

1 A bill to be entitled
2 An act relating to administrative authority; providing
3 legislative findings; providing legislative intent;
4 amending s. 20.02, F.S.; clarifying the authority of
5 the Governor; amending s. 20.03, F.S.; revising the
6 definition of the terms "head of the department" and
7 "secretary"; defining the term "to serve at the
8 pleasure"; clarifying supervisory powers of appointing
9 authority; amending s. 20.05, F.S., relating to powers
10 and duties of department heads; incorporating
11 constitutional allocation of executive authority;
12 creating s. 120.515, F.S.; declaring policy regarding
13 executive authority with respect to the Administrative
14 Procedure Act; amending s. 120.52, F.S.; revising the
15 term "agency head" to clarify supervisory powers of
16 the appointing authority; amending s. 11.242, F.S.;
17 providing for removal of duplicative, redundant, or
18 unused rulemaking authority as part of the reviser's
19 bill process; repealing s. 14.34(3), F.S., relating to
20 the Governor's Medal of Merit; repealing rulemaking
21 authority; amending s. 15.16, F.S.; deleting authority
22 of the Department of State to adopt rules relating to
23 the issuance of apostilles; repealing s. 15.18(7),
24 F.S., relating to international and cultural
25 relations; repealing rulemaking authority of the
26 Secretary of State with respect to entering into
27 contracts that are primarily for promotional services
28 and events; amending s. 16.60, F.S.; deleting

29 authority of the Attorney General to adopt rules
30 relating to mediation proceedings; repealing s.
31 17.0416(2), F.S., relating to the authority to provide
32 services on a fee basis; repealing rulemaking
33 authority of the Department of Financial Services with
34 respect thereto; repealing s. 17.59(3), F.S., relating
35 to safekeeping services; repealing rulemaking
36 authority of the Chief Financial Officer for the
37 proper management and maintenance of the collateral
38 management service; repealing s. 25.371, F.S.,
39 relating to the effect of rules adopted by the Supreme
40 Court on statutory provisions; repealing s. 28.43,
41 F.S., relating to the adoption of rules in relation to
42 ss. 28.35, 28.36, and 28.37, relating to duties of the
43 Florida Clerks of Court Operations Corporation and
44 clerks of the court; repealing s. 35.07, F.S.,
45 relating to power of the district courts of appeal to
46 make rules and regulations; repealing s. 39.001(11),
47 F.S., relating to rulemaking authority of Executive
48 Office of the Governor with respect to the protection
49 of children under chapter 39; amending s. 39.0137,
50 F.S.; deleting rulemaking authority of the Department
51 of Children and Family Services with respect to
52 enforcement of the federal Indian Child Welfare Act
53 and federal Multi-Ethnic Placement Act of 1994;
54 repealing s. 39.824(1), F.S.; repealing a provision
55 requesting the Supreme Court to adopt rules of
56 juvenile procedure for purposes of pt. XI, ch. 39,

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57 relating to guardians ad litem and guardian advocates;
58 amending s. 63.167, F.S.; repealing rulemaking
59 authority of the Department of Children and Family
60 Services relating to the establishment and operation
61 of the state adoption information center; repealing s.
62 88.9051, F.S., relating to authority of the Department
63 of Revenue to adopt rules to implement the Uniform
64 Interstate Family Support Act; amending ss. 97.026,
65 97.0555, and 97.061, F.S.; repealing rulemaking
66 authority of the Department of State under the
67 Election Code; repealing s. 101.56062(3), F.S.;

68 repealing rulemaking authority of the department
69 relating to standards for accessible voting systems;
70 amending ss. 103.101 and 106.165, F.S.; repealing
71 rulemaking authority of the department relating to
72 conduct of the presidential preference primary and use
73 of closed captioning and descriptive narrative in
74 television broadcasts; amending s. 110.1055, F.S.,
75 relating to rulemaking authority of the Department of
76 Management Services with respect to chapter 110,
77 relating to state employment; deleting obsolete
78 language; repealing s. 110.1099(5), F.S.; repealing
79 rulemaking authority of the department relating to
80 education and training opportunities for state
81 employees; repealing s. 110.1228(7), F.S.; repealing
82 rulemaking authority of the department relating to
83 participation in the state group health insurance and
84 prescription drug coverage programs by small counties,

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85 small municipalities, and district school boards
86 located in small counties; amending s. 110.12301,
87 F.S.; repealing rulemaking authority of the department
88 relating to dependent eligibility verification
89 services for the state group insurance program;
90 repealing s. 112.1915(4), F.S.; repealing rulemaking
91 authority of the State Board of Education relating to
92 death benefits for teachers and school administrators;
93 amending s. 118.12, F.S.; repealing rulemaking
94 authority of the Department of Revenue relating to
95 certification of a civil-law notary's authority;
96 repealing s. 121.085(1), F.S.; repealing authority of
97 the Department of Management Services relating to
98 submission of information necessary to establish a
99 member's claim of creditable service under the Florida
100 Retirement System; repealing s. 121.1001(4)(b), F.S.;
101 repealing rulemaking authority of the Division of
102 Retirement relating to administration of the Florida
103 Retirement System Preservation of Benefits Plan;
104 repealing s. 121.4503(3), F.S.; repealing rulemaking
105 authority of the Department of Management Services
106 relating to the Florida Retirement System
107 Contributions Clearing Trust Fund; amending s.
108 121.5911, F.S.; deleting rulemaking authority of the
109 department relating to maintaining the qualified
110 status of the disability retirement program and the
111 Florida Retirement System Pension Plan; repealing s.
112 125.902(4), F.S.; repealing rulemaking authority of

