

CHAPTER 79-190

Committee Substitute for House Bill Nos. 1604 and 1649

An act relating to state government; creating s. 14.25, Florida Statutes, creating the Executive Office of the Governor and an Administration Commission as a part thereof; creating a Data Based Management Information System Developmental Task Force; transferring state related comprehensive planning functions from the Department of Administration to the Executive Office of the Governor; transferring the Governor's Commission on Advocacy for Persons with Developmental Disabilities to the Executive Office of the Governor; transferring the Migrant Labor Program of Department of Community Affairs, the Commission on Hispanic Affairs and the Governor's Council on Indian Affairs from the Department of Community Affairs to the Executive Office of the Governor; amending s. 13.9965(1), Florida Statutes, 1978 Supplement, and adding subsections (5) and (6), and amending s. 13.9966(1), Florida Statutes, 1978 Supplement, to conform to the act; creating s. 14.26, Florida Statutes, creating within the Executive Office of the Governor the Citizen's Assistance Office; providing for appointment and duties; amending s. 215.195(1) and (4), Florida Statutes, 1978 Supplement, transferring the State-Federal Relations Trust Fund to the Executive Office of the Governor; amending s. 14.23(2), Florida Statutes, specifying the scope and method of determination of duties of the Office of State-Federal Relations; providing for an executive director; transferring budget functions from the Department of Administration to the Executive Office of the Governor; amending s. 215.32(2) (c), Florida Statutes; providing an increased percentage for determination of the amount of the Working Capital Fund; providing for appropriations to the fund under certain conditions; providing for consultation by the Administration Commission with legislative appropriations committees; amending s. 215.35, Florida Statutes; providing for form of warrants; creating s. 215.87, Florida Statutes; providing for an official Revenue Estimating Conference to determine the General Revenue Fund estimate; amending the introductory paragraph and paragraphs (a), (b), (bb) and (cc) of s. 216.011(1), Florida Statutes, adding paragraphs (gg) and (hh) thereto, and amending subsection (2) thereof; amending ss. 216.023, 216.031, 216.043, 216.044, 216.051, 216.081, 216.091, 216.102(2) (b), 216.121, 216.131, 216.141(3), 216.151(2), 216.162(1), 216.172(2), 216.181, 216.182, 216.192(3), 216.201, 216.212(3), 216.221(1), 216.231(1), 216.241, 216.262(1) (a), (b) and (e) and (2), 216.275, 216.292(1) and (3), 216.301(1) and (2) (b), Florida Statutes, and repealing s. 216.292(4), Florida Statutes; providing definitions; providing duties of Executive Office of the Governor under chapter 216; providing duties of legislative appropriations committees with respect to agency legislative budget requests and related data, statements of intent regarding appropriations, and waiver of certain requirements; providing for

consultation with said committees with respect to form of budget request documents, certain program changes in relationship to proposed budgets, expenditure of federal funds, budget reductions, release of certain classified appropriations, initiation of or changes in programs, increases in authorized positions, and appropriation transfers; deleting provision relating to submission of employee data; providing duties of the Department of General Services regarding proposed capital outlay projects; requiring the Comptroller and state agencies to furnish certain information to the Legislature; providing a penalty; requiring that services of the Executive Office of the Governor be available to the Legislature; restricting expenditure of federal funds; providing duties of State Treasurer regarding clearing accounts; exempting biennial appropriations from provisions relating to undisbursed balances; amending s. 20.31(2) and (3), Florida Statutes, 1978 Supplement, and adding a new subsection (3), changing the structure of the Department of Administration to conform to the act; creating an Office of Labor Relations; revising chapter 110, Florida Statutes, relating to state personnel management; creating part I of said chapter, relating to general state employment provisions; providing employment policy of the state; providing for a state group insurance program; providing duties of the Department of Administration regarding productivity improvement; providing for affirmative action plans; specifying paid holidays; providing for terminal payment for accumulated sick leave; providing for administrative leave for certain athletic competition; providing pay periods; providing for wage deductions: permitting certain other state employment by historical commission employees; providing for tuition refunds; providing for a personnel information system and payroll procedures; providing for services to political subdivisions; providing for payment of administrative costs; providing powers of department regarding oaths, testimony, and records: providing penalties; creating part II of said chapter, relating to the Career Service System; providing for personnel rules, records and reports; providing definitions; providing exemptions from the system; providing for a uniform classification plan and a pay plan; providing for recruitment; providing for examination and selection procedures; providing for eligible registers and for certification of qualified persons: providing for a career advancement program: providing for examinations for deaf and blind persons; providing a penalty; providing for attendance and leave policies; providing for maternity leave; providing for an awards program; providing for suspensions, dismissals, pay reductions, demotions, layoffs and transfers; providing for retirement or transfer of employees 65 and older; prohibiting certain acts and political activities; creating part III of said chapter, replacing the Career Service Commission with a Personnel Commission consisting of three full-time commissioners; providing for appointment, terms, compensation, and duties; providing procedures with respect to suspensions and dismissals; providing penalties; providing for transfer of powers, duties and functions; creating part IV of said chapter,

