



CHAMBER ACTION

The Committee on Commerce recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to governmental reorganization; creating s. 20.101, F.S.; creating the Department of State and Community Affairs; providing the mission of the department; providing that the department shall be headed by a secretary appointed by and serving at the pleasure of the Governor; establishing divisions within the department; providing that the Florida Housing Finance Corporation shall be placed in the department for administrative purposes; requiring appointment of division directors; providing for the appointment of deputy and assistant secretaries; providing for the establishment of bureaus, sections, and subsections deemed necessary by the secretary for certain purposes; providing for the appointment of directors or executive directors of any commission or council; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities,



29 powers, duties, rules, records, personnel, property, and
 30 unexpended balances among certain state agencies;
 31 providing that the Secretary of State shall continue in
 32 office as the secretary of the Department of State and
 33 Community Affairs without further appointment or
 34 confirmation; providing conditional effective dates.

35
 36 Be It Enacted by the Legislature of the State of Florida:

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 38 Section 1. Effective July 1, 2004, and subject to specific
 39 appropriations in the 2004-2005 General Appropriations Act
 40 sufficient to implement the creation of the Department of State
 41 and Community Affairs and accomplish the associated transfers,
 42 section 20.101, Florida Statutes, is created to read:

43 20.101 Department of State and Community Affairs.--There
 44 is created a Department of State and Community Affairs.

45 (1) The mission of the Department of State and Community
 46 Affairs is to work in partnership with federal, state, and local
 47 governmental agencies, communities, public and private entities,
 48 and individuals in protecting and promoting the state's rich and
 49 diverse heritage, in protecting and promoting the state's
 50 natural resources, in protecting and promoting the rights of
 51 citizens, communities, and businesses, and in encouraging
 52 economic diversity and opportunities for sound growth. To
 53 accomplish this multifaceted mission, the department shall, at a
 54 minimum, do the following:



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55 (a) Improve the quality of life in the state and its
56 communities by promoting programs with cultural and artistic
57 significance that have an economic impact on the state.

58 (b) Encourage identification, evaluation, protection,
59 preservation, collection, conservation, and interpretation of
60 and public access to information about Florida's historic sites,
61 properties, and objects related to Florida history and to
62 archaeological and folk cultural heritage.

63 (c) Assist in developing library services in local
64 communities statewide, stimulate statewide cooperation among
65 libraries of all types, and ensure access to materials and
66 information of past, present, and future value to enable state
67 government, local libraries, and agencies to provide effective
68 information services for the benefit of the people of Florida.

69 (d) Promote the economical and efficient management of
70 public records.

71 (e) Act as the official custodian of state records as
72 provided in the State Constitution.

73 (f) Assist local communities to provide fair, credible,
74 and accessible elections.

75 (g) Promote a positive business climate in Florida by
76 maintaining an efficient and effective business registration
77 activity, including the filing of business entities, trade and
78 service marks, judgment liens, and fictitious names.

79 (h) Protect residents, visitors, and property by planning
80 for and mitigating against hazards, and by maintaining effective
81 and rapid response and recovery capabilities at the state and
82 local levels.



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83 (i) Provide assistance and grant funding to local
84 governments in identifying programs and services available to
85 residents and local governments for individual and neighborhood
86 improvements.

87 (j) Promote economic development through providing
88 assistance to communities to achieve a consistent, effective
89 management of growth to protect their natural resources and to
90 improve their quality of life.

91 (k) Provide consistent direction and support regarding
92 local and state roles in protecting critical state resources and
93 addressing significant state issues.

94 (2) The head of the Department of State and Community
95 Affairs is the Secretary of State. The secretary shall be
96 appointed by the Governor subject to confirmation by the Senate.
97 The secretary shall serve at the pleasure of the Governor.

98 (3) The following divisions of the Department of State and
99 Community Affairs are established:

100 (a) Division of Administration.

101 (b) Division of Community Assistance.

102 (c) Division of Community Planning and Growth Management.

103 (d) Division of Corporations.

104 (e) Division of Elections.

105 (f) Division of Emergency Management.

106 (g) Division of Historical and Cultural Resources.

107 (h) Division of Library and Information Services.

108 (4) The Florida Housing Finance Corporation shall be
109 housed in the Department of State and Community Affairs for
110 administrative purposes.



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111 (5) The secretary shall appoint a director for each
112 division established within this section. Each division director
113 shall directly administer the division and shall be responsible
114 to the secretary. The secretary may appoint deputy and assistant
115 secretaries as necessary to aid the secretary in fulfilling the
116 secretary's statutory obligations.

117 (6) Bureaus, sections, and subsections of the department
118 may be established as deemed necessary by the secretary to
119 promote efficient and effective operation of the department,
120 pursuant to s. 20.04, and necessary to carry out the
121 requirements of state and federal law.

122 (7) Unless otherwise provided by law, the Secretary of
123 State shall appoint the directors or executive directors of any
124 commission or council assigned to the department, who shall
125 serve at his or her pleasure as provided for division directors
126 in s. 110.205. The appointment or termination by the secretary
127 shall be done with the advice and consent of the commission or
128 council and the director or executive director may employ,
129 subject to departmental rules and procedures, such personnel as
130 may be authorized and necessary.

131 Section 2. Effective July 1, 2004, and subject to specific
132 appropriations in the 2004-2005 General Appropriations Act
133 sufficient to implement the creation of the Department of State
134 and Community Affairs and accomplish the associated transfers,
135 ss. 20.10 and 20.18, Florida Statutes, are repealed.