113 the Department of Children and Family Services
 114 relating to children's services council or juvenile
 115 welfare board incentive grants; repealing s.
 116 154.503(4), F.S.; repealing rulemaking authority of
 117 the Department of Health relating to the Primary Care
 118 for Children and Families Challenge Grant Program;
 119 amending s. 159.8081, F.S.; repealing rulemaking
 120 authority of the Department of Economic Opportunity
 121 relating to the manufacturing facility bond pool;
 122 amending s. 159.8083, F.S.; repealing rulemaking
 123 authority of the department relating to the Florida
 124 First Business allocation pool; repealing s.
 125 159.825(3), F.S.; repealing rulemaking authority of
 126 the State Board of Administration relating to terms of
 127 bonds; repealing s. 161.75, F.S.; repealing rulemaking
 128 authority of the Department of Environmental
 129 Regulation and the Fish and Wildlife Conservation
 130 Commission relating to the Oceans and Coastal
 131 Resources Act; repealing s. 163.462, F.S.; repealing
 132 rulemaking authority of the Department of Community
 133 Affairs relating to the Community Redevelopment Act of
 134 1969; repealing s. 163.517(6), F.S.; repealing
 135 rulemaking authority of the Department of Legal
 136 Affairs relating to the Safe Neighborhoods Program;
 137 repealing s. 175.341(2), F.S.; repealing rulemaking
 138 authority of the Division of Retirement relating to
 139 firefighter pensions; repealing s. 177.504(2)(e),
 140 F.S.; repealing rulemaking authority of the Department

141 of Environmental Protection relating to the Florida
 142 Public Land Survey Restoration and Perpetuation Act;
 143 repealing s. 185.23(2), F.S.; repealing rulemaking
 144 authority of the Division of Retirement relating to
 145 municipal police pensions; repealing s. 255.25001(2),
 146 F.S.; repealing rulemaking authority of the Department
 147 of Management Services relating to determining whether
 148 a lease-purchase of a state-owned office building is
 149 in the best interests of the state; repealing s.
 150 257.34(7), F.S.; repealing rulemaking authority of the
 151 Division of Library and Information Services of the
 152 Department of State relating to the Florida
 153 International Archive and Repository; repealing s.
 154 364.0135(6), F.S.; repealing rulemaking authority of
 155 the Department of Management Services relating to the
 156 promotion of broadband adoption; amending s. 366.85,
 157 F.S.; repealing rulemaking authority of the Division
 158 of Consumer Services of the Department of Agriculture
 159 and Consumer Services relating to the Florida Energy
 160 Efficiency and Conservation Act; repealing s.
 161 409.5092, F.S.; repealing rulemaking authority of the
 162 Department of Children and Family Services relating to
 163 permission for weatherization; amending s. 411.01,
 164 F.S.; limiting rulemaking authority of the Office of
 165 Early Learning relating to school readiness programs
 166 and early learning coalitions; repealing s.
 167 411.01013(7), F.S.; repealing rulemaking authority of
 168 the office relating to the prevailing market rate

169 | schedule; repealing s. 411.0103(3), F.S.; repealing
 170 | rulemaking authority of the office relating to the
 171 | Teacher Education and Compensation Helps (TEACH)
 172 | scholarship program; repealing s. 411.0104(3), F.S.;
 173 | repealing rulemaking authority of the office relating
 174 | to Early Head Start collaboration grants; amending s.
 175 | 501.142, F.S.; repealing rulemaking authority of the
 176 | Department of Agriculture and Consumer Services
 177 | relating to retail sales establishments and authority
 178 | to sanction violations of such rules; amending s.
 179 | 985.682, F.S.; conforming a cross-reference; providing
 180 | an effective date.

181 |

182 | Be It Enacted by the Legislature of the State of Florida:

183 |

184 | Section 1. Legislative findings.—The Legislature finds
 185 | that:

186 | (1) For the preservation of liberty and the protection of
 187 | individual rights, the people of the State of Florida adopted a
 188 | republican form of government delegating and limiting sovereign
 189 | power to be exercised by their representatives in three
 190 | separate, but equal, branches: the legislative branch, the
 191 | executive branch, and the judicial branch.

192 | (2) By Article IV of the State Constitution the people
 193 | vested supreme executive power in the Governor and apportioned
 194 | specific substantive powers among the other elected officers
 195 | designated in that Article, including the Lieutenant Governor,
 196 | the Attorney General, the Chief Financial Officer, and the

197 Commissioner of Agriculture.

198 (3) As noted by Alexander Hamilton: "Energy in the
 199 executive is a leading character in the definition of good
 200 government A feeble executive implies a feeble execution of
 201 the government. A feeble execution is but another phrase for a
 202 bad execution: And a government ill executed, whatever it may be
 203 in theory, must be in practice a bad government."

204 (4) Since the framing of Florida's first constitution in
 205 1838, the people have adhered to the principles expressed by Mr.
 206 Hamilton in the vesting of supreme executive power directly in
 207 the Governor but choosing to vest other specific executive
 208 powers directly in other denominated officials or entities.

209 (5) In uninterrupted consistency with their longstanding
 210 vesting of the supreme executive power in the Governor, the
 211 people in 1968 adopted s. 6, Art. IV of the State Constitution,
 212 generally directing and limiting the Legislature to allot the
 213 functions of the executive branch among not more than 25
 214 departments and to place the administration of each department
 215 under the direct supervision of the Governor, the Lieutenant
 216 Governor, the Governor and Cabinet, a Cabinet member, or an
 217 officer or board appointed by and serving at the pleasure of the
 218 Governor.

219 (6) Each officer of state government is obligated to
 220 construe the language of the State Constitution consistent with
 221 its express and clearly implied intent, must give words their
 222 ordinary and customary meaning unless the context indicates
 223 otherwise, must construe all parts together to give them their
 224 full effect, and must not construe the terms of the State

225 Constitution to yield an absurd result.

226 (7) Under the authority of s. 6, Art. IV of the State
 227 Constitution, the Legislature adopted and the Governor signed
 228 into law chapter 69-106, Laws of Florida, which restructured the
 229 executive branch into not more than 25 departments and
 230 designated their direct administration.

231 (8) At the time of adopting chapter 69-106, Laws of
 232 Florida, the Legislature was informed by the debate in the 41st
 233 Legislature (under the Constitution of 1885) about the text for
 234 s. 6, Art. IV for the proposed State Constitution, that the 41st
 235 Legislature expressly considered and expressly rejected
 236 alternative proposals which would have required general law to
 237 provide supervisory authority to elected constitutional officers
 238 over the policies of executive departments, and that in
 239 submitting the 1968 State Constitution to the people, their
 240 Legislature intended the proposal to ensure that the
 241 administration and policies of each executive branch department
 242 would be under the final authority and control either of the
 243 Governor or one or more elected constitutional officers.

244 (9) Construing together ss. 1(a) and 6, Art. IV of the
 245 State Constitution, the Legislature at all times understood that
 246 these sections create a general legal presumption against the
 247 creation of a class of unelected, subordinate officers
 248 exercising executive power independent of the direction and
 249 supervision of the Governor or one or more specified elected
 250 constitutional officers.

