

By the Council for Smarter Government and Representative Cantens

1 A bill to be entitled
 2 An act relating to governmental reorganization;
 3 amending ss. 13.05, 14.202, 14.24, 112.215,
 4 114.03, 121.0312, 121.055, 121.4501, 215.44,
 5 215.62, 215.95, and 253.02, F.S.; changing the
 6 number and composition of certain boards,
 7 committees, commissions, and councils to
 8 conform memberships to reflect the
 9 reorganization of the constitutional officers
 10 of the Cabinet as members of such boards,
 11 committees, commissions, and councils;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (1) of section 13.05, Florida
 17 Statutes, is amended to read:

18 13.05 Governor's Committee on Interstate
 19 Cooperation.--

20 (1) There is hereby established a committee of
 21 administrative officials of this state to be officially known
 22 as the Governor's Committee on Interstate Cooperation, and to
 23 consist of five ~~seven~~ members. Its members shall be the
 24 Governor, Secretary of State, Attorney General, Chief
 25 Financial Officer ~~Comptroller, Treasurer, Commissioner of~~
 26 ~~Education~~, and Commissioner of Agriculture. Any member of the
 27 Governor's committee may designate an alternate to serve in
 28 the member's place upon any occasion; such alternate shall be
 29 an administrative official or employee of the state.

30 Section 2. Section 14.202, Florida Statutes, is
 31 amended to read:

1 14.202 Administration Commission.--There is created as
2 part of the Executive Office of the Governor an Administration
3 Commission composed of the Governor and Cabinet. The Governor
4 is chair of the commission. The Governor or Chief Financial
5 Officer ~~Comptroller~~ may call a meeting of the commission
6 promptly each time the need therefor arises. Unless otherwise
7 provided herein, affirmative action by the commission shall
8 require the approval of the Governor and at least two ~~three~~
9 other members of the commission. The commission shall adopt
10 rules pursuant to ss. 120.536(1) and 120.54 to implement
11 provisions of law conferring duties upon it.

12 Section 3. Subsection (1) of section 14.24, Florida
13 Statutes, is amended to read:

14 14.24 Florida Commission on the Status of Women.--

15 (1) There is established in the Office of the Attorney
16 General the Florida Commission on the Status of Women,
17 consisting of 16 ~~22~~ members. The Speaker of the House of
18 Representatives, the President of the Senate, the Attorney
19 General, and the Governor shall each appoint three members and
20 the Chief Financial Officer and Insurance Commissioner, ~~the~~
21 ~~Comptroller, the Secretary of State, the Commissioner of~~
22 ~~Agriculture, and the Commissioner of Education~~ shall each
23 appoint two members, for a term of 4 years, except that of the
24 initial appointments, one-half shall be for a 2-year term and
25 one-half shall be for a 4-year term. On January 7, 2003, the
26 Chief Financial Officer shall reappoint one of the members who
27 was serving on January 6, 2003. If possible, the
28 reappointments shall be made so that the terms of the Chief
29 Financial Officer's appointees remain staggered but, if both
30 reappointees were serving terms of the same length, the
31 reappointment shall be made so that the staggering of terms is

1 maintained.The members appointed shall include persons who
2 represent rural and urban interests and the ethnic and
3 cultural diversity of the state's population. No member shall
4 serve more than 8 consecutive years on the commission. A
5 vacancy shall be filled for the remainder of the unexpired
6 term in the same manner as the original appointment.

7 Section 4. Paragraph (a) of subsection (8) of section
8 112.215, Florida Statutes, is amended:

9 112.215 Government employees; deferred compensation
10 program.--

11 (8)(a) There is hereby created a Deferred Compensation
12 Advisory Council composed of seven members.

13 1. One member shall be appointed by the Speaker of the
14 House of Representatives and the President of the Senate
15 jointly and shall be an employee of the legislative branch.

16 2. One member shall be appointed by the Chief Justice
17 of the Supreme Court and shall be an employee of the judicial
18 branch.

19 3. One member shall be appointed by the chair of the
20 Public Employees Relations Commission and shall be a nonexempt
21 public employee.

22 4. The remaining four members shall be employed by the
23 executive branch and shall be appointed as follows:

24 a. One member shall be appointed by the Chancellor of
25 the State University System and shall be an employee of the
26 university system.

27 b. One member shall be appointed by the Chief
28 Financial Officer ~~Treasurer~~ and shall be an employee of the
29 Chief Financial Officer ~~Treasurer~~.

