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1 A bill to be entitled
2 An act relating to the Department of Community Affairs;
3 creating s. 14.2017, F.S.; creating the Office of
4 Emergency Management within the Executive Office of the
5 Governor; providing for appointment of a director;
6 amending s. 20.10, F.S.; creating additional divisions of
7 the Department of State; providing for appointment of
8 certain directors of executive directors by the Secretary
9 of State; providing appointment requirements; providing
10 for employment of personnel; specifying certain
11 responsibilities of the department; amending s. 420.504,
12 F.S.; conforming change to provide for a transfer of the
13 Florida Housing Finance Corporation to the Department of
14 State; amending s. 420.506, F.S.; conforming change to
15 provide for appointment and removal of the executive
16 director of the Florida Housing Finance Corporation by the
17 Secretary of State; transferring the Division of Housing
18 and Community Development and the Division of Community
19 Planning to the Department of State by type two transfer;
20 transferring the Division of Emergency Management to the
21 Executive Office of the Governor by type two transfer;
22 transferring the Civil Legal Assistance Program from the
23 to the Department of Legal Affairs by type two transfer;
24 providing for assistance to certain legislative
25 substantive committees by the Division of Statutory
26 Revision of the Office of Legislative Services for certain
27 purposes; directing the Secretary of State to submit
28 certain recommendations; providing intent language;

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29 | repealing s. 20.18, F.S.; relating to the Department of
 30 | Community Affairs; repealing s. 163.3247, F.S., relating
 31 | to the Century Commission for a Sustainable Florida;
 32 | repealing ss. 720.403, 720.404, 720.405, 720.406, and
 33 | 720.407, F.S., relating to covenant revitalization for
 34 | residential communities under part III of chapter 720,
 35 | F.S.; providing effective dates.

36

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

38 | Section 1. Section 14.2017, Florida Statutes, is created
 39 | to read:

40 | 14.2017 Office of Emergency Management; creation; powers
 41 | and duties.--The Office of Emergency Management is created
 42 | within the Executive Office of the Governor. The director of the
 43 | Office of Emergency Management shall be appointed by and serve
 44 | at the pleasure of the Governor.

45 | Section 2. Section 20.10, Florida Statutes, is amended to
 46 | read:

47 | 20.10 Department of State.--There is created a Department
 48 | of State.

49 | (1) The head of the Department of State is the Secretary
 50 | of State. The Secretary of State shall be appointed by the
 51 | Governor, subject to confirmation by the Senate, and shall serve
 52 | at the pleasure of the Governor. The Secretary of State shall
 53 | perform the functions conferred by the State Constitution upon
 54 | the custodian of state records.

55 | (2) The following divisions of the Department of State are
 56 | established:

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57 (a) Division of Elections.
 58 (b) Division of Historical Resources.
 59 (c) Division of Corporations.
 60 (d) Division of Library and Information Services.
 61 (e) Division of Cultural Affairs.
 62 (f) Division of Administration.
 63 (g) Division of Housing and Community Development which
 64 shall include the Office of Urban Opportunity.
 65 (h) Division of State and Community Planning.
 66 (3) Unless otherwise provided by law, the Secretary of
 67 State shall appoint the directors or executive directors of any
 68 commission or council assigned to the department, who shall
 69 serve at his or her pleasure as provided for division directors
 70 in s. 110.205. The appointment or termination by the secretary
 71 shall be with the advice and consent of the commission or
 72 council, and the director or executive director may employ,
 73 subject to departmental rules and procedures, such personnel as
 74 may be authorized and necessary.
 75 (4) The role of state government required by part I of
 76 chapter 421, chapter 422, and chapter 423 is the responsibility
 77 of the Department of State, and the department is the agency of
 78 state government responsible for the state's role in housing and
 79 urban development.
 80 (5)~~(3)~~ The Department of State may adopt rules pursuant to
 81 ss. 120.536(1) and 120.54 to administer the provisions of law
 82 conferring duties upon the department.
 83 Section 3. Subsections (1) and (3) of section 420.504,
 84 Florida Statutes, are amended to read:

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85 420.504 Public corporation; creation, membership, terms,
86 expenses.--

87 (1) There is created within the Department of State
88 ~~Community Affairs~~ a public corporation and a public body
89 corporate and politic, to be known as the "Florida Housing
90 Finance Corporation." It is declared to be the intent of and
91 constitutional construction by the Legislature that the Florida
92 Housing Finance Corporation constitutes an entrepreneurial
93 public corporation organized to provide and promote the public
94 welfare by administering the governmental function of financing
95 or refinancing housing and related facilities in Florida and
96 that the corporation is not a department of the executive branch
97 of state government within the scope and meaning of s. 6, Art.
98 IV of the State Constitution, but is functionally related to the
99 Department of State ~~Community Affairs~~ in which it is placed. The
100 executive function of state government to be performed by the
101 secretary of the department in the conduct of the business of
102 the Florida Housing Finance Corporation must be performed
103 pursuant to a contract to monitor and set performance standards
104 for the implementation of the business plan for the provision of
105 housing approved for the corporation as provided in s. 420.0006.
106 This contract shall include the performance standards for the
107 provision of affordable housing in Florida established in the
108 business plan described in s. 420.511.

