



1 A bill to be entitled

2 An act relating to governmental reorganization; creating
3 s. 20.101, F.S.; creating the Department of State and
4 Community Affairs; providing the mission of the
5 department; providing that the department shall be headed
6 by a secretary appointed by and serving at the pleasure of
7 the Governor; establishing divisions within the
8 department; providing that the Florida Housing Finance
9 Corporation and the Division of Emergency Management shall
10 be placed in the department for administrative purposes;
11 requiring appointment of division directors; providing for
12 the appointment of deputy and assistant secretaries;
13 providing for the establishment of bureaus, sections, and
14 subsections deemed necessary by the secretary for certain
15 purposes, under certain conditions; providing for the
16 appointment of directors or executive directors of any
17 commission or council; providing for the appointment by
18 the Governor of the director of the Division of Emergency
19 Management; repealing s. 20.10, F.S., relating to the
20 Department of State; repealing s. 20.18, F.S., relating to
21 the Department of Community Affairs; providing for the
22 transfer of programs, functions, activities, powers,
23 duties, rules, records, personnel, property, and
24 unexpended balances among certain state agencies;
25 providing that the Secretary of State shall continue in
26 office as the secretary of the Department of State and
27 Community Affairs without further appointment or
28 confirmation; providing transitional provisions; amending



29 ss. 11.011, 11.021, 11.03, 11.07, 15.01, 15.02, 15.03,
30 15.07, and 15.155, F.S., to conform; amending s. 257.36,
31 F.S.; deleting responsibilities regarding the records and
32 information management program; providing that certain
33 fees shall not be deposited in the Records Management
34 Trust Fund; creating s. 257.361, F.S.; providing
35 responsibilities for records storage to the Department of
36 Management Services; directing the Division of Statutory
37 Revision to prepare a reviser's bill for the 2004 Regular
38 Session of the Legislature; amending s. 163.3167, F.S.;
39 providing that if a local government grants a quasi-
40 judicial development order pursuant to its adopted land
41 development regulations and the order is not the subject
42 of a pending appeal, the right to commence and complete
43 development pursuant to the order may not be abrogated by
44 a subsequent judicial determination that such land
45 development regulations, or any portion thereof, are
46 invalid because of a deficiency in the approval standards;
47 retaining certain legal rights; providing for retroactive
48 application; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Section 20.101, Florida Statutes, is created to
53 read:

54 20.101 Department of State and Community Affairs.--There
55 is created a Department of State and Community Affairs.



56 (1) The mission of the Department of State and Community
57 Affairs is to work in partnership with federal, state, and local
58 governmental agencies, communities, public and private entities,
59 and individuals in protecting and promoting the state's rich and
60 diverse heritage, in protecting and promoting the state's
61 natural resources, in protecting and promoting the rights of
62 citizens, communities, and businesses, and in encouraging
63 economic diversity and opportunities for sound growth. To
64 accomplish this multifaceted mission, the department shall, at a
65 minimum, do the following:

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

69 (b) Encourage identification, evaluation, protection,
70 preservation, collection, conservation, and interpretation of
71 and public access to information about Florida's historic sites,
72 properties, and objects related to Florida history and to
73 archaeological and folk cultural heritage.

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

80 (d) Promote the economical and efficient management of
81 public records.

82 (e) Assist local communities to provide fair, credible,
83 and accessible elections.



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

88 (g) Protect residents, visitors, and property by planning
89 for and mitigating against hazards, and by maintaining effective
90 and rapid response and recovery capabilities at the state and
91 local levels.

92 (h) Provide assistance and grant funding to local
93 governments in identifying programs and services available to
94 residents and local governments for individual and neighborhood
95 improvements.

96 (i) Promote economic development through providing
97 assistance to communities to achieve a consistent, effective
98 management of growth to protect their natural resources and to
99 improve their quality of life.

100 (j) Provide consistent direction and support regarding
101 local and state roles in protecting critical state resources and
102 addressing significant state issues.

