

1 A bill to be entitled
2 An act relating to the executive branch; amending s.
3 20.201, F.S.; requiring the executive director of the
4 Department of Law Enforcement to be appointed subject
5 to a majority vote of the Governor and Cabinet with
6 the Governor and Attorney General on the prevailing
7 side; amending s. 20.24, F.S.; requiring the head of
8 the Department of Highway Safety and Motor Vehicles to
9 be a secretary appointed by, and serving at the
10 pleasure of, the Governor and confirmed by the Senate;
11 amending s. 20.255, F.S.; requiring the appointment of
12 the Secretary of Environmental Protection to be
13 subject to a majority vote of the Governor and Cabinet
14 with the Governor on the prevailing side; amending s.
15 20.37, F.S.; requiring the executive director of the
16 Department of Veterans' Affairs to be appointed
17 subject to a majority vote of the Governor and Cabinet
18 with the Governor on the prevailing side; amending ss.
19 206.27, 207.021, 316.545, 320.275, 322.125, 397.333,
20 943.0313 and 943.06, F.S.; conforming provisions to
21 changes made by the act; requiring the Office of
22 Program Policy Analysis and Government Accountability
23 to contract for a review of the Department of Law
24 Enforcement; providing requirements for the selected
25 contractor; providing requirements for the review;

26 | requiring the department to provide the contractor
 27 | with access to certain information; retaining the
 28 | exempt or confidential and exempt status of such
 29 | information; requiring the contractor to submit a
 30 | report to the Governor, Attorney General, Chief
 31 | Financial Officer, Commissioner of Agriculture, and
 32 | the Legislature by a certain date; providing an
 33 | effective date.

34 |

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

36 |

37 | Section 1. Subsection (1) of section 20.201, Florida
 38 | Statutes, is amended to read:

39 | 20.201 Department of Law Enforcement.—

40 | (1) There is created a Department of Law Enforcement. The
 41 | head of the department is the Governor and Cabinet. The
 42 | executive director of the department shall be appointed by the
 43 | Governor subject to the majority vote of the Governor and
 44 | Cabinet consisting of at least three affirmative votes, with the
 45 | Governor and Attorney General on the prevailing side. The
 46 | appointment is ~~with the approval of three members of the Cabinet~~
 47 | ~~and~~ subject to confirmation by the Senate. The executive
 48 | director shall serve at the pleasure of the Governor and
 49 | Cabinet. The executive director may establish a command,
 50 | operational, and administrative services structure to assist,

51 manage, and support the department in operating programs and
52 delivering services.

53 Section 2. Subsection (1) of section 20.24, Florida
54 Statutes, is amended to read:

55 20.24 Department of Highway Safety and Motor Vehicles.—
56 There is created a Department of Highway Safety and Motor
57 Vehicles.

58 (1) The head of the Department of Highway Safety and Motor
59 Vehicles shall be a secretary appointed by ~~is~~ the Governor and
60 confirmed by the Senate. The secretary shall serve at the
61 pleasure of the Governor ~~Cabinet~~.

62 Section 3. Subsection (1) of section 20.255, Florida
63 Statutes, is amended to read:

64 20.255 Department of Environmental Protection.—There is
65 created a Department of Environmental Protection.

66 (1) The head of the Department of Environmental Protection
67 shall be a secretary, who shall be appointed by the Governor
68 subject to the majority vote of the Governor and Cabinet
69 consisting of at least three affirmative votes, with the
70 Governor on the prevailing side, ~~with the concurrence of three~~
71 ~~members of the Cabinet.~~ The appointment is subject to
72 confirmation ~~secretary shall be confirmed~~ by the Florida Senate.
73 The secretary shall serve at the pleasure of the Governor.

74 Section 4. Subsection (1) of section 20.37, Florida
75 Statutes, is amended to read:

76 20.37 Department of Veterans' Affairs.—There is created a
77 Department of Veterans' Affairs.

78 (1) The head of the department is the Governor and
79 Cabinet. The executive director of the department shall be
80 appointed by the Governor subject to a majority vote of the
81 Governor and Cabinet consisting of at least three affirmative
82 votes, with the Governor on the prevailing side. The appointment
83 is with the approval of three members of the Cabinet and subject
84 to confirmation by the Senate. The executive director shall
85 serve at the pleasure of the Governor and Cabinet.

