

By Senator Webster

9-1441A-03

See HB

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 providing legislative intent; amending s.
4 20.04, F.S.; providing an exception to
5 departmental structure requirements; creating
6 s. 20.101, F.S.; creating the Department of
7 State and Community Partnerships; providing
8 that the department shall be headed by a
9 secretary appointed by, and serving at the
10 pleasure of, the Governor; providing primary
11 policy and administrative functional areas of
12 the department; providing that the Florida
13 Housing Finance Corporation and the Division of
14 Emergency Management shall be placed in the
15 department for administrative purposes;
16 amending s. 20.22, F.S.; providing that the
17 secretary of the Department of Management
18 Services shall serve as the custodian of
19 records; repealing s. 20.10, F.S., relating to
20 the Department of State; repealing s. 20.18,
21 F.S., relating to the Department of Community
22 Affairs; providing for the transfer of
23 programs, functions, activities, powers,
24 duties, rules, records, personnel, property,
25 and unexpended balances among certain state
26 agencies; providing that the Secretary of State
27 shall become the Secretary of State and
28 Community Partnerships without further
29 appointment or confirmation; providing
30 transitional provisions; directing the Division
31 of Statutory Revision to prepare a reviser's

1 bill for the 2004 Regular Session of the
2 Legislature; providing an effective date.

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

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6 Section 1. Declaration of Policy.--

7 (1) The vitality of Florida's communities is critical
8 to the quality of life of the state's residents.

9 (2) It is the policy of the Legislature:

10 (a) To protect the vital role Florida's communities
11 serve as locations for work, education, recreation, and social
12 interaction and build a strong foundation for diversifying the
13 economy, protecting natural resources, and improving quality
14 of life through enhanced coordination of community assistance
15 programs and effective management of growth in Florida.

16 (b) To promote economic development within Florida's
17 communities while enhancing the quality of life and protection
18 of natural resources.

19 (c) To provide consistent direction and support
20 regarding local and state roles in protecting critical state
21 resources and addressing significant state issues.

22 (d) To ensure that the programs of the agency support
23 the goals of Florida's communities by providing a streamlined,
24 cost-effective delivery of services that ensures equality of
25 access by all applicant communities.

26 (e) To promote a positive business climate in Florida
27 by maintaining an efficient and effective business
28 registration activity.

29 (f) To ensure a strong and stable democracy through
30 fair, credible, and accessible elections.

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1 (g) To protect residents, visitors, and property by
2 planning for and mitigating against hazards, and by
3 maintaining effective and rapid response and recovery
4 capabilities at the state and local level.

5 (3) The Department of State and Community
6 Partnerships, the Department of Environmental Protection, and
7 the Department of Management Services shall evaluate the
8 programs, functions, and activities transferred to their
9 respective agencies. The agencies shall each provide a report
10 to the Governor, the Speaker of the House of Representatives,
11 and the President of the Senate by October 15, 2003,
12 recommending statutory and administrative changes to best
13 effectuate and incorporate the programs, functions, and
14 activities within each agency. Input from constituent groups
15 shall be requested and considered by the agencies. The agency
16 reports must address the policy of the Legislature as provided
17 in this section.

18 (4) The Department of State and Community Partnerships
19 and the Department of Environmental Protection shall jointly
20 develop a report to be submitted to the Governor, the Speaker
21 of the House of Representatives, and the President of the
22 Senate by October 15, 2003, recommending statutory and
23 administrative changes to best ensure that historical
24 properties and the state museum are managed in a manner that
25 best serves the public and protects the historic resources of
26 the state.

27 Section 2. Subsection (3) of section 20.04, Florida
28 Statutes, is amended to read:

29 20.04 Structure of executive branch.--The executive
30 branch of state government is structured as follows:
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1 (3) For their internal structure, all departments,
2 except for the Department of Financial Services, the
3 Department of Children and Family Services, the Department of
4 Corrections, the Department of Management Services, the
5 Department of Revenue, the Department of State and Community
6 Partnerships, and the Department of Transportation, must
7 adhere to the following standard terms:

8 (a) The principal unit of the department is the
9 "division." Each division is headed by a "director."

10 (b) The principal unit of the division is the
11 "bureau." Each bureau is headed by a "chief."

12 (c) The principal unit of the bureau is the "section."
13 Each section is headed by an "administrator."

14 (d) If further subdivision is necessary, sections may
15 be divided into "subsections," which are headed by
16 "supervisors."

