

By the Committee on Comprehensive Planning; and Senators
Geller and Webster

316-2276-03

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 creating s. 20.101, F.S.; creating the
4 Department of State and Community Affairs;
5 providing the mission of the department;
6 providing that the department shall be headed
7 by a secretary appointed by, and serving at the
8 pleasure of, the Governor; establishing
9 divisions within the department; providing that
10 the Florida Housing Finance Corporation and the
11 Division of Emergency Management shall be
12 placed in the department for administrative
13 purposes; requiring appointment of division
14 directors; providing for the appointment of
15 deputy and assistant secretaries; providing for
16 the establishment of bureaus, sections, and
17 subsections deemed necessary by the secretary
18 for certain purposes; providing for the
19 appointment of directors or executive directors
20 of any commission or council assigned to the
21 department; providing for the Director of the
22 Division of Emergency Management to be
23 appointed by the Governor; amending s. 20.22,
24 F.S.; designating the Secretary of Management
25 Services as the official custodian of state
26 records; repealing s. 20.10, F.S., relating to
27 the Department of State; repealing s. 20.18,
28 F.S., relating to the Department of Community
29 Affairs; providing for the transfer of
30 programs, functions, activities, powers,
31 duties, rules, records, personnel, property,

1 and unexpended balances among certain state
2 agencies; providing that the Secretary of State
3 shall continue in office as the Secretary of
4 the Department of State and Community Affairs
5 without further appointment or confirmation;
6 providing transitional provisions; requiring
7 the department to solicit input from various
8 interest groups and submit a joint report with
9 other agencies to the Governor and the
10 Legislature; prohibiting substantive changes by
11 rule to the department's programs until the end
12 of the 2004 Legislative Session; directing the
13 Division of Statutory Revision to prepare a
14 reviser's bill for the 2004 Regular Session of
15 the Legislature; providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 20.101, Florida Statutes, is
20 created to read:

21 20.101 Department of State and Community Affairs.--
22 There is created a Department of State and Community Affairs.

23 (1) The mission of the Department of State and
24 Community Affairs is to work in partnership with federal,
25 state, and local governmental agencies, communities, public
26 and private entities, and individuals in protecting and
27 promoting the state's rich and diverse heritage, in protecting
28 and promoting the state's natural resources, in promoting and
29 protecting the rights of citizens, communities, and
30 businesses, and in encouraging economic diversity and
31 opportunities for sound growth. To accomplish this

1 multifaceted mission, the department shall, at a minimum, do
2 the following:

3 (a) Improve the quality of life in the state and its
4 communities by promotion of programs with cultural and
5 artistic significance that have economic impact on the state.

6 (b) Encourage identification, evaluation, protection,
7 preservation, collection, conservation and interpretation of
8 Florida's historic sites, properties, and objects related to
9 Florida history and to archaeological and folk cultural
10 heritage and to provide public access to this information.

11 (c) Assist in developing library services in local
12 communities statewide, stimulate statewide cooperation among
13 libraries of all types, and ensure access to materials and
14 information of past, present, and future value to enable state
15 government and local libraries and agencies to provide
16 effective information services for the benefit of the public.

17 (d) Promote the economical and efficient management of
18 state archives.

19 (e) Assist local communities to provide fair,
20 credible, and accessible elections.

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

25 (g) Protect residents, visitors, and property by
26 planning for and mitigating against hazards, and by
27 maintaining effective and rapid response and recovery
28 capabilities at the state and local levels.

29 (h) Provide assistance and grant funding to local
30 governments by identifying programs and services available to
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1 residents and local governments for individual and
2 neighborhood improvements.

3 (i) Promote economic development by providing
4 assistance to communities to achieve consistent, effective
5 growth management to protect natural resources and to improve
6 the quality of life.

7 (j) Provide consistent direction and support regarding
8 local and state roles in protecting critical state resources
9 and addressing significant state issues.

10 (k) Accomplish effective comprehensive planning and
11 growth management to protect significant state assets,
12 including environmental resources and open space, and promote
13 diverse land uses that ensure efficient use of public and
14 private investments in infrastructure and long-term livability
15 of communities.

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

18 (2) The head of the Department of State and Community
19 Affairs is the Secretary of State. The secretary shall be
20 appointed by the Governor, subject to confirmation by the
21 Senate. The secretary shall serve at the pleasure of the
22 Governor.

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

25 (a) Division of Community Assistance.

26 (b) Division of Community Planning and Growth
27 Management.

28 (c) Division of Corporations.