86 Section 5. Subsection (2) of section 206.27, Florida
87 Statutes, is amended to read:

88 206.27 Records and files as public records.—

89 (2) This section does not require ~~Nothing herein shall be~~
90 ~~construed as requiring~~ the department to provide as a public
91 record any information concerning audits in progress or those
92 records and files of the department described in this section
93 which are currently the subject of pending investigation by the
94 Department of Revenue or the ~~Florida~~ Department of Law
95 Enforcement. It is specifically provided that the foregoing
96 information shall be exempt from ~~the provisions of~~ s. 119.07(1)
97 and shall be considered confidential pursuant to s. 213.053;
98 however, the department may make available to the secretary
99 ~~executive director~~ of the Department of Highway Safety and Motor
100 Vehicles or his or her designee, exclusively for official

101 purposes in administering chapter 207, any information
102 concerning any audit in progress, and the provisions of s.
103 213.053(8) requiring a written agreement and maintenance of
104 confidentiality by the recipient, and the penalty for breach of
105 confidentiality, shall apply if the department makes such
106 information available. An ~~Any~~ officer, employee, or former
107 officer or employee of the department who divulges any such
108 information in any manner except for such official purposes or
109 under s. 213.053 is guilty of a misdemeanor of the first degree,
110 punishable as provided in s. 775.082 or s. 775.083.

111 Section 6. Paragraph (a) of subsection (2) of section
112 207.021, Florida Statutes, is amended to read:

113 207.021 Informal conferences; settlement or compromise of
114 taxes, penalties, or interest.—

115 (2) (a) The secretary ~~executive director~~ or his or her
116 designee may enter into a closing agreement with a taxpayer
117 settling or compromising the taxpayer's liability for any tax,
118 interest, or penalty assessed under this chapter. Each agreement
119 must be in writing, in the form of a closing agreement approved
120 by the department, and signed by the secretary ~~executive~~
121 ~~director~~ or his or her designee. The agreement is final and
122 conclusive, except upon a showing of material fraud or
123 misrepresentation of material fact. The department may not make
124 an additional assessment against the taxpayer for the tax,
125 interest, or penalty specified in the closing agreement for the

126 time specified in the closing agreement, and the taxpayer may
127 not institute a judicial or administrative proceeding to recover
128 any tax, interest, or penalty paid pursuant to the closing
129 agreement. The secretary ~~executive director~~ of the department or
130 his or her designee may approve the closing agreement.

131 Section 7. Subsection (7) of section 316.545, Florida
132 Statutes, is amended to read:

133 316.545 Weight and load unlawful; special fuel and motor
134 fuel tax enforcement; inspection; penalty; review.—

135 (7) There is created within the Department of
136 Transportation the Commercial Motor Vehicle Review Board,
137 consisting of three permanent members who shall be the Secretary
138 of Transportation, the secretary ~~executive director~~ of the
139 Department of Highway Safety and Motor Vehicles, and the
140 Commissioner of Agriculture, or their authorized
141 representatives, and four additional members appointed pursuant
142 to paragraph (b), which may review any penalty imposed upon any
143 vehicle or person under the provisions of this chapter relating
144 to weights imposed on the highways by the axles and wheels of
145 motor vehicles, to special fuel and motor fuel tax compliance,
146 or to violations of safety regulations.

147 (a) The Secretary of Transportation or his or her
148 authorized representative shall be the chair of the review
149 board.

150 (b) The Governor shall appoint one member from the road

151 construction industry, one member from the trucking industry,
152 and one member with a general business or legal background. The
153 Commissioner of Agriculture shall appoint one member from the
154 agriculture industry. Each member appointed under this paragraph
155 must be a registered voter and resident of the state and must
156 possess business experience in the private sector. Members
157 appointed under ~~pursuant to~~ this paragraph shall each serve a 2-
158 year term. A vacancy occurring during the term of a member
159 appointed under this paragraph shall be filled only for the
160 remainder of the unexpired term. Members of the board appointed
161 under this paragraph may be removed from office by the Governor
162 for misconduct, malfeasance, misfeasance, or nonfeasance in
163 office.

