

By Senator Cowin

11-1361-99

See HB 497

1 A bill to be entitled
2 An act relating to the executive branch of
3 state government; amending ss. 20.21, 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, 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.
31 110.181, F.S.; providing for appointment of

1 seven members of the Florida State Employees'
2 Charitable Campaign steering committee by the
3 Governor and Cabinet members rather than the
4 Administration Commission; amending ss.
5 110.112, 110.161, 110.209, 110.21, 110.211,
6 110.219, F.S.; removing the requirement that
7 the Administration Commission approve rules
8 relating to agency affirmative action plans,
9 the pretax benefits program, pay plans, shared
10 employment, recruitment, and attendance and
11 leave; amending s. 110.1225, F.S.; providing
12 that the Governor, rather than the
13 Administration Commission, may propose employee
14 furlough plans; providing that a Cabinet member
15 may propose such plans for his or her agency;
16 amending s. 110.205, F.S.; removing the
17 requirement that the Administration Commission
18 approve certain positions exempt from the
19 Career Service System; amending s. 110.209,
20 F.S.; providing that the Governor, rather than
21 the Administration Commission, shall review
22 actions relating to pay grade assignments;
23 amending s. 112.175, F.S.; providing that the
24 Department of Management Services, rather than
25 the Administration Commission, shall adopt
26 rules relating to withholding of wages to repay
27 educational loans; amending ss. 215.18 and
28 215.32, F.S.; providing that the Governor,
29 rather than the Administration Commission,
30 shall order certain transfers between funds and
31 approve trust fund consolidations; amending ss.

1 216.177, 216.179, 216.181, 216.182, 216.192,
2 216.195, 216.221, 216.231, 216.241, 216.251,
3 216.262, 216.292, 240.513, F.S.; providing that
4 the Governor, rather than the Administration
5 Commission, shall have responsibilities in the
6 following areas relating to appropriations and
7 budgeting: appropriations act review and
8 objection procedures, authorization of
9 expenditures, amendments to approved operating
10 budgets, review of determinations relating to
11 fixed capital outlay program plans, review of
12 plans for releases of funds, impoundment of
13 funds, implementing certain deficit reduction
14 plans, release of funds classified as
15 "deficiency," approval of new programs or
16 program changes, setting of certain salaries,
17 certain adjustments to authorized positions,
18 and authorization of certain fund transfers;
19 amending s. 195.087, F.S.; removing provisions
20 which allow property appraisers to appeal
21 budget decisions to the Administration
22 Commission; amending s. 213.055, F.S.;
23 providing that the Governor, rather than the
24 Governor and Cabinet, may grant certain fuel
25 tax refunds in an emergency; amending s.
26 336.025, F.S.; providing that the Governor,
27 rather than the Administration Commission,
28 shall resolve disputes relating to
29 determination of distribution proportions for
30 the local option fuel tax for county
31 transportation systems; amending ss. 212.0599,

1 213.065, 213.066, F.S.; removing references to
2 adoption by the Governor and Cabinet of certain
3 implementing rules of the Department of
4 Revenue; amending ss. 161.101, 366.055, F.S.;
5 providing that the Governor, rather than the
6 Governor and Cabinet, shall have responsibility
7 for declaration of a shoreline emergency and
8 declaration of an energy emergency; amending s.
9 339.135, F.S.; removing responsibilities of the
10 Administration Commission with respect to
11 approval of proposed amendments by the
12 Department of Transportation to an adopted work
13 program when objection has been made thereto;
14 amending s. 945.6035, F.S.; providing for
15 appeals to the Governor, rather than the
16 Administration Commission, for resolution of
17 disputes between the Department of Corrections
18 and the Correctional Medical Authority;
19 providing effective dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (1) and (5) of section 20.21,
24 Florida Statutes, are amended to read:

25 20.21 Department of Revenue.--There is created a
26 Department of Revenue.

27 (1) The head of the Department of Revenue is the
28 Secretary of Revenue ~~Governor and Cabinet~~. The secretary
29 shall be appointed by the Governor, subject to confirmation by
30 the Senate. The secretary shall serve at the pleasure of the
31 Governor.

1 (5) The position of taxpayers' rights advocate is
2 created within the Department of Revenue. The taxpayers'
3 rights advocate shall be appointed by and report to the
4 secretary ~~executive director of the department~~. The
5 responsibilities of the taxpayers' rights advocate include,
6 but are not limited to, the following:

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

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

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

17 20.37 Department of Veterans' Affairs.--There is
18 created a Department of Veterans' Affairs.

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

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

1 consultation with the appropriate committees of the
2 Legislature.

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

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

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

30 (3) The Governor is hereby granted the specific
31 authority to shift positions, consistent with the notice and

1 review requirements of section 216.177, Florida Statutes,
2 between the former Department of Highway Safety and Motor
3 Vehicles now located within the Department of State and the
4 Department of Highway Safety as created by this act to promote
5 the efficient and effective operation of both departments.

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

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

18 Section 5. Paragraphs (h) and (i) are added to
19 subsection (2) of section 20.10, Florida Statutes, and
20 subsection (3) is added to that section, to read:

21 20.10 Department of State.--There is created a
22 Department of State.

23 (2) The following divisions of the Department of State
24 are established:

25 (h) Division of Driver Licenses.

26 (i) Division of Motor Vehicles.

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

1 Section 6. Section 20.24, Florida Statutes, is hereby
2 repealed.

3 Section 7. 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 is the Secretary of
8 Highway Safety. The secretary shall be appointed by the
9 Governor with the approval of three members of the Cabinet,
10 subject to confirmation by the Senate. The secretary shall
11 serve at the pleasure of the Governor.