relating to senior management; creating a Senior Management Advisory Committee; providing for a senior management group; providing for reports and recommendations; transferring part VIII of chapter 112, Florida Statutes, relating to volunteers, to chapter 110, and redesignating it as part V of said chapter; amending s. 112.902, Florida Statutes, 1978 Supplement, correcting cross references; amending s. 112.021, Florida Statutes, relating to Florida residence as a condition precedent to county employment; amending s. 112.171(1), Florida Statutes, relating to employee wage deductions by counties, municipalities, and special districts; amending s. 215.425, Florida Statutes, relating to extra compensation claims; amending ss. 20.04(7) and 20.16(3), and 295.11, Florida Statutes, 1978 Supplement, and ss. 104.31(3), 112.044(4), 241.195, 295.12, and 400.19(2), Florida Statutes; correcting cross references; providing for conditional repeal; providing for repeal of Division of Personnel rules; providing for department employees whose positions are abolished or transferred; providing for pending proceedings; repealing chapter 110, Florida Statutes, and Florida Statutes, 1978 Supplement, relating to the State Career Service System; repealing s. 112.031, Florida Statutes, relating to employees of historical commissions, s. 112.041, Florida Statutes, 1978 Supplement, relating to discrimination in state employment, s. 112.045, Florida Statutes, relating to examinations for deaf and blind persons, s. 112.051, Florida Statutes, relating to retirement or transfer of employees over 65, s. 112.055, Florida Statutes, relating to pay periods, s. 112.075, Florida Statutes, relating to state officers and employees group insurance program, s. 112.20, Florida Statutes, relating to terminal payment for sick leave, s. 112.216, Florida Statutes, 1978 Supplement, relating to administrative leave for certain athletic competition, and s. 683.011, Florida Statutes, relating to paid holidays; transferring certain powers, duties and functions of the State Energy Office of the Department of Administration to the Executive Office of the Governor; transferring all powers, duties and functions of the Commission on Human Relations to the Department of Administration; amending s. 13.231, Florida Statutes, providing independence of the Commission on Human Relations from the Department of Administration; amending s. 120.65(1), Florida Statutes, 1978 Supplement, providing certain administrative support and service to the Division of Administrative Hearings; providing independence of the division from the Department of Administration; amending s. 20.18(2) and (3), Florida Statutes, 1978 Supplement, conforming divisions within the Department of Community Affairs to the act; transferring all powers, duties and functions of certain units within the Department of Administration to the Department of Community Affairs; amending s. 163.3164(18), Florida Statutes, redefining "state land planning agency"; amending s. 18.101(1) and (2), Florida Statutes, 1978 Supplement, authorizing the State Treasurer to approve deposit of money outside the State Treasury, and the Executive Office of the Governor to authorize revolving funds; amending

s. 112.061(4) (b), Florida Statutes, 1978 Supplement, authorizing an agency head to approve payment of per diem in excess of 30 continuous workdays and requiring a report; amending s. 273.055(1), Florida Statutes, to transfer to the Executive Office of the Governor duty to approve disposal of certain tangible personal property; providing exceptions; amending s. 23.022(2), Florida Statutes, restricting the application of provisions relating to electronic data processing management to the executive branch; amending ss. 11.148(2), 11.44(2), 13.231, 13.9981(5), (6), 13.9985(1), 14.057(1), 14.058, 20.24(5), 23.0113(2), 23.0115, 23.012, 23.014(2), 23.015, 23.016, 23.0161(1), 23.017, 23.0191, 23.029, 23.137, 27.33(1), (2), 27.55, 30.49(4), (5), 103.071, 120.63(2) (a), 121.061(3), 145.021(1), 153.95(1), 163.03(1) (b), 163.7055, 195.087(1) (a), 196.32, 215.25, 215.44(4), 216.111, 216.271(1), (2), 216.311(1), 216.345(4), 229.514(2), 230.767(1) (b), 233.255(3), 235.41(3), 235.42(3), 236.022(1), 240.082, 240.095(8), 240.191(4), 241.63(1), 272.05, 334.2105, 340.35, 350.0614(2), (3), 350.78(4), (5), 373.036(1), (10), 377.602(2), (3), 377.603(1), 377.608, 377.701(1)-(3), 380.11, 388.271(1), 402.17(3), 403.504(7), (8) (c), 403.507(1), 403.508(4) (a), 413.26(3), 413.27(3), 443.14(2), 450.181(2), 450.191, 590.02(1) (e), 943.36(1), (2), 945.16(2), 959.011(5), Florida Statutes, and amending ss. 13.9966(1), 20.04(6), 20.171(3), 20.19(8) (c), 20.315(13) (c), 23.0112, 23.0114(1)-(3), 23.019(1), (3), 23.151(1), 23.152(3)(d), 23.154(1), 112.061(4)(b), 215.195(1), (4), 215.37(6), 216.359, 235.40(2), 236.081(2), 255.257(1), 339.08(3) (c), 377.703(2) (i), (3) (g), (k), 378.011(1), 409.085, 409.2671(8), 741.01(2), 943.25(3), (7), (8), 943.405(1), (2), Florida Statutes, 1978 Supplement, to conform to the reorganization provisions of the act; creating s. 110.147, Florida Statutes; providing for transfer and interchange ,of public employees; creating s. 110.248, Florida Statutes; establishing the Florida Administrative Intern Program; providing an appropriation; providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 46. Subsection (1) of section 120.65, Florida Statutes 1978 Supplement, is amended to read:

120.65 Hearing officers.--

(1) There is hereby created the Division of Administrative Hearings within the Department of Administration, to be headed by a director who shall be appointed by the Administration Commission and confirmed by the senate. The division shall be exempt from the provisions of chapter 216. The Department of Administration shall provide administrative support and service to the division. The division shall not be subject to control, supervision, or direction by the Department of Administration.