30 c. One member shall be appointed by the Governor and
31 shall be an employee of the executive branch.

1 d. One member shall be appointed by the Attorney
2 General Comptroller and shall be an employee of the Attorney
3 General Comptroller.

4 Section 5. Section 114.03, Florida Statutes, is
5 amended to read:

6 114.03 Certain executive officers not to absent
7 themselves from the state.--The ~~Secretary of State, Attorney~~
8 General, Chief Financial Officer Comptroller, Treasurer,
9 ~~Commissioner of Education,~~ and Commissioner of Agriculture
10 shall reside at the capital, and no member of the Cabinet
11 shall absent himself or herself from the state for a period of
12 60 consecutive days or more without the consent of the
13 Governor and a majority of the Cabinet. If a Cabinet officer
14 should refuse or fail to comply with and observe the
15 requirements of this section, his or her office may be deemed
16 vacant pursuant to paragraph (f) or paragraph (g) of s.
17 114.01(1), as appropriate.

18 Section 6. Section 121.0312, Florida Statutes, is
19 amended to read:

20 121.0312 Review; actuarial valuation report;
21 contribution rate determination process.--The Governor, Chief
22 Financial Officer Comptroller, and Attorney General Treasurer,
23 sitting as the Board of Trustees of the State Board of
24 Administration, shall review the actuarial valuation report
25 prepared in accordance with the provisions of this chapter.
26 The Board shall review the process by which Florida Retirement
27 System contribution rates are determined and recommend and
28 submit any comments regarding the process to the Legislature.

29 Section 7. Paragraph (e) of subsection (1) of section
30 121.055, Florida Statutes, is amended to read:

31

1 121.055 Senior Management Service Class.--There is
2 hereby established a separate class of membership within the
3 Florida Retirement System to be known as the "Senior
4 Management Service Class," which shall become effective
5 February 1, 1987.

6 (1)

7 (e) Effective January 1, 1991, participation in the
8 Senior Management Service Class shall be compulsory for the
9 number of senior managers who have policymaking authority with
10 the State Board of Administration, as determined by the
11 Governor, Attorney General ~~Treasurer~~, and Chief Financial
12 Officer ~~Comptroller~~ acting as the State Board of
13 Administration, unless such member elects to participate in
14 the Senior Management Service Optional Annuity Program as
15 established in subsection (6) in lieu of participation in the
16 Senior Management Service Class. Such election shall be made
17 in writing and filed with the division and the personnel
18 officer of the State Board of Administration within 90 days
19 after becoming eligible for membership in the Senior
20 Management Service Class.

21 Section 8. Paragraph (b) of subsection (12) of section
22 121.4501, Florida Statutes, is amended to read:

23 121.4501 Public Employee Optional Retirement
24 Program.--

25 (12) ADVISORY COMMITTEES TO PROVIDE ADVICE AND
26 ASSISTANCE.--The Investment Advisory Council and the Public
27 Employee Optional Retirement Program Advisory Committee shall
28 assist the board in implementing and administering the Public
29 Employee Optional Retirement Program.

30 (b)1. The Public Employee Optional Retirement Program
31 Advisory Committee shall be composed of seven members. The

1 President of the Senate shall appoint two members, the Speaker
2 of the House of Representatives shall appoint two members, the
3 Governor shall appoint one member, the Attorney General
4 ~~Treasurer~~ shall appoint one member, and the Chief Financial
5 Officer ~~Comptroller~~ shall appoint one member. The members of
6 the advisory committee shall elect a member as chair. The
7 appointments shall be made by September 1, 2000, and the
8 committee shall meet to organize by October 1, 2000. The
9 initial appointments shall be for a term of 24 months. Each
10 appointing authority shall fill any vacancy occurring among
11 its appointees for the remainder of the original term.

12 2. The advisory committee shall make recommendations
13 on the selection of the third-party administrator, the
14 education providers, and the investment products and
15 providers. The committee's recommendations on the third-party
16 administrator must be forwarded to the Trustees of the State
17 Board of Administration by January 1, 2001. The
18 recommendations on the education providers must be forwarded
19 to the trustees by April 1, 2001.

20 3. The advisory committee's recommendations and
21 activities shall be guided by the best interests of the
22 employees, considering the interests of employers, and the
23 intent of the Legislature in establishing the Public Employee
24 Optional Retirement Program.

25 4. The staff of the state board and the department
26 shall assist the advisory committee.