251 (10) Section 6, Art. IV of the State Constitution has not
 252 been amended since its ratification by the people on November 5,

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253 1968.

254 (11) An officer appointed by and serving at the pleasure
255 of the Governor to administer a department exercises a portion
256 of the sovereign power assigned under the State Constitution to
257 the executive branch. Such appointees remain subject to the
258 direction and supervision of one or more elected constitutional
259 officers who have the ultimate accountability to the people for
260 the faithful discharge of such responsibility.

261 (12) Regarding the Governor's accountability for the
262 supervision and direction of those appointed officers serving at
263 the pleasure of the Governor, the Legislature is informed by the
264 following analysis:

265 (a) As opined by Justice Polston: "(T)he Governor has the
266 constitutional authority to act as this State's chief
267 administrative officer as well as the constitutional duty to
268 faithfully execute this State's laws and to manage and hold
269 agencies under his charge accountable to State laws, including
270 the APA. (The Supreme) Court has explained that '[t]he Governor
271 is given broad authority to fulfill his duty in taking "care
272 that the laws be faithfully executed."'"

273 (b) As opined by Chief Justice Canady: "(I)f 'supreme
274 executive power' means anything, it must mean that the Governor
275 can supervise and direct the policymaking choices – within the
276 range of choices permitted by law – of the subordinate executive
277 branch officers who serve at his pleasure."

278 (13) The Legislature has not expressly insulated
279 discretionary executive policy decisions from the constitutional
280 structure of accountability to elected officials established in

281 Article IV of the State Constitution.

282 (14) Pertaining to the exercise of delegated rulemaking
 283 authority, the Legislature is informed by the following:

284 (a) The exercise of delegated quasi-legislative power
 285 within the parameters of Florida's Administrative Procedure Act
 286 and related statutes involves certain discretionary policy
 287 choices by executive branch officers. In authorizing the
 288 exercise of this power, the Legislature has imposed no
 289 restriction on the authority of the Governor or any other
 290 constitutional officer or collegial body to supervise and direct
 291 such policy choices made by subordinate executive branch
 292 officials in rulemaking.

293 (b) Florida law provides no specific process for carrying
 294 out the Governor's executive duties with respect to holding his
 295 executive agencies accountable in their rulemaking functions.

296 (c) As correctly opined by Chief Justice Canady: "Given
 297 the constitutional structure establishing the power and
 298 responsibilities of the Governor, it is unjustified to conclude
 299 ... that by assigning rulemaking power to agency heads, the
 300 Legislature implicitly divested the Governor of the supervisory
 301 power with respect to executive officials who serve at his
 302 pleasure."

303 (d) A Governor's actions are presumed to be in accord with
 304 the duties of that office.

305 (15) A statutory definition of "agency head" is neither
 306 intended nor effective to change the fundamental general
 307 principles of Article IV of the State Constitution:

308 (a) That executive branch power may only be exercised

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309 under the direct or indirect supervision of one or more elected
310 constitutional officers; and

311 (b) That the supervision of any executive agency not
312 expressly allocated to one or more particular constitutional
313 officers remains under the Governor's supreme executive power.

314 (16) The Administrative Procedure Act is a uniform
315 procedural statute ensuring full public access and participation
316 in any exercise of delegated legislative authority by executive
317 branch entities.

318 (17) The delegation of rulemaking authority by substantive
319 statute and establishment of uniform procedures under the
320 Administrative Procedure Act were intended and made by the
321 Legislature to conform and comply with the separation of powers
322 required under s. 3, Art. II of the State Constitution, with no
323 general intrusion into the role and authority of the elected
324 executive branch officers as established in Article IV of the
325 State Constitution.

326 (18) Continual review and assessment of existing and
327 proposed regulations is reasonably necessary to ensure that the
328 laws of the state are faithfully executed without unduly
329 burdening the state's economy and imposing needless costs and
330 requirements on citizens, businesses, and local governments.

331 (19) Fiscal accountability by all agencies is reasonably
332 necessary to ensure integrity in state government.

333 (20) While agency heads and personnel bring expertise to a
334 particular subject matter, they are not directly accountable to
335 the electorate and do not necessarily have an incentive to take
336 a systemic approach to regulatory problems, to budget

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337 constraints, or to the overall regulatory burden imposed by the
338 state on citizens and businesses.

339 (21) The elected constitutional officers have a democratic
340 mandate, are directly accountable to the people, and have the
341 duty and power to assess the overall legality, efficiency, and
342 operation of government within their constitutional and
343 statutory jurisdictions.

344 (22) Review and oversight of agency rulemaking is
345 encompassed by the Governor's powers and duties under the State
346 Constitution to "take care that the laws be faithfully executed"
347 and to serve as "the chief administrative officer of the state
348 responsible for the planning and budgeting for the state."

349 (23) The State Constitution and the Florida Statutes
350 establish that many agencies of state government are
351 administered by an officer "appointed by and serving at the
352 pleasure of the governor," and in order to determine whether an
353 officer shall continue to serve at the Governor's pleasure, it
354 is necessary for the Governor to set expectations and standards
355 for that officer and to measure agency performance against those
356 expectations and standards.

357 (24) Executive Orders 11-01 and 11-72 established the
358 Office of Fiscal Accountability and Regulatory Reform (OFARR) to
359 ensure that agency rules (proposed and existing) are efficient,
360 are not overly burdensome, and faithfully adhere to statutes as
361 enacted by the Legislature.

362 (25) Upon establishment of OFARR, all agencies under the
363 direction of the Governor were required to obtain OFARR review
364 and approval before developing new rules or amending or

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365 repealing existing rules.

366 (a) OFARR's review process has facilitated the Governor's
367 exercise of the power and duty to serve as the chief executive
368 and administrative officer of the state.

369 (b) OFARR's review process has facilitated the Governor's
370 planning and budgeting for the state.

371 (c) OFARR has reviewed thousands of rules and regulations
372 and helped agencies identify over 1,000 unnecessary and
373 unauthorized rules and regulations for repeal.

374 (d) Since January 4, 2011, OFARR has reviewed hundreds of
375 proposed agency rulemaking actions.

376 (e) OFARR's review process has thus far been successful in
377 helping to ensure efficient and effective performance by state
378 government.