12 (2) The following divisions of the Department of
13 Highway Safety are established:

14 (a) Division of Administration.

15 (b) Division of the Florida Highway Patrol.

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

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

29 Section 9. Subsection (1) of section 322.125, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 322.125 Medical Advisory Board.--

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

28 Section 10. Subsection (2) of section 20.32, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 20.32 Parole Commission.--

31

1 (2) All powers, duties, and functions relating to the
2 appointment of the Parole Commission as provided in s. 947.02
3 or s. 947.021 shall be exercised and performed by the Governor
4 ~~and the Cabinet~~. Except as provided in s. 947.021, each
5 appointment shall be made from among the first three eligible
6 persons on the list of the persons eligible for said position.

7 Section 11. Section 947.02, Florida Statutes, is
8 amended to read:

9 947.02 Parole Commission; members, appointment.--

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

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

1 applications shall be considered along with the new
2 applications according to the previously established plan for
3 the evaluation of the qualifications of applicants.

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

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

29 (5) The provisions of s. 120.525 and chapters 119 and
30 286 apply to all activities and proceedings of a parole
31 qualifications committee.

1 Section 12. Section 947.021, Florida Statutes, is
2 amended to read:

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

16 Section 13. Section 947.03, Florida Statutes, is
17 amended to read:

18 947.03 Commissioners; tenure and removal.--

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

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

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

11 Section 14. Subsection (1) of section 947.04, Florida
12 Statutes, is amended to read:

13 947.04 Organization of commission; officers;
14 offices.--

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

1 be reimbursed for travel expenses as provided in s. 112.061.
2 The chairman is authorized to provide or disseminate
3 information relative to parole by means of documents,
4 seminars, programs, or otherwise as he determines necessary.
5 The chairman shall establish, execute, and be held accountable
6 for all administrative policy decisions. However, decisions to
7 grant or revoke parole shall be made in accordance with the
8 provisions of ss. 947.172, 947.174, and 947.23. The
9 commissioners shall be directly accountable to the chairman in
10 the execution of their duties as commissioners, and the
11 chairman has authority to recommend to the Governor suspension
12 of a commissioner who fails to perform the duties provided for
13 by statute.

14 Section 15. Subsection (4) of section 110.181, Florida
15 Statutes, is amended to read:

16 110.181 Florida State Employees' Charitable
17 Campaign.--

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

31

1 Section 16. Paragraph (a) of subsection (2) of section
2 110.112, Florida Statutes, is amended to read:

3 110.112 Affirmative action; equal employment
4 opportunity.--

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

9 Section 17. Section 110.1225, Florida Statutes, is
10 amended to read:

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

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

29 110.161 State employees; pretax benefits program.--

30 (5) The Department of Management Services shall
31 develop rules for the pretax benefits program, which shall

1 specify the benefits to be offered under the program, the
2 continuing tax-exempt status of the program, and any other
3 matters deemed necessary by the department to implement this
4 section. ~~The rules must be approved by a majority vote of the~~
5 ~~Administration Commission.~~

6 Section 19. Paragraph (m) of subsection (2) of section
7 110.205, Florida Statutes, is amended to read:

8 110.205 Career service; exemptions.--

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

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

1 policymaking and managerial responsibilities, the salary and
2 benefits for each such position shall be established by the
3 department in accordance with the rules of the Senior
4 Management Service.

5 2. If otherwise exempt, employees of the Public
6 Employees Relations Commission, the Commission on Human
7 Relations, and the Unemployment Appeals Commission, upon the
8 certification of their respective commission heads, may be
9 provided for under this paragraph as members of the Senior
10 Management Service, if otherwise qualified. However, the
11 deputy general counsels of the Public Employees Relations
12 Commission shall be compensated as members of the Selected
13 Exempt Service.

14 Section 20. Paragraph (f) of subsection (2) and
15 subsection (3) of section 110.209, Florida Statutes, are
16 amended to read:

17 110.209 Pay plan.--

18 (2)

19 (f) Any action taken by the department in regard to
20 the revision or establishment of a pay grade assignment which
21 affects a department headed by a Cabinet officer ~~or by the~~
22 ~~Governor and Cabinet~~ may be reviewed and changed by the
23 Governor Administration Commission, and the department's
24 ~~decision may be changed by a majority vote of the~~
25 ~~Administration Commission.~~

26 (3) The department shall adopt any rules necessary to
27 implement the provisions of this section; ~~however, such rules~~
28 ~~shall be approved by the Administration Commission prior to~~
29 ~~their adoption by the department.~~

30 Section 21. Subsection (5) of section 110.21, Florida
31 Statutes, is amended to read:

1 110.21 Shared employment.--In order to promote
2 part-time career employment opportunities at all levels in the
3 career service, the department shall establish and maintain a
4 plan for shared employment applicable to all classes in the
5 career service and shall be responsible for the overall
6 review, coordination, and administration of the
7 shared-employment plan.