29 (d) Division of Elections.

30 (e) Division of Historical and Cultural Resources.

31 (f) Division of Library and Information Services.

1 (4) The Florida Housing Finance Corporation and the
2 Division of Emergency Management shall be housed in the
3 Department of State and Community Affairs for administrative
4 purposes.

5 (5) The secretary shall appoint a director for each
6 division established within this section. Each division
7 director shall directly administer the division and shall be
8 responsible to the secretary. The secretary may appoint deputy
9 and assistant secretaries as necessary to aid the secretary in
10 fulfilling the secretary's statutory obligations.

11 (6) Bureaus, sections, and subsections of the
12 department may be established as deemed necessary by the
13 secretary to promote efficient and effective operation of the
14 department, pursuant to s. 20.04, and necessary to carry out
15 the requirements of state and federal law.

16 (7) Unless otherwise provided by law, the Secretary of
17 State shall appoint the directors or executive directors of
18 any commission or council assigned to the department, who
19 shall serve at his or her pleasure as provided for division
20 directors in s. 110.205. The appointment or termination by the
21 secretary shall be done with the advice and consent of the
22 commission or council. Each director or executive director may
23 employ, subject to departmental rules and procedures, such
24 personnel as may be authorized and necessary.

25 (8) The Director of the Division of Emergency
26 Management shall be appointed by, and serve at the pleasure
27 of, the Governor.

28 Section 2. Subsection (5) is added to section 20.22,
29 Florida Statutes, to read:

30 20.22 Department of Management Services.--There is
31 created a Department of Management Services.

1 (5) The Secretary of Management Services is designated
2 as the official custodian of state records, including all
3 constitutional and statutory powers, duties, and functions
4 associated with that responsibility.

5 Section 3. Sections 20.10 and 20.18, Florida Statutes,
6 are repealed.

7 Section 4. Transfers.--

8 (1) All powers, duties, functions, rules, records,
9 personnel, property, and unexpended balances of
10 appropriations, allocations, and other funds of the Department
11 of Community Affairs are transferred intact by a type two
12 transfer, as defined in section 20.06(2), Florida Statutes,
13 from the Department of Community Affairs to the Department of
14 State and Community Affairs, except as otherwise provided in
15 this section.

16 (2) All powers, duties, functions, rules, records,
17 personnel, property, and unexpended balances of
18 appropriations, allocations, and other funds of the Department
19 of State are transferred intact by a type two transfer, as
20 defined in section 20.06(2), Florida Statutes, from the
21 Department of State to the Department of State and Community
22 Affairs, except as otherwise provided in this section.

23 (3) The following programs, functions, and activities,
24 including all statutory powers, duties, functions, rules,
25 records, personnel, property, and unexpended balances of
26 appropriations, allocations, and other funds associated with
27 the identified program, function, or activity are hereby
28 transferred intact by a type two transfer, as defined in
29 section 20.06(2), Florida Statutes:

30 (a) From the Department of Community Affairs to the
31 Department of Environmental Protection, the state energy

1 program as authorized and governed by sections 377.701 and
2 377.703, Florida Statutes.

3 (b) From the Department of State to the Executive
4 Office of the Governor.

5 1. The advocating international business partnerships
6 service as authorized in sections 288.809 and 288.816, Florida
7 Statutes.

8 2. Issuance of apostilles as authorized by section
9 15.16(8), Florida Statutes.

10 3. The international notaries function as authorized
11 in chapter 118, Florida Statutes.

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

16 (c) From the Department of Environmental Protection to
17 the Department of State and Community Affairs:

18 1. The Florida Recreation Development Assistance
19 Program (FRDAP) as authorized by section 375.075, Florida
20 Statutes, and associated revenues described in section
21 259.105(3)(d), Florida Statutes.

22 2. The federal recreational trails program.

23 (d) From the Department of Community Affairs to the
24 Florida Housing Finance Corporation:

25 1. The Affordable Housing Catalyst Program as
26 authorized and governed by section 420.606, Florida Statutes.

27 2. The Affordable Housing Study Commission as
28 authorized and governed by section 420.609, Florida Statutes.

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

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1 1. The Regional Rural Development Grants Program as
2 authorized and governed by sections 14.2015(2)(f) and 288.018,
3 Florida Statutes.

4 2. The Rural Community Development Revolving Loan Fund
5 Program as authorized and governed by sections 144.2015(2)(f)
6 and 288.065, Florida Statutes.

7 3. The Office of Urban Opportunity as authorized and
8 governed by section 14.2015(9), Florida Statutes.