379 (26) The Supreme Court of Florida, in the case of *Whiley*
380 *v. Scott*, No. SC11-592, issued an unsigned opinion joined by
381 five Justices, which held that Executive Orders 11-01 and 11-72
382 "impermissibly suspended agency rulemaking to the extent that
383 [they] included a requirement that [OFARR] must first permit an
384 agency to engage in the rulemaking which has been delegated by
385 the Florida Legislature."

386 (a) The majority opinion in *Whiley*:

387 1. Failed to address and apply the plain meaning of ss. 1
388 and 6 of Art. IV of the State Constitution, and thereby may be
389 read to restrain the power of the Governor under general law
390 with respect to the supervision of agency heads;

391 2. Failed to address the implications of the court's
392 precedent in *Jones v. Chiles*, 638 So. 2d 48 (Fla. 1994), which

393 recognized the proper scope of executive power under the State
 394 Constitution;

395 3. Failed to address the precedent set by dozens of
 396 executive orders issued by prior governors of Florida;

397 4. Failed to address the court's holding that "[t]he
 398 principles underlying the governmental separation of powers
 399 antedate our Florida Constitution and were collectively adopted
 400 by the union of states in our federal constitution," *Chiles v.*
 401 *Children A, B, C, D, E, & F*, 589 So. 2d 260 (Fla. 1991), and in
 402 light of that precedent, failed to consider that Executive
 403 Orders 11-01 and 11-72 cannot be meaningfully distinguished from
 404 similar executive orders issued by the last four presidents of
 405 the United States and the governors of at least 29 other states;
 406 and

407 5. Unreasonably relied on a 1983 Attorney General Opinion,
 408 which the Attorney General distinguished and limited to its
 409 facts in an *amicus* brief in *Whiley*.

410 (b) The dissenting opinions of two justices in the *Whiley*
 411 case state the correct interpretation of the State Constitution
 412 and present persuasive reasoning and arguments in support of
 413 that interpretation.

414 (c) The Supreme Court withheld the writ sought by *Whiley*.

415 (d) Notwithstanding the above, the majority opinion in
 416 *Whiley* is to be afforded the deference due an advisory opinion
 417 of the Supreme Court of Florida because no writ or other final
 418 order was entered beyond a mere declaration of law.

419 Section 2. Executive Orders 11-72 and 11-211 are affirmed
 420 to be consistent with state law and the public policy of the
 421 state.

422 Section 3. The Legislature intends that the amendments to
 423 ss. 20.02, 20.03, and 20.05, Florida Statutes, made by this act,
 424 which apply to the organizational structure of the executive
 425 branch, and the creation of s. 120.515, Florida Statutes, and
 426 the amendment to s. 120.52, Florida Statutes, made by this act,
 427 which apply to administrative procedure, are to clarify that the
 428 placement of an executive department under the direct
 429 administration of an officer or board appointed by and serving
 430 at the pleasure of the Governor does not implicitly limit or
 431 restrict the Governor's prerogative, legal authority, and
 432 constitutional responsibility to direct and supervise the
 433 execution of the law and the exercise of lawful discretion and
 434 are intended to abolish any implication that unelected agency
 435 heads have statutory authority independent from the direction
 436 and supervision of the Governor, except as may be clearly,
 437 expressly and specifically provided by general law.

438 Section 4. Subsections (3) through (7) of section 20.02,
 439 Florida Statutes, are renumbered as subsections (4) through (8),
 440 respectively, and a new subsection (3) is added to that section
 441 to read:

442 20.02 Declaration of policy.—

443 (3) Unless otherwise expressly provided in this chapter,
 444 the administration of any executive branch department or entity
 445 placed under the direct supervision of an officer or board
 446 appointed by and serving at the pleasure of the Governor shall

447 remain at all times under the constitutional executive authority
 448 of the Governor, in accordance with ss. 1(a) and 6, Art. IV of
 449 the State Constitution, and, except as may be expressly and
 450 specifically provided by law, such officer or board is subject
 451 to oversight, direction, and supervision by the Governor.

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

455 20.03 Definitions.—To provide uniform nomenclature
 456 throughout the structure of the executive branch, the following
 457 definitions apply:

458 (4) "Head of the department" means the individual under
 459 whom or the board under which direct administration ~~in charge~~ of
 460 the department is placed by statute. Where direct administration
 461 of a department is placed under an officer or board appointed by
 462 and serving at the pleasure of the Governor, that officer or
 463 board remains subject to the Governor's supervision and
 464 direction.

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

468 (13) "To serve at the pleasure" means the appointee serves
 469 in the office until removed by the appointing authority.
 470 Consistent with the allotment of executive authority under ss. 1
 471 and 6, Art. IV of the State Constitution, an appointee serving
 472 at the pleasure of the appointing authority remains subject to
 473 the direction and supervision of the appointing authority and
 474 does not exercise any executive power independent therefrom,

475 except as is clearly, expressly, and specifically provided by
 476 law. Unless otherwise expressly provided by law, the exercise of
 477 statutory authority by such appointee does not require the
 478 approval of the appointing authority and may not be invalidated
 479 by a contrary directive from the appointing authority.

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

482 20.05 Heads of departments; powers and duties.-

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

486 (a) Plan, direct, coordinate, and execute the powers,
 487 duties, and functions vested in that department or vested in a
 488 division, bureau, or section of that department; powers and
 489 duties assigned or transferred to a division, bureau, or section
 490 of the department must not be construed to limit this authority
 491 and this responsibility;

492 (b) Have authority, without being relieved of
 493 responsibility, to execute any of the powers, duties, and
 494 functions vested in the department or in any administrative unit
 495 thereof through administrative units and through assistants and
 496 deputies designated by the head of the department from time to
 497 time, unless the head of the department is explicitly required
 498 by law to perform the same without delegation;

499 (c) Compile annually a comprehensive program budget
 500 reporting all program and fiscal matters related to the
 501 operation of his or her department, including each program,
 502 subprogram, and activity, and other matters as required by law;

503 (d) Reimburse the members of advisory bodies, commissions,
 504 and boards of trustees for their actual and necessary expenses
 505 incurred in the performance of their duties in accordance with
 506 s. 112.061;

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

510 (f) Exercise authority on behalf of the department to
 511 accept gifts, grants, bequests, loans, and endowments for
 512 purposes consistent with the powers, duties, and functions of
 513 the department. All such funds must be deposited in the State
 514 Treasury and appropriated by the Legislature for the purposes
 515 for which they were received by the department;

516 (g) If a department is under the direct supervision of a
 517 board, including a board consisting of the Governor and Cabinet,
 518 however designated, employ an executive director to serve at its
 519 pleasure; and

520 (h) Make recommendations concerning more effective
 521 internal structuring of the department to the Legislature.
 522 Unless otherwise required by law, such recommendations must be
 523 provided to the Legislature at least 30 days before the first
 524 day of the regular session at which they are to be considered,
 525 when practicable.