8 (5) The department shall adopt any rules necessary to
9 implement the provisions of this section; ~~however, such rules~~
10 ~~shall be approved by the Administration Commission prior to~~
11 ~~their adoption by the department.~~

12 Section 22. Subsection (6) of section 110.211, Florida
13 Statutes, is amended to read:

14 110.211 Recruitment.--

15 (6) The department shall develop model recruitment
16 rules which may be used by employing agencies. ~~Such rules~~
17 ~~must be approved by the Administration Commission before their~~
18 ~~adoption by the department.~~Employing agencies electing to
19 adopt recruitment rules that are inconsistent with the model
20 rules must consult with and submit such rules to the
21 department for review and approval. ~~Such rules must also be~~
22 ~~approved by the Administration Commission before their~~
23 ~~adoption by the employing agencies.~~

24 Section 23. Subsection (5) of section 110.219, Florida
25 Statutes, is amended to read:

26 110.219 Attendance and leave; general policies.--

27 (5) Rules shall be adopted by the department in
28 cooperation and consultation with the agencies to implement
29 the provisions of this section; ~~however, such rules must be~~
30 ~~approved by the Administration Commission prior to their~~
31

1 ~~adoption~~. Such rules must provide for, but need not be limited
2 to:

3 (a) The maximum responsibility and authority resting
4 with each agency head to administer attendance and leave
5 matters in the agency within the parameters of the rules
6 adopted by the department.

7 (b) Creditable service in which 1 month of service
8 credit is awarded for each calendar month that the employee is
9 on the payroll of a state agency or during which the employee
10 is on authorized leave without pay.

11 (c) Holidays as provided in s. 110.117.

12 (d) Overtime provisions.

13 (e) Annual leave provisions.

14 (f) Sick leave provisions.

15 (g) Parental leave provisions.

16 (h) Family medical leave provisions.

17 (i) Disability leave provisions.

18 (j) Compulsory disability leave provisions.

19 (k) Administrative leave provisions.

20 (l) Military leave provisions.

21 (m) Educational leave with pay provisions.

22 (n) Leave of absence without pay provisions.

23 Section 24. Subsection (2) of section 112.175, Florida
24 Statutes, is amended to read:

25 112.175 Employee wages; withholding to repay
26 educational loan.--

27 (2) The Department of Management Services
28 ~~Administration Commission~~ shall adopt rules to implement this
29 section, which shall include, but not be limited to, a
30 standard method of calculating amounts to be withheld from
31 employees who have failed to establish a repayment schedule

1 within the specified period of time or failed to meet the
2 terms and conditions of the agreed to or approved repayment
3 schedule provided for in this section. Such method shall
4 consider the following factors:

5 (a) The amount of the loan which remains outstanding;

6 (b) The income of the employee who owes such amount;

7 and

8 (c) Other factors such as the number of dependents
9 supported by the employee.

10 Section 25. Section 215.18, Florida Statutes, is
11 amended to read:

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

29 Section 26. Paragraphs (b), (c), and (d) of subsection
30 (2) of section 215.32, Florida Statutes, 1998 Supplement, is
31 amended to read:

1 215.32 State funds; segregation.--

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

4 (b)1. The trust funds shall consist of moneys received
5 by the state which under law or under trust agreement are
6 segregated for a purpose authorized by law. The state agency
7 or branch of state government receiving or collecting such
8 moneys shall be responsible for their proper expenditure as
9 provided by law. Upon the request of the state agency or
10 branch of state government responsible for the administration
11 of the trust fund, the Comptroller may establish accounts
12 within the trust fund at a level considered necessary for
13 proper accountability. Once an account is established within a
14 trust fund, the Comptroller may authorize payment from that
15 account only upon determining that there is sufficient cash
16 and releases at the level of the account.

17 2. In order to maintain a minimum number of trust
18 funds in the State Treasury, each state agency or the judicial
19 branch may consolidate, if permitted under the terms and
20 conditions of their receipt, the trust funds administered by
21 it; provided, however, the agency or judicial branch employs
22 effectively a uniform system of accounts sufficient to
23 preserve the integrity of such trust funds; and provided,
24 further, that consolidation of trust funds is approved by the
25 Governor ~~Administration Commission~~ or the Chief Justice.

26 3. All such moneys are hereby appropriated to be
27 expended in accordance with the law or trust agreement under
28 which they were received, subject always to the provisions of
29 chapter 216 relating to the appropriation of funds and to the
30 applicable laws relating to the deposit or expenditure of
31 moneys in the State Treasury.

1 4.a. Notwithstanding any provision of law restricting
2 the use of trust funds to specific purposes, unappropriated
3 cash balances from selected trust funds may be authorized by
4 the Legislature for transfer to the Budget Stabilization Fund
5 and Working Capital Fund in the General Appropriations Act.

6 b. This subparagraph does not apply to trust funds
7 required by federal programs or mandates; trust funds
8 established for bond covenants, indentures, or resolutions
9 whose revenues are legally pledged by the state or public body
10 to meet debt service or other financial requirements of any
11 debt obligations of the state or any public body; the State
12 Transportation Trust Fund; the trust fund containing the net
13 annual proceeds from the Florida Education Lotteries; the
14 Florida Retirement Trust Fund; trust funds under the
15 management of the Board of Regents, where such trust funds are
16 for auxiliary enterprises, self-insurance, and contracts,
17 grants, and donations, as those terms are defined by general
18 law; trust funds that serve as clearing funds or accounts for
19 the Comptroller or state agencies; trust funds that account
20 for assets held by the state in a trustee capacity as an agent
21 or fiduciary for individuals, private organizations, or other
22 governmental units; and other trust funds authorized by the
23 State Constitution.

24 (c)1. The Budget Stabilization Fund shall consist of
25 amounts equal to at least 5 percent of net revenue collections
26 for the General Revenue Fund during the last completed fiscal
27 year. The Budget Stabilization Fund's principal balance shall
28 not exceed an amount equal to 10 percent of the last completed
29 fiscal year's net revenue collections for the General Revenue
30 Fund. As used in this paragraph, the term "last completed
31 fiscal year" means the most recently completed fiscal year

1 prior to the regular legislative session at which the
2 Legislature considers the General Appropriations Act for the
3 year in which the transfer to the Budget Stabilization Fund
4 must be made under this paragraph.