164 (c) Each member, before entering upon his or her official
165 duties, shall take and subscribe to an oath before an official
166 authorized by law to administer oaths that he or she will
167 honestly, faithfully, and impartially perform the duties
168 devolving upon him or her in office as a member of the review
169 board and that he or she will not neglect any duties imposed
170 upon him or her by s. 316.3025, s. 316.550, or this section.

171 (d) The chair of the review board is responsible for the
172 administrative functions of the review board.

173 (e) Four members of the board constitute a quorum, and the
174 vote of four members is ~~shall be~~ necessary for any action taken
175 by the board. A vacancy on the board does not impair the right

176 of a quorum of the board to exercise all of the rights and
177 perform all of the duties of the board.

178 (f) The review board may hold sessions and conduct
179 proceedings at any place within the state. As an alternative to
180 physical appearance, and in addition to any other method of
181 appearance authorized by rule, the Department of Transportation
182 shall provide space and video conference capability at each
183 district office to enable a person requesting a hearing to
184 appear remotely before the board, regardless of the physical
185 location of the board proceeding.

186 Section 8. Subsections (1) and (2) of section 320.275,
187 Florida Statutes, are amended to read:

188 320.275 Automobile Dealers Industry Advisory Board.—

189 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The
190 Automobile Dealers Industry Advisory Board is created within the
191 Department of Highway Safety and Motor Vehicles. The board shall
192 make recommendations on proposed legislation, make
193 recommendations on proposed rules and procedures, present
194 licensed motor vehicle dealer industry issues to the department
195 for its consideration, consider any matters relating to the
196 motor vehicle dealer industry presented to it by the department,
197 and submit an annual report to the secretary ~~executive director~~
198 of the department and file copies with the Governor, the
199 President of the Senate, and the Speaker of the House of
200 Representatives.

201 (2) MEMBERSHIP, TERMS, MEETINGS.—

202 (a) The board shall be composed of 12 members. The
 203 secretary ~~executive director~~ of the Department of Highway Safety
 204 and Motor Vehicles shall appoint the members from names
 205 submitted by the entities for the designated categories the
 206 member will represent. The secretary ~~executive director~~ shall
 207 appoint one representative of the Department of Highway Safety
 208 and Motor Vehicles; two representatives of the independent motor
 209 vehicle industry as recommended by the Florida Independent
 210 Automobile Dealers Association; two representatives of the
 211 franchise motor vehicle industry as recommended by the Florida
 212 Automobile Dealers Association; one representative of the
 213 auction motor vehicle industry who is from an auction chain and
 214 is recommended by a group affiliated with the National Auto
 215 Auction Association; one representative of the auction motor
 216 vehicle industry who is from an independent auction and is
 217 recommended by a group affiliated with the National Auto Auction
 218 Association; one representative from the Department of Revenue;
 219 a Florida tax collector representative recommended by the
 220 Florida Tax Collectors Association; one representative from the
 221 Better Business Bureau; one representative from the Department
 222 of Agriculture and Consumer Services, who must represent the
 223 Division of Consumer Services; and one representative of the
 224 insurance industry who writes motor vehicle dealer surety bonds.

225 (b)1. The secretary ~~executive director~~ shall appoint the

226 following initial members to 1-year terms: one representative
227 from the motor vehicle auction industry who represents an
228 auction chain, one representative from the independent motor
229 vehicle industry, one representative from the franchise motor
230 vehicle industry, one representative from the Department of
231 Revenue, one Florida tax collector, and one representative from
232 the Better Business Bureau.

233 2. The secretary ~~executive director~~ shall appoint the
234 following initial members to 2-year terms: one representative
235 from the motor vehicle auction industry who represents an
236 independent auction, one representative from the independent
237 motor vehicle industry, one representative from the franchise
238 motor vehicle industry, one representative from the Division of
239 Consumer Services, one representative from the insurance
240 industry, and one representative from the department.

241 3. As the initial terms expire, the secretary ~~executive~~
242 ~~director~~ shall appoint successors from the same designated
243 category for terms of 2 years. If renominated, a member may
244 succeed himself or herself.

245 4. The board shall appoint a chair and vice chair at its
246 initial meeting and every 2 years thereafter.

