

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Commerce and Tourism Committee

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BILL: SB 1204

INTRODUCER: Commerce and Tourism Committee

SUBJECT: Governmental Reorganization

DATE: January 18, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

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**I. Summary:**

SB 1204 is the result of a review of the Florida Statutes for changes necessary due to the governmental reorganization provided by ch. 2011-142, L.O.F. The bill updates references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation; updates provisions or references which were enacted by other chapter laws; revises provisions or references which were drafting errors; and repeals any remaining outdated provisions.

This bill amends the following sections of the Florida Statutes: 68.096, 68.105, 159.81, 163.2517, 163.3178, 163.3191, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096, 213.053, 215.55865, 218.411, 220.153, 220.183, 220.194, 258.501, 259.042, 259.101, 282.201, 288.021, 288.1045, 288.106, 288.108, 288.1083, 288.1089, 288.1097, 288.11621, 288.1168, 288.1171, 288.1254, 288.714, 288.7102, 288.987, 290.0055, 290.0065, 290.00726, 290.00727, 290.00728, 311.09, 320.08058, 320.080578, 339.135, 342.201, 377.703, 377.809, 380.06, 402.56, 403.0891, 420.503, 420.507, 420.101, 420.0005, 420.0006, 443.036, 443.091, 443.111, 443.141, 443.1715, 443.17161, 446.50, 450.261, 509.032, 624.5105, 1002.75, 1002.79, 259.035, 288.12265, 288.901, 288.980, and 331.3081.

This bill repeals ss. 163.03, 373.461(5), and 379.2353, F.S.

## II. Present Situation:

### Governmental Reorganization<sup>1</sup>

Chapter 2011-142, L.O.F. (the law), reorganized the land planning and community development, workforce development, and economic development functions of state government. Many of the functions and responsibilities of the Department of Community Affairs (DCA), the Agency for Workforce Innovation (AWI), and the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor (OTTED) were transferred into a new state agency called the Department of Economic Opportunity (DEO).

### Public/Private Partnerships

The law also reorganized several public/private partnerships. The Florida Sports Foundation and the Black Business Investment Board were merged into Enterprise Florida, Inc (EFI). The Florida Commission on Tourism was abolished and much of its responsibilities and functions were transferred to the Division of Tourism Promotion within EFI. The Florida Tourism Industry Marketing Corporation (Visit Florida) was directed to contract with EFI. Further, the appointed members of the board of directors for EFI now also serve as the board of directors of Space Florida, which is still an independent special district.

### Other Transfers

Other functions of DCA, AWI, and OTTED were transferred to more appropriate state agencies, including:

- The Florida Building Code Commission was transferred from DCA to the Department of Business and Professional Regulation.
- The Division of Emergency Management (DEM) was administratively housed within DCA, but was a separate budget entity and was not subject to control, supervision, or direction by DCA. DEM was transferred to the Executive Office of the Governor, while retaining its status as a separate budget entity.
- The Florida Communities Trust, the Parks and Open Space Florida Forever Grant Program, and the Stan Mayfield Working Waterfronts Florida Forever Grant Program were transferred from DCA to the Department of Environmental Protection.
- The Office of Early Learning within AWI was transferred to the Department of Education as a separate budget entity and is not subject to control, supervision, or direction by the department.

### Office of Energy

Additionally, the law reorganized a portion of the state's energy policy, by abolishing the Florida Energy and Climate Commission (FECC) and transferring the majority of its functions and responsibilities to the Department of Agriculture and Consumer Services (DACS). There is now

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<sup>1</sup> For further information see Committee on Commerce and Tourism, the Florida Senate, Identification, Review, and Recommendation Relating to Statutory Changes Necessary to Implement the Governmental Reorganization Required by ch. 2011-142, L.O.F. (October 2011), Interim Report 2012-112, available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-112cm.pdf> (last visited 1/13/2012).

an Office of Energy within DACS.<sup>2</sup> Additionally, FECC's emergency management responsibilities were transferred to the Division of Emergency Management and administration of the Costal Energy Impact Program was transferred to the Department of Environmental Protection.

### **Ready to Work**

The law also transferred the administration of the Florida Ready to Work Program from the Department of Education to DEO.<sup>3</sup> However, the program must be implemented by DEO in coordination with the Department of Education.

### **Interim Report 2012-112**

The Legislature recognized the need to conform the Florida Statutes to the policy decisions reflected in ch. 2011-142, L.O.F., and resolve apparent conflicts between any other legislation passed during the 2011 Regular Session and the transfer of duties made by the law.<sup>4</sup> Interim Report 2012-112 reviewed the reorganization provided for in ch. 2011-142, L.O.F., and Florida Statutes for any statutory changes necessary to implement the law.

