30 Executive Office of the Governor, the Chief Justice of the
31 Supreme Court, or the Governor ~~commission~~ is required by this

1 chapter, such notice shall be given to the chairs of the
2 legislative appropriations committees in writing, and shall be
3 delivered to both such chairs at least 14 consecutive days
4 prior to the action referred to, unless a shorter period is
5 approved in writing by both such chairs. Action shall not be
6 taken on any budget item for which this chapter requires
7 notice to the legislative appropriations committees without
8 such notice having been provided, even though there may be
9 good cause for considering such item.

10 (b) If the chairs of the legislative appropriations
11 committees or the President of the Senate and the Speaker of
12 the House of Representatives timely advise, in writing, the
13 Executive Office of the Governor, the Chief Justice of the
14 Supreme Court, or the Governor ~~Administration Commission~~ that
15 an action or a proposed action subject to the notice and
16 review requirements of this chapter exceeds the delegated
17 authority of the Executive Office of the Governor for the
18 executive branch, the Chief Justice for the judicial branch,
19 or the Governor ~~Administration Commission~~, respectively, or is
20 contrary to legislative policy and intent, the Governor or
21 the Chief Justice of the Supreme Court, ~~or the Administration~~
22 ~~Commission~~ shall void such action and instruct the affected
23 state agency or entity of the judicial branch to change
24 immediately its spending action or spending proposal until the
25 Legislature addresses the issue. The written documentation
26 shall indicate the specific reasons that an action or proposed
27 action exceeds the delegated authority or is contrary to
28 legislative policy and intent.

29 (c) The House of Representatives and the Senate shall
30 provide by rule that any member of the House of
31 Representatives or Senate may request, in writing, of either

1 the President of the Senate or the Speaker of the House of
2 Representatives or the chair of the respective legislative
3 appropriations committee to initiate the procedures of
4 paragraph (b).

5 (3) The Legislature may annually specify any
6 incentives and disincentives for agencies operating programs
7 under performance-based program budgets pursuant to this
8 chapter in the General Appropriations Act or legislation
9 implementing the General Appropriations Act.

10 Section 29. Section 216.179, Florida Statutes, is
11 amended to read:

12 216.179 Reinstatement of vetoed appropriations by
13 administrative means prohibited.--After the Governor has
14 vetoed a specific appropriation for an agency or the judicial
15 branch, neither the Governor, ~~the Administration Commission,~~
16 nor the Chief Justice of the Supreme Court, in their various
17 statutory and constitutional roles, may authorize expenditures
18 for or implementation in any manner of the programs that were
19 authorized by the vetoed appropriation.

20 Section 30. Subsections (1) and (2) and paragraph (b)
21 of subsection (4) of section 216.181, Florida Statutes, 1996
22 Supplement, are amended to read:

23 216.181 Approved budgets for operations and fixed
24 capital outlay.--

25 (1) The General Appropriations Act and any other acts
26 containing appropriations shall be considered the original
27 approved operating budgets for operational and fixed capital
28 expenditures. Amendments to the approved operating budgets for
29 operational and fixed capital outlay expenditures from state
30 agencies may be requested only through the Executive Office of
31 the Governor and approved by the Governor ~~or Administration~~

1 ~~Commission~~ as provided in this chapter. Amendments from the
2 judicial branch may be requested only through, and approved
3 by, the Chief Justice of the Supreme Court. This includes
4 amendments which are necessary to implement the provisions of
5 s. 216.212 or s. 216.221.

6 (2) Amendments to the original approved operating
7 budgets for operational and fixed capital outlay expenditures
8 must comply with the following guidelines in order to be
9 approved by the Governor ~~or Administration Commission~~ as
10 provided in this chapter for the executive branch and the
11 Chief Justice for the judicial branch:

12 (a) The amendment must be consistent with legislative
13 policy and intent.

14 (b) The amendment may not initiate or commence a new
15 program, except as authorized by this chapter, or eliminate an
16 existing program.

17 (c) Except as authorized in s. 216.292 or other
18 provisions of this chapter, the amendment may not provide
19 funding or increased funding for items which were funded by
20 the Legislature in an amount less than that requested by the
21 agency or Governor in the legislative budget request or which
22 were vetoed by the Governor.