9 (f) From the Department of Community Affairs to the
10 Department of Legal Affairs, the civil legal assistance
11 program as authorized and governed by sections 68.094-68.105,
12 Florida Statutes.

13 (g) From the Department of State to the Department of
14 Management Services:

15 1. The records management program as authorized and
16 governed by section 257.36, Florida Statutes.

17 2. The Florida Administrative Code and the Florida
18 Administrative weekly as authorized and governed by sections
19 120.53, 120.54, 120.542, and 120.55, Florida Statutes.

20 3. The Laws of Florida production activity as
21 authorized and governed by sections 15.01 and 15.155, Florida
22 Statutes, and Section 8, Article III of the State
23 Constitution.

24 4. The management of copyrights, patents, and
25 trademarks held in the name of or on behalf of the State of
26 Florida as authorized and governed by sections 286.021 and
27 286.031, Florida Statutes.

28 Section 5. The Secretary of State shall continue in
29 office as the secretary of the Department of State and
30 Community Affairs without further appointment by the Governor
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1 or reconfirmation by the Senate and shall be known as the
2 Secretary of State.

3 Section 6. Transitional provision.--For the 2003-2004
4 fiscal year, for positions and moneys appropriated for the
5 respective Offices of the Secretary of State and the Divisions
6 of Administration for the Department of Community Affairs and
7 the Department of State in the General Appropriations Act, the
8 Secretary of State has the authority to implement any
9 reductions or changes in staffing or funding necessary for the
10 optimum structure to achieve the greatest possible
11 coordination and to facilitate the efficient operation of the
12 department.

13 Section 7. Report.--The Department of State and
14 Community Affairs, the Department of Environmental Protection,
15 the Executive Office of the Governor, and the Department of
16 Management Services shall evaluate the programs, functions,
17 and activities transferred to their respective agencies. The
18 agencies shall provide a joint report to the Governor, the
19 Speaker of the House of Representatives, and the President of
20 the Senate by October 15, 2003, recommending statutory changes
21 to best effectuate and incorporate the programs, functions,
22 and activities within each agency, including recommendations
23 for achieving efficiencies in management and operation,
24 improving service delivery to the public, and ensuring
25 compliance with federal and state laws. The Department of
26 State and Community Affairs shall hold meetings with and
27 otherwise gather input from constituent groups, including, but
28 not limited to, arts, historic, cultural, libraries, cities,
29 counties, growth management, economic development, and
30 environmental interests. Any input received shall be

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1 considered by the agencies and made a part of the final
2 report.

3 Section 8. The Department of State and Community
4 Affairs shall operate the programs transferred to the
5 department as directed by laws in effect on the effective date
6 of this act. The department may not make substantive
7 programmatic changes by rule in advance of the completion of
8 the 2004 Legislative Session.

9 Section 9. The Division of Statutory Revision of the
10 Office of Legislative Services is directed to prepare a
11 reviser's bill for introduction at the 2004 Regular Session of
12 the Legislature to conform the Florida Statutes to the
13 organizational changes made by this act.

14 Section 10. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bills 186 & 2258

4 The committee substitute (CS) creates the Department of State
5 and Community Affairs and prescribes the responsibilities of
6 the new department. It provides the Secretary of State shall
7 continue as secretary of the department without further
8 appointment or reconfirmation and shall be known as the
9 Secretary of State. Also, the CS provides that the director of
10 the Division of Emergency Management shall be appointed by the
11 Governor. The CS establishes specified divisions within the
12 department, but gives the secretary flexibility in organizing
13 the new department.

14 In addition, the CS requires the Executive Office of the
15 Governor, in addition to the new department, the Department of
16 Environmental Protection, and the Department of Management
17 Services, to evaluate the programs and functions transferred
18 to those agencies and submit a joint report with recommended
19 statutory changes to the Governor and the Legislature by
20 October 15, 2003. It requires these agencies to gather input
21 from certain constituent groups, consider the input, and make
22 it part of the final report.

23 Finally, the CS requires the department to operate programs
24 transferred to the department as directed by laws governing
25 those programs in effect on the effective date of the act. The
26 CS further provides the department will not make any
27 substantive programmatic changes by rule in advance of the
28 conclusion of the 2004 Legislative Session.

29 The CS deletes a requirement that the department, along with
30 the Department of Environmental Protection to report to the
31 Governor and Legislature by October 15, 2003 with recommended
32 statutory and administrative changes related to the management
33 of historical resources and the state museum.