This included review of the Florida Statutes for obsolete references, inconsistencies, or statutory notes by the Division of Statutory Revision related to the reorganization.<sup>5</sup> Additionally, staff contacted the transition coordinators for the various affected agencies for input.

Committee staff found several references remaining in statute to DCA, AWI, and OTTED. Some of these references exist due to other laws passed in the 2011 Regular Session. Additionally, committee staff discovered some idiosyncrasies due to multiple revisions of the original bill. Some agencies and transition coordinators also directed staff to inappropriate changes in references.

### **III. Effect of Proposed Changes:**

Based upon the review of the Florida Statutes, Interim Report 2012-112 recommended that draft legislation be developed to:

- Update references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation;
- Update provisions or references which were enacted by other chapter laws;
- Revise provisions or references which were drafting errors; and
- Repeal any remaining outdated provisions.

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<sup>2</sup> See the Office of Energy website, which includes a history of state entities dealing with Florida energy policy, available at <http://www.freshfromflorida.com/offices/energy/> (last visited 1/13/2012).

<sup>3</sup> Florida Ready to Work is an employee credentialing program that is funded by the state. The program allows participants to take a skills test and credentialing classes online to earn a "career readiness certificate."

<sup>4</sup> Section 10, ch. 2011-142, L.O.F., also directs the Division of Statutory Revision to assist substantive committees to identify issues.

<sup>5</sup> The Division of Statutory Revision of the Office of Legislative Services reviews Florida Statutes, in part, to remove inconsistencies and otherwise improve the clarity and facilitate the correct and proper interpretation of the statutes. Any revision the division makes to a statute, either complete, partial, or topical, is accompanied by revision and history notes, showing the changes made and the reason for such recommended change.

Specifically, SB 1204 implements these recommendations in the following manner:

### **Update references to the former Department of Community Affairs**

**Sections 1 and 2** update references in the Florida Access to Civil Legal Assistance Act in ss. 68.096 and 68.105, F.S., related to administration of the program from DCA to the Department of Legal Affairs. This program was funded through the Department of Legal Affairs in the FY 2011-12 budget.<sup>6</sup>

References in the following sections are updated to refer to DEO or the “state land planning agency,” which is currently DEO:

- s. 163.2517(6), F.S. (**Section 4**);
- s. 163.3178(3), F.S. (**Section 5**);
- s. 163.3204, F.S. (**Section 7**);
- s. 163.3221(14), F.S. (**Section 8**);
- s. 163.3246(1), F.S. (**Section 9**);
- s. 163.3247(5), F.S. (**Section 10**);
- s. 163.336(2), F.S. (**Section 11**);
- s. 163.458, F.S. (**Section 12**);
- s. 163.460, F.S. (**Section 13**);
- s. 163.461, F.S. (**Section 14**);
- s. 163.462, F.S. (**Section 15**);
- s. 163.5055(1), F.S. (**Section 16**);
- s. 163.506(1), F.S. (**Section 17**);
- s. 163.508(1), F.S. (**Section 18**);
- s. 163.511(1), F.S. (**Section 19**);
- s. 163.512(1), F.S. (**Section 20**);
- s. 218.411(1), F.S. (**Section 24**);
- s. 258.501, F.S. (**Section 28**);
- s. 259.042(3), F.S. (**Section 29**);
- s. 282.201(4), F.S. (**Section 31**);
- s. 311.09, F.S. (**Section 51**);
- s. 320.08058(62), F.S. (**Section 52**);
- s. 377.703(2), F.S. (**Section 55**);
- s. 403.0891(6), F.S. (**Section 59**); and
- s. 509.032(7), F.S. (**Section 73**).

**Section 23** amends s. 215.55865, F.S., to update a reference from DCA to the Florida Building Commission.

**Section 30** amends s. 259.101(3), F.S., to update a reference from DCA to the Department of Environmental Protection.

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<sup>6</sup> Line 1294A, ch. 2011-69, L.O.F. The Legislature appropriated \$1 million from general revenue for the program.

**Section 54** amends s. 342.201, F.S., to correct a reference for the administration of the Waterfronts Florida Program. This program had been administered by DCA, but is currently administered by DEO.

References in the following sections are updated to refer to the executive director of DEO instead of the secretary of DCA:

- s. 420.503(8), F.S. (**Section 60**);
- s. 420.507(30), F.S. (**Section 61**);
- s. 420.101(1), F.S. (**Section 62**);
- s. 420.0005, F.S. (**Section 63**);
- s. 420.0006, F.S. (**Section 64**); and
- s. 450.261, F.S. (**Section 72**).

**Section 77** amends s. 259.035, F.S., to correct a reference to the number of members of the Acquisition and Restoration Council. The secretary of DCA was removed from the council by s. 119, ch. 2011-142, L.O.F.