23 (d) For amendments that involve trust funds, there
24 must be adequate and appropriate revenues available in the
25 trust fund and the amendment must be consistent with the laws
26 authorizing such trust funds and the laws relating to the use
27 of the trust funds. However, a trust fund shall not be
28 increased in excess of the original approved budget, except as
29 provided in subsection (10).

30 (e) The amendment shall not conflict with any
31 provision of law.

1 (f) The amendment must not provide funding for any
2 issue which was requested by the agency or branch in their
3 legislative budget request and not funded in the General
4 Appropriations Act.

5 (g) The amendment must include a written description
6 of the purpose of the proposed change, an indication of why
7 interim budget action is necessary, and the intended recipient
8 of any funds for contracted services.

9 (h) The amendment must not provide general salary
10 increases which the Legislature has not authorized in the
11 General Appropriations Act or other laws.

12 (4)

13 (b) The Executive Office of the Governor may amend,
14 without approval of the Governor ~~Administration Commission~~,
15 state agency budgets to reflect the transferred funds based on
16 the approved plans for lump-sum appropriations.

17
18 The Executive Office of the Governor shall transmit to each
19 state agency and the Comptroller, and the Chief Justice shall
20 transmit to each judicial branch component and the
21 Comptroller, any approved amendments to the approved operating
22 budgets.

23 Section 31. Subsection (2) of section 216.182, Florida
24 Statutes, is amended to read:

25 216.182 Approval of fixed capital outlay program
26 plan.--

27 (2) Any department under the direct supervision of a
28 member of the Cabinet ~~or of a board consisting of the Governor~~
29 ~~and members of the Cabinet~~ which contends that the
30 determination of the program plan by the Executive Office of
31 the Governor pursuant to subsection (1) is contrary to the

1 orderly implementation of legislative authorization shall have
2 the right to have the issue reviewed by the Governor
3 ~~Administration Commission, which shall decide such issue by~~
4 ~~majority vote.~~ The appropriations committees of the
5 Legislature may advise the Governor ~~Administration Commission~~
6 on the issue.

7 Section 32. Subsection (2) of section 216.192, Florida
8 Statutes, is amended to read:

9 216.192 Release of appropriations; revision of
10 budgets.--

11 (2) Any department under the direct supervision of a
12 member of the Cabinet ~~or of a board consisting of the Governor~~
13 ~~and members of the Cabinet~~ which contends that the plan for
14 releases of funds appropriated to it is contrary to the
15 approved operating budget shall have the right to have the
16 issue reviewed by the Governor, who ~~Administration Commission~~
17 ~~which shall decide such issue by majority vote.~~ The
18 appropriations committees of the Legislature may advise the
19 Governor ~~Administration Commission~~ on the issue.

20 Section 33. Section 216.195, Florida Statutes, is
21 amended to read:

22 216.195 Impoundment of funds; restricted.--The
23 Executive Office of the Governor, the Chief Justice of the
24 Supreme Court, any member of the Cabinet, ~~the Administration~~
25 ~~Commission,~~ or any state agency shall not impound any
26 appropriation except as necessary to avoid or eliminate a
27 deficit pursuant to the provisions of s. 216.221. The
28 provisions of this section are subject to the notice and
29 review procedures of s. 216.177. The Governor or either house
30 of the Legislature may seek judicial review of any action or
31 proposed action which violates the provisions of this section.

1 Section 34. Paragraph (a) of subsection (5) and
2 subsection (7) of section 216.221, Florida Statutes, are
3 amended to read:

4 216.221 Appropriations as maximum appropriations;
5 adjustment of budgets to avoid or eliminate deficits.--

6 (5)(a) If, in the opinion of the Governor, after
7 consultation with the Revenue Estimating Conference, a deficit
8 will occur in the General Revenue Fund, he or she shall so
9 certify to the ~~commission and to the~~ Chief Justice of the
10 Supreme Court. No more than 30 days after certifying that a
11 deficit will occur in the General Revenue Fund, the Governor
12 shall develop for the executive branch, and the Chief Justice
13 of the Supreme Court shall develop for the judicial branch,
14 and provide ~~to the commission and~~ to the Legislature plans of
15 action to eliminate the deficit.