17 Section 3. Section 20.101, Florida Statutes, is
18 created to read:

19 20.101 Department of State and Community
20 Partnerships.--There is created a Department of State and
21 Community Partnerships.

22 (1) The head of the Department of State and Community
23 Partnerships is the Secretary of State and Community
24 Partnerships. The secretary shall be appointed by the Governor
25 subject to confirmation by the Senate. The secretary shall
26 serve at the pleasure of the Governor.

27 (2) Notwithstanding any provision of law to the
28 contrary, it is the intent of the Legislature to provide the
29 secretary with the flexibility to organize the department in
30 any manner the secretary determines appropriate to promote
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1 efficiency and accountability and to accomplish the intent of
2 this section.

3 (3) The primary policy and administrative functional
4 areas of the agency shall include the following:

5 (a) Community Planning and Growth Management.

6 (b) Elections.

7 (c) Community Assistance Grants.

8 (d) Corporations.

9 (e) Emergency Management.

10 (f) Office of the Secretary/Administration.

11 (4) Entities housed in the Department of State and
12 Community Partnerships for administrative purposes are as
13 follows:

14 (a) Florida Housing Finance Corporation.

15 (b) Division of Emergency Management.

16 Section 4. Subsection (5) is added to section 20.22,
17 Florida Statutes, to read:

18 20.22 Department of Management Services.--There is
19 created a Department of Management Services.

20 (5) The secretary of the Department of Management
21 Services is designated as the official custodian of state
22 records, including all constitutional and statutory powers,
23 duties, and functions associated with that responsibility.

24 Section 5. Sections 20.10 and 20.18, Florida Statutes,
25 are repealed.

26 Section 6. Transfers.--

27 (1) All powers, duties, functions, rules, records,
28 personnel, property, and unexpended balances of
29 appropriations, allocations, and other funds of the Department
30 of Community Affairs are transferred by a type two transfer,
31 as defined in section 20.06(2), Florida Statutes, from the

1 Department of Community Affairs to the Department of State and
2 Community Partnerships, except as otherwise provided in this
3 section.

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

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

18 (a) From the Department of Community Affairs to the
19 Department of Environmental Protection, the state energy
20 program as authorized and governed by sections 377.701 and
21 377.703, Florida Statutes.

22 (b) From the Department of State to the Department of
23 Management Services:

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

26 2. The Florida Administrative Code and the Florida
27 Administrative Weekly as authorized and governed by sections
28 120.53, 120.54, 120.542, and 120.55, Florida Statutes.

29 3. The laws of Florida production activity as
30 authorized and governed by sections 15.01 and 15.155, Florida
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1 Statutes, and Section 8, Article III of the State
2 Constitution.
3 4. The management of copyrights, patents, and
4 trademarks held in the name of or on behalf of the State of
5 Florida as authorized and governed by sections 286.021 and
6 286.031, Florida Statutes.
7 (c) From the Department of State to the Executive
8 Office of the Governor.
9 1. The advocating international business partnerships
10 service as authorized in sections 288.809 and 288.816, Florida
11 Statutes.
12 2. Issuance of apostilles as authorized by section
13 15.16(8), Florida Statutes.
14 3. The international notaries' function as authorized
15 in chapter 118, Florida Statutes.
16 (d) From the Department of Environmental Protection to
17 the Department of State and Community Partnerships:
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 (e) 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 (f) From the Executive Office of the Governor to the
30 Department of State and Community Partnerships:
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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 14.2015(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)(a) and (b), Florida Statutes.

9 (g) 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 Section 7. The Secretary of State shall continue in
14 office as the Secretary of State and Community Partnerships
15 without further appointment by the Governor or reconfirmation
16 by the Senate.

17 Section 8. Transitional provisions.--Notwithstanding
18 other provisions of law relating to the programs within the
19 Department of State and Community Partnerships, and for the
20 2003-2004 fiscal year only, the secretary of the Department of
21 State and Community Partnerships has the authority to
22 implement the intent of the Legislature to achieve the
23 greatest possible coordination between program activities and
24 the delivery of services to the public, and to facilitate the
25 efficient operation of the department.

26 Section 9. The Division of Statutory Revision is
27 directed to prepare a reviser's bill for introduction at the
28 2004 Regular Session of the Legislature to conform the Florida
29 Statutes to the organizational changes made by this act.

30 Section 10. This act shall take effect July 1, 2003.

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