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

110 (l) Maintain and uphold citizen participation in all
111 programs of the Department of State and Community Affairs.



112 (2) The head of the Department of State and Community
113 Affairs is the Secretary of State. The secretary shall be
114 appointed by the Governor subject to confirmation by the Senate.
115 The secretary shall serve at the pleasure of the Governor.

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

118 (a) Division of Community Assistance.

119 (b) Division of Community Planning and Growth Management.

120 (c) Division of Corporations.

121 (d) Division of Elections.

122 (e) Division of Historical and Cultural Resources.

123 (f) Division of Library and Information Services.

124 (4) The Florida Housing Finance Corporation and the
125 Division of Emergency Management shall be housed in the
126 Department of State and Community Affairs for administrative
127 purposes.

128 (5) The secretary shall appoint a director for each
129 division established within this section. Each division director
130 shall directly administer the division and shall be responsible
131 to the secretary. The secretary may appoint deputy and assistant
132 secretaries as necessary to aid the secretary in fulfilling the
133 secretary's statutory obligations.

134 (6) Bureaus, sections, and subsections of the department
135 may be established within the Divisions of Community Assistance
136 and Historical and Cultural Resources as deemed necessary by the
137 secretary to promote efficient and effective operation of the
138 department, pursuant to s. 20.04, and necessary to carry out the
139 requirements of state and federal law. Notwithstanding s. 20.04,



140 until July 1, 2004, the secretary may not change the structure
141 of bureaus, sections, and subsections within the other divisions
142 of the department from that existing prior to the formation of
143 the Department of State and Community Affairs. However, this
144 section shall not affect the secretary's authority as provided
145 in section 5 of this act.

146 (7) Unless otherwise provided by law, the Secretary of
147 State shall appoint the directors or executive directors of any
148 commission or council assigned to the department, who shall
149 serve at his or her pleasure as provided for division directors
150 in s. 110.205. The appointments or terminations by the secretary
151 shall be done with the advice and consent of the commission or
152 council. Each director or executive director may employ, subject
153 to departmental rules and procedures, such personnel as may be
154 authorized and necessary.

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

157 Section 2. Sections 20.10 and 20.18, Florida Statutes, are
158 repealed.

159 Section 3. Transfers.--

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



167 (2) All powers, duties, functions, rules, records,
168 personnel, property, and unexpended balances of appropriations,
169 allocations, and other funds of the Department of State are
170 transferred intact by a type two transfer, as defined in s.
171 20.06(2), Florida Statutes, from the Department of State to the
172 Department of State and Community Affairs, except as otherwise
173 provided in this section.

174 (3) The following programs, functions, and activities,
175 including all statutory powers, duties, functions, rules,
176 records, personnel, property, and unexpended balances of
177 appropriations, allocations, and other funds associated with the
178 identified program, function, or activity are hereby transferred
179 intact by a type two transfer, as defined in s. 20.06(2),
180 Florida Statutes:

181 (a) From the Department of Community Affairs to the
182 Department of Environmental Protection, the state energy program
183 as authorized and governed by ss. 377.701 and 377.703, Florida
184 Statutes.

185 (b) From the Department of State to the Executive Office
186 of the Governor:

187 1. The advocating international business partnerships
188 service as authorized in ss. 288.809 and 288.816, Florida
189 Statutes.

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

192 3. The notaries functions as authorized in chapters 117
193 and 118, Florida Statutes.

194



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

198 (c) From the Department of Environmental Protection to the
199 Department of State and Community Affairs:

200 1. The Florida Recreation Development Assistance Program
201 (FRDAP) as authorized by s. 375.075, Florida Statutes, and
202 associated revenues described in s. 259.105(3)(d), Florida
203 Statutes.

204 2. The federal recreational trails program.

205 (d) From the Department of Community Affairs to the
206 Florida Housing Finance Corporation:

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

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

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

213 1. The Regional Rural Development Grants Program as
214 authorized and governed by ss. 14.2015(2)(f) and 288.018,
215 Florida Statutes.