136 Section 3. Transfers.--

137 (1) Effective July 1, 2004, and subject to specific
138 appropriations in the 2004-2005 General Appropriations Act



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139 sufficient to implement the creation of the Department of State
140 and Community Affairs and accomplish the associated transfers,
141 all powers, duties, functions, rules, records, personnel,
142 property, and unexpended balances of appropriations,
143 allocations, and other funds of the Department of Community
144 Affairs are transferred intact by a type two transfer, as
145 defined in s. 20.06(2), Florida Statutes, from the Department of
146 Community Affairs to the Department of State and Community
147 Affairs, except as otherwise provided in this section.

148 (2) Effective July 1, 2004, and subject to specific
149 appropriations in the 2004-2005 General Appropriations Act
150 sufficient to implement the creation of the Department of State
151 and Community Affairs and accomplish the associated transfers,
152 all powers, duties, functions, rules, records, personnel,
153 property, and unexpended balances of appropriations,
154 allocations, and other funds of the Department of State are
155 transferred intact by a type two transfer, as defined in s.
156 20.06(2), Florida Statutes, from the Department of State to the
157 Department of State and Community Affairs, except as otherwise
158 provided in this section.

159 (3) Effective July 1, 2004, and subject to specific
160 appropriations in the 2004-2005 General Appropriations Act
161 sufficient to implement the creation of the Department of State
162 and Community Affairs and accomplish the associated transfers,
163 the following programs, functions, and activities, including all
164 statutory powers, duties, functions, rules, records, personnel,
165 property, and unexpended balances of appropriations,
166 allocations, and other funds associated with the identified



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167 program, function, or activity are hereby transferred intact by
 168 a type two transfer, as defined in s. 20.06(2), Florida
 169 Statutes:

170 (a) From the Department of Community Affairs to the
 171 Department of Environmental Protection, the state energy program
 172 as authorized and governed by ss. 377.701 and 377.703, Florida
 173 Statutes.

174 (b) From the Department of State to the Executive Office
 175 of the Governor:

176 1. The advocating international business partnerships
 177 service as authorized in ss. 288.809 and 288.816, Florida
 178 Statutes.

179 2. Issuance of apostilles as authorized by s. 15.16(8),
 180 Florida Statutes.

181 3. The international notaries function as authorized in
 182 chapter 118, Florida Statutes.

184 However, these transfers shall not include any transfer of the
 185 statutory roles and responsibilities of the Secretary of State
 186 as Florida's Chief Cultural Officer.

187 (c) From the Department of Environmental Protection to the
 188 Department of State and Community Affairs:

189 1. The Florida Recreation Development Assistance Program
 190 (FRDAP) as authorized by s. 375.075, Florida Statutes, and
 191 associated revenues described in s. 259.105(3)(d), Florida
 192 Statutes.

193 2. The federal recreational trails program.



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194 (d) From the Department of Community Affairs to the
195 Florida Housing Finance Corporation:

196 1. The Affordable Housing Catalyst Program as authorized
197 and governed by s. 420.606, Florida Statutes.

198 2. The Affordable Housing Study Commission as authorized
199 and governed by s. 420.609, Florida Statutes.

200 (e) From the Executive Office of the Governor to the
201 Department of State and Community Affairs:

202 1. The Regional Rural Development Grants Program as
203 authorized and governed by ss. 14.2015(2)(f) and 288.018,
204 Florida Statutes.

205 2. The Rural Community Development Revolving Loan Fund
206 Program as authorized and governed by ss. 14.2015(2)(f) and
207 288.065, Florida Statutes.

208 3. The Office of Urban Opportunity as authorized and
209 governed by s. 14.2015(9), Florida Statutes.

210 (f) From the Department of Community Affairs to the
211 Department of Legal Affairs, the civil legal assistance program
212 as authorized and governed by ss. 68.094-68.105, Florida
213 Statutes.

214 Section 4. Effective July 1, 2004, and subject to specific
215 appropriations in the 2004-2005 General Appropriations Act
216 sufficient to implement the creation of the Department of State
217 and Community Affairs and accomplish the associated transfers,
218 the Secretary of State shall continue in office as the secretary
219 of the Department of State and Community Affairs without further
220 appointment by the Governor or reconfirmation by the Senate and
221 shall be known as the Secretary of State.



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222 Section 5. Reports.--The Department of State, the
223 Department of Community Affairs, the Department of Environmental
224 Protection, the Executive Office of the Governor, and the
225 Department of Legal Affairs shall evaluate the programs,
226 functions, and activities to be transferred to or from their
227 respective agencies by this act. The agencies shall each provide
228 a report to the Governor, the Speaker of the House of
229 Representatives, and the President of the Senate by December 1,
230 2003, recommending statutory, budgetary, and administrative
231 changes to best effectuate and incorporate the programs,
232 functions, and activities within each agency to be transferred
233 by this act, including recommendations for achieving
234 efficiencies in management and operation, improving service
235 delivery to the public, and ensuring compliance with federal and
236 state laws. Input from constituent groups to include, but not be
237 limited to, the Florida Historical Commission, the Florida
238 Association of Museums, the Florida Archeological Council, the
239 Florida Trust for Historic Preservation, and the Florida Arts
240 Council shall be requested and considered by the agencies and
241 made a part of each agency's final report.

242 Section 6. Except as otherwise provided herein, this act
243 shall take effect July 1, 2003.