



CHAMBER ACTION

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

The Committee on Local Government & Veterans' Affairs 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 and the Division of Emergency Management 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; providing for the appointment by the Governor of the director of the Division of Emergency Management;



HB 1687

2003
CS

29 | repealing s. 20.10, F.S., relating to the Department of
30 | State; repealing s. 20.18, F.S., relating to the
31 | Department of Community Affairs; providing for the
32 | transfer of programs, functions, activities, powers,
33 | duties, rules, records, personnel, property, and
34 | unexpended balances among certain state agencies;
35 | providing that the Secretary of State shall continue in
36 | office as the secretary of the Department of State and
37 | Community Affairs without further appointment or
38 | confirmation; providing transitional provisions; amending
39 | ss. 11.011, 11.021, 11.03, 11.07, 15.01, 15.02, 15.03,
40 | 15.07, and 15.155, F.S., to conform; directing the
41 | Division of Statutory Revision to prepare a reviser's bill
42 | for the 2004 Regular Session of the Legislature; providing
43 | an effective date.

44

45 | Be It Enacted by the Legislature of the State of Florida:

46

47 | Section 1. Section 20.101, Florida Statutes, is created to
48 | read:

49 | 20.101 Department of State and Community Affairs.--There
50 | is created a Department of State and Community Affairs.

51 | (1) The mission of the Department of State and Community
52 | Affairs is to work in partnership with federal, state, and local
53 | governmental agencies, communities, public and private entities,
54 | and individuals in protecting and promoting the state's rich and
55 | diverse heritage, in protecting and promoting the state's
56 | natural resources, in protecting and promoting the rights of



HB 1687

2003
CS

57 citizens, communities, and businesses, and in encouraging
58 economic diversity and opportunities for sound growth. To
59 accomplish this multifaceted mission, the department shall, at a
60 minimum, do the following:

61 (a) Improve the quality of life in the state and its
62 communities through supporting and promoting programs with
63 historic, cultural, or artistic significance.

64 (b) Encourage identification, evaluation, protection,
65 preservation, collection, conservation, and interpretation of
66 and public access to information about Florida's historic sites,
67 properties, and objects related to Florida history and to
68 archaeological and folk cultural heritage.

69 (c) Assist in developing library services in local
70 communities statewide, stimulate statewide cooperation among
71 libraries of all types, and ensure access to materials and
72 information of past, present, and future value to enable state
73 government, local libraries, and agencies to provide effective
74 information services for the benefit of the people of Florida.

75 (d) Promote the economical and efficient management of
76 public records.

77 (e) Assist local communities to provide fair, credible,
78 and accessible elections.

79 (f) Promote a positive business climate in Florida by
80 maintaining an efficient and effective business registration
81 activity, including the filing of business entities, trade and
82 service marks, judgment liens, and fictitious names.

83 (g) Protect residents, visitors, and property by planning
84 for and mitigating against hazards, and by maintaining effective



HB 1687

2003
CS

85 and rapid response and recovery capabilities at the state and
86 local levels.

87 (h) Provide assistance and grant funding to local
88 governments in identifying programs and services available to
89 residents and local governments for individual and neighborhood
90 improvements.

91 (i) Promote economic development through providing
92 assistance to communities to achieve a consistent, effective
93 management of growth to protect their natural resources and to
94 improve their quality of life.

95 (j) Provide consistent direction and support regarding
96 local and state roles in protecting critical state resources and
97 addressing significant state issues.

98 (k) Accomplish effective comprehensive planning and growth
99 management to protect significant state assets including
100 environmental resources and open space and promote diverse land
101 uses that ensure efficient utilization of public and private
102 investments in infrastructure and long term livability of
103 communities through regulation, oversight, and targeted
104 technical assistance.

105 (1) Maintain and uphold citizen participation in all
106 programs of the Department of State and Community Affairs.

107 (2) The head of the Department of State and Community
108 Affairs is the Secretary of State. The secretary shall be
109 appointed by the Governor subject to confirmation by the Senate.
110 The secretary shall serve at the pleasure of the Governor.