216 2. The Rural Community Development Revolving Loan Fund
217 Program as authorized and governed by ss. 14.2015(2)(f) and
218 288.065, Florida Statutes.

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

221 (f) From the Department of Community Affairs to the
222 Department of Legal Affairs, the civil legal assistance program



223 as authorized and governed by ss. 68.094-68.105, Florida
224 Statutes.

225 (g) From the Department of State to the Department of
226 Management Services:

227 1. The records storage and microfilming functions as
228 authorized and governed by s. 257.36(1)(b) and (h), as those
229 paragraphs exist on June 30, 2003.

230 2. The management of copyrights, patents, and trademarks
231 held in the name of or on behalf of the State of Florida as
232 authorized and governed by ss. 286.021 and 286.031, Florida
233 Statutes.

234 Section 4. The Secretary of State shall continue in office
235 as the secretary of the Department of State and Community
236 Affairs without further appointment by the Governor or
237 reconfirmation by the Senate and shall be known as the Secretary
238 of State.

239 Section 5. Transitional provision.--For the 2003-2004
240 fiscal year, for positions and moneys appropriated for the
241 respective Offices of the Secretary for the Department of
242 Community Affairs and the Department of State in the General
243 Appropriations Act, the Secretary of State has the authority to
244 implement any reductions or changes in staffing or funding
245 necessary for the optimum structure to achieve the greatest
246 possible coordination and to facilitate the efficient operation
247 of the department.

248 Section 6. Report.--The Department of State and Community
249 Affairs, the Department of Environmental Protection, the
250 Executive Office of the Governor, the Department of Legal



251 Affairs, and the Department of Management Services shall
252 evaluate the programs, functions, and activities transferred to
253 their respective agencies by this act. The agencies shall
254 provide a joint report to the Governor, the Speaker of the House
255 of Representatives, and the President of the Senate by October
256 15, 2003, containing an organizational overview of the
257 Department of State and Community Affairs and recommending
258 statutory changes to best effectuate and incorporate the
259 programs, functions, and activities within each agency,
260 including recommendations for achieving efficiencies in
261 management and operation, improving service delivery to the
262 public, and ensuring compliance with federal and state laws. The
263 Department of State and Community Affairs shall hold meetings
264 with and otherwise gather input from constituent groups,
265 including, but not limited to, arts, historic, cultural,
266 libraries, cities, counties, growth management, economic
267 development, and environmental interest groups. Any input
268 received shall be considered by the agencies and made a part of
269 the final report.

270 Section 7. Given the importance of the mission of the
271 Department of State and Community Affairs, it is the intent of
272 the Legislature that departmental programs, functions, and
273 activities continue without change during the department's
274 transitional period of the 2003-04 fiscal year. It is also the
275 intent of the Legislature that proposed changes to programs,
276 functions, and activities be reviewed by the 2004 Legislature,
277 and approved by statutory amendment, if necessary. To this end,
278 no changes in the Department of State and Community Affairs



279 programs shall be made prior to July 1, 2004. All department
280 programs shall be implemented in accord with current law, and no
281 changes in department rules shall be made until July 1, 2004,
282 except as is required to reflect changes in or for compliance
283 with new federal or state laws. This limitation on rule adoption
284 shall not apply to rules regarding the Florida Building Code
285 adopted under the authority of chapter 553, those to implement
286 the Community Development Block Grant Program and the Community
287 Services Block Grant Program, technical changes to rules, and
288 those rules for which a notice of proposed rulemaking has been
289 published as of June 30, 2003.

290 Section 8. Section 11.011, Florida Statutes, is amended to
291 read:

292 11.011 Special session; convened by Legislature.--

293 (1) The President of the Senate and the Speaker of the
294 House of Representatives, by joint proclamation duly filed with
295 the Department of State and Community Affairs, may convene the
296 Legislature in special session pursuant to the authority of s.
297 3, Art. III of the State Constitution.