16 (7) Deficits in the General Revenue Fund that do not
17 meet the amounts specified by subsection (6) shall be resolved
18 by the Governor ~~commission~~ for the executive branch and the
19 Chief Justice of the Supreme Court for the judicial branch.
20 The Governor ~~commission~~ and Chief Justice shall implement any
21 directions provided in the General Appropriations Act related
22 to eliminating deficits and to reduce agency and judicial
23 branch budgets, including the use of those legislative
24 appropriations voluntarily placed in reserve. In addition,
25 the Governor ~~commission~~ shall implement any directions in the
26 General Appropriations Act relating to the use of the Working
27 Capital Fund in deficit situations. When reducing state
28 agency or judicial branch budgets, the Governor ~~commission~~ or
29 the Chief Justice, respectively, shall use the guidelines
30 prescribed in subsection (5). The Executive Office of the
31 Governor for the Governor ~~commission~~, and the Chief Justice

1 for the judicial branch, shall implement the deficit reduction
2 plans through amendments to the approved operating budgets in
3 accordance with s. 216.181.

4 Section 35. Subsection (2) of section 216.231, Florida
5 Statutes, is amended to read:

6 216.231 Release of certain classified
7 appropriations.--

8 (2) The release of appropriated funds classified as
9 "deficiency" shall be approved only when a General Revenue
10 Fund appropriation for operations of a state agency or of the
11 judicial branch is inadequate because the workload or cost of
12 the operation exceeds that anticipated by the Legislature and
13 a determination has been made by the Governor ~~commission~~ that
14 the deficiency will result in an impairment of the activities
15 of an agency or of the judicial branch to the extent that the
16 agency is unable to carry out its program as provided by the
17 Legislature in the general appropriations acts. These funds
18 may not be used for creation of any new agency or program, for
19 increases of salary, or for the construction or equipping of
20 additional buildings.

21 Section 36. Subsection (1) of section 216.241, Florida
22 Statutes, is amended to read:

23 216.241 Initiation or commencement of new programs;
24 approval.--

25 (1) A state agency or the judicial branch may not
26 initiate or commence any new program, including any new
27 federal program or initiative, or make changes in its current
28 programs, as provided for in the appropriations act, that
29 require additional financing unless funds have been
30 specifically appropriated by the Legislature or unless the
31 Governor ~~commission~~ or the Chief Justice of the Supreme Court

1 expressly approves such new program or changes. The Governor
2 ~~commission~~ and the Chief Justice shall give notice as provided
3 in s. 216.177 prior to approving such new program or changes.

4 Section 37. Paragraph (a) of subsection (2) of section
5 216.251, Florida Statutes, is amended to read:

6 216.251 Salary appropriations; limitations.--

7 (2)(a) The salary for each position not specifically
8 indicated in the appropriations acts shall be as provided in
9 one of the following subparagraphs:

10 1. Within the classification and pay plans provided
11 for in chapter 110.

12 2. Within the classification and pay plans established
13 by the Board of Trustees for the Florida School for the Deaf
14 and the Blind of the Department of Education and approved by
15 the State Board of Education for academic and academic
16 administrative personnel.

17 3. Within the classification and pay plan approved and
18 administered by the Board of Regents for those positions in
19 the State University System.

20 4. Within the classification and pay plan approved by
21 the Senate, the House of Representatives, the Joint
22 Legislative Management Committee, or the Legislative Auditing
23 Committee, as the case may be, for employees of the
24 Legislature.

25 5. Within the approved classification and pay plan for
26 the judicial branch.

27 6. The salary of all positions not specifically
28 included in this subsection shall be set by the Governor
29 ~~commission~~ or by the Chief Justice for the judicial branch.

30
31

1 Section 38. Paragraphs (a) and (b) of subsection (1)
2 of section 216.262, Florida Statutes, 1996 Supplement, are
3 amended to read:

4 216.262 Authorized positions.--

5 (1)(a) Unless otherwise expressly provided by law, the
6 total number of authorized positions may not exceed the total
7 provided in the appropriations acts. In the event any state
8 agency or entity of the judicial branch finds that the number
9 of positions so provided is not sufficient to administer its
10 authorized programs, it may file an application with the
11 Executive Office of the Governor or the Chief Justice; and, if
12 the office or Chief Justice certifies that there are no
13 authorized positions available for addition, deletion, or
14 transfer within the agency as provided in paragraph (c) and
15 recommends an increase in the number of positions, the
16 Governor ~~commission~~ or the Chief Justice may, after a public
17 hearing, authorize an increase in the number of positions for
18 the following reasons only:

19 1. To implement or provide for continuing federal
20 grants or changes in grants not previously anticipated;

21 2. To meet emergencies pursuant to s. 252.36;

22 3. To satisfy new federal regulations or changes
23 therein;

24 4. To take advantage of opportunities to reduce
25 operating expenditures or to increase the revenues of the
26 state or local government; and

27 5. To authorize positions which were not fixed by the
28 Legislature through error in drafting the appropriations acts.