5 2. By September 15 of each year, the Governor shall
6 authorize the Comptroller to transfer, and the Comptroller
7 shall transfer pursuant to appropriations made by law, to the
8 Budget Stabilization Fund the amount of money needed for the
9 balance of that fund to equal the amount specified in
10 subparagraph 1., less any amounts expended and not restored.
11 The moneys needed for this transfer may be appropriated by the
12 Legislature from any funds.

13 3. Unless otherwise provided in this subparagraph, an
14 expenditure from the Budget Stabilization Fund must be
15 restored pursuant to a restoration schedule that provides for
16 making five equal annual transfers from the General Revenue
17 Fund, beginning in the fiscal year following that in which the
18 expenditure was made. For any Budget Stabilization Fund
19 expenditure, the Legislature may establish by law a different
20 restoration schedule and such change may be made at any time
21 during the restoration period. Moneys are hereby appropriated
22 for transfers pursuant to this subparagraph.

23 4. The Budget Stabilization Fund and the Working
24 Capital Fund may be used as revolving funds for transfers as
25 provided in s. 18.125; however, any interest earned must be
26 deposited in the General Revenue Fund.

27 (d) The Working Capital Fund shall consist of moneys
28 in the General Revenue Fund which are in excess of the amount
29 needed to meet General Revenue Fund appropriations for the
30 current fiscal year. Each year, no later than the publishing
31 date of the annual financial statements for the state by the

1 Comptroller under s. 216.102, funds shall be transferred
2 between the Working Capital Fund and the General Revenue Fund
3 to establish the balance of the Working Capital Fund for that
4 fiscal year at the amount determined pursuant to this
5 paragraph.

6 Section 27. Section 216.177, Florida Statutes, is
7 amended to read:

8 216.177 Appropriations acts, statement of intent,
9 violation, notice, review and objection procedures.--

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

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

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

20 (c) The documents set forth in s. 216.0442(2)(a) and
21 (c),

22
23 to the Executive Office of the Governor, the Comptroller, the
24 Auditor General, the Chief Justice of the Supreme Court, and
25 each state agency. The statement of intent constitutes a
26 manifestation of how the Legislature, in its considered
27 opinion as a representative of the people, thinks
28 appropriations should be spent. The statement of intent is
29 not a law and may not allocate or appropriate any funds, or
30 amend or correct any provision, in the General Appropriations
31 Act, but the statement of intent may provide additional

1 explanation to the Executive Office of the Governor, the
2 judicial branch, the Governor ~~Administration Commission~~, and
3 each affected state agency relative to the purpose,
4 objectives, spending philosophy, and restrictions associated
5 with any specific appropriation. The statement of intent
6 shall compare the request of the agency or of the judicial
7 branch or the recommendation of the Governor to the funds
8 appropriated for the purpose of establishing intent in the
9 development of the approved operating budget. A request for
10 additional explanation and direction regarding the legislative
11 intent of the General Appropriations Act during the fiscal
12 year may be made only by and through the Executive Office of
13 the Governor for state agencies, and by and through the Chief
14 Justice of the Supreme Court for the judicial branch, as is
15 deemed necessary. However, the Comptroller may also request
16 further clarification of legislative intent pursuant to the
17 Comptroller's responsibilities related to his or her preaudit
18 function of expenditures.

19 (2)(a) Whenever notice of action to be taken by the
20 Executive Office of the Governor, the Chief Justice of the
21 Supreme Court, or the Governor ~~commission~~ is required by this
22 chapter, such notice shall be given to the chairs of the
23 legislative appropriations committees in writing, and shall be
24 delivered to both such chairs at least 14 consecutive days
25 prior to the action referred to, unless a shorter period is
26 approved in writing by both such chairs. Action shall not be
27 taken on any budget item for which this chapter requires
28 notice to the legislative appropriations committees without
29 such notice having been provided, even though there may be
30 good cause for considering such item.

31

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

20 (c) The House of Representatives and the Senate shall
21 provide by rule that any member of the House of
22 Representatives or Senate may request, in writing, of either
23 the President of the Senate or the Speaker of the House of
24 Representatives or the chair of the respective legislative
25 appropriations committee to initiate the procedures of
26 paragraph (b).

27 (3) The Legislature may annually specify any
28 incentives and disincentives for agencies operating programs
29 under performance-based program budgets pursuant to this
30 chapter in the General Appropriations Act or legislation
31 implementing the General Appropriations Act.

1 Section 28. Section 216.179, Florida Statutes, is
2 amended to read:

3 216.179 Reinstatement of vetoed appropriations by
4 administrative means prohibited.--After the Governor has
5 vetoed a specific appropriation for an agency or the judicial
6 branch, neither the Governor, ~~the Administration Commission,~~
7 nor the Chief Justice of the Supreme Court, in their various
8 statutory and constitutional roles, may authorize expenditures
9 for or implementation in any manner of the programs that were
10 authorized by the vetoed appropriation.

11 Section 29. Subsections (1), (2), and (4) of section
12 216.181, Florida Statutes, 1998 Supplement, are amended to
13 read:

14 216.181 Approved budgets for operations and fixed
15 capital outlay.--

16 (1) The General Appropriations Act and any other acts
17 containing appropriations shall be considered the original
18 approved operating budgets for operational and fixed capital
19 expenditures. Amendments to the approved operating budgets for
20 operational and fixed capital outlay expenditures from state
21 agencies may be requested only through the Executive Office of
22 the Governor and approved by the Governor ~~or Administration~~
23 ~~Commission~~ as provided in this chapter. Amendments from the
24 judicial branch may be requested only through, and approved
25 by, the Chief Justice of the Supreme Court. This includes
26 amendments which are necessary to implement the provisions of
27 s. 216.212 or s. 216.221.