109 (3) The corporation is a separate budget entity and is not
110 subject to control, supervision, or direction by the Department
111 of State ~~Community Affairs~~ in any manner, including, but not
112 limited to, personnel, purchasing, transactions involving real

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113 or personal property, and budgetary matters. The corporation
 114 shall consist of a board of directors composed of the Secretary
 115 of State ~~Community Affairs~~ as an ex officio and voting member
 116 and eight members appointed by the Governor subject to
 117 confirmation by the Senate from the following:

118 (a) One citizen actively engaged in the residential home
 119 building industry.

120 (b) One citizen actively engaged in the banking or
 121 mortgage banking industry.

122 (c) One citizen who is a representative of those areas of
 123 labor engaged in home building.

124 (d) One citizen with experience in housing development who
 125 is an advocate for low-income persons.

126 (e) One citizen actively engaged in the commercial
 127 building industry.

128 (f) One citizen who is a former local government elected
 129 official.

130 (g) Two citizens of the state who are not principally
 131 employed as members or representatives of any of the groups
 132 specified in paragraphs (a)-(f).

133 Section 4. Section 420.506, Florida Statutes, is amended
 134 to read:

135 420.506 Executive director; agents and employees.--The
 136 appointment and removal of an executive director shall be by the
 137 Secretary of State ~~Community Affairs~~, with the advice and
 138 consent of the corporation's board of directors. The executive
 139 director shall employ legal and technical experts and such other
 140 agents and employees, permanent and temporary, as the

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141 corporation may require, and shall communicate with and provide
 142 information to the Legislature with respect to the corporation's
 143 activities. The board is authorized, notwithstanding the
 144 provisions of s. 216.262, to develop and implement rules
 145 regarding the employment of employees of the corporation and
 146 service providers, including legal counsel. The board of
 147 directors of the corporation is entitled to establish travel
 148 procedures and guidelines for employees of the corporation. The
 149 executive director's office and the corporation's files and
 150 records must be located in Leon County.

151 Section 5. (1) Effective October 1, 2009, the Division of
 152 Housing and Community Development and the Division of Community
 153 Planning of the Department of Community Affairs are hereby
 154 transferred by a type two transfer, as defined in s. 20.06(2),
 155 Florida Statutes, to the Department of State. The transfer
 156 includes:

157 (a) All statutory powers, duties, functions, records,
 158 personnel, and property of the divisions of Housing and
 159 Community Development and Community Planning within the
 160 Department of Community Affairs.

161 (b) All unexpended balances of appropriations,
 162 allocations, trust funds, and other funds used to fund the
 163 operations of the Division of Housing and Community Development
 164 and the Division of Community Planning within the Department of
 165 Community Affairs.

166 (c) All existing legal authorities and actions of the
 167 divisions of Housing and Community Development and Community
 168 Planning, including, but not limited to, all pending and

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169 completed action on orders and rules, all enforcement matters,
 170 and all delegations, interagency agreements, and contracts with
 171 federal, state, regional, and local governments and private
 172 entities.

173 (2) This section shall not affect the validity of any
 174 judicial or administrative action involving the Division of
 175 Housing and Community Development or the Division of Community
 176 Planning within the Department of Community Affairs pending on
 177 October 1, 2009, and the Department of State shall be
 178 substituted as a party in interest in any such action.

179 Section 6. (1) Effective October 1, 2009, the Division of
 180 Emergency Management of the Department of Community Affairs is
 181 hereby transferred by a type two transfer, as defined in s.
 182 20.06(2), Florida Statutes, to the Executive Office of the
 183 Governor and is renamed the Office of Emergency Management. The
 184 transfer includes:

185 (a) All statutory powers, duties, functions, records,
 186 personnel, and property of the Division of Emergency Management
 187 within the Department of Community Affairs.

188 (b) All unexpended balances of appropriations,
 189 allocations, trust funds, and other funds used to fund the
 190 operations of the Division of Emergency Management within the
 191 Department of Community Affairs.