526 Section 7. Section 120.515, Florida Statutes, is created
 527 to read:

528 120.515 Declaration of policy.—This chapter provides
 529 uniform procedures for the exercise of specified authority. This
 530 section does not limit or impinge upon the assignment of

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531 executive power under Article IV of the State Constitution or
532 the legal authority of an appointing authority to direct and
533 supervise those appointees serving at the pleasure of the
534 appointing authority. For purposes of this chapter, adherence to
535 the direction and supervision of an appointing authority does
536 not constitute delegation or transfer of statutory authority
537 assigned to the appointee.

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

540 120.52 Definitions.—As used in this act:

541 (3) "Agency head" means the person or collegial body in a
542 department or other governmental unit statutorily responsible
543 for final agency action. While an agency head appointed by and
544 serving at the pleasure of an appointing authority remains
545 subject to the direction and supervision of the appointing
546 authority, actions taken by the agency head as authorized by
547 statute are official acts.

548 Section 9. Paragraphs (j) and (k) of subsection (5) of
549 section 11.242, Florida Statutes, are redesignated as paragraphs
550 (k) and (l), respectively, and a new paragraph (j) is added to
551 that subsection to read:

552 11.242 Powers, duties, and functions as to statutory
553 revision.—The powers, duties, and functions of the Office of
554 Legislative Services in the operation and maintenance of a
555 statutory revision program shall be as follows:

556 (5) In carrying on the work of statutory revision and in
557 preparing the Florida Statutes for publication:

558 (j) All statutes and laws, or parts thereof, which grant

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559 duplicative, redundant, or unused rulemaking authority, shall be
560 omitted through the process of reviser's bills duly enacted by
561 the Legislature. Rulemaking authority shall be deemed unused if
562 the provision has been in effect for more than 5 years and no
563 rule has been promulgated in reliance thereon.

564 Section 10. Subsection (3) of section 14.34, Florida
565 Statutes, is repealed.

566 Section 11. Subsection (7) of section 15.16, Florida
567 Statutes, is amended to read:

568 15.16 Reproduction of records; admissibility in evidence;
569 electronic receipt and transmission of records; certification;
570 acknowledgment.—

571 (7) The Secretary of State may issue apostilles conforming
572 to the requirements of the international treaty known as the
573 Hague Convention of 1961 and may charge a fee for the issuance
574 of apostilles not to exceed \$10 per apostille. The Secretary of
575 State has the sole authority in this state to establish, in
576 accordance with the laws of the United States, the requirements
577 and procedures for the issuance of apostilles. ~~The Department of~~
578 ~~State may adopt rules to implement this subsection.~~

579 Section 12. Subsection (7) of section 15.18, Florida
580 Statutes, is repealed.

581 Section 13. Paragraph (a) of subsection (3) of section
582 16.60, Florida Statutes, is amended to read:

583 16.60 Public records mediation program within the Office
584 of the Attorney General; creation; duties.—

585 (3) The Office of the Attorney General shall:

586 (a) Employ one or more mediators to mediate disputes

587 involving access to public records. A person may not be employed
 588 by the department as a mediator unless that person is a member
 589 in good standing of The Florida Bar. ~~The Office of the Attorney~~
 590 ~~General may adopt rules of procedure to govern its mediation~~
 591 ~~proceedings.~~

592 Section 14. Subsection (2) of section 17.0416, Florida
 593 Statutes, is repealed.

594 Section 15. Subsection (3) of section 17.59, Florida
 595 Statutes, is repealed.

596 Section 16. Section 25.371, Florida Statutes, is repealed.

597 Section 17. Section 28.43, Florida Statutes, is repealed.

598 Section 18. Section 35.07, Florida Statutes, is repealed.

599 Section 19. Subsection (11) of section 39.001, Florida
 600 Statutes, is repealed.

601 Section 20. Subsection (2) of section 39.0137, Florida
 602 Statutes, is amended to read:

603 39.0137 Federal law; rulemaking authority.—

604 (2) ~~The department shall adopt rules no later than July 1,~~
 605 ~~2007, to ensure that the provisions of these federal laws are~~
 606 ~~enforced in this state.~~ The department is encouraged to enter
 607 into agreements with recognized American Indian tribes in order
 608 to facilitate the implementation of the Indian Child Welfare
 609 Act.

610 Section 21. Subsection (1) of section 39.824, Florida
 611 Statutes, is repealed.

612 Section 22. Subsection (3) of section 63.167, Florida
 613 Statutes, is amended to read:

614 63.167 State adoption information center.—

615 (3) The department shall ensure equitable distribution of
 616 referrals to licensed child-placing agencies, ~~and may promulgate~~
 617 ~~rules as necessary for the establishment and operation of the~~
 618 ~~state adoption information center.~~

619 Section 23. Section 88.9051, Florida Statutes, is
 620 repealed.

621 Section 24. Section 97.026, Florida Statutes, is amended
 622 to read:

623 97.026 Forms to be available in alternative formats and
 624 via the Internet.—It is the intent of the Legislature that all
 625 forms required to be used in chapters 97-106 shall be made
 626 available upon request, in alternative formats. Such forms shall
 627 include absentee ballots as alternative formats for such ballots
 628 become available and the Division of Elections is able to
 629 certify systems that provide them. ~~The department may, pursuant~~
 630 ~~to ss. 120.536(1) and 120.54, adopt rules to administer this~~
 631 ~~section.~~ Whenever possible, such forms, with the exception of
 632 absentee ballots, shall be made available by the Department of
 633 State via the Internet. Sections that contain such forms
 634 include, but are not limited to, ss. 97.051, 97.052, 97.053,
 635 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.075,
 636 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,
 637 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

638 Section 25. Section 97.0555, Florida Statutes, is amended
 639 to read:

640 97.0555 Late registration.—An individual or accompanying
 641 family member who has been discharged or separated from the
 642 uniformed services or the Merchant Marine, or from employment