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



113 (a) Division of Community Assistance.
 114 (b) Division of Community Planning and Growth Management.
 115 (c) Division of Corporations.
 116 (d) Division of Elections.
 117 (e) Division of Historical and Cultural Resources.
 118 (f) Division of Library and Information Services.
 119 (4) The Florida Housing Finance Corporation and the
 120 Division of Emergency Management shall be housed in the
 121 Department of State and Community Affairs for administrative
 122 purposes.
 123 (5) The secretary shall appoint a director for each
 124 division established within this section. Each division director
 125 shall directly administer the division and shall be responsible
 126 to the secretary. The secretary may appoint deputy and assistant
 127 secretaries as necessary to aid the secretary in fulfilling the
 128 secretary's statutory obligations.
 129 (6) Bureaus, sections, and subsections of the department
 130 may be established as deemed necessary by the secretary to
 131 promote efficient and effective operation of the department,
 132 pursuant to s. 20.04, and necessary to carry out the
 133 requirements of state and federal law.
 134 (7) Unless otherwise provided by law, the Secretary of
 135 State shall appoint the directors or executive directors of any
 136 commission or council assigned to the department, who shall
 137 serve at his or her pleasure as provided for division directors
 138 in s. 110.205. The appointments or terminations by the secretary
 139 shall be done with the advice and consent of the commission or
 140 council. Each director or executive director may employ, subject



141 to departmental rules and procedures, such personnel as may be
 142 authorized and necessary.

143 (8) The director of Emergency Management shall be
 144 appointed by, and serve at the pleasure of the Governor.

145 Section 2. Sections 20.10 and 20.18, Florida Statutes, are
 146 repealed.

147 Section 3. Transfers.--

148 (1) All powers, duties, functions, rules, records,
 149 personnel, property, and unexpended balances of appropriations,
 150 allocations, and other funds of the Department of Community
 151 Affairs are transferred intact by a type two transfer, as
 152 defined in s. 20.06(2), Florida Statutes, from the Department of
 153 Community Affairs to the Department of State and Community
 154 Affairs, except as otherwise provided in this section.

155 (2) All powers, duties, functions, rules, records,
 156 personnel, property, and unexpended balances of appropriations,
 157 allocations, and other funds of the Department of State are
 158 transferred intact by a type two transfer, as defined in s.
 159 20.06(2), Florida Statutes, from the Department of State to the
 160 Department of State and Community Affairs, except as otherwise
 161 provided in this section.

162 (3) The following programs, functions, and activities,
 163 including all statutory powers, duties, functions, rules,
 164 records, personnel, property, and unexpended balances of
 165 appropriations, allocations, and other funds associated with the
 166 identified program, function, or activity are hereby transferred
 167 intact by a type two transfer, as defined in s. 20.06(2),
 168 Florida Statutes:



HB 1687

2003
CS

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

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

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

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

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

182
183 However, these transfers shall not include any transfer of the
184 statutory roles and responsibilities of the Secretary of State
185 as Florida's Chief Cultural Officer.

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

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

192 2. The federal recreational trails program.

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

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



HB 1687

2003
CS

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

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

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

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

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

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

213 (g) From the Department of State to the Department of
214 Management Services:

215 1. The records management program as authorized and
216 governed by s. 257.36, Florida Statutes.

217 2. The Florida Administrative Code and the Florida
218 Administrative Weekly as authorized and governed by ss. 120.53,
219 120.54, 120.542, and 120.55, Florida Statutes.

220 3. The management of copyrights, patents, and trademarks
221 held in the name of or on behalf of the State of Florida as
222 authorized and governed by ss. 286.021 and 286.031, Florida
223 Statutes.



HB 1687

2003
CS

224 Section 4. The Secretary of State shall continue in office
225 as the secretary of the Department of State and Community
226 Affairs without further appointment by the Governor or
227 reconfirmation by the Senate and shall be known as the Secretary
228 of State.

229 Section 5. Transitional provision.--For the 2003-2004
230 fiscal year, for positions and moneys appropriated for the
231 respective Offices of the Secretary for the Department of
232 Community Affairs and the Department of State in the General
233 Appropriations Act, the Secretary of State has the authority to
234 implement any reductions or changes in staffing or funding
235 necessary for the optimum structure to achieve the greatest
236 possible coordination and to facilitate the efficient operation
237 of the department.

238 Section 6. Report.--The Department of State and Community
239 Affairs, the Department of Environmental Protection, the
240 Executive Office of the Governor, the Department of Legal
241 Affairs, and the Department of Management Services shall
242 evaluate the programs, functions, and activities transferred to
243 their respective agencies by this act. The agencies shall
244 provide a joint report to the Governor, the Speaker of the House
245 of Representatives, and the President of the Senate by October
246 15, 2003, recommending statutory changes to best effectuate and
247 incorporate the programs, functions, and activities within each
248 agency, including recommendations for achieving efficiencies in
249 management and operation, improving service delivery to the
250 public, and ensuring compliance with federal and state laws. The
251 Department of State and Community Affairs shall hold meetings



HB 1687

2003
CS

252 with and otherwise gather input from constituent groups,
253 including, but not limited to, arts, historic, cultural,
254 libraries, cities, counties, growth management, economic
255 development, and environmental interest groups. Any input
256 received shall be considered by the agencies and made a part of
257 the final report.