29
30 The provisions of this paragraph are subject to the notice and
31 review procedures set forth in s. 216.177. A copy of the

1 application, the certification, and the final authorization
2 shall be filed with the legislative appropriations committees
3 and with the Auditor General.

4 (b) The Governor ~~Administration Commission~~ and the
5 Chief Justice may, after a public hearing, delete supervisory
6 or managerial positions within a department and establish
7 direct service delivery positions in excess of the number of
8 supervisory or managerial positions deleted. The salary rate
9 for all positions authorized under this paragraph may not
10 exceed the salary rate for all positions deleted under this
11 paragraph. Positions affected by changes made under this
12 paragraph may be funded only from identical funding sources.

13 Section 39. Subsections (4) and (10) of section
14 216.292, Florida Statutes, 1996 Supplement, are amended to
15 read:

16 216.292 Appropriations nontransferable; exceptions.--

17 (4)(a) Transfers of appropriations for operations from
18 the General Revenue Fund in excess of those provided in
19 subsection (3) but within a state agency or within the
20 judicial branch may be authorized by the Governor ~~commission~~
21 for the executive branch and the Chief Justice for the
22 judicial branch, pursuant to the request of the agency filed
23 with the Executive Office of the Governor, or pursuant to the
24 request of an entity of the judicial branch filed with the
25 Chief Justice of the Supreme Court, if deemed necessary and in
26 the best interest of the state and consistent with legislative
27 policy and intent. The provisions of this paragraph are
28 subject to the notice, review, and objection procedures set
29 forth in s. 216.177.

30 (b) When an appropriation for a named fixed capital
31 outlay project is found to be in excess of that needed to

1 complete that project, at the request of the Executive Office
2 of the Governor for state agencies or the Chief Justice of the
3 Supreme Court for the judicial branch the excess may be
4 transferred, with the approval of the Governor ~~commission~~ or
5 the Chief Justice, to another project for which there has been
6 an appropriation in the same fiscal year from the same fund
7 and within the same department where a deficiency is found to
8 exist. Further, a fixed capital outlay project may not be
9 initiated without a specific legislative appropriation, nor
10 may the scope of a fixed capital outlay project be changed by
11 the transfer of funds. The provisions of this paragraph are
12 subject to the notice, review, and objection procedures set
13 forth in s. 216.177.

14 (10) Where any reorganization has been authorized by
15 the Legislature and the necessary adjustments of
16 appropriations and positions have not been provided in the
17 General Appropriations Act, the Governor ~~Administration~~
18 ~~Commission~~ may approve, consistent with legislative policy and
19 intent, the necessary transfers to accomplish the purposes of
20 such reorganization within state agencies. The Chief Justice
21 of the Supreme Court may approve such transfers for the
22 judicial branch.

23 Section 40. Paragraph (e) of subsection (4) of section
24 240.513, Florida Statutes, is amended to read:

25 240.513 University of Florida; J. Hillis Miller Health
26 Center.--

27 (4)

28 (e) In the event that the lease of the hospital
29 facilities to the nonprofit corporation is terminated for any
30 reason, the Board of Regents shall resume management and
31 operation of the hospital facilities. In such event, the

1 Governor Administration Commission is authorized to transfer
2 ~~appropriate~~ revenues generated from the operation of the
3 hospital facilities to the Board of Regents to pay the costs
4 and expenses of operating the hospital facility for the
5 remainder of the fiscal year in which such termination occurs.

