

1 A bill to be entitled
2 An act relating to the Department of State;
3 transferring the Department of Highway Safety
4 and Motor Vehicles to the Department of State;
5 creating s. 20.241, F.S.; creating the
6 Department of Highway Safety; abolishing the
7 Department of Highway Safety and Motor Vehicles
8 and transferring the divisions of the
9 department; amending s. 20.10, F.S.; providing
10 for additional divisions in the Department of
11 State; repealing s. 20.24, F.S., relating to
12 the Department of Highway Safety and Motor
13 Vehicles; amending ss. 316.003 and 318.13,
14 F.S.; conforming to the act; directing the
15 Division of Statutory Revision to make
16 appropriate changes to the statutes; providing
17 an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. All of the existing legal authorities and
22 actions of the Department of Highway Safety and Motor
23 Vehicles, excluding the Florida Highway Patrol, are hereby
24 transferred by a type two transfer as described in section
25 20.06, Florida Statutes, to the Department of State,
26 including, but not limited to, all pending and completed
27 action on orders and rules, all enforcement matters, and all
28 delegations, interagency agreements, and contracts with
29 federal, state, regional, and local governments, and private
30 entities. Personnel, property, and unexpended balances of
31 appropriations, allocations, or other funds of the Department

1 of Highway Safety and Motor Vehicles are hereby transferred to
2 the Department of State.

3 Section 2. Section 20.241, Florida Statutes, is
4 created to read:

5 20.241 Department of Highway Safety.--There is created
6 a Department of Highway Safety.

7 (1) The head of the Department of Highway Safety is
8 the Governor and Cabinet. The executive director of the
9 department shall be appointed by the Governor with the
10 approval of three members of the cabinet, subject to
11 confirmation by the Senate. The executive director shall serve
12 at the pleasure of the Governor and Cabinet.

13 (2)(a) All of the existing legal authorities and
14 actions of the Division of the Florida Highway Patrol of the
15 Department of Highway Safety and Motor Vehicles are hereby
16 transferred by a type two transfer as described in section
17 20.06, Florida Statutes, to the Department of Highway Safety,
18 including, but not limited to, all pending and completed
19 action on orders and rules, all enforcement matters, and all
20 delegations, interagency agreements, and contracts with
21 federal, state, regional, and local governments, and private
22 entities. Personnel, property, and unexpended balances of
23 appropriations, allocations, or other funds of the Division of
24 the Florida Highway Patrol are hereby transferred to the
25 Department of Highway Safety. Those positions primarily
26 supporting the Division of the Florida Highway Patrol within
27 the Department of Highway Safety and Motor Vehicles are hereby
28 transferred to the Department of Highway Safety. The Governor
29 and Cabinet are hereby granted the specific authority to shift
30 positions, consistent with the notice and review requirements
31 of s. 216.177, Florida Statutes, between the former Department

1 of Highway Safety and Motor Vehicles now located within the
2 Department of State and the Department of Highway Safety as
3 created by this act to promote the efficient and effective
4 operation of both departments.

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

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

17 (3) The following divisions of the Department of
18 Highway Safety are established:

19 (a) Division of Administration.

20 (b) Division of the Florida Highway Patrol.

21 (4) Bureaus may be established as deemed necessary to
22 promote efficient and effective operation of the department,
23 pursuant to section 20.04, Florida Statutes.

24 Section 3. Abolishment of Department of Highway Safety
25 and Motor Vehicles; transfers.--The Department of Highway
26 Safety and Motor Vehicles is hereby abolished.

27 (1) The Division of Driver Licenses of the Department
28 of Highway Safety and Motor Vehicles is hereby transferred to
29 the Department of State.

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1 (2) The Division of Motor Vehicles of the Department
2 of Highway Safety and Motor Vehicles is hereby transferred to
3 the Department of State.

4 (3) The Division of the Florida Highway Patrol of the
5 Department of Highway Safety and Motor Vehicles is hereby
6 transferred to the Department of Highway Safety.

7 Section 4. Subsection (2) of section 20.10, Florida
8 Statutes, is amended to read:

9 20.10 Department of State.--There is created a
10 Department of State.

11 (2) The following divisions of the Department of State
12 are established:

13 (a) Division of Elections.

14 (b) Division of Historical Resources.

15 (c) Division of Corporations.

16 (d) Division of Library and Information Services.

17 (e) Division of Licensing.

18 (f) Division of Cultural Affairs.

19 (g) Division of Administration.

20 (h) Division of Driver Licenses.

21 (i) Division of Motor Vehicles.

22 Section 5. Section 20.24, Florida Statutes, is hereby
23 repealed.

24 Section 6. Subsection (8) of section 316.003, Florida
25 Statutes, is amended to read:

26 316.003 Definitions.--The following words and phrases,
27 when used in this chapter, shall have the meanings
28 respectively ascribed to them in this section, except where
29 the context otherwise requires:

30 (8) DEPARTMENT.--The Department of State Highway
31 ~~Safety and Motor Vehicles~~ as defined in s. 20.10 ~~20.24~~. Any

1 reference herein to Department of Transportation shall be
2 construed as referring to the Department of Transportation,
3 defined in s. 20.23, or the appropriate division thereof.

4 Section 7. Subsection (1) of section 318.13, Florida
5 Statutes, is amended to read:

6 318.13 Definitions.--The following words and phrases,
7 when used in this chapter, shall have the meanings
8 respectively ascribed to them in this section, except where
9 the context otherwise requires:

10 (1) "Department" means Department of State Highway
11 ~~Safety and Motor Vehicles~~, defined in s. 20.10 ~~20.24~~, or the
12 appropriate division thereof.

13 Section 8. The Division of Statutory Revision of the
14 Joint Legislative Management Committee, in editing manuscript
15 for the next official version of the Florida Statutes, is
16 directed to replace the term "Department of Highway Safety and
17 Motor Vehicles" wherever that term appears in the statutes
18 with the term "Department of State" or "Department of Highway
19 Safety," as appropriate.

20 Section 9. This act shall take effect January 1, 1998,
21 except that the Governor and Cabinet may appoint the executive
22 director of the Department of Highway Safety 60 days prior to
23 the effective date of this act.

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