28 (2) Amendments to the original approved operating
29 budgets for operational and fixed capital outlay expenditures
30 must comply with the following guidelines in order to be
31 approved by the Governor ~~or Administration Commission~~ as

1 provided in this chapter for the executive branch and the
2 Chief Justice for the judicial branch:

3 (a) The amendment must be consistent with legislative
4 policy and intent.

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

8 (c) Except as authorized in s. 216.292 or other
9 provisions of this chapter, the amendment may not provide
10 funding or increased funding for items which were funded by
11 the Legislature in an amount less than that requested by the
12 agency or Governor in the legislative budget request or which
13 were vetoed by the Governor.

14 (d) For amendments that involve trust funds, there
15 must be adequate and appropriate revenues available in the
16 trust fund and the amendment must be consistent with the laws
17 authorizing such trust funds and the laws relating to the use
18 of the trust funds. However, a trust fund shall not be
19 increased in excess of the original approved budget, except as
20 provided in subsection (10).

21 (e) The amendment shall not conflict with any
22 provision of law.

23 (f) The amendment must not provide funding for any
24 issue which was requested by the agency or branch in their
25 legislative budget request and not funded in the General
26 Appropriations Act.

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

31

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

4 (4) All amendments to the original approved operating
5 budgets, regardless of funding source, are subject to the
6 notice and review procedures set forth in s. 216.177 and must
7 be approved by the Governor ~~and Administration Commission~~ as
8 provided in this chapter for the executive branch and the
9 Chief Justice for the judicial branch if the amendment is for
10 an information resources management project or initiative that
11 involves more than one agency, has an outcome that impacts
12 another agency, or exceeds \$500,000 in total cost over a
13 1-year period, except for those projects that are a
14 continuation of hardware or software maintenance or software
15 licensing agreements, or that are for desktop replacement that
16 is similar to the technology currently in use.

17 Section 30. Subsection (2) of section 216.182, Florida
18 Statutes, is amended to read:

19 216.182 Approval of fixed capital outlay program
20 plan.--

21 (2) Any department under the direct supervision of a
22 member of the Cabinet ~~or of a board consisting of the Governor~~
23 ~~and members of the Cabinet~~ which contends that the
24 determination of the program plan by the Executive Office of
25 the Governor pursuant to subsection (1) is contrary to the
26 orderly implementation of legislative authorization shall have
27 the right to have the issue reviewed by the Governor
28 ~~Administration Commission, which shall decide such issue by~~
29 ~~majority vote.~~ The appropriations committees of the
30 Legislature may advise the Governor ~~Administration Commission~~
31 on the issue.

1 Section 31. Subsection (2) of section 216.192, Florida
2 Statutes, is amended to read:

3 216.192 Release of appropriations; revision of
4 budgets.--

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

14 Section 32. Section 216.195, Florida Statutes, is
15 amended to read:

16 216.195 Impoundment of funds; restricted.--The
17 Executive Office of the Governor, the Chief Justice of the
18 Supreme Court, any member of the Cabinet, ~~the Administration~~
19 ~~Commission~~, or any state agency shall not impound any
20 appropriation except as necessary to avoid or eliminate a
21 deficit pursuant to the provisions of s. 216.221. The
22 provisions of this section are subject to the notice and
23 review procedures of s. 216.177. The Governor or either house
24 of the Legislature may seek judicial review of any action or
25 proposed action which violates the provisions of this section.

26 Section 33. Paragraph (a) of subsection (5) and
27 subsection (7) of section 216.221, Florida Statutes, 1998
28 Supplement, are amended to read:

29 216.221 Appropriations as maximum appropriations;
30 adjustment of budgets to avoid or eliminate deficits.--

31

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

11 (7) Deficits in the General Revenue Fund that do not
12 meet the amounts specified by subsection (6) shall be resolved
13 by the Governor ~~commission~~ for the executive branch and the
14 Chief Justice of the Supreme Court for the judicial branch.
15 The Governor ~~commission~~ and Chief Justice shall implement any
16 directions provided in the General Appropriations Act related
17 to eliminating deficits and to reducing agency and judicial
18 branch budgets, including the use of those legislative
19 appropriations voluntarily placed in reserve. In addition,
20 the Governor ~~commission~~ shall implement any directions in the
21 General Appropriations Act relating to the resolution of
22 deficit situations. When reducing state agency or judicial
23 branch budgets, the Governor ~~commission~~ or the Chief Justice,
24 respectively, shall use the guidelines prescribed in
25 subsection (5). The Executive Office of the Governor for the
26 Governor ~~commission~~, and the Chief Justice for the judicial
27 branch, shall implement the deficit reduction plans through
28 amendments to the approved operating budgets in accordance
29 with s. 216.181.

30 Section 34. Subsection (2) of section 216.231, Florida
31 Statutes, is amended to read:

1 216.231 Release of certain classified
2 appropriations.--

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

16 Section 35. Subsection (1) of section 216.241, Florida
17 Statutes, is amended to read:

18 216.241 Initiation or commencement of new programs;
19 approval.--

20 (1) A state agency or the judicial branch may not
21 initiate or commence any new program, including any new
22 federal program or initiative, or make changes in its current
23 programs, as provided for in the appropriations act, that
24 require additional financing unless funds have been
25 specifically appropriated by the Legislature or unless the
26 Governor ~~commission~~ or the Chief Justice of the Supreme Court
27 expressly approves such new program or changes. The Governor
28 ~~commission~~ and the Chief Justice shall give notice as provided
29 in s. 216.177 prior to approving such new program or changes.