247 (c) The board shall meet at least two times per year.
248 Meetings may be called by the chair of the board or by the
249 secretary ~~executive director~~ of the department. One meeting
250 shall be held in the fall of the year to review legislative

251 proposals. The board shall conduct all meetings in accordance
252 with applicable Florida Statutes and shall keep minutes of all
253 meetings. Meetings may be held in locations around the state in
254 department facilities or in other appropriate locations.

255 Section 9. Subsection (1) of section 322.125, Florida
256 Statutes, is amended to read:

257 322.125 Medical Advisory Board.—

258 (1) There shall be a Medical Advisory Board composed of
259 not fewer than 12 or more than 25 members, at least one of whom
260 must be 60 years of age or older and all but one of whose
261 medical and other specialties must relate to driving abilities,
262 which number must include a doctor of medicine who is employed
263 by the Department of Highway Safety and Motor Vehicles in
264 Tallahassee, who shall serve as administrative officer for the
265 board. The secretary ~~executive director~~ of the Department of
266 Highway Safety and Motor Vehicles shall recommend persons to
267 serve as board members. Every member but two must be a doctor of
268 medicine licensed to practice medicine in this or any other
269 state. One member must be an optometrist licensed to practice
270 optometry in this state. One member must be a chiropractic
271 physician licensed to practice chiropractic medicine in this
272 state. Members shall be approved by the Cabinet and shall serve
273 4-year staggered terms. The board membership must, to the
274 maximum extent possible, consist of equal representation of the
275 disciplines of the medical community treating the mental or

276 | physical disabilities that could affect the safe operation of
 277 | motor vehicles.

278 | Section 10. Paragraph (b) of subsection (1) of section
 279 | 397.333, Florida Statutes, is amended to read:

280 | 397.333 Statewide Drug Policy Advisory Council.—

281 | (1)

282 | (b) The following state officials shall be appointed to
 283 | serve on the advisory council:

284 | 1. The Attorney General, or his or her designee.

285 | 2. The executive director of the Department of Law
 286 | Enforcement, or his or her designee.

287 | 3. The Secretary of Children and Families, or his or her
 288 | designee.

289 | 4. The director of the Office of Planning and Budgeting in
 290 | the Executive Office of the Governor, or his or her designee.

291 | 5. The Secretary of Corrections, or his or her designee.

292 | 6. The Secretary of Juvenile Justice, or his or her
 293 | designee.

294 | 7. The Commissioner of Education, or his or her designee.

295 | 8. The secretary ~~executive director~~ of the Department of
 296 | Highway Safety and Motor Vehicles, or his or her designee.

297 | 9. The Adjutant General of the state as the Chief of the
 298 | Department of Military Affairs, or his or her designee.

299 | Section 11. Paragraph (b) of subsection (1) of section
 300 | 943.0313, Florida Statutes, is amended to read:

301 943.0313 Domestic Security Oversight Council.—The
 302 Legislature finds that there exists a need to provide executive
 303 direction and leadership with respect to terrorism prevention,
 304 preparation, protection, response, and recovery efforts by state
 305 and local agencies in this state. In recognition of this need,
 306 the Domestic Security Oversight Council is hereby created. The
 307 council shall serve as an advisory council pursuant to s.
 308 20.03(7) to provide guidance to the state's regional domestic
 309 security task forces and other domestic security working groups
 310 and to make recommendations to the Governor and the Legislature
 311 regarding the expenditure of funds and allocation of resources
 312 related to counter-terrorism and domestic security efforts.

313 (1) MEMBERSHIP.—

314 (b) In addition to the members designated in paragraph
 315 (a), the council may invite other ex officio, nonvoting members
 316 to attend and participate in council meetings. Those nonvoting
 317 members may include, but need not be limited to:

- 318 1. The secretary ~~executive director~~ of the Department of
 319 Highway Safety and Motor Vehicles.
- 320 2. The Secretary of Health Care Administration.
- 321 3. The Secretary of Environmental Protection.
- 322 4. The director of the Division of Law Enforcement within
 323 the Fish and Wildlife Conservation Commission.
- 324 5. A representative of the Commission on Human Relations.
- 325 6. A representative of the United States Coast Guard.

326 7. A United States Attorney from a federal judicial
 327 circuit within this state.

328 8. A special agent in charge from an office of the Federal
 329 Bureau of Investigation within this state.