298 (2) The Legislature may also be convened in special
299 session in the following manner: When 20 percent of the members
300 of the Legislature shall execute in writing and file with the
301 Department of State and Community Affairs their certificates
302 that conditions warrant the convening of the Legislature into
303 special session, the Department of State and Community Affairs
304 shall, within 7 days after receiving the requisite number of
305 such certificates, poll the members of the Legislature, and upon
306 the affirmative vote of three-fifths of the members of both



307 houses, shall forthwith fix the day and hour for the convening
308 of such special session. Notice thereof shall be given each
309 member by registered mail within 7 days after receiving the
310 requisite number of said certificates. The time for convening of
311 said session shall not be less than 14 days nor more than 21
312 days from the date of mailing said notices. In pursuance of said
313 certificates, affirmative vote of the membership, and notice,
314 the Legislature shall convene in special session. Should the
315 Department of State and Community Affairs fail to receive the
316 requisite number of said certificates requesting the convening
317 of a special session of the Legislature within a period of 60
318 days after receipt of the first of said certificates, all
319 certificates previously filed shall be rendered null and void
320 and no special session shall be called, and said certificates
321 shall not be used at any future time for the convening of the
322 Legislature.

323 (3) During any special session convened pursuant to this
324 section, only such legislative business may be transacted as is
325 within the purview of the purpose or purposes stated in the
326 proclamation, the certificates filed with the Secretary of
327 State, or in a communication from the Governor or as is
328 introduced by consent of two-thirds of the membership of each
329 house.

330 Section 9. Section 11.021, Florida Statutes, is amended to
331 read:

332 11.021 Evidence of publication of notice.--The evidence
333 that such notice has been published shall be established in the
334 Legislature before such bill shall be passed, and such evidence



335 shall be filed or preserved with the bill in the Department of
336 State and Community Affairs in such manner as the Legislature
337 shall provide.

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

340 11.03 Proof of publication of notice.--

341 (2) Such affidavit of proof of publication shall be
342 attached to the contemplated law when it is introduced into the
343 Legislature. A true copy of the notice published or posted shall
344 also be attached to the bill when introduced, but it shall not
345 be necessary to enter said published or posted notice, or proof
346 thereof, in the journals. The fact that such notice was
347 established in the Legislature shall in every case be recited
348 upon the journals of the Senate and of the House of
349 Representatives, and the notice published and affidavit of
350 publication thereof shall accompany the bill throughout the
351 Legislature and be preserved as a part thereof in the Department
352 of State and Community Affairs.

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

355 11.07 Method of enrolling bills, etc.--

356 (1) All bills and joint resolutions passed by the Senate
357 and House of Representatives shall be duly enrolled, on paper,
358 by the Secretary of the Senate or the Clerk of the House of
359 Representatives, accordingly as the bills or joint resolutions
360 may have originated in the Senate or House of Representatives,
361 before they shall be presented to the Governor or filed in the
362 Department of State and Community Affairs.



363 (3) The size, style and quality of the paper to be used
364 shall be prescribed by the Department of State and Community
365 Affairs and furnished by it, in sufficient quantities, to the
366 Secretary of the Senate and the Clerk of the House of
367 Representatives. The cost of said enrolling paper shall be paid
368 for by the Legislature from the appropriation for legislative
369 expense.

370 Section 12. Section 15.01, Florida Statutes, is amended to
371 read:

372 15.01 Duties.--The Department of State and Community
373 Affairs shall have the custody of the constitution and Great
374 Seal of this state, and of the original statutes thereof, and of
375 the resolutions of the Legislature, and of all the official
376 correspondence of the Governor. The department shall keep in its
377 office a register and an index of all official letters, orders,
378 communications, messages, documents, and other official acts
379 issued or received by the Governor or the Secretary of State,
380 and record these in a book numbered in chronological order. The
381 Governor, before issuing any order or transmission of any
382 official letter, communication, or document from the executive
383 office or promulgation of any official act or proceeding, except
384 military orders, shall deliver the same or a copy thereof to the
385 Department of State and Community Affairs to be recorded.