30
31

1 Section 36. Paragraph (a) of subsection (2) of section
2 216.251, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 216.251 Salary appropriations; limitations.--

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

8 1. Within the classification and pay plans provided
9 for in chapter 110.

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

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

18 4. Within the classification and pay plan approved by
19 the President of the Senate and the Speaker of the House of
20 Representatives, or by the Legislative Auditing Committee, as
21 the case may be, for employees of the Legislature.

22 5. Within the approved classification and pay plan for
23 the judicial branch.

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

27 Section 37. Paragraphs (a) and (b) of subsection (1)
28 of section 216.262, Florida Statutes, 1998 Supplement, are
29 amended to read:

30 216.262 Authorized positions.--

31

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

- 15 1. To implement or provide for continuing federal
- 16 grants or changes in grants not previously anticipated;
- 17 2. To meet emergencies pursuant to s. 252.36;
- 18 3. To satisfy new federal regulations or changes
- 19 therein;
- 20 4. To take advantage of opportunities to reduce
- 21 operating expenditures or to increase the revenues of the
- 22 state or local government; and
- 23 5. To authorize positions which were not fixed by the
- 24 Legislature through error in drafting the appropriations acts.

25
26 The provisions of this paragraph are subject to the notice and
27 review procedures set forth in s. 216.177. A copy of the
28 application, the certification, and the final authorization
29 shall be filed with the legislative appropriations committees
30 and with the Auditor General.

31

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

10 Section 38. Paragraph (e) of subsection (4) of section
11 240.513, Florida Statutes, is amended to read:

12 240.513 University of Florida; J. Hillis Miller Health
13 Center.--

14 (4)

15 (e) In the event that the lease of the hospital
16 facilities to the nonprofit corporation is terminated for any
17 reason, the Board of Regents shall resume management and
18 operation of the hospital facilities. In such event, the
19 Governor ~~Administration Commission~~ is authorized to transfer
20 ~~appropriate~~ revenues generated from the operation of the
21 hospital facilities to the Board of Regents to pay the costs
22 and expenses of operating the hospital facility for the
23 remainder of the fiscal year in which such termination occurs.

24 Section 39. Paragraph (b) of subsection (1) of section
25 195.087, Florida Statutes, is amended to read:

26 195.087 Property appraisers and tax collectors to
27 submit budgets to Department of Revenue.--

28 (1)

29 (b) ~~The Governor and Cabinet, sitting as the~~
30 ~~Administration Commission, may hear appeals from the final~~
31 ~~action of the Division of Ad Valorem Tax upon a written~~

1 ~~request being filed by the property appraiser or the presiding~~
2 ~~officer of the county commission no later than 15 days after~~
3 ~~the conclusion of the hearing held pursuant to s.~~
4 ~~200.065(2)(d). The Administration Commission may amend the~~
5 ~~budget if it finds that any aspect of the budget is~~
6 ~~unreasonable in light of the workload of the office of the~~
7 ~~property appraiser in the county under review. The budget~~
8 ~~request as approved by the division and as amended by the~~
9 ~~commission shall become the operating budget of the property~~
10 ~~appraiser for the ensuing fiscal year beginning October 1,~~
11 ~~except that the budget so approved may subsequently be amended~~
12 ~~under the same procedure. After final approval, the property~~
13 ~~appraiser shall make no transfer of funds between accounts~~
14 ~~without the written approval of the division. However, all~~
15 ~~moneys received by property appraisers in complying with~~
16 ~~chapter 119 shall be accounted for in the same manner as~~
17 ~~provided for in s. 218.36, for moneys received as county fees~~
18 ~~and commissions, and any such moneys may be used and expended~~
19 ~~in the same manner and to the same extent as funds budgeted~~
20 ~~for the office and no budget amendment shall be required.~~

21 Section 40. Paragraph (a) of subsection (1) of section
22 213.055, Florida Statutes, is amended to read:

23 213.055 Declared emergency; waiver or suspension of
24 specified revenue laws.--The following actions to waive or
25 suspend a revenue law may be implemented only when the
26 Governor has declared a state of emergency pursuant to s.
27 252.36.

28 (1)(a) The Governor ~~and Cabinet~~ may grant refunds of
29 state and local taxes on motor and diesel fuel donated during
30 a declared state of emergency for official emergency use in
31 cases in which the state solicits the donation. ~~The refunds~~

1 ~~may be implemented by a vote of the majority of the Governor~~
2 ~~and Cabinet during a public meeting or by a majority jointly~~
3 ~~signing a written order.~~

4 Section 41. Paragraph (b) of subsection (5) of section
5 336.025, Florida Statutes, is amended to read:

6 336.025 County transportation system; levy of local
7 option fuel tax on motor fuel and diesel fuel.--

8 (5)
9 (b) Any dispute as to the determination by the county
10 of distribution proportions shall be resolved through an
11 appeal to the Governor Administration Commission in accordance
12 with procedures developed by the Executive Office of the
13 Governor commission. Pending final disposition of such
14 proceeding, the tax shall be collected pursuant to this
15 section, and such funds shall be held in escrow by the clerk
16 of the circuit court of the county until final disposition.

