

By the Committees on Governmental Oversight and Productivity;
Comprehensive Planning; and Senators Geller and Webster

302-2505-03

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; repealing s. 20.10,
24 F.S., relating to the Department of State;
25 repealing s. 20.18, F.S., relating to the
26 Department of Community Affairs; providing for
27 the transfer of programs, functions,
28 activities, powers, duties, rules, records,
29 personnel, property, and unexpended balances
30 among certain state agencies; providing that
31 the Secretary of State shall continue in office

1 as the Secretary of the Department of State and
2 Community Affairs without further appointment
3 or confirmation; providing transitional
4 provisions; requiring the department to solicit
5 input from various interest groups and submit a
6 joint report with other agencies to the
7 Governor and the Legislature; prohibiting
8 substantive changes by rule to the department's
9 programs until the end of the 2004 Legislative
10 Session; directing the Division of Statutory
11 Revision to prepare a reviser's bill for the
12 2004 Regular Session of the Legislature;
13 amending s. 163.3167, F.S.; prohibiting
14 abrogation of a quasi-judicial development
15 order under certain circumstances; providing an
16 effective date.

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

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

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

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

1 opportunities for sound growth. To accomplish this
2 multifaceted mission, the department shall, at a minimum, do
3 the following:

4 (a) Improve the quality of life in the state and its
5 communities through support and promotion of programs with
6 historic, cultural, or artistic significance.

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

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

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

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

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

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

30 (h) Provide assistance and grant funding to local
31 governments by identifying programs and services available to

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 through regulation, oversight, and targeted
16 technical assistance.

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

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

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

26 (a) Division of Community Assistance.

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

29 (c) Division of Corporations.

30 (d) Division of Elections.

31 (e) Division of Historical and Cultural Resources.

1 (f) Division of Library and Information Services.

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

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

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

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

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

29 Section 2. Sections 20.10 and 20.18, Florida Statutes,
30 are repealed.

31 Section 3. Transfers.--

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

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

16 (3) The following programs, functions, and activities,
17 including all statutory powers, duties, functions, rules,
18 records, personnel, property, and unexpended balances of
19 appropriations, allocations, and other funds associated with
20 the identified program, function, or activity are hereby
21 transferred intact by a type two transfer, as defined in
22 section 20.06(2), Florida Statutes:

23 (a) From the Department of Community Affairs to the
24 Department of Environmental Protection, the state energy
25 program as authorized and governed by sections 377.701 and
26 377.703, Florida Statutes.

27 (b) From the Department of State to the Executive
28 Office of the Governor.

29 1. The advocating international business partnerships
30 service as authorized in sections 288.809 and 288.816, Florida
31 Statutes.

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

3 3. The notaries functions as authorized in chapters
4 117 and 118, Florida Statutes.

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

9 (c) From the Department of Environmental Protection to
10 the Department of State and Community Affairs:

11 1. The Florida Recreation Development Assistance
12 Program (FRDAP) as authorized by section 375.075, Florida
13 Statutes, and associated revenues described in section
14 259.105(3)(d), Florida Statutes.

15 2. The federal recreational trails program.

16 (d) From the Department of Community Affairs to the
17 Florida Housing Finance Corporation:

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

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

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

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

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

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

1 (f) From the Department of Community Affairs to the
2 Department of Legal Affairs, the civil legal assistance
3 program as authorized and governed by sections 68.094-68.105,
4 Florida Statutes.

5 (g) From the Department of State to the Department of
6 Management Services:

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

9 2. The Florida Administrative Code and the Florida
10 Administrative weekly as authorized and governed by sections
11 120.53, 120.54, 120.542, and 120.55, Florida Statutes.

12 3. The management of copyrights, patents, and
13 trademarks held in the name of or on behalf of the State of
14 Florida as authorized and governed by sections 286.021 and
15 286.031, Florida Statutes.

16 Section 4. The Secretary of State shall continue in
17 office as the secretary of the Department of State and
18 Community Affairs without further appointment by the Governor
19 or reconfirmation by the Senate and shall be known as the
20 Secretary of State.

21 Section 5. Transitional provision.--For the 2003-2004
22 fiscal year, for positions and moneys appropriated for the
23 respective Offices of the Secretary of State or for the
24 Department of Community Affairs and the Department of State in
25 the General Appropriations Act, the Secretary of State has the
26 authority to implement any reductions or changes in staffing
27 or funding necessary for the optimum structure to achieve the
28 greatest possible coordination and to facilitate the efficient
29 operation of the department.

30 Section 6. Report.--The Department of State and
31 Community Affairs, the Department of Environmental Protection,

1 the Executive Office of the Governor, and the Department of
2 Management Services shall evaluate the programs, functions,
3 and activities transferred to their respective agencies. The
4 agencies shall provide a joint report to the Governor, the
5 Speaker of the House of Representatives, and the President of
6 the Senate by October 15, 2003, recommending statutory changes
7 to best effectuate and incorporate the programs, functions,
8 and activities within each agency, including recommendations
9 for achieving efficiencies in management and operation,
10 improving service delivery to the public, and ensuring
11 compliance with federal and state laws. The Department of
12 State and Community Affairs shall hold meetings with and
13 otherwise gather input from constituent groups, including, but
14 not limited to, arts, historic, cultural, libraries, cities,
15 counties, growth management, economic development, and
16 environmental interests. Any input received shall be
17 considered by the agencies and made a part of the final
18 report.

19 Section 7. The department shall operate the programs
20 transferred to the department as directed by laws in effect on
21 the effective date of this act. The department shall not make
22 substantive programmatic changes by rule in advance of the
23 completion of the 2004 Legislative Session.

24 Section 8. The Division of Statutory Revision of the
25 Office of Legislative Services is directed to prepare a
26 reviser's bill for introduction at the 2004 Regular Session of
27 the Legislature to conform the Florida Statutes to the
28 organizational changes made by this act.

29 Section 9. Effective upon this act becoming law,
30 subsection (13) is added to section 163.3167, Florida
31 Statutes, to read:

1 163.3167 Scope of act.--

2 (13)(a) If a local government grants a quasi-judicial
3 development order pursuant to its adopted land development
4 regulations and the order is not the subject of a pending
5 appeal, the right to commence and complete development
6 pursuant to the order may not be abrogated by a subsequent
7 judicial determination that such land development regulations
8 or any portion thereof are invalid because of a deficiency in
9 the approval standards.

10 (b) This subsection does not preclude or affect the
11 timely institution of a common law writ of certiorari
12 proceeding pursuant to Rule 9.190, Florida Rules of Appellate
13 Procedure or original proceedings pursuant to s. 163.3215.

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

16 Section 10. Except as otherwise expressly provided in
17 this act, this act shall take effect July 1, 2003, and this
18 section shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SBs 186 & 2528
4 Clarifies the mission of the agency in areas of growth
5 management and historic and cultural activities.
6 Transfers records management function to the Department of
7 Management Services. Also transfers Florida Administrative
8 Weekly and Florida Administrative Code to DMS. Keeps Laws of
9 Florida function with Department of State and Community
10 Affairs.
11 Clarifies that all notary functions are transferred to the
12 Executive Office of the Governor.
13 Provides that if a local government grants a quasi-judicial
14 development order pursuant to its adopted land development
15 regulations and that order is not the subject of a pending
16 appeal, the right to commence and complete development
17 pursuant to the order may not be abrogated by a subsequent
18 judicial determination that such land development regulations
19 are invalid because of a deficiency in the approval standards.
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