

1 A bill to be entitled

2 An act relating to executive appointments; amending s.
3 20.201, F.S.; providing that the executive director of
4 the Department of Law Enforcement shall be appointed
5 by the Governor subject to a majority vote of the
6 Governor and Cabinet with the Governor and Attorney
7 General on the prevailing side; amending 20.24, F.S.;
8 providing that the head of the Department of Highway
9 Safety and Motor Vehicles shall be a secretary
10 appointed by the Governor and confirmed by the Senate;
11 providing that the secretary shall serve at the
12 pleasure of the Governor; amending s. 20.255, F.S.;
13 removing the requirement that the appointment of the
14 Secretary of Environmental Protection be subject to
15 the concurrence of three members of the Cabinet;
16 amending s. 20.37, F.S.; providing that the executive
17 director of the Department of Veterans' Affairs shall
18 be appointed by the Governor subject to a majority
19 vote of the Governor and Cabinet with the Governor on
20 the prevailing side; amending ss. 206.27, 207.021,
21 316.545, 320.275, 322.125, 397.333, 943.0313, and
22 943.06, F.S.; conforming provisions to changes made by
23 the act; providing an effective date.

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

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

20.201 Department of Law Enforcement.—

(1) There is created a Department of Law Enforcement. The head of the department is the Governor and Cabinet. The executive director of the department shall be appointed by the Governor subject to a majority vote of the Governor and Cabinet, with the Governor and Attorney General on the prevailing side. ~~The appointment is with the approval of three members of the Cabinet and~~ subject to confirmation by the Senate. The executive director shall serve at the pleasure of the Governor and Cabinet. The executive director may establish a command, operational, and administrative services structure to assist, manage, and support the department in operating programs and delivering services.

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

20.24 Department of Highway Safety and Motor Vehicles.—

There is created a Department of Highway Safety and Motor Vehicles.

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

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

53 20.255 Department of Environmental Protection.—There is
 54 created a Department of Environmental Protection.

55 (1) The head of the Department of Environmental Protection
 56 shall be a secretary, who shall be appointed by the Governor.
 57 The appointment is subject to confirmation, ~~with the concurrence~~
 58 ~~of three members of the Cabinet. The secretary shall be~~
 59 ~~confirmed~~ by the Florida Senate. The secretary shall serve at
 60 the pleasure of the Governor.

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

63 20.37 Department of Veterans' Affairs.—There is created a
 64 Department of Veterans' Affairs.

65 (1) The head of the department is the Governor and
 66 Cabinet. The executive director of the department shall be
 67 appointed by the Governor subject to a majority vote of the
 68 Governor and Cabinet, with the Governor on the prevailing side.
 69 The appointment is ~~with the approval of three members of the~~
 70 ~~Cabinet and~~ subject to confirmation by the Senate. The executive
 71 director shall serve at the pleasure of the Governor and
 72 Cabinet.

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

75 206.27 Records and files as public records.—

76 (2) Nothing herein shall be construed as requiring the
77 department to provide as a public record any information
78 concerning audits in progress or those records and files of the
79 department described in this section which are currently the
80 subject of pending investigation by the Department of Revenue or
81 the Florida Department of Law Enforcement. It is specifically
82 provided that the foregoing information shall be exempt from the
83 provisions of s. 119.07(1) and shall be considered confidential
84 pursuant to s. 213.053; however, the department may make
85 available to the Secretary ~~executive director of the Department~~
86 of Highway Safety and Motor Vehicles or his or her designee,
87 exclusively for official purposes in administering chapter 207,
88 any information concerning any audit in progress, and the
89 provisions of s. 213.053(8) requiring a written agreement and
90 maintenance of confidentiality by the recipient, and the penalty
91 for breach of confidentiality, shall apply if the department
92 makes such information available. Any officer, employee, or
93 former officer or employee of the department who divulges any
94 such information in any manner except for such official purposes
95 or under s. 213.053 is guilty of a misdemeanor of the first
96 degree, punishable as provided in s. 775.082 or s. 775.083.