**Section 82** repeals s. 163.03, F.S., which deals specifically with the powers and duties of the secretary of DCA and functions of DCA. Much of these powers, duties, and functions have been transferred to DEO.<sup>7</sup>

#### **Update references to the former Agency for Workforce Innovation**

References in the following sections are updated to refer to DEO:

- s. 212.096(1), F.S. (**Section 21**);
- s. 220.194(3), F.S. (**Section 27**);
- s. 288.021(1), F.S. (**Section 32**);
- s. 443.036(26), F.S. (**Section 65**);
- s. 443.091(1), F.S. (**Section 66**);
- s. 443.111(5), F.S. (**Section 67**);
- s. 443.141(1), F.S. (**Section 68**);
- s. 443.1715(2), F.S. (**Section 69**);
- s. 443.17161, F.S. (**Section 70**);
- s. 446.50(2), F.S. (**Section 71**);
- s. 1002.75(4), F.S. (**Section 75**); and
- s. 1002.79(2), F.S. (**Section 76**).

**Section 58** amends s. 402.56(4), F.S., to correct a reference to the Office of Early Learning.

#### **Update references to the former Office of Tourism, Trade, and Economic Development**

References in the following sections are updated to refer to DEO:

- s. 159.81(1), F.S. (**Section 3**);
- s. 213.053(8), F.S. (**Section 22**);

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<sup>7</sup> See s. 20.60, F.S.

- s. 220.153, F.S. (**Section 25**);
- s. 220.183(2), F.S. (**Section 26**);
- s. 220.194, F.S. (**Section 27**);
- s. 288.1045, F.S. (**Section 33**);
- s. 288.106, F.S. (**Section 34**);
- s. 288.108(3), F.S. (**Section 35**);
- s. 288.1083(3), F.S. (**Section 36**);
- s. 288.1089(2), F.S. (**Section 37**);
- s. 288.1097(2), F.S. (**Section 38**);
- s. 288.11621(3), F.S. (**Section 39**);
- s. 288.1168(6), F.S. (**Section 40**);
- s. 288.1171(4), F.S. (**Section 41**);
- s. 288.1254(8), F.S. (**Section 42**);
- s. 288.987, F.S. (**Section 45**);
- s. 290.0055(6), F.S. (**Section 46**);
- s. 290.0065(4), F.S. (**Section 47**);
- s. 290.00726, F.S. (**Section 48**);
- s. 290.00727, F.S. (**Section 49**);
- s. 290.00728, F.S. (**Section 50**);
- s. 339.135(5), F.S. (**Section 53**);
- s. 377.809(4), F.S. (**Section 56**);
- s. 380.06(19), F.S. (**Section 57**); and
- s. 624.5105(3), F.S. (**Section 74**).

**Section 80** amends s. 288.980, F.S., to correct a reference to the number of grant programs relating to the Florida Economic Reinvestment Initiative. It also updates a reference to the former OTTED.

**Section 83** repeals s. 373.461(5), F.S., which deals with the purchase of land for the restoration of the Lake Apopka Basin and certain requirements which had to be met in 1997.

**Section 84** repeals s. 379.2353, F.S., which deals with enterprise zone designations for communities suffering adverse impacts from the adoption of the 1995 constitutional amendment limiting the use of nets to harvest marine species. The statute states that any enterprise zone that designated under the paragraph which was effective on or before January 1, 2005, would cease to exist after December 31, 2005. Redesignated enterprise zones after that date were required to comply with the Florida Enterprise Zone Act in ch. 290, F.S.

#### **Update references to Public/Private Partnerships**

**Sections 43 and 44** amend ss. 288.714(2) and 288.7102(7), F.S., to update references to the former Black Business Investment Board.

**Section 52** amends s. 320.08058(9) and (35), F.S., to update references from the former Florida Sports Foundation to EFI.

**Section 78** amends s. 288.12265, F.S., to authorize EFI to contract with the Florida Tourism Industry Marketing Corporation (Visit Florida) for the management and operation of the welcome centers.

**Section 79** amends s. 288.901(5), F.S., to limit the requirement that members of the board of directors of EFI be confirmed by the Senate to those members who are appointed by the Governor. Members appointed by the President of the Senate or the Speaker of the House of Representatives would not be confirmed by the Senate.

**Section 81** amends s. 331.3081, F.S., to add the Governor or the Lieutenant Governor as the Governor's designee as a member and chair of the board of directors of Space Florida. This increases the number of members on the board from an even 12 to 13-members. Historically, the Governor or Lieutenant Governor has served on the board as the chair.

### **Cross-References**

**Section 6** amends s. 163.3191(3), F.S., to update a cross-reference.

**Section 57** amends s. 380.06(6), (24), and (29), F.S., to update cross-references.

### **Effective Date**

**Section 85** provides an effective date of upon becoming law.

## **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

## **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.