

By Representative Logan

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

1 transportation systems; amending ss. 212.0599,  
2 213.065, and 213.066, F.S.; removing references  
3 to adoption by the Governor and Cabinet of  
4 certain implementing rules of the Department of  
5 Revenue; amending ss. 161.101 and 366.055,  
6 F.S.; providing that the Governor, rather than  
7 the Governor and Cabinet, shall have  
8 responsibility for declaration of a shoreline  
9 emergency and declaration of an energy  
10 emergency; amending s. 339.135, F.S.; removing  
11 responsibilities of the Administration  
12 Commission with respect to approval of proposed  
13 amendments by the Department of Transportation  
14 to an adopted work program when objection has  
15 been made thereto; amending s. 945.6035, F.S.;  
16 providing for appeals to the Governor, rather  
17 than the Administration Commission, for  
18 resolution of disputes between the Department  
19 of Corrections and the Correctional Medical  
20 Authority; providing effective dates.

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

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

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

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

1 the Senate. The secretary shall serve at the pleasure of the  
2 Governor.

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

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

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

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

19 20.37 Department of Veterans' Affairs.--There is  
20 created a Department of Veterans' Affairs.

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

28 Section 3. The Division of Statutory Revision of the  
29 Joint Legislative Management Committee is directed to conform  
30 provisions of the Florida Statutes to reflect the changes made  
31 by this act relating to the heads of the Department of Revenue

1 and the Department of Veterans' Affairs. The division shall  
2 prepare reviser's bills to implement this section in  
3 consultation with the appropriate committees of the  
4 Legislature.

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

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

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

1       (3) The Governor is hereby granted the specific  
2 authority to shift positions, consistent with the notice and  
3 review requirements of s. 216.177, Florida Statutes, between  
4 the former Department of Highway Safety and Motor Vehicles now  
5 located within the Department of State and the Department of  
6 Highway Safety as created by this act to promote the efficient  
7 and effective operation of both departments.

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

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

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

23       20.10 Department of State.--There is created a  
24 Department of State.

25       (2) The following divisions of the Department of State  
26 are established:

27       (h) Division of Driver Licenses.

28       (i) Division of Motor Vehicles.

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

1 carry out the responsibilities of the Department of Highway  
2 Safety.

3 Section 6. Section 20.24, Florida Statutes, is hereby  
4 repealed.

5 Section 7. Section 20.241, Florida Statutes, is  
6 created to read:

7 20.241 Department of Highway Safety.--There is created  
8 a Department of Highway Safety.

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

14 (2) The following divisions of the Department of  
15 Highway Safety are established:

16 (a) Division of Administration.

17 (b) Division of the Florida Highway Patrol.

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

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

31



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

3           322.125 Medical Advisory Board.--

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

31

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

3           20.32 Parole Commission.--

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

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

12          947.02 Parole Commission; members, appointment.--

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

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

1 additional vacancies on the commission occur during this  
2 2-year period, the committee may advertise and accept  
3 additional applications; however, all previously submitted  
4 applications shall be considered along with the new  
5 applications according to the previously established plan for  
6 the evaluation of the qualifications of applicants.

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

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

1           (5) The provisions of s. 120.525 and chapters 119 and  
2 286 apply to all activities and proceedings of a parole  
3 qualifications committee.

4           Section 12. Section 947.021, Florida Statutes, is  
5 amended to read:

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

19           Section 13. Section 947.03, Florida Statutes, is  
20 amended to read:

21           947.03 Commissioners; tenure and removal.--

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

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

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

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

16           947.04 Organization of commission; officers;  
17 offices.--

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

1 commissioners to temporary duty when there is a workload need.  
2 Any such commissioner shall be paid \$100 for each day or  
3 portion of a day spent on the work of the commission and shall  
4 be reimbursed for travel expenses as provided in s. 112.061.  
5 The chairman is authorized to provide or disseminate  
6 information relative to parole by means of documents,  
7 seminars, programs, or otherwise as he determines necessary.  
8 The chairman shall establish, execute, and be held accountable  
9 for all administrative policy decisions. However, decisions to  
10 grant or revoke parole shall be made in accordance with the  
11 provisions of ss. 947.172, 947.174, and 947.23. The  
12 commissioners shall be directly accountable to the chairman in  
13 the execution of their duties as commissioners, and the  
14 chairman has authority to recommend to the Governor suspension  
15 of a commissioner who fails to perform the duties provided for  
16 by statute.

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

19 110.181 Florida State Employees' Charitable  
20 Campaign.--

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

1 entitled to receive reimbursement for travel and per diem  
2 expenses as provided in s. 112.061.

3 Section 16. Paragraph (a) of subsection (2) of section  
4 110.112, Florida Statutes, is amended to read:

5 110.112 Affirmative action; equal employment  
6 opportunity.--

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

11 Section 17. Section 110.1225, Florida Statutes, is  
12 amended to read:

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

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

31 110.161 State employees; pretax benefits program.--

1           (5) The Department of Management Services shall  
2 develop rules for the pretax benefits program, which shall  
3 specify the benefits to be offered under the program, the  
4 continuing tax-exempt status of the program, and any other  
5 matters deemed necessary by the department to implement this  
6 section. ~~The rules must be approved by a majority vote of the~~  
7 ~~Administration Commission.~~

8           Section 19. Paragraph (m) of subsection (2) of section  
9 110.205, Florida Statutes, is amended to read:

10           110.205 Career service; exemptions.--

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

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



1 has both policymaking and managerial responsibilities and if  
2 the department determines that any such position has both  
3 policymaking and managerial responsibilities, the salary and  
4 benefits for each such position shall be established by the  
5 department in accordance with the rules of the Senior  
6 Management Service.

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

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

19           110.209 Pay plan.--

20           (2)

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

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

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

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

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

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

16           110.211 Recruitment.--

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

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

28           110.219 Attendance and leave; general policies.--

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

1 ~~approved by the Administration Commission prior to their~~  
2 ~~adoption.~~ Such rules must provide for, but need not be limited  
3 to:

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

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

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

13 (d) Overtime provisions.

14 (e) Annual leave provisions.

15 (f) Sick leave provisions.

16 (g) Parental leave provisions.

17 (h) Family medical leave provisions.

18 (i) Disability leave provisions.

19 (j) Compulsory disability leave provisions.

20 (k) Administrative leave provisions.

21 (l) Military leave provisions.

22 (m) Educational leave with pay provisions.

23 (n) Leave of absence without pay provisions.

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

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

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

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

6 (a) The amount of the loan which remains outstanding;  
7 (b) The income of the employee who owes such amount;  
8 and

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

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

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

30 Section 26. Paragraph (b) of subsection (2) of section  
31 215.32, Florida Statutes, 1998 Supplement, is 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) and (2) and paragraph (b)  
12 of subsection (4) of section 216.181, Florida Statutes, 1998  
13 Supplement, are amended to 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.  
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HOUSE 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 and declaration of an energy emergency.  
2 15. Remove responsibilities of the Administration  
3 Commission with respect to approval of proposed  
4 amendments by the Department of Transportation to an  
5 adopted work program when objection has been made  
6 thereto.  
7 16. Provide for appeals to the Governor for  
8 resolution of disputes between the Department of  
9 Corrections and the Correctional Medical Authority.  
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