258 Section 7. The Department of State and Community Affairs
259 shall operate the programs transferred to the department as
260 directed by statutes in place on the effective date of this act.
261 The department shall not make substantive programmatic changes
262 by rule in advance of the completion of the 2004 Legislative
263 Session.

264 Section 8. Section 11.011, Florida Statutes, is amended to
265 read:

266 11.011 Special session; convened by Legislature.--

267 (1) The President of the Senate and the Speaker of the
268 House of Representatives, by joint proclamation duly filed with
269 the Department of State and Community Affairs, may convene the
270 Legislature in special session pursuant to the authority of s.
271 3, Art. III of the State Constitution.

272 (2) The Legislature may also be convened in special
273 session in the following manner: When 20 percent of the members
274 of the Legislature shall execute in writing and file with the
275 Department of State and Community Affairs their certificates
276 that conditions warrant the convening of the Legislature into
277 special session, the Department of State and Community Affairs
278 shall, within 7 days after receiving the requisite number of
279 such certificates, poll the members of the Legislature, and upon



HB 1687

2003
CS

280 the affirmative vote of three-fifths of the members of both
281 houses, shall forthwith fix the day and hour for the convening
282 of such special session. Notice thereof shall be given each
283 member by registered mail within 7 days after receiving the
284 requisite number of said certificates. The time for convening of
285 said session shall not be less than 14 days nor more than 21
286 days from the date of mailing said notices. In pursuance of said
287 certificates, affirmative vote of the membership, and notice,
288 the Legislature shall convene in special session. Should the
289 Department of State and Community Affairs fail to receive the
290 requisite number of said certificates requesting the convening
291 of a special session of the Legislature within a period of 60
292 days after receipt of the first of said certificates, all
293 certificates previously filed shall be rendered null and void
294 and no special session shall be called, and said certificates
295 shall not be used at any future time for the convening of the
296 Legislature.

297 (3) During any special session convened pursuant to this
298 section, only such legislative business may be transacted as is
299 within the purview of the purpose or purposes stated in the
300 proclamation, the certificates filed with the Secretary of
301 State, or in a communication from the Governor or as is
302 introduced by consent of two-thirds of the membership of each
303 house.

304 Section 9. Section 11.021, Florida Statutes, is amended to
305 read:

306 11.021 Evidence of publication of notice.--The evidence
307 that such notice has been published shall be established in the



HB 1687

2003
CS

308 Legislature before such bill shall be passed, and such evidence
309 shall be filed or preserved with the bill in the Department of
310 State and Community Affairs in such manner as the Legislature
311 shall provide.

312 Section 10. Subsection (2) of section 11.03, Florida
313 Statutes, is amended to read:

314 11.03 Proof of publication of notice.--

315 (2) Such affidavit of proof of publication shall be
316 attached to the contemplated law when it is introduced into the
317 Legislature. A true copy of the notice published or posted shall
318 also be attached to the bill when introduced, but it shall not
319 be necessary to enter said published or posted notice, or proof
320 thereof, in the journals. The fact that such notice was
321 established in the Legislature shall in every case be recited
322 upon the journals of the Senate and of the House of
323 Representatives, and the notice published and affidavit of
324 publication thereof shall accompany the bill throughout the
325 Legislature and be preserved as a part thereof in the Department
326 of State and Community Affairs.

327 Section 11. Subsections (1) and (3) of section 11.07,
328 Florida Statutes, are amended to read:

329 11.07 Method of enrolling bills, etc.--

330 (1) All bills and joint resolutions passed by the Senate
331 and House of Representatives shall be duly enrolled, on paper,
332 by the Secretary of the Senate or the Clerk of the House of
333 Representatives, accordingly as the bills or joint resolutions
334 may have originated in the Senate or House of Representatives,



HB 1687

2003
CS

335 before they shall be presented to the Governor or filed in the
336 Department of State and Community Affairs.

337 (3) The size, style and quality of the paper to be used
338 shall be prescribed by the Department of State and Community
339 Affairs and furnished by it, in sufficient quantities, to the
340 Secretary of the Senate and the Clerk of the House of
341 Representatives. The cost of said enrolling paper shall be paid
342 for by the Legislature from the appropriation for legislative
343 expense.