386 Section 13. Section 15.02, Florida Statutes, is amended to
387 read:

388 15.02 Custodian of state flag; state papers; state laws
389 and legislative documents.--The Department of State and
390 Community Affairs shall have custody of the state flag; of all



391 books, papers, files, and documents belonging to the office of
392 Secretary of State; and of the laws of the state and books,
393 papers, journals, and documents of the Legislature.

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

396 15.03 State seal.--

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

399 (b) The great seal of this state shall also be the seal of
400 the Department of State and Community Affairs, and the
401 department may certify under said seal, copies of any statute,
402 law, resolution, record, paper, letter or document, by law
403 placed in its custody, keeping and care, and such certified copy
404 shall have the same force and effect in evidence, as the
405 original would have.

406 (3) Only the Department of State and Community Affairs
407 shall be authorized to affix the seal to any document for the
408 purpose of attesting, certifying, or otherwise formalizing such
409 document. Any facsimile or reproduction of the great seal shall
410 be manufactured, used, displayed, or otherwise employed by
411 anyone only upon the approval of the Department of State and
412 Community Affairs. The Department of State and Community Affairs
413 may grant a certificate of approval upon application to it by
414 any person showing good cause for the use of the seal for a
415 proper purpose. The Department of State and Community Affairs
416 may adopt reasonable rules for the manufacture or use of the
417 great seal or any facsimile or reproduction thereof. Any person
418 violating the provisions of this subsection is guilty of a



419 misdemeanor of the second degree, punishable as provided in s.
420 775.082 or s. 775.083.

421 Section 15. Section 15.07, Florida Statutes, is amended to
422 read:

423 15.07 Acts and papers of the Legislature to be deposited
424 with the Department of State and Community Affairs.--All
425 original acts and resolutions passed by the Legislature, and all
426 other original papers acted upon thereby, together with the
427 Journal of the Senate, and the Journal of the House of
428 Representatives, shall, immediately upon the adjournment
429 thereof, be deposited with, and preserved in, the Department of
430 State and Community Affairs, by which they shall be properly
431 arranged, classified, and filed, provided that the journal of
432 the executive session of the Senate shall be kept free from
433 inspection or disclosure except upon the order of the Senate
434 itself or some court of competent jurisdiction.

435 Section 16. Section 15.155, Florida Statutes, is amended
436 to read:

437 15.155 Legislative documents; Department of State and
438 Community Affairs to classify, number, and furnish copies of
439 general laws, special acts, resolutions, and memorials.--

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

443 (a) Select, segregate, and classify all acts of the
444 Legislature, including memorials and resolutions, by dividing
445 them into the following two classifications: Volume I, General
446 Acts, and Volume II, Special Acts;



447 (b) Include in such General Acts all acts passed as
448 general laws and all memorials and resolutions, including
449 proposed constitutional amendments, and include in such Special
450 Acts only those acts passed as special laws and becoming law as
451 such;

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

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

456 (2) The Department of State and Community Affairs shall
457 distribute pamphlet copies of the general laws upon requisition
458 to any official of the legislative, judicial, or executive
459 branches of state or county government in this state. Surplus
460 copies may be distributed to practicing attorneys in the state
461 upon their written request and payment of a nominal fee
462 sufficient to pay for mailing.

463 Section 17. Section 257.36, Florida Statutes, is amended
464 to read:

465 257.36 Records and information management.--

466 (1) There is created within the Division of Library and
467 Information Services of the Department of State and Community
468 Affairs a records and information management program. It is the
469 duty and responsibility of the division to:

470 (a) Establish and administer a records management program
471 directed to the application of efficient and economical
472 management methods relating to the creation, utilization,
473 maintenance, retention, preservation, and disposal of records.