6 Section 41. Paragraph (b) of subsection (1) of section
7 195.087, Florida Statutes, as amended by section 18 of chapter
8 95-272, Laws of Florida, is amended to read:

9 195.087 Property appraisers and tax collectors to
10 submit budgets to Department of Revenue.--

11 (1)

12 (b) ~~The Governor and Cabinet, sitting as the~~
13 ~~Administration Commission, may hear appeals from the final~~
14 ~~action of the Division of Ad Valorem Tax upon a written~~
15 ~~request being filed by the property appraiser or the presiding~~
16 ~~officer of the county commission no later than 15 days after~~
17 ~~the conclusion of the hearing held pursuant to s.~~

18 ~~200.065(2)(d). The Administration Commission may amend the~~
19 ~~budget if it finds that any aspect of the budget is~~
20 ~~unreasonable in light of the workload of the office of the~~
21 ~~property appraiser in the county under review. The budget~~
22 ~~request as approved by the division and as amended by the~~
23 ~~commission shall become the operating budget of the property~~
24 ~~appraiser for the ensuing fiscal year beginning October 1,~~
25 ~~except that the budget so approved may subsequently be amended~~
26 ~~under the same procedure. After final approval, the property~~
27 ~~appraiser shall make no transfer of funds between accounts~~
28 ~~without the written approval of the division. However, all~~
29 ~~moneys received by property appraisers in complying with~~
30 ~~chapter 119 shall be accounted for in the same manner as~~
31 ~~provided for in s. 218.36, for moneys received as county fees~~

1 and commissions, and any such moneys may be used and expended
2 in the same manner and to the same extent as funds budgeted
3 for the office and no budget amendment shall be required.

4 Section 42. Paragraph (a) of subsection (1) of section
5 213.055, Florida Statutes, as amended by section 122 of
6 chapter 95-417, Laws of Florida, is amended to read:

7 213.055 Declared emergency; waiver or suspension of
8 specified revenue laws.--The following actions to waive or
9 suspend a revenue law may be implemented only when the
10 Governor has declared a state of emergency pursuant to s.
11 252.36.

12 (1)(a) The Governor ~~and Cabinet~~ may grant refunds of
13 state and local taxes on motor and diesel fuel donated during
14 a declared state of emergency for official emergency use in
15 cases in which the state solicits the donation. ~~The refunds~~
16 ~~may be implemented by a vote of the majority of the Governor~~
17 ~~and Cabinet during a public meeting or by a majority jointly~~
18 ~~signing a written order.~~

19 Section 43. Paragraph (b) of subsection (5) of section
20 336.025, Florida Statutes, 1996 Supplement, is amended to
21 read:

22 336.025 County transportation system; levy of local
23 option fuel tax on motor fuel and diesel fuel.--

24 (5)

25 (b) Any dispute as to the determination by the county
26 of distribution proportions shall be resolved through an
27 appeal to the Governor Administration Commission in accordance
28 with procedures developed by the Executive Office of the
29 Governor commission. Pending final disposition of such
30 proceeding, the tax shall be collected pursuant to this
31

1 section, and such funds shall be held in escrow by the clerk
2 of the circuit court of the county until final disposition.

3 Section 44. Section 212.0599, Florida Statutes, 1996
4 Supplement, is amended to read:

5 212.0599 Rules which implement ch. 87-548.--Rules of
6 the Department of Revenue related to and in furtherance of the
7 orderly implementation of chapter 87-548, Laws of Florida,
8 shall not be subject to a s. 120.56(2) rule challenge or a s.
9 120.54(3)(c)2. drawout proceeding, but, once adopted, shall be
10 subject to a s. 120.56(3) invalidity challenge. Such rules
11 ~~shall be adopted by the Governor and Cabinet and~~ shall become
12 effective upon filing with the Department of State,
13 notwithstanding the provisions of s. 120.54(3)(e)6.

14 Section 45. Section 213.065, Florida Statutes, 1996
15 Supplement, is amended to read:

16 213.065 Rule adoption to implement ch. 89-171.--The
17 ~~executive director of the~~ Department of Revenue is hereby
18 authorized to adopt emergency rules pursuant to s. 120.54(4)
19 for purposes of implementing the applicable provisions of
20 chapter 89-171, Laws of Florida. Rules of the Department of
21 Revenue related to and in furtherance of the orderly
22 implementation of the applicable provisions of chapter 89-171,
23 Laws of Florida, shall not be subject to s. 120.54(3)(c)2.
24 drawout proceeding, but, once adopted, shall be subject to s.
25 120.56(3) invalidity challenge. Such rules ~~shall be adopted by~~
26 ~~the Governor and Cabinet and~~ shall become effective upon
27 filing with the Department of State, notwithstanding the
28 provisions of s. 120.54(3)(e)6.