17 Section 42. Section 212.0599, Florida Statutes, is
18 amended to read:

19 212.0599 Rules which implement ch. 87-548.--Rules of
20 the Department of Revenue related to and in furtherance of the
21 orderly implementation of chapter 87-548, Laws of Florida,
22 shall not be subject to a s. 120.56(2) rule challenge or a s.
23 120.54(3)(c)2. drawout proceeding, but, once adopted, shall be
24 subject to a s. 120.56(3) invalidity challenge. Such rules
25 ~~shall be adopted by the Governor and Cabinet and~~ shall become
26 effective upon filing with the Department of State,
27 notwithstanding the provisions of s. 120.54(3)(e)6.

28 Section 43. Section 213.065, Florida Statutes, is
29 amended to read:

30 213.065 Rule adoption to implement ch. 89-171.--The
31 ~~executive director of the~~ Department of Revenue is hereby

1 authorized to adopt emergency rules pursuant to s. 120.54(4)
2 for purposes of implementing the applicable provisions of
3 chapter 89-171, Laws of Florida. Rules of the Department of
4 Revenue related to and in furtherance of the orderly
5 implementation of the applicable provisions of chapter 89-171,
6 Laws of Florida, shall not be subject to s. 120.54(3)(c)2.
7 drawout proceeding, but, once adopted, shall be subject to s.
8 120.56(3) invalidity challenge. Such rules ~~shall be adopted by~~
9 ~~the Governor and Cabinet~~ and shall become effective upon
10 filing with the Department of State, notwithstanding the
11 provisions of s. 120.54(3)(e)6.

12 Section 44. Section 213.066, Florida Statutes, is
13 amended to read:

14 213.066 Rule adoption to implement ch. 92-319.--The
15 Legislature hereby finds that the failure to promptly
16 implement the provisions of chapter 92-319, Laws of Florida,
17 would present an immediate threat to the welfare of the state
18 because revenues needed for operation of the state would not
19 be collected. Therefore, ~~the executive director of the~~
20 Department of Revenue is hereby authorized to adopt emergency
21 rules pursuant to s. 120.54(4) for purposes of implementing
22 chapter 92-319, Laws of Florida. Notwithstanding any other
23 provision of law, such emergency rules shall remain effective
24 for 6 months from the date of adoption. Other rules of the
25 Department of Revenue related to and in furtherance of the
26 orderly implementation of chapter 92-319, Laws of Florida,
27 shall not be subject to a rule challenge pursuant to s.
28 120.56(2) or a drawout proceeding pursuant to s.
29 120.54(3)(c)2., but, once adopted, shall be subject to an
30 invalidity challenge pursuant to s. 120.56(3). Such rules
31 ~~shall be adopted by the Governor and Cabinet~~ and shall become

1 effective upon filing with the Department of State,
2 notwithstanding the provisions of s. 120.54(3)(e)6. This
3 section shall take effect July 8, 1992.

4 Section 45. Subsection (16) of section 161.101,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 161.101 State and local participation in authorized
7 projects and studies relating to beach management and erosion
8 control.--

9 (16) The department may expend funds from the
10 Ecosystem Management and Restoration Trust Fund to alleviate
11 emergency conditions, upon a declaration, after a hearing, by
12 the Governor ~~and Cabinet~~ that a shoreline emergency of state
13 concern exists. Any expenditures made for this purpose shall
14 be pursuant to legislative appropriations or from amendments
15 to original approved operating budgets authorized pursuant to
16 s. 216.181.

17 Section 46. Paragraph (d) of subsection (7) of section
18 339.135, Florida Statutes, is amended to read:

19 339.135 Work program; legislative budget request;
20 definitions; preparation, adoption, execution, and
21 amendment.--

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

23 (d)1. Whenever the department proposes any amendment
24 to the adopted work program, which amendment is defined in
25 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
26 subparagraph (c)4., it shall submit the proposed amendment to
27 the Governor for approval and shall immediately notify the
28 chairs of the legislative appropriations committees, the
29 chairs of the legislative transportation committees, each
30 member of the Legislature who represents a district affected
31 by the proposed amendment, each metropolitan planning

1 organization affected by the proposed amendment, and each unit
2 of local government affected by the proposed amendment. Such
3 proposed amendment shall provide a complete justification of
4 the need for the proposed amendment.

5 2. The Governor shall not approve a proposed amendment
6 until 14 days following the notification required in
7 subparagraph 1.

8 3. If either of the chairs of the legislative
9 appropriations committees or the President of the Senate or
10 the Speaker of the House of Representatives objects in writing
11 to a proposed amendment within 14 days following notification
12 and specifies the reasons for such objection, the Governor
13 shall consider such objections in making a final determination
14 of approval or disapproval.~~disapprove the proposed amendment~~
15 ~~or shall submit the proposed amendment to the Administration~~
16 ~~Commission. The proposed amendment may be approved by the~~
17 ~~Administration Commission by a two-thirds vote of the members~~
18 ~~present with the Governor voting in the affirmative. In the~~
19 ~~absence of approval by the commission, the proposed amendment~~
20 ~~shall be automatically disapproved.~~

21 Section 47. Subsection (1) of section 366.055, Florida
22 Statutes, is amended to read:

23 366.055 Availability of, and payment for, energy
24 reserves.--

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

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

1 (b) Between one electric utility and another, which
2 have been approved by the Federal Energy Regulatory
3 Commission; or

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

6
7 shall not be abridged or altered except during an energy
8 emergency as declared by the Governor ~~and Cabinet~~.

9 Section 48. Section 945.6035, Florida Statutes, is
10 amended to read:

11 945.6035 Dispute resolution.--

12 (1) The authority and the Assistant Secretary for
13 Health Services shall attempt to expeditiously resolve any
14 disputes arising between the authority and the department
15 regarding the physical and mental health care of inmates.