474 ~~(b) Establish and operate a records center or centers~~
475 ~~primarily for the storage, processing, servicing, and security~~
476 ~~of public records that must be retained for varying periods of~~
477 ~~time but need not be retained in an agency's office equipment or~~
478 ~~space.~~

479 (b)~~(e)~~ Analyze, develop, establish, and coordinate
480 standards, procedures, and techniques of recordmaking and
481 recordkeeping.

482 (c)~~(d)~~ Ensure the maintenance and security of records
483 which are deemed appropriate for preservation.

484 (d)~~(e)~~ Establish safeguards against unauthorized or
485 unlawful removal or loss of records.

486 (e)~~(f)~~ Initiate appropriate action to recover records
487 removed unlawfully or without authorization.

488 (f)~~(g)~~ Institute and maintain a training and information
489 program in:

490 1. All phases of records and information management to
491 bring approved and current practices, methods, procedures, and
492 devices for the efficient and economical management of records
493 to the attention of all agencies.

494 2. The requirements relating to access to public records
495 under chapter 119.

496 ~~(h) Provide a centralized program of microfilming for the~~
497 ~~benefit of all agencies.~~

498 (g)~~(i)~~ Make continuous surveys of recordkeeping
499 operations.

500 (h)~~(j)~~ Recommend improvements in current records
501 management practices, including the use of space, equipment,



502 supplies, and personnel in creating, maintaining, and servicing
503 records.

504 ~~(i)(k)~~ Establish and maintain a program in cooperation
505 with each agency for the selection and preservation of records
506 considered essential to the operation of government and to the
507 protection of the rights and privileges of citizens.

508 ~~(j)(l)~~ Make, or have made, preservation duplicates, or
509 designate existing copies as preservation duplicates, to be
510 preserved in the place and manner of safekeeping as prescribed
511 by the division.

512 ~~(2)(a)~~ ~~All records transferred to the division may be held~~
513 ~~by it in a records center or centers, to be designated by it,~~
514 ~~for such time as in its judgment retention therein is deemed~~
515 ~~necessary.~~ At such time as it is established by the division,
516 such records stored in a records center or centers established
517 pursuant to s. 257.362 as are determined by it as having
518 historical or other value warranting continued preservation
519 shall be transferred to the Florida State Archives.

520 ~~(b)~~ ~~Title to any record detained in any records center~~
521 ~~shall remain in the agency transferring such record to the~~
522 ~~division.~~

523 ~~(c)~~ ~~When a record held in a records center is eligible for~~
524 ~~destruction, the division shall notify, in writing, by certified~~
525 ~~mail, the agency which transferred the record. The agency shall~~
526 ~~have 90 days from receipt of that notice to respond requesting~~
527 ~~continued retention or authorizing destruction or disposal of~~
528 ~~the record. If the agency does not respond within that time,~~
529 ~~title to the record shall pass to the division.~~



530 (3) The division may charge fees for records management
531 services, including, but not limited to, technical assistance
532 and training ~~supplies and services, including, but not limited~~
533 ~~to, shipping containers, pickup, delivery, reference, and~~
534 ~~storage.~~ Fees shall be based upon the actual cost of the
535 ~~supplies and services and shall be deposited in the Records~~
536 ~~Management Trust Fund.~~

537 ~~(4) Any preservation duplicate of any record made pursuant~~
538 ~~to this chapter shall have the same force and effect for all~~
539 ~~purposes as the original record. A transcript, exemplification,~~
540 ~~or certified copy of such preservation duplicate shall be~~
541 ~~deemed, for all purposes, to be a transcript, exemplification,~~
542 ~~or certified copy of the original record.~~

543 (4)(5) For the purposes of this section, the term "agency"
544 shall mean any state, county, district, or municipal officer,
545 department, division, bureau, board, commission, or other
546 separate unit of government created or established by law. It is
547 the duty of each agency to:

548 (a) Cooperate with the division in complying with the
549 provisions of this chapter and designate a records management
550 liaison officer.

551 (b) Establish and maintain an active and continuing
552 program for the economical and efficient management of records.