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643 outside the territorial limits of the United States, after the
 644 book-closing date for an election pursuant to s. 97.055 and who
 645 is otherwise qualified may register to vote in such election
 646 until 5 p.m. on the Friday before that election in the office of
 647 the supervisor of elections. Such persons must produce
 648 sufficient documentation showing evidence of qualifying for late
 649 registration pursuant to this section. ~~The Department of State~~
 650 ~~shall adopt rules specifying documentation that is sufficient to~~
 651 ~~determine eligibility.~~

652 Section 26. Subsection (1) of section 97.061, Florida
 653 Statutes, is amended to read:

654 97.061 Special registration for electors requiring
 655 assistance.—

656 (1) Any person who is eligible to register and who is
 657 unable to read or write or who, because of some disability,
 658 needs assistance in voting shall upon that person's request be
 659 registered under the procedure prescribed by this section and
 660 shall be entitled to receive assistance at the polls under the
 661 conditions prescribed by this section. ~~The department may adopt~~
 662 ~~rules to administer this section.~~

663 Section 27. Subsection (3) of section 101.56062, Florida
 664 Statutes, is repealed.

665 Section 28. Subsection (5) of section 103.101, Florida
 666 Statutes, is amended to read:

667 103.101 Presidential preference primary.—

668 (5) The state executive committee of each party, by rule
 669 adopted at least 60 days prior to the presidential preference
 670 primary election, shall determine the number, and establish

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671 | procedures to be followed in the selection, of delegates and
672 | delegate alternates from among each candidate's supporters. A
673 | copy of any rule adopted by the executive committee shall be
674 | filed with the Department of State within 7 days after its
675 | adoption and shall become a public record. The Department of
676 | State shall review the procedures and shall notify the state
677 | executive committee of each political party of any ballot
678 | limitations. ~~The Department of State may promulgate rules for~~
679 | ~~the orderly conduct of the presidential preference primary~~
680 | ~~ballot.~~

681 | Section 29. Section 106.165, Florida Statutes, is amended
682 | to read:

683 | 106.165 Use of closed captioning and descriptive narrative
684 | in all television broadcasts.—Each candidate, political party,
685 | affiliated party committee, and political committee must use
686 | closed captioning and descriptive narrative in all television
687 | broadcasts regulated by the Federal Communications Commission
688 | that are on behalf of, or sponsored by, a candidate, political
689 | party, affiliated party committee, or political committee or
690 | must file a written statement with the qualifying officer
691 | setting forth the reasons for not doing so. Failure to file this
692 | statement with the appropriate qualifying officer constitutes a
693 | violation of the Florida Election Code and is under the
694 | jurisdiction of the Florida Elections Commission. ~~The Department~~
695 | ~~of State may adopt rules in accordance with s. 120.54 which are~~
696 | ~~necessary to administer this section.~~

697 | Section 30. Section 110.1055, Florida Statutes, is amended
698 | to read:

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699 110.1055 Rules and rulemaking authority.—The Department of
 700 Management Services shall have authority to adopt rules as
 701 necessary to effectuate the provisions of this chapter,~~as~~
 702 ~~amended by this act, and in accordance with the authority~~
 703 ~~granted to the department in this chapter. All existing rules~~
 704 ~~relating to this chapter are statutorily repealed January 1,~~
 705 ~~2002, unless otherwise readopted.~~

706 Section 31. Subsection (5) of section 110.1099, Florida
 707 Statutes, is repealed.

708 Section 32. Subsection (7) of section 110.1228, Florida
 709 Statutes, is repealed.

710 Section 33. Subsection (2) of section 110.12301, Florida
 711 Statutes, is amended to read:

712 110.12301 Competitive procurement of postpayment claims
 713 review services.—The Division of State Group Insurance is
 714 directed to competitively procure:

715 (2) A contingency-based contract for dependent eligibility
 716 verification services for the state group insurance program;
 717 however, compensation under the contract may not exceed
 718 historical claim costs for the prior 12 months for the dependent
 719 populations disenrolled as a result of the vendor's services.
 720 The division may establish a 3-month grace period and hold
 721 subscribers harmless for past claims of ineligible dependents.
 722 The Department of Management Services shall submit budget
 723 amendments pursuant to chapter 216 in order to obtain budget
 724 authority necessary to expend funds from the State Employees'
 725 Group Health Self-Insurance Trust Fund for payments to the
 726 vendor as provided in the contract. ~~The Department of Management~~

727 ~~Services shall adopt rules providing a process for verifying~~
 728 ~~dependent eligibility.~~

729 Section 34. Subsection (4) of section 112.1915, Florida
 730 Statutes, is repealed.

731 Section 35. Section 118.12, Florida Statutes, is amended
 732 to read:

733 118.12 Certification of civil-law notary's authority;
 734 apostilles.—If certification of a civil-law notary's authority
 735 is necessary for a particular document or transaction, it must
 736 be obtained from the Secretary of State. Upon the receipt of a
 737 written request from a civil-law notary and the fee prescribed
 738 by the Secretary of State, the Secretary of State shall issue a
 739 certification of the civil-law notary's authority, in a form
 740 prescribed by the Secretary of State, which shall include a
 741 statement explaining the legal qualifications and authority of a
 742 civil-law notary in this state. The fee prescribed for the
 743 issuance of the certification under this section or an apostille
 744 under s. 15.16 may not exceed \$10 per document. ~~The Department~~
 745 ~~of State may adopt rules to implement this section.~~

746 Section 36. Subsection (1) of section 121.085, Florida
 747 Statutes, is repealed.

748 Section 37. Paragraph (b) of subsection (4) of section
 749 121.1001, Florida Statutes, is repealed.

750 Section 38. Subsection (3) of section 121.4503, Florida
 751 Statutes, is repealed.

752 Section 39. Section 121.5911, Florida Statutes, is amended
 753 to read:

754 121.5911 Disability retirement program; qualified status;

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755 rulemaking authority.—It is the intent of the Legislature that
756 the disability retirement program for members of the Florida
757 Retirement System Investment Plan meet all applicable
758 requirements of federal law for a qualified plan. The department
759 shall seek a private letter ruling from the Internal Revenue
760 Service on the disability retirement program. ~~Consistent with~~
761 ~~the private letter ruling, the department shall adopt rules~~
762 ~~necessary to maintain the qualified status of the disability~~
763 ~~retirement program and the Florida Retirement System Pension~~
764 ~~Plan.~~