97 Section 6. Paragraph (a) of subsection (2) of section
98 207.021, Florida Statutes, is amended to read:

99 207.021 Informal conferences; settlement or compromise of
100 taxes, penalties, or interest.—

101 (2) (a) The secretary ~~executive director~~ or his or her
 102 designee may enter into a closing agreement with a taxpayer
 103 settling or compromising the taxpayer's liability for any tax,
 104 interest, or penalty assessed under this chapter. Each agreement
 105 must be in writing, in the form of a closing agreement approved
 106 by the department, and signed by the secretary ~~executive~~
 107 ~~director~~ or his or her designee. The agreement is final and
 108 conclusive, except upon a showing of material fraud or
 109 misrepresentation of material fact. The department may not make
 110 an additional assessment against the taxpayer for the tax,
 111 interest, or penalty specified in the closing agreement for the
 112 time specified in the closing agreement, and the taxpayer may
 113 not institute a judicial or administrative proceeding to recover
 114 any tax, interest, or penalty paid pursuant to the closing
 115 agreement. The secretary ~~executive director~~ of the department or
 116 his or her designee may approve the closing agreement.

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

119 316.545 Weight and load unlawful; special fuel and motor
 120 fuel tax enforcement; inspection; penalty; review.—

121 (7) There is created within the Department of
 122 Transportation the Commercial Motor Vehicle Review Board,
 123 consisting of three permanent members who shall be the Secretary
 124 of Transportation, the Secretary ~~executive director of the~~
 125 ~~Department~~ of Highway Safety and Motor Vehicles, and the

126 Commissioner of Agriculture, or their authorized
127 representatives, and four additional members appointed pursuant
128 to paragraph (b), which may review any penalty imposed upon any
129 vehicle or person under the provisions of this chapter relating
130 to weights imposed on the highways by the axles and wheels of
131 motor vehicles, to special fuel and motor fuel tax compliance,
132 or to violations of safety regulations.

133 (a) The Secretary of Transportation or his or her
134 authorized representative shall be the chair of the review
135 board.

136 (b) The Governor shall appoint one member from the road
137 construction industry, one member from the trucking industry,
138 and one member with a general business or legal background. The
139 Commissioner of Agriculture shall appoint one member from the
140 agriculture industry. Each member appointed under this paragraph
141 must be a registered voter and resident of the state and must
142 possess business experience in the private sector. Members
143 appointed pursuant to this paragraph shall each serve a 2-year
144 term. A vacancy occurring during the term of a member appointed
145 under this paragraph shall be filled only for the remainder of
146 the unexpired term. Members of the board appointed under this
147 paragraph may be removed from office by the Governor for
148 misconduct, malfeasance, misfeasance, or nonfeasance in office.

149 (c) Each member, before entering upon his or her official
150 duties, shall take and subscribe to an oath before an official

151 authorized by law to administer oaths that he or she will
 152 honestly, faithfully, and impartially perform the duties
 153 devolving upon him or her in office as a member of the review
 154 board and that he or she will not neglect any duties imposed
 155 upon him or her by s. 316.3025, s. 316.550, or this section.

156 (d) The chair of the review board is responsible for the
 157 administrative functions of the review board.

158 (e) Four members of the board constitute a quorum, and the
 159 vote of four members shall be necessary for any action taken by
 160 the board. A vacancy on the board does not impair the right of a
 161 quorum of the board to exercise all of the rights and perform
 162 all of the duties of the board.

163 (f) The review board may hold sessions and conduct
 164 proceedings at any place within the state. As an alternative to
 165 physical appearance, the Department of Transportation shall
 166 allow a person requesting a hearing to appear remotely before
 167 the board via communications media technology as authorized by
 168 chapter 28-109, Florida Administrative Code, regardless of the
 169 physical location of the board proceeding.

