

Amendment 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Rules & Calendar Committee  
2 Representative Gaetz offered the following:

3  
4 **Amendment**

5 Remove lines 422-547 and insert:

6 Section 3. The Legislature intends that the amendments  
7 made by this act to ss. 20.02, 20.03, and 20.05, Florida  
8 Statutes, which apply to the organizational structure of the  
9 executive branch, and the creation of s. 120.515, Florida  
10 Statutes, which applies to administrative procedure, are to  
11 clarify that the placement of an executive department under the  
12 direct administration of an officer or board appointed by and  
13 serving at the pleasure of the Governor does not implicitly  
14 limit or restrict the Governor's prerogative, legal authority,  
15 and constitutional responsibility to direct and supervise the  
16 execution of the law and the exercise of lawful discretion.

17 Section 4. Subsections (3) through (7) of section 20.02,  
18 Florida Statutes, are renumbered as subsections (4) through (8),

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19 respectively, and a new subsection (3) is added to that section  
20 to read:

21 20.02 Declaration of policy.—

22 (3) The administration of any executive branch department  
23 or entity placed under the direct supervision of an officer or  
24 board appointed by and serving at the pleasure of the Governor  
25 shall remain at all times under the constitutional executive  
26 authority of the Governor, in accordance with ss. 1(a) and 6,  
27 Art. IV of the State Constitution and such officer or board  
28 generally remains subject to oversight, direction, and  
29 supervision by the Governor.

30 Section 5. Subsections (4) and (5) of section 20.03,  
31 Florida Statutes, are amended, and subsection (13) is added to  
32 that section, to read:

33 20.03 Definitions.—To provide uniform nomenclature  
34 throughout the structure of the executive branch, the following  
35 definitions apply:

36 (4) "Head of the department" means the individual under  
37 whom or the board under which direct administration in charge of  
38 the department is placed by statute. Where direct administration  
39 of a department is placed under an officer or board appointed by  
40 and serving at the pleasure of the Governor, that officer or  
41 board remains subject to the Governor's supervision and  
42 direction.

43 (5) "Secretary" means an individual who is appointed by  
44 the Governor to head a department and who is not otherwise named  
45 in the State Constitution.

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46       (13) "To serve at the pleasure" means the appointee serves  
47 in the office until removed by the appointing authority.  
48 Consistent with the allotment of executive authority under ss. 1  
49 and 6, Art. IV of the State Constitution, an appointee serving  
50 at the pleasure of the appointing authority generally remains  
51 subject to the direction and supervision of the appointing  
52 authority.

53       Section 6. Subsection (1) of section 20.05, Florida  
54 Statutes, is amended to read:

55       20.05 Heads of departments; powers and duties.—

56       (1) Each head of a department, subject to the allotment of  
57 executive power under Article IV of the State Constitution, and  
58 except as otherwise provided by law, must:

59       (a) Plan, direct, coordinate, and execute the powers,  
60 duties, and functions vested in that department or vested in a  
61 division, bureau, or section of that department; powers and  
62 duties assigned or transferred to a division, bureau, or section  
63 of the department must not be construed to limit this authority  
64 and this responsibility;

65       (b) Have authority, without being relieved of  
66 responsibility, to execute any of the powers, duties, and  
67 functions vested in the department or in any administrative unit  
68 thereof through administrative units and through assistants and  
69 deputies designated by the head of the department from time to  
70 time, unless the head of the department is explicitly required  
71 by law to perform the same without delegation;

72       (c) Compile annually a comprehensive program budget  
73 reporting all program and fiscal matters related to the

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74 operation of his or her department, including each program,  
75 subprogram, and activity, and other matters as required by law;

76 (d) Reimburse the members of advisory bodies, commissions,  
77 and boards of trustees for their actual and necessary expenses  
78 incurred in the performance of their duties in accordance with  
79 s. 112.061;

80 (e) Subject to the requirements of chapter 120, exercise  
81 existing authority to adopt rules pursuant and limited to the  
82 powers, duties, and functions transferred to the department;

83 (f) Exercise authority on behalf of the department to  
84 accept gifts, grants, bequests, loans, and endowments for  
85 purposes consistent with the powers, duties, and functions of  
86 the department. All such funds must be deposited in the State  
87 Treasury and appropriated by the Legislature for the purposes  
88 for which they were received by the department;

89 (g) If a department is under the direct supervision of a  
90 board, including a board consisting of the Governor and Cabinet,  
91 however designated, employ an executive director to serve at its  
92 pleasure; and

93 (h) Make recommendations concerning more effective  
94 internal structuring of the department to the Legislature.  
95 Unless otherwise required by law, such recommendations must be  
96 provided to the Legislature at least 30 days before the first  
97 day of the regular session at which they are to be considered,  
98 when practicable.

99 Section 7. Section 120.515, Florida Statutes, is created  
100 to read:

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101       120.515 Declaration of policy.-This chapter provides  
102 uniform procedures for the exercise of specified authority. This  
103 chapter does not limit or impinge upon the assignment of  
104 executive power under Article IV of the State Constitution or  
105 the legal authority of an appointing authority to direct and  
106 supervise those appointees serving at the pleasure of the  
107 appointing authority. For purposes of this chapter, adherence to  
108 the direction and supervision of an appointing authority does  
109 not constitute delegation or transfer of statutory authority  
110 assigned to the appointee.

111       Section 8. Subsection (3) of section 120.52, Florida  
112 Statutes, is amended to read:

113       120.52 Definitions.-As used in this act:

114       (3) "Agency head" means the person or collegial body in a  
115 department or other governmental unit statutorily responsible  
116 for final agency action. An agency head appointed by and serving  
117 at the pleasure of an appointing authority remains subject to  
118 the direction and supervision of the appointing authority but  
119 actions taken by the agency head as authorized by statute are  
120 official acts.