27 Section 9. Subsection (1) of section 215.44, Florida
28 Statutes, is amended to read:

29 215.44 Board of Administration; powers and duties in
30 relation to investment of trust funds.--

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1 (1) Except when otherwise specifically provided by the
2 State Constitution and subject to any limitations of the trust
3 agreement relating to a trust fund, the Board of
4 Administration, hereinafter sometimes referred to as "board,"
5 composed of the Governor as chair, the Attorney General
6 ~~Treasurer~~, and the Chief Financial Officer ~~Comptroller~~, shall
7 invest all the funds in the System Trust Fund, as defined in
8 s. 121.021(36), and all other funds specifically required by
9 law to be invested by the board pursuant to ss. 215.44-215.53
10 to the fullest extent that is consistent with the cash
11 requirements, trust agreement, and investment objectives of
12 the fund. Notwithstanding any other law to the contrary, the
13 State Board of Administration may invest any funds of any
14 state agency or any unit of local government pursuant to the
15 terms of a trust agreement with the head of the state agency
16 or the governing body of the unit of local government, which
17 trust agreement shall govern the investment of such funds,
18 provided that the board shall approve the undertaking of such
19 investment before execution of the trust agreement by the
20 State Board of Administration. The funds and the earnings
21 therefrom are exempt from the service charge imposed by s.
22 215.20. As used in this subsection, the term "state agency"
23 has the same meaning as that provided in s. 216.001, and the
24 terms "governing body" and "unit of local government" have the
25 same meaning as that provided in s. 218.403.

26 Section 10. Subsection (1) of section 215.62, Florida
27 Statutes, is amended to read:

28 215.62 Division of Bond Finance.--

29 (1) There is hereby created a division of the State
30 Board of Administration of the state to be known as the
31 Division of Bond Finance. The Governor shall be the chair of

1 the governing board of the division, the Attorney General
2 ~~Comptroller~~ shall be the secretary of the board, and the Chief
3 Financial Officer ~~Treasurer~~ shall be the treasurer of the
4 board for the purposes of this act. The division shall be a
5 public body corporate for the purposes of this act.

6 Section 11. Subsection (1) of section 215.95, Florida
7 Statutes, is amended to read:

8 215.95 Financial Management Information Board.--

9 (1) There is created, as part of the Administration
10 Commission, the Financial Management Information Board. The
11 board shall be composed of the Governor, the Chief Financial
12 Officer ~~Comptroller~~, and the Attorney General ~~Treasurer~~. The
13 Governor shall be chair of the board. The Governor or the
14 Chief Financial Officer ~~Comptroller~~ may call a meeting of the
15 board at any time the need arises.

16 Section 12. Subsection (1) of section 253.02, Florida
17 Statutes, is amended to read:

18 253.02 Board of trustees; powers and duties.--

19 (1) For the purpose of assuring the proper application
20 of the Internal Improvement Trust Fund and the Land
21 Acquisition Trust Fund for the purposes of this chapter, the
22 land provided for in ss. 253.01 and 253.03, and all the funds
23 arising from the sale thereof, after paying the necessary
24 expense of selection, management, and sale, are irrevocably
25 vested in a board of four ~~seven~~ trustees, to wit: The
26 Governor, ~~the Secretary of State~~, the Attorney General, the
27 Chief Financial Officer ~~Comptroller~~, ~~the State Treasurer~~, ~~the~~
28 ~~Commissioner of Education~~, and the Commissioner of Agriculture
29 and their successors in office, to hold the same in trust for
30 the uses and purposes provided in this chapter, with the power
31 to sell and transfer said lands to the purchasers and receive

1 payment for the same, and invest the surplus moneys arising
2 therefrom, from time to time, in stocks of the United States,
3 stocks of the several states, or the internal improvement
4 bonds issued under the provisions of law; also, the surplus
5 interest accruing from such investments. Said board of
6 trustees have all the rights, powers, property, claims,
7 remedies, actions, suits, and things whatsoever belonging to
8 them, or appertaining before and at the time of the enactment
9 hereof, and they shall remain subject to and pay, fulfill,
10 perform, and discharge all debts, duties, and obligations of
11 their trust, existing at the time of the enactment hereof or
12 provided in this chapter.

13 Section 13. This act shall take effect January 7,
14 2003.

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16 HOUSE SUMMARY

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18 Changes the number and composition of various boards,
19 committees, commissions, and councils to conform
20 memberships to reflect the reorganization of the
21 constitutional officers of the Cabinet as members of such
22 boards, committees, commissions, and councils. See bill
23 for details.
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