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

172 320.275 Automobile Dealers Industry Advisory Board.—

173 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The
 174 Automobile Dealers Industry Advisory Board is created within the
 175 Department of Highway Safety and Motor Vehicles. The board shall

176 make recommendations on proposed legislation, make
177 recommendations on proposed rules and procedures, present
178 licensed motor vehicle dealer industry issues to the department
179 for its consideration, consider any matters relating to the
180 motor vehicle dealer industry presented to it by the department,
181 and submit an annual report to the secretary ~~executive director~~
182 of the department and file copies with the Governor, the
183 President of the Senate, and the Speaker of the House of
184 Representatives.

185 (2) MEMBERSHIP, TERMS, MEETINGS.—

186 (a) The board shall be composed of 12 members. The
187 secretary ~~executive director~~ of the department ~~of Highway Safety~~
188 ~~and Motor Vehicles~~ shall appoint the members from names
189 submitted by the entities for the designated categories the
190 member will represent. The secretary ~~executive director~~ shall
191 appoint one representative of the Department of Highway Safety
192 and Motor Vehicles; two representatives of the independent motor
193 vehicle industry as recommended by the Florida Independent
194 Automobile Dealers Association; two representatives of the
195 franchise motor vehicle industry as recommended by the Florida
196 Automobile Dealers Association; one representative of the
197 auction motor vehicle industry who is from an auction chain and
198 is recommended by a group affiliated with the National Auto
199 Auction Association; one representative of the auction motor
200 vehicle industry who is from an independent auction and is

201 recommended by a group affiliated with the National Auto Auction
 202 Association; one representative from the Department of Revenue;
 203 a Florida tax collector representative recommended by the
 204 Florida Tax Collectors Association; one representative from the
 205 Better Business Bureau; one representative from the Department
 206 of Agriculture and Consumer Services, who must represent the
 207 Division of Consumer Services; and one representative of the
 208 insurance industry who writes motor vehicle dealer surety bonds.

209 (b)1. The secretary ~~executive director~~ shall appoint the
 210 following initial members to 1-year terms: one representative
 211 from the motor vehicle auction industry who represents an
 212 auction chain, one representative from the independent motor
 213 vehicle industry, one representative from the franchise motor
 214 vehicle industry, one representative from the Department of
 215 Revenue, one Florida tax collector, and one representative from
 216 the Better Business Bureau.

217 2. The secretary ~~executive director~~ shall appoint the
 218 following initial members to 2-year terms: one representative
 219 from the motor vehicle auction industry who represents an
 220 independent auction, one representative from the independent
 221 motor vehicle industry, one representative from the franchise
 222 motor vehicle industry, one representative from the Division of
 223 Consumer Services, one representative from the insurance
 224 industry, and one representative from the department.

225 3. As the initial terms expire, the secretary ~~executive~~

226 ~~director~~ shall appoint successors from the same designated
227 category for terms of 2 years. If renominated, a member may
228 succeed himself or herself.

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

231 (c) The board shall meet at least two times per year.
232 Meetings may be called by the chair of the board or by the
233 secretary ~~executive director~~ of the department. One meeting
234 shall be held in the fall of the year to review legislative
235 proposals. The board shall conduct all meetings in accordance
236 with applicable Florida Statutes and shall keep minutes of all
237 meetings. Meetings may be held in locations around the state in
238 department facilities or in other appropriate locations.