765 Section 40. Subsection (4) of section 125.902, Florida
766 Statutes, is repealed.

767 Section 41. Subsection (4) of section 154.503, Florida
768 Statutes, is repealed.

769 Section 42. Paragraph (a) of subsection (2) of section
770 159.8081, Florida Statutes, is amended to read:

771 159.8081 Manufacturing facility bond pool.—

772 (2) (a) The first 75 percent of this pool shall be
773 available on a first come, first served basis, except that 15
774 percent of the state volume limitation allocated to this pool
775 shall be available as provided in paragraph (b). Before issuing
776 any written confirmations for the remaining 25 percent of this
777 pool, the executive director shall forward all notices of intent
778 to issue which are received by the division for manufacturing
779 facility projects to the Department of Economic Opportunity. The
780 Department of Economic Opportunity shall decide, after receipt
781 of the notices of intent to issue, which notices will receive
782 written confirmations. Such decision shall be communicated in

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783 writing by the Department of Economic Opportunity to the
 784 executive director within 10 days of receipt of such notices of
 785 intent to issue. ~~The Department of Economic Opportunity may~~
 786 ~~develop rules to ensure that allocation of the remaining 25~~
 787 ~~percent is consistent with the state's economic development~~
 788 ~~policy.~~

789 Section 43. Section 159.8083, Florida Statutes, is amended
 790 to read:

791 159.8083 Florida First Business allocation pool.—The
 792 Florida First Business allocation pool is hereby established.
 793 The Florida First Business allocation pool shall be available
 794 solely to provide written confirmation for private activity
 795 bonds to finance Florida First Business projects certified by
 796 the Department of Economic Opportunity as eligible to receive a
 797 written confirmation. Allocations from such pool shall be
 798 awarded statewide pursuant to procedures specified in s.
 799 159.805, except that the provisions of s. 159.805(2), (3), and
 800 (6) do not apply. Florida First Business projects that are
 801 eligible for a carryforward do not lose their allocation
 802 pursuant to s. 159.809(3) on October 1, or pursuant to s.
 803 159.809(4) on November 16, if they have applied for and have
 804 been granted a carryforward by the division pursuant to s.
 805 159.81(1). In issuing written confirmations of allocations for
 806 Florida First Business projects, the division shall use the
 807 Florida First Business allocation pool. If allocation is not
 808 available from the Florida First Business allocation pool, the
 809 division shall issue written confirmations of allocations for
 810 Florida First Business projects pursuant to s. 159.806 or s.

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811 159.807, in such order. For the purpose of determining priority
812 within a regional allocation pool or the state allocation pool,
813 notices of intent to issue bonds for Florida First Business
814 projects to be issued from a regional allocation pool or the
815 state allocation pool shall be considered to have been received
816 by the division at the time it is determined by the division
817 that the Florida First Business allocation pool is unavailable
818 to issue confirmation for such Florida First Business project.
819 If the total amount requested in notices of intent to issue
820 private activity bonds for Florida First Business projects
821 exceeds the total amount of the Florida First Business
822 allocation pool, the director shall forward all timely notices
823 of intent to issue, which are received by the division for such
824 projects, to the Department of Economic Opportunity, which shall
825 render a decision as to which notices of intent to issue are to
826 receive written confirmations. ~~The Department of Economic~~
827 ~~Opportunity, in consultation with the division, shall develop~~
828 ~~rules to ensure that the allocation provided in such pool is~~
829 ~~available solely to provide written confirmations for private~~
830 ~~activity bonds to finance Florida First Business projects and~~
831 ~~that such projects are feasible and financially solvent.~~

832 Section 44. Subsection (3) of section 159.825, Florida
833 Statutes, is repealed.

834 Section 45. Section 161.75, Florida Statutes, is repealed.

835 Section 46. Section 163.462, Florida Statutes, is
836 repealed.

837 Section 47. Subsection (6) of section 163.517, Florida
838 Statutes, is repealed.

839 Section 48. Subsection (2) of section 175.341, Florida
 840 Statutes, is repealed.

841 Section 49. Paragraph (e) of subsection (2) of section
 842 177.504, Florida Statutes, is repealed.

843 Section 50. Subsection (2) of section 185.23, Florida
 844 Statutes, is repealed.

845 Section 51. Subsection (2) of section 255.25001, Florida
 846 Statutes, is repealed.

847 Section 52. Subsection (7) of section 257.34, Florida
 848 Statutes, is repealed.

849 Section 53. Subsection (6) of section 364.0135, Florida
 850 Statutes, is repealed.

851 Section 54. Section 366.85, Florida Statutes, is amended
 852 to read:

853 366.85 Responsibilities of Division of Consumer Services.—
 854 The Division of Consumer Services of the Department of
 855 Agriculture and Consumer Services shall be the agency
 856 responsible for consumer conciliatory conferences, if such
 857 conferences are required pursuant to federal law. The division
 858 shall also be the agency responsible for preparing lists of
 859 sources for energy conservation products or services and of
 860 financial institutions offering energy conservation loans, if
 861 such lists are required pursuant to federal law. Notwithstanding
 862 any provision of federal law to the contrary, the division shall
 863 not require any manufacturer's warranty exceeding 1 year in
 864 order for a source of conservation products or services to be
 865 included on the appropriate list. The lists shall be prepared
 866 for the service area of each utility and shall be furnished to

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867 each utility for distribution to its customers. The division
 868 shall update the lists on a systematic basis and shall remove
 869 from any list any person who has been disciplined by any state
 870 agency or who has otherwise exhibited a pattern of
 871 unsatisfactory work and any person who requests removal from
 872 such lists. ~~The division is authorized to adopt rules to~~
 873 ~~implement the provisions of this section.~~

874 Section 55. Section 409.5092, Florida Statutes, is
 875 repealed.

876 Section 56. Paragraphs (d) and (e) of subsection (4) of
 877 section 411.01, Florida Statutes, are amended to read:

878 411.01 School readiness programs; early learning
 879 coalitions.—

880 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF
 881 EDUCATION.—

882 (d) The Office of Early Learning shall:

883 1. Be responsible for the prudent use of all public and
 884 private funds in accordance with all legal and contractual
 885 requirements.