330 Section 12. Subsection (1) of section 943.06, Florida
 331 Statutes, is amended to read:

332 943.06 Criminal and Juvenile Justice Information Systems
 333 Council.—There is created a Criminal and Juvenile Justice
 334 Information Systems Council within the department.

335 (1) The council shall be composed of 15 members,
 336 consisting of the Attorney General or a designated assistant;
 337 the executive director of the Department of Law Enforcement or a
 338 designated assistant; the secretary of the Department of
 339 Corrections or a designated assistant; the chair of the Florida
 340 Commission on Offender Review or a designated assistant; the
 341 Secretary of Juvenile Justice or a designated assistant; the
 342 secretary ~~executive director~~ of the Department of Highway Safety
 343 and Motor Vehicles or a designated assistant; the Secretary of
 344 Children and Families or a designated assistant; the State
 345 Courts Administrator or a designated assistant; 1 public
 346 defender appointed by the Florida Public Defender Association,
 347 Inc.; 1 state attorney appointed by the Florida Prosecuting
 348 Attorneys Association, Inc.; and 5 members, to be appointed by
 349 the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1
 350 clerk of the circuit court.

351 Section 13. (1) Subject to an appropriation, the Office
352 of Program Policy Analysis and Government Accountability
353 (OPPAGA) shall contract for a review of the Department of Law
354 Enforcement.

355 (2) The contractor selected by OPPAGA must have experience
356 in reviewing large, statewide, or federal law enforcement
357 agencies.

358 (3) The contractor shall perform a comprehensive review of
359 the Department of Law Enforcement and determine whether the
360 programs, functions, and services provided by the department are
361 consistent with its mission. The contractor shall review each
362 such program, function, and service, identifying its number of
363 users, cost, and effectiveness by geographical location. As part
364 of its review, the contractor shall do all of the following:

365 (a) Make recommendations regarding the department's scope
366 of services, including, but not limited to, identifying any
367 service that should be expanded, consolidated, eliminated, or
368 transferred to another agency or entity.

369 (b) Investigate and make specific findings and
370 recommendations on the department's crime laboratories and
371 forensic analysis processes, including:

372 1. The accreditation and qualifications of the crime
373 laboratories and their employees.

374 2. The number and type of forensic analyses performed at
375 each laboratory.

376 3. The average length of time required to complete each
377 type of forensic analysis.

378 4. Whether there is an existing backlog of material
379 submitted for forensic analysis.

380 5. A comparison of the department's laboratories' scope of
381 services, accreditation, and sample processing time with those
382 of other crime laboratories in similar jurisdictions.

383 6. Whether any of the forensic analyses performed by the
384 department should be transferred to another state or local
385 agency, and whether barriers exist to any such transfers.

386 (c) Investigate and make specific findings and
387 recommendations on any programs operated by the department which
388 are limited to a given geographic service area, including the
389 following:

390 1. Identification of the number of users, cost, and
391 effectiveness of the programs.

392 2. A determination as to whether the programs should be
393 expanded statewide, eliminated, or transferred to another state
394 or local agency, and whether barriers exist to any such
395 transfers.

396 (d) Identification of each accreditation earned by the
397 department and a determination as to whether any additional
398 accreditation is recommended.

399 (e) Identification of the number and types of cases
400 investigated by the department and a determination as to whether

401 criminal charges were filed as a result of such investigations.

402 (f) Identification of the number of cases involving
403 cybersecurity and related technology issues which were
404 investigated by the department and a determination as to whether
405 criminal charges were filed as a result of such investigations.

406 (g) Identification of any responsibilities of the
407 department which can be transferred to another state or local
408 agency, resulting in improved efficiency or accountability.

409 (4) Notwithstanding any other law to the contrary, the
410 department shall provide the contractor with access to any
411 information requested by the contractor to complete its review.
412 Information or records obtained by the contractor which are
413 otherwise exempt or confidential and exempt from public records
414 requirements shall retain such exempt or confidential and exempt
415 status, and the contractor may not disclose any such information
416 or records.

417 (5) The contractor shall submit its report to the
418 Governor, the Attorney General, the Chief Financial Officer, the
419 Commissioner of Agriculture, the President of the Senate, and
420 the Speaker of the House of Representatives by January 1, 2022.

421 Section 14. This act shall take effect July 1, 2021.