344 Section 12. Section 15.01, Florida Statutes, is amended to
345 read:

346 15.01 Duties.--The Department of State and Community
347 Affairs shall have the custody of the constitution and Great
348 Seal of this state, and of the original statutes thereof, and of
349 the resolutions of the Legislature, and of all the official
350 correspondence of the Governor. The department shall keep in its
351 office a register and an index of all official letters, orders,
352 communications, messages, documents, and other official acts
353 issued or received by the Governor or the Secretary of State,
354 and record these in a book numbered in chronological order. The
355 Governor, before issuing any order or transmission of any
356 official letter, communication, or document from the executive
357 office or promulgation of any official act or proceeding, except
358 military orders, shall deliver the same or a copy thereof to the
359 Department of State and Community Affairs to be recorded.

360 Section 13. Section 15.02, Florida Statutes, is amended to
361 read:



HB 1687

2003
CS

362 15.02 Custodian of state flag; state papers; state laws
363 and legislative documents.--The Department of State and
364 Community Affairs shall have custody of the state flag; of all
365 books, papers, files, and documents belonging to the office of
366 Secretary of State; and of the laws of the state and books,
367 papers, journals, and documents of the Legislature.

368 Section 14. Subsections (2) and (3) of section 15.03,
369 Florida Statutes, are amended to read:

370 15.03 State seal.--

371 (2)(a) The Department of State and Community Affairs shall
372 be the custodian of the great seal of the state.

373 (b) The great seal of this state shall also be the seal of
374 the Department of State and Community Affairs, and the
375 department may certify under said seal, copies of any statute,
376 law, resolution, record, paper, letter or document, by law
377 placed in its custody, keeping and care, and such certified copy
378 shall have the same force and effect in evidence, as the
379 original would have.

380 (3) Only the Department of State and Community Affairs
381 shall be authorized to affix the seal to any document for the
382 purpose of attesting, certifying, or otherwise formalizing such
383 document. Any facsimile or reproduction of the great seal shall
384 be manufactured, used, displayed, or otherwise employed by
385 anyone only upon the approval of the Department of State and
386 Community Affairs. The Department of State and Community Affairs
387 may grant a certificate of approval upon application to it by
388 any person showing good cause for the use of the seal for a
389 proper purpose. The Department of State and Community Affairs



HB 1687

2003
CS

390 may adopt reasonable rules for the manufacture or use of the
391 great seal or any facsimile or reproduction thereof. Any person
392 violating the provisions of this subsection is guilty of a
393 misdemeanor of the second degree, punishable as provided in s.
394 775.082 or s. 775.083.

395 Section 15. Section 15.07, Florida Statutes, is amended to
396 read:

397 15.07 Acts and papers of the Legislature to be deposited
398 with the Department of State and Community Affairs.--All
399 original acts and resolutions passed by the Legislature, and all
400 other original papers acted upon thereby, together with the
401 Journal of the Senate, and the Journal of the House of
402 Representatives, shall, immediately upon the adjournment
403 thereof, be deposited with, and preserved in, the Department of
404 State and Community Affairs, by which they shall be properly
405 arranged, classified, and filed, provided that the journal of
406 the executive session of the Senate shall be kept free from
407 inspection or disclosure except upon the order of the Senate
408 itself or some court of competent jurisdiction.

409 Section 16. Section 15.155, Florida Statutes, is amended
410 to read:

411 15.155 Legislative documents; Department of State and
412 Community Affairs to classify, number, and furnish copies of
413 general laws, special acts, resolutions, and memorials.--

414 (1) Immediately after any act of the Legislature or any
415 resolution or memorial is filed in the office of the Department
416 of State and Community Affairs, the department shall:



HB 1687

2003
CS

417 (a) Select, segregate, and classify all acts of the
418 Legislature, including memorials and resolutions, by dividing
419 them into the following two classifications: Volume I, General
420 Acts, and Volume II, Special Acts;

421 (b) Include in such General Acts all acts passed as
422 general laws and all memorials and resolutions, including
423 proposed constitutional amendments, and include in such Special
424 Acts only those acts passed as special laws and becoming law as
425 such;

426 (c) Assign a chapter number to each such act; and

427 (d) Furnish true and accurate copies of such laws,
428 resolutions, and memorials passed by the Legislature to the
429 Office of Legislative Services for publication.

430 (2) The Department of State and Community Affairs shall
431 distribute pamphlet copies of the general laws upon requisition
432 to any official of the legislative, judicial, or executive
433 branches of state or county government in this state. Surplus
434 copies may be distributed to practicing attorneys in the state
435 upon their written request and payment of a nominal fee
436 sufficient to pay for mailing.

437 Section 17. The Division of Statutory Revision is directed
438 to prepare a reviser's bill for introduction at the 2004 Regular
439 Session of the Legislature to conform the Florida Statutes to
440 the organizational changes made by this act.

441 Section 18. This act shall take effect July 1, 2003.