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

241 322.125 Medical Advisory Board.—

242 (1) There shall be a Medical Advisory Board composed of
243 not fewer than 12 or more than 25 members, at least one of whom
244 must be 60 years of age or older and all but one of whose
245 medical and other specialties must relate to driving abilities,
246 which number must include a doctor of medicine who is employed
247 by the Department of Highway Safety and Motor Vehicles in
248 Tallahassee, who shall serve as administrative officer for the
249 board. The Secretary ~~executive director of the Department of~~
250 Highway Safety and Motor Vehicles shall recommend persons to

251 | serve as board members. Every member but two must be a doctor of
 252 | medicine licensed to practice medicine in this or any other
 253 | state. One member must be an optometrist licensed to practice
 254 | optometry in this state. One member must be a chiropractic
 255 | physician licensed to practice chiropractic medicine in this
 256 | state. Members shall be approved by the Cabinet and shall serve
 257 | 4-year staggered terms. The board membership must, to the
 258 | maximum extent possible, consist of equal representation of the
 259 | disciplines of the medical community treating the mental or
 260 | physical disabilities that could affect the safe operation of
 261 | motor vehicles.

262 | Section 10. Paragraph (b) of subsection (1) of section
 263 | 397.333, Florida Statutes, is amended to read:

264 | 397.333 Statewide Drug Policy Advisory Council.—

265 | (1)

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

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

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

271 | 3. The Secretary of Children and Families, or his or her
 272 | designee.

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

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

276 6. The Secretary of Juvenile Justice, or his or her
277 designee.

278 7. The Commissioner of Education, or his or her designee.

279 8. The Secretary ~~executive director of the Department of~~
280 Highway Safety and Motor Vehicles, or his or her designee.

281 9. The Adjutant General of the state as the Chief of the
282 Department of Military Affairs, or his or her designee.

283 Section 11. Paragraph (b) of subsection (1) of section
284 943.0313, Florida Statutes, is amended to read:

285 943.0313 Domestic Security Oversight Council.—The
286 Legislature finds that there exists a need to provide executive
287 direction and leadership with respect to terrorism prevention,
288 preparation, protection, response, and recovery efforts by state
289 and local agencies in this state. In recognition of this need,
290 the Domestic Security Oversight Council is hereby created. The
291 council shall serve as an advisory council pursuant to s.
292 20.03(7) to provide guidance to the state's regional domestic
293 security task forces and other domestic security working groups
294 and to make recommendations to the Governor and the Legislature
295 regarding the expenditure of funds and allocation of resources
296 related to counter-terrorism and domestic security efforts.

297 (1) MEMBERSHIP.—

298 (b) In addition to the members designated in paragraph
299 (a), the council may invite other ex officio, nonvoting members
300 to attend and participate in council meetings. Those nonvoting

301 members may include, but need not be limited to:

302 1. The Secretary ~~executive director of the Department of~~
 303 Highway Safety and Motor Vehicles.

304 2. The Secretary of Health Care Administration.

305 3. The Secretary of Environmental Protection.

306 4. The director of the Division of Law Enforcement within
 307 the Fish and Wildlife Conservation Commission.

308 5. A representative of the Commission on Human Relations.

309 6. A representative of the United States Coast Guard.

310 7. A United States Attorney from a federal judicial
 311 circuit within this state.

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

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

316 943.06 Criminal and Juvenile Justice Information Systems
 317 Council.—There is created a Criminal and Juvenile Justice
 318 Information Systems Council within the department.

319 (1) The council shall be composed of 15 members,
 320 consisting of the Attorney General or a designated assistant;
 321 the executive director of the Department of Law Enforcement or a
 322 designated assistant; the secretary of the Department of
 323 Corrections or a designated assistant; the chair of the Florida
 324 Commission on Offender Review or a designated assistant; the
 325 Secretary of Juvenile Justice or a designated assistant; the

CS/HB 1295

2022

326 Secretary ~~executive director of the Department~~ of Highway Safety
327 and Motor Vehicles or a designated assistant; the Secretary of
328 Children and Families or a designated assistant; the State
329 Courts Administrator or a designated assistant; 1 public
330 defender appointed by the Florida Public Defender Association,
331 Inc.; 1 state attorney appointed by the Florida Prosecuting
332 Attorneys Association, Inc.; and 5 members, to be appointed by
333 the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1
334 clerk of the circuit court.

335 Section 13. This act shall take effect July 1, 2022.