29 Section 46. Section 213.066, Florida Statutes, 1996
30 Supplement, is amended to read:

31

1 213.066 Rule adoption to implement ch. 92-319.--The
2 Legislature hereby finds that the failure to promptly
3 implement the provisions of chapter 92-319, Laws of Florida,
4 would present an immediate threat to the welfare of the state
5 because revenues needed for operation of the state would not
6 be collected. Therefore, ~~the executive director of the~~
7 Department of Revenue is hereby authorized to adopt emergency
8 rules pursuant to s. 120.54(4) for purposes of implementing
9 chapter 92-319, Laws of Florida. Notwithstanding any other
10 provision of law, such emergency rules shall remain effective
11 for 6 months from the date of adoption. Other rules of the
12 Department of Revenue related to and in furtherance of the
13 orderly implementation of chapter 92-319, Laws of Florida,
14 shall not be subject to a rule challenge pursuant to s.
15 120.56(2) or a drawout proceeding pursuant to s.
16 120.54(3)(c)2., but, once adopted, shall be subject to an
17 invalidity challenge pursuant to s. 120.56(3). Such rules
18 ~~shall be adopted by the Governor and Cabinet and~~ shall become
19 effective upon filing with the Department of State,
20 notwithstanding the provisions of s. 120.54(3)(e)6. This
21 section shall take effect July 8, 1992.

22 Section 47. Subsection (13) of section 161.101,
23 Florida Statutes, 1996 Supplement, is amended to read:

24 161.101 State and local participation in authorized
25 projects and studies relating to beach management and erosion
26 control.--

27 (13) The department may expend funds from the
28 Ecosystem Management and Restoration Trust Fund to alleviate
29 emergency conditions, upon a declaration, after a hearing, by
30 the Governor ~~and Cabinet~~ that a shoreline emergency of state
31 concern exists. Any expenditures made for this purpose shall

1 be pursuant to legislative appropriations or from amendments
2 to original approved operating budgets authorized pursuant to
3 s. 216.181.

4 Section 48. Paragraph (d) of subsection (7) of section
5 339.135, Florida Statutes, is amended to read:

6 339.135 Work program; legislative budget request;
7 definitions; preparation, adoption, execution, and
8 amendment.--

9 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

10 (d)1. Whenever the department proposes any amendment
11 to the adopted work program, which amendment is defined in
12 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
13 subparagraph (c)4., it shall submit the proposed amendment to
14 the Governor for approval and shall immediately notify the
15 chairs of the legislative appropriations committees, the
16 chairs of the legislative transportation committees, each
17 member of the Legislature who represents a district affected
18 by the proposed amendment, each metropolitan planning
19 organization affected by the proposed amendment, and each unit
20 of local government affected by the proposed amendment. Such
21 proposed amendment shall provide a complete justification of
22 the need for the proposed amendment.

23 2. The Governor shall not approve a proposed amendment
24 until 14 days following the notification required in
25 subparagraph 1.

26 3. If either of the chairs of the legislative
27 appropriations committees or the President of the Senate or
28 the Speaker of the House of Representatives objects in writing
29 to a proposed amendment within 14 days following notification
30 and specifies the reasons for such objection, the Governor
31 shall consider such objections in making a final determination

1 ~~of approval or disapproval.~~disapprove the proposed amendment
2 ~~or shall submit the proposed amendment to the Administration~~
3 ~~Commission. The proposed amendment may be approved by the~~
4 ~~Administration Commission by a two-thirds vote of the members~~
5 ~~present with the Governor voting in the affirmative. In the~~
6 ~~absence of approval by the commission, the proposed amendment~~
7 ~~shall be automatically disapproved.~~

8 Section 49. Subsection (1) of section 366.055, Florida
9 Statutes, is amended to read:

10 366.055 Availability of, and payment for, energy
11 reserves.--

12 (1) Energy reserves of all utilities in the Florida
13 energy grid shall be available at all times to ensure that
14 grid reliability and integrity are maintained. The commission
15 is authorized to take such action as is necessary to assure
16 compliance. However, prior commitments as to energy use:

17 (a) In interstate commerce, as approved by the Federal
18 Energy Regulatory Commission;

19 (b) Between one electric utility and another, which
20 have been approved by the Federal Energy Regulatory
21 Commission; or

22 (c) Between an electric utility which is a part of the
23 energy grid created herein and another energy grid

24
25 shall not be abridged or altered except during an energy
26 emergency as declared by the Governor ~~and Cabinet~~.