16 (2) If the authority and the Assistant Secretary for
17 Health Services are unable to resolve a dispute regarding
18 inmate physical or mental health care, the authority may
19 submit a written notice to the Assistant Secretary for Health
20 Services, setting forth each issue in controversy and the
21 position of the authority. The Assistant Secretary for Health
22 Services shall respond to the authority within 30 days after
23 receipt of such written notice. The authority shall place the
24 assistant secretary's response on the agenda of the next
25 regularly scheduled meeting of the authority. If the dispute
26 remains unresolved, the authority may submit a written report
27 to the secretary detailing the authority's objections. The
28 Assistant Secretary for Health Services shall submit a written
29 report setting forth his position to the secretary on the
30 issue or issues raised by the authority within 5 working days
31 after receipt of the submission by the authority.

1 (3) The secretary shall review any disputes between
2 the authority and the Assistant Secretary for Health Services,
3 and shall provide written notice to the authority of his
4 decision regarding such disputes within 40 days after the date
5 when the authority provides written notice of the dispute to
6 the secretary.

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

11 (5) The authority, within 30 days after receiving
12 written notice of the action of the secretary or, if no
13 response is received, within 30 days after the secretary's
14 response is due pursuant to subsection (3), may file an appeal
15 by petition to the Governor ~~Administration Commission~~, filed
16 with the Executive Office of the Governor ~~Secretary of the~~
17 ~~Administration Commission~~. The petition shall set forth the
18 issues in controversy between the authority and the
19 department, in the form and manner prescribed by the Executive
20 Office of the Governor ~~Administration Commission~~, and shall
21 contain the reasons for the appeal. The department has 5 days
22 after delivery of a copy of any such petition to file its
23 reply with the Executive Office of the Governor ~~Secretary of~~
24 ~~the Administration Commission~~, and the department shall also
25 deliver a copy of its reply to the authority.

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

28 (a) Adoption or implementation by the department of a
29 health care standard which does not conform to the standard of
30 care generally accepted in the professional health community
31 at large.

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

3 (c) Failure to timely file a corrective action plan
4 regarding all deficiencies which are determined by the
5 authority to exist at an institution, as required pursuant to
6 s. 945.6031.

7 (d) Failure to implement a corrective action plan
8 filed pursuant to s. 945.6031.

9 (7) Within 30 days after receipt of a petition from
10 the authority, the Executive Office of the Governor ~~Secretary~~
11 ~~of the Administration Commission, or his designee,~~ shall
12 conduct an informal hearing to consider the matters presented
13 in the petition and the reply, and after the informal hearing
14 shall promptly submit a report of the findings and
15 recommendations to the Governor ~~Administration Commission~~.
16 Within 30 days after the informal hearing, the Governor
17 ~~Administration Commission~~ shall approve either the position of
18 the authority or that of the department. If the position of
19 the authority is approved, the Governor ~~Administration~~
20 ~~Commission~~ shall set forth whatever remedial measures he or
21 she ~~it~~ deems appropriate and the department shall implement
22 such remedial measures. The decision of the Governor
23 ~~Administration Commission~~ is final and binding on the
24 authority and the department and shall not be subject to
25 appeal pursuant to s. 120.68.

26 Section 49. This act shall take effect July 1, 1999.
27
28
29
30
31

LEGISLATIVE SUMMARY

Revises various provisions of law relating to the executive branch of state government to:

1. Provide that the head of the Department of Revenue and the Department of Veterans' Affairs shall be a secretary appointed by the Governor, subject to confirmation by the Senate.

2. Abolish the Department of Highway Safety and Motor Vehicles and to create a Department of Highway Safety and to provide for the transfer of the Division of Driver Licenses and the Division of Motor Vehicles to the Department of State and the Florida Highway Patrol to the Department of Highway Safety.

3. Provide for the appointment of members of the Medical Advisory Board within the Department of State by the Secretary of State.

4. Provide for the appointment of the Parole Commission, parole qualifications committees, and officers thereof by the Governor rather than by the Governor and Cabinet.

5. Provide for the appointment of seven members of the Florida State Employees' Charitable Campaign steering committee by the Governor and Cabinet members.

6. Remove the requirement that the Administration Commission approve rules relating to agency affirmative action plans, the pretax benefits program, pay plans, shared employment, recruitment, and attendance and leave.

7. Provide that the Governor may propose employee furlough plans and provide that a Cabinet member may propose such plans for his or her agency.

8. Provide that the Governor shall review actions relating to pay grade assignments.

9. Provide that the Department of Management Services shall adopt rules relating to withholding of wages to repay educational loans.

10. Provide that the Governor shall have described responsibilities relating to appropriations and budgeting, appropriations act review and objection procedures, authorization of expenditures, amendments to approved operating budgets, review of determinations relating to fixed capital outlay program plans, review of plans for releases of funds, impoundment of funds, the implementation of certain deficit reduction plans, release of funds classified as "deficiency" funds, approval of new programs or program changes, setting of described salaries, adjustments to authorized positions and authorization of described fund transfers.

11. Remove provisions which allow property appraisers to appeal budget decisions to the Administration Commission.

12. Provide that the Governor may grant described fuel tax refunds in an emergency.

13. Provide that the Governor shall resolve disputes relating to determination of distribution proportions for the local fuel tax for county transportation systems.

14. Provide that the Governor shall have responsibility for declaration of a shoreline emergency

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

and declaration of an energy emergency.
15. Remove responsibilities of the Administration
Commission with respect to approval of proposed
amendments by the Department of Transportation to an
adopted work program when objection has been made
thereto.
16. Provide for appeals to the Governor for
resolution of disputes between the Department of
Corrections and the Correctional Medical Authority.