553 (5)(6) A public record may be destroyed or otherwise
554 disposed of only in accordance with retention schedules
555 established by the division. The division shall adopt reasonable
556 rules not inconsistent with this chapter which shall be binding



557 on all agencies relating to the destruction and disposition of
558 records. Such rules shall provide, but not be limited to:

559 (a) Procedures for complying and submitting to the
560 division records-retention schedules.

561 (b) Procedures for the physical destruction or other
562 disposal of records.

563 (c) Standards for the reproduction of records for security
564 or with a view to the disposal of the original record.

565 Section 18. Section 257.362, Florida Statutes, is created
566 to read:

567 257.362 Records storage.--

568 (1) As used in this section, the term:

569 (a) "Agency" means any state, county, district, or
570 municipal officer, department, division, bureau, board,
571 commission, or other separate unit of government created or
572 established by law.

573 (b) "Department" means the Department of Management
574 Services.

575 (2) The Department of Management Services shall establish
576 and operate a records center or centers primarily for the
577 storage, processing, servicing, and security of public records
578 that must be retained for varying periods of time but need not
579 be retained in an agency's office equipment or space. It is the
580 duty and responsibility of the department to:

581 (a) Ensure the maintenance and security of records stored
582 at such record center or centers.

583 (b) Provide safeguards against unauthorized or unlawful
584 removal or loss of records.



585 (c) Provide a centralized program of microfilming for the
586 benefit of all agencies.

587 (2)(a) All records transferred to the department may be
588 held by it in a records center or centers, to be designated by
589 it, for such time according to records retention schedules
590 established under s. 257.36. At such time as it is established
591 by the Division of Library and Information Services of the
592 Department of State and Community Affairs, such records as are
593 determined by it as having historical or other value warranting
594 continued preservation shall be transferred to the Florida State
595 Archives.

596 (b) Title to any record detained in any records center
597 shall remain in the agency transferring such record to the
598 department.

599 (c) When a record held in a records center is eligible for
600 destruction, the department shall notify, in writing, by
601 certified mail, the agency which transferred the record. The
602 agency shall have 90 days from receipt of that notice to respond
603 requesting continued retention or authorizing destruction or
604 disposal of the record. If the agency does not respond within
605 that time, title to the record shall pass to the department.

606 (d) It is the duty of each agency to cooperate with the
607 department in complying with the provisions of this section. The
608 records management liaison officer designated pursuant to s.
609 257.36 shall also serve as the liaison officer for the
610 department in its responsibilities under this section.

611 (3) The department may charge fees for supplies and
612 services, including, but not limited to, shipping containers,



613 pickup, delivery, reference, and storage. Fees shall be based
614 upon the actual cost of the supplies and services and shall be
615 deposited in the Records Management Trust Fund.

616 (4) Rules governing records maintenance, retention,
617 preservation, and disposal established pursuant to s. 257.36
618 shall govern this section.

619 Section 19. The Division of Statutory Revision is directed
620 to prepare a reviser's bill for introduction at the 2004 Regular
621 Session of the Legislature to conform the Florida Statutes to
622 the organizational changes made by this act.

623 Section 20. Subsection (13) is added to section 163.3167,
624 Florida Statutes, to read:

625 Section 163.3167 Scope of act.--

626 (13)(a) If a local government grants a quasi-judicial
627 development order pursuant to its adopted land development
628 regulations and the order is not the subject of a pending
629 appeal, the right to commence and complete development pursuant
630 to the order may not be abrogated by a subsequent judicial
631 determination that such land development regulations, or any
632 portion thereof, are invalid because of a deficiency in the
633 approval standards.

634 (b) This subsection does not preclude or affect the timely
635 institution of common law writ of certiorari proceedings
636 pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or
637 original proceedings pursuant to s. 163.3215, as applicable.

638 (c) This subsection applies retroactively to any order
639 granted on or after January 1, 2002.

640 Section 21. This act shall take effect July 1, 2003.