192 (c) All existing legal authorities and actions of the
 193 Division of Emergency Management, including, but not limited to,
 194 all pending and completed action on orders and rules, all
 195 enforcement matters, and all delegations, interagency
 196 agreements, and contracts with federal, state, regional, and

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197 local governments and private entities.

198 (2) This section shall not affect the validity of any
 199 judicial or administrative action involving the Division of
 200 Emergency Management within the Department of Community Affairs
 201 pending on October 1, 2009, and the Executive Office of the
 202 Governor shall be substituted as a party in interest in any such
 203 action.

204 Section 7. Effective October 1, 2009, the program created
 205 under the Florida Access to Civil Legal Assistance Act of the
 206 Department of Community Affairs is hereby transferred by a type
 207 two transfer, as defined in s. 20.06(2), Florida Statutes, to
 208 the Department of Legal Affairs.

209 Section 8. Effective October 1, 2009, the manufactured
 210 building program under part I, chapter 553, Florida Statutes,
 211 and the Florida Building Commission, including the commission's
 212 oversight of the Florida Americans with Disabilities
 213 Accessibility Implementation Act and Florida Building Code under
 214 parts II and IV, chapter 553, Florida Statutes, are hereby
 215 transferred by a type two transfer, as defined in s. 20.06(2),
 216 Florida Statutes, to the Department of Business and Professional
 217 Regulation. The transfer includes:

218 (a) All statutory powers, duties, functions, records,
 219 personnel, and property of the manufactured building program and
 220 Florida Building Commission within the Department of Community
 221 Affairs.

222 (b) All unexpended balances of appropriations,
 223 allocations, trust funds, and other funds used to fund the
 224 operations of the manufactured building program and Florida

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225 Building Commission within the Department of Community Affairs.
 226 (c) All existing legal authorities and actions of the the
 227 manufactured building program and Florida Building Commission,
 228 including, but not limited to, all pending and completed action
 229 on orders and rules, all enforcement matters, and all
 230 delegations, interagency agreements, and contracts with federal,
 231 state, regional, and local governments and private entities.
 232 (2) This section shall not affect the validity of any
 233 judicial or administrative action involving the manufactured
 234 building program and Florida Building Commission within the
 235 Department of Community Affairs pending on October 1, 2009, and
 236 the Department of Business and Professional Regulation shall be
 237 substituted as a party in interest in any such action.
 238 Section 9. Conforming legislation.--The Legislature
 239 recognizes that there is a need to conform the Florida Statutes
 240 to the policy decisions reflected in this act and that there is
 241 a need to resolve apparent conflicts between this act and any
 242 other legislation enacted during 2009 relating to the Department
 243 of Community Affairs, the Department of State, and the Executive
 244 Office of the Governor. Therefore, in the interim between this
 245 act becoming a law and the 2010 Regular Session of the
 246 Legislature or an earlier special session addressing this issue,
 247 the Division of Statutory Revision shall, upon request, provide
 248 the relevant substantive committees of the Senate and the House
 249 of Representatives with assistance to enable such committees to
 250 prepare draft legislation to conform the Florida Statutes and
 251 any legislation enacted during 2009 to the provisions of this
 252 act.

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253 Section 10. The Secretary of State shall evaluate the
 254 programs, functions, and activities transferred to the
 255 Department of State by this act and recommend statutory changes
 256 to best effectuate and incorporate the programs, functions, and
 257 activities within the Department of State, including
 258 recommendations for achieving efficiencies in management and
 259 operation, improving service delivery to the public, and
 260 ensuring compliance with federal and state laws. The secretary
 261 shall submit his or her recommendations to the Governor, the
 262 President of the Senate, and the Speaker of the House of
 263 Representatives no later than January 1, 2010.

264 Section 11. Except as otherwise provided in this act, it
 265 is the intent of the Legislature that the programs, functions,
 266 and activities of the Department of Community Affairs continue
 267 without significant change during the 2009-10 fiscal year, and
 268 no change in department rules shall be made until July 1, 2010,
 269 except as is required to reflect changes in or for compliance
 270 with new federal or state laws. This limitation on rule adoption
 271 shall not apply to rules regarding the Florida Building Code
 272 adopted under the authority of chapter 553, Florida Statutes.

273 Section 12. (1) Section 20.18, Florida Statutes, is
 274 repealed.

275 (2) Section 163.3247, Florida Statutes, is repealed.

276 (3) Section 189.412, Florida Statutes, is repealed.

277 (3) Sections 720.403, 720.404, 720.405, 720.406, and
 278 720.407, Florida Statutes, are repealed.

279 Section 13. Except as otherwise provided, this act shall
 280 take effect July 1, 2009.