886 2. Provide final approval and every 2 years review early
 887 learning coalitions and school readiness plans.

888 3. Establish a unified approach to the state's efforts
 889 toward enhancement of school readiness. In support of this
 890 effort, the Office of Early Learning shall adopt specific system
 891 support services that address the state's school readiness
 892 programs. An early learning coalition shall amend its school
 893 readiness plan to conform to the specific system support
 894 services adopted by the Office of Early Learning. System support

895 | services shall include, ~~but are not limited to:~~

896 | a. Child care resource and referral services;

897 | b. Warm-Line services;

898 | c. Eligibility determinations;

899 | ~~d. Child performance standards;~~

900 | ~~e. Child screening and assessment;~~

901 | ~~f. Developmentally appropriate curricula;~~

902 | d.g. Health and safety requirements requiring compliance

903 | with applicable licensure requirements of the Department of

904 | Children and Family Services; and

905 | e.h. Statewide data system requirements. ~~and~~

906 | ~~i. Rating and improvement systems.~~

907 | 4. Safeguard the effective use of federal, state, local,

908 | and private resources to achieve the highest possible level of

909 | school readiness for the children in this state.

910 | 5. Adopt a rule establishing criteria for the expenditure

911 | of funds designated for the purpose of funding activities to

912 | improve the quality of child care within the state but only as

913 | necessary to comply in accordance with s. 658G of the federal

914 | Child Care and Development Block Grant Act.

915 | 6. Provide technical assistance to early learning

916 | coalitions in a manner determined by the Office of Early

917 | Learning based upon information obtained by the office from

918 | various sources, including, but not limited to, public input,

919 | government reports, private interest group reports, office

920 | monitoring visits, and coalition requests for service.

921 | 7. In cooperation with the early learning coalitions,

922 | coordinate with the Child Care Services Program Office of the

923 Department of Children and Family Services to minimize
 924 duplicating interagency activities, health and safety
 925 monitoring, and acquiring and composing data pertaining to child
 926 care training and credentialing.

927 8. Develop and adopt performance standards and outcome
 928 measures for school readiness programs. The performance
 929 standards must address the age-appropriate progress of children
 930 in the development of school readiness skills. The performance
 931 standards for children from birth to 5 years of age in school
 932 readiness programs must be integrated with the performance
 933 standards adopted by the Department of Education for children in
 934 the Voluntary Prekindergarten Education Program under s.
 935 1002.67.

936 9. Adopt a standard contract that must be used by the
 937 coalitions when contracting with school readiness providers.

938 (e) The Office of Early Learning may adopt rules under ss.
 939 120.536(1) and 120.54 to administer the provisions of law
 940 conferring duties upon the office, including, but not limited
 941 to, rules governing the administration of system support
 942 services of school readiness programs, the collection of data,
 943 the approval of early learning coalitions and school readiness
 944 plans, the provision of a method whereby an early learning
 945 coalition may serve two or more counties, ~~the award of~~
 946 ~~incentives to early learning coalitions, child performance~~
 947 ~~standards, child outcome measures,~~ the issuance of waivers, and
 948 the implementation of the state's Child Care and Development
 949 Fund Plan as approved by the federal Administration for Children
 950 and Families.

951 Section 57. Subsection (7) of section 411.01013, Florida
 952 Statutes, is repealed.

953 Section 58. Subsection (3) of section 411.0103, Florida
 954 Statutes, is repealed.

955 Section 59. Subsection (3) of section 411.0104, Florida
 956 Statutes, is repealed.

957 Section 60. Subsections (1) and (3) of section 501.142,
 958 Florida Statutes, are amended to read:

959 501.142 Retail sales establishments; preemption; notice of
 960 refund policy; exceptions; penalty.—

961 (1) The regulation of refunds is preempted to the
 962 Department of Agriculture and Consumer Services notwithstanding
 963 any other law or local ordinance to the contrary. Every retail
 964 sales establishment offering goods for sale to the general
 965 public that offers no cash refund, credit refund, or exchange of
 966 merchandise must post a sign so stating at the point of sale.
 967 Failure of a retail sales establishment to exhibit a "no refund"
 968 sign under such circumstances at the point of sale shall mean
 969 that a refund or exchange policy exists, and the policy shall be
 970 presented in writing to the consumer upon request. Any retail
 971 establishment failing to comply with the provisions of this
 972 section shall grant to the consumer, upon request and proof of
 973 purchase, a refund on the merchandise, within 7 days of the date
 974 of purchase, provided the merchandise is unused and in the
 975 original carton, if one was furnished. Nothing herein shall
 976 prohibit a retail sales establishment from having a refund
 977 policy which exceeds the number of days specified herein. ~~The~~
 978 ~~department may adopt rules pursuant to ss. 120.536(1) and 120.54~~

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979 ~~to enforce the provisions of this section.~~ However, this
 980 subsection does not prohibit a local government from enforcing
 981 the provisions established by this section ~~or department rule.~~

982 (3) The department may enter an order doing one or more of
 983 the following if the department finds that a person has violated
 984 or is operating in violation of any of the provisions of this
 985 section or the ~~rules or~~ orders issued under this section:

986 ~~(a) Issue a notice of noncompliance pursuant to s.~~
 987 ~~120.695.~~

988 (a) ~~(b)~~ Impose an administrative fine not to exceed \$100
 989 for each violation.

990 (b) ~~(c)~~ Direct the person to cease and desist specified
 991 activities.

992 Section 61. Paragraph (b) of subsection (15) of section
 993 985.682, Florida Statutes, is amended to read:

994 985.682 Siting of facilities; study; criteria.-

995 (15)

996 (b) Notwithstanding s. ~~ss.~~ 255.25(1)(b) ~~and 255.25001(2)~~,
 997 the department may enter into lease-purchase agreements to
 998 provide juvenile justice facilities for the housing of committed
 999 youths contingent upon available funds. The facilities provided
 1000 through such agreements shall meet the program plan and
 1001 specifications of the department. The department may enter into
 1002 such lease agreements with private corporations and other
 1003 governmental entities. However, notwithstanding the provisions
 1004 of s. 255.25(3)(a), no such lease agreement may be entered into
 1005 except upon advertisement for the receipt of competitive bids
 1006 and award to the lowest and best bidder except when contracting

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1007 | with other governmental entities.

1008 | Section 62. This act shall take effect July 1, 2012.