27 Section 50. Section 945.6035, Florida Statutes, is
28 amended to read:

29 945.6035 Dispute resolution.--

30 (1) The authority and the Assistant Secretary for
31 Health Services shall attempt to expeditiously resolve any

1 disputes arising between the authority and the department
2 regarding the physical and mental health care of inmates.

3 (2) If the authority and the Assistant Secretary for
4 Health Services are unable to resolve a dispute regarding
5 inmate physical or mental health care, the authority may
6 submit a written notice to the Assistant Secretary for Health
7 Services, setting forth each issue in controversy and the
8 position of the authority. The Assistant Secretary for Health
9 Services shall respond to the authority within 30 days after
10 receipt of such written notice. The authority shall place the
11 assistant secretary's response on the agenda of the next
12 regularly scheduled meeting of the authority. If the dispute
13 remains unresolved, the authority may submit a written report
14 to the secretary detailing the authority's objections. The
15 Assistant Secretary for Health Services shall submit a written
16 report setting forth his position to the secretary on the
17 issue or issues raised by the authority within 5 working days
18 after receipt of the submission by the authority.

19 (3) The secretary shall review any disputes between
20 the authority and the Assistant Secretary for Health Services,
21 and shall provide written notice to the authority of his
22 decision regarding such disputes within 40 days after the date
23 when the authority provides written notice of the dispute to
24 the secretary.

25 (4) If, at the end of the 40-day period, no resolution
26 has been reached, the authority is authorized to appeal to the
27 Governor ~~Administration Commission~~ for a review and resolution
28 of the dispute between the department and the authority.

29 (5) The authority, within 30 days after receiving
30 written notice of the action of the secretary or, if no
31 response is received, within 30 days after the secretary's

1 response is due pursuant to subsection (3), may file an appeal
2 by petition to the Governor ~~Administration Commission~~, filed
3 with the Executive Office of the Governor ~~Secretary of the~~
4 ~~Administration Commission~~. The petition shall set forth the
5 issues in controversy between the authority and the
6 department, in the form and manner prescribed by the Executive
7 Office of the Governor ~~Administration Commission~~, and shall
8 contain the reasons for the appeal. The department has 5 days
9 after delivery of a copy of any such petition to file its
10 reply with the Executive Office of the Governor ~~Secretary of~~
11 ~~the Administration Commission~~, and the department shall also
12 deliver a copy of its reply to the authority.

13 (6) The issues which may be raised by the authority on
14 appeal to the Governor ~~Administration Commission~~ are:

15 (a) Adoption or implementation by the department of a
16 health care standard which does not conform to the standard of
17 care generally accepted in the professional health community
18 at large.

19 (b) Failure of the department to comply with an
20 adopted health care standard.

21 (c) Failure to timely file a corrective action plan
22 regarding all deficiencies which are determined by the
23 authority to exist at an institution, as required pursuant to
24 s. 945.6031.

25 (d) Failure to implement a corrective action plan
26 filed pursuant to s. 945.6031.

27 (7) Within 30 days after receipt of a petition from
28 the authority, the Executive Office of the Governor ~~Secretary~~
29 ~~of the Administration Commission, or his designee,~~ shall
30 conduct an informal hearing to consider the matters presented
31 in the petition and the reply, and after the informal hearing

1 shall promptly submit a report of the findings and
2 recommendations to the Governor ~~Administration Commission~~.
3 Within 30 days after the informal hearing, the Governor
4 ~~Administration Commission~~ shall approve either the position of
5 the authority or that of the department. If the position of
6 the authority is approved, the Governor ~~Administration~~
7 ~~Commission~~ shall set forth whatever remedial measures he or
8 she ~~it~~ deems appropriate and the department shall implement
9 such remedial measures. The decision of the Governor
10 ~~Administration Commission~~ is final and binding on the
11 authority and the department and shall not be subject to
12 appeal pursuant to s. 120.68.

13 Section 51. Effective upon this act becoming a law,
14 paragraph (k) is added to subsection (2) of section 20.13,
15 Florida Statutes, and subsection (5) of said section is
16 amended, to read:

17 20.13 Department of Insurance.--There is created a
18 Department of Insurance.

19 (2) The following divisions of the Department of
20 Insurance are established:

21 (k) Division of Information Systems.

22 (5) A Bureau of Financial and Support Services ~~and a~~
23 ~~Bureau of Information Systems~~ is created within the Division
24 of Administration.

25 Section 52. Except as otherwise provided herein, this
26 act shall take effect October 1, 1997.

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