

# Chapter 92-279

## Senate Bill No. 2F

Tentative classification changes not available at this time of publication

AN ACT relating to governmental reorganization; abolishing the Department of Administration and transferring its duties to other agencies; amending s. 20.22, F.S.; renaming the Department of General Services as the Department of Management Services and providing that the head of the department is a Secretary of Management Services appointed by the Governor; transferring the Division of Bond Finance from the Department of General Services to the State Board of Administration; transferring personnel, records, property, and unexpended balances of appropriations of the Department of General Services used to support the Office of Executive Clemency to the Florida Parole Commission; making the Division of Surplus Property a bureau within the Division of Purchasing; amending ss. 11.25, 11.44, 20.04, 20.23, 24.120, 110.107, 110.109, 110.1097, 110.1127, 110.1128, 110.116, 110.117, 110.121, 110.123, 110.1231, 110.1232, 110.1234, 110.1245, 110.1246, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.205, 110.2135, 110.215, 110.227, 110.233, 110.403, 110.405, 110.407, 110.503, 110.607, 112.0455, 112.08, 112.0804, 112.24, 112.3173, 112.352, 112.361, 112.363, 112.63, 112.665, 120.52, 120.65, 121.021, 121.025, 121.031, 121.0515, 121.055, 121.071, 121.135, 121.136, 121.35, 121.40, 122.02, 122.03, 122.09, 122.13, 122.23, 122.34, 123.01, 123.07, 123.11, 123.24, 123.25, 123.36, 132.34, 145.19, 154.04, 163.3184, 189.4035, 189.412, 189.421, 210.20, 210.75, 215.425, 215.515, 215.94, 215.96, 216.011, 216.0165, 216.262, 218.32, 230.23, 231.262, 231.36, 238.01, 238.03, 238.08, 238.11, 240.209, 240.343, 242.68, 250.22, 252.38, 253.126, 266.0006, 266.0016, 266.0026, 266.0036, 266.0046, 266.0056, 266.0066, 284.36, 287.17, 295.11, 321.04, 321.17, 321.19, 321.191, 321.202, 321.2205, 337.165, 350.0614, 350.125, 370.0821, 376.10, 381.709, 402.35, 403.061, 406.075, 408.001, 409.029, 443.131, 455.225, 650.02, 760.04, F.S.; conforming such sections to the abolition of the Department of Administration; amending ss. 11.148, 11.45, 14.057, 20.32, 24.105, 27.34, 27.54, 75.05, 110.173, 120.53, 159.345, 159.475, 159.7055, 159.803, 212.055, 215.422, 215.47, 215.62, 215.93, 215.94, 216.0152, 216.016, 216.044, 216.0445, 216.163, 216.292, 217.01, 217.02, 217.04, 217.045, 218.32, 218.37, 218.38, 229.8052, 235.018, 235.26, 240.225, 240.417, 240.441, 253.45, 255.02, 255.043, 255.05, 255.21, 255.245, 255.25, 255.253, 255.258, 255.259, 255.28, 255.29, 255.30, 255.45, 255.451, 255.502, 255.506, 255.518, 255.555, 255.565, 259.03, 265.284, 265.285, 265.2865, 267.061, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129,

272.16, 272.161, 272.18, 272.185, 273.04, 273.05, 273.055, 281.02, 281.07, 282.102, 282.1021, 282.103, 282.105, 282.1095, 282.111, 282.304, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.314, 282.318, 282.402, 282.403, 283.30, 284.01, 284.04, 284.05, 284.08, 284.385, 284.42, 285.06, 285.14, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, 287.0572, 287.0595, 287.064, 287.073, 287.0834, 287.0943, 287.0945, 287.133, 287.15, 287.151, 287.155, 287.16, 288.13, 288.14, 288.15, 288.17, 288.18, 288.23, 288.24, 288.28, 288.281, 288.31, 288.33, 288.703, 288.704, 288.705, 320.0802, 327.25, 336.025, 337.02, 337.276, 338.227, 341.101, 341.322, 344.17, 348.0002, 348.241, 348.52, 348.755, 348.765, 348.94, 348.941, 348.963, 348.966, 349.05, 365.171, 373.4596, 377.703, 380.0662, 401.013, 401.015, 403.1834, 403.1835, 403.712, 403.714, 403.7145, 413.034, 420.503, 420.608, 553.77, 570.50, 627.096, 940.03, 943.03, 944.10, 944.713, 946.504, 946.515, F.S.; conforming such sections to the renaming of the Department of Management Services and to the transfer of certain of the department's duties; repealing s. 20.31, F.S., relating to the Department of Administration; repealing s. 112.192, F.S., relating to the State Officers' Compensation Commission; repealing s. 215.58(5), F.S., relating to a definition of the term "department"; creating the State Agency Evaluation and Review Committee; providing duties; providing for reports; providing for proposed legislation; providing powers of the committee, including the power to issue necessary legal process and take testimony of sworn witnesses; providing for a study of certain functions of decisions in the Department of General Services; authorizing the Department of Revenue and Department of Labor and Employment Security to implement certain procedures in lieu of statutory procedures in areas of personnel and budgeting for a specified period; creating a Productivity Advisory Group; providing for membership and duties; providing for a report; providing for emergency rules; providing that certain information be provided to the Legislature prior to any further continuation or expansion of the pilot program conducted by the Department of Revenue and Department of Labor and Employment Security; amending ss. 121.1815, 121.22, 121.23, 121.24, 217.07, 281.09, 407.50, F.S., and s. 18, ch. 91-431, Laws of Florida; conforming such sections to the abolition of the Department of Administration and the renaming of the Department of General Services; providing for continuation of rules of agencies involved in reorganization; providing for substitution of agencies in pending proceedings; providing for assumption of powers and duties under conflicting laws enacted in the same session; providing for construction of laws enacted at the 1992 Regular Session or a special session in relation to this act; providing for reduced expenditures by the Department of Management Services in certain budget categories in fiscal year 1993-1994 and fiscal year 1994-1995; providing an effective date.

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

Section 50. Subsection (6) of section 120.52, Florida Statutes, is amended to read:

120.52. Definitions

As used in this act:

(6) "Division" means the Division of Administrative Hearings ~~of the Department of Administration.~~

Section 51. Subsections (1) and (2) of section 120.65, Florida Statutes, are amended to read:

120.65. Hearing officers

(1) There is hereby created the Division of Administrative Hearings within the Department of Management Services Administration to be headed by a director who shall be appointed by the Administration Commission and confirmed by the Senate. The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of Management Services Administration shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of Management Services Administration in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The director has the right to appeal actions by the Executive Office of the Governor that affect amendments to the division's approved operating budget or any personnel actions pursuant to chapter 216 to the Administration Commission, which shall decide such issue by majority vote. The appropriations committees may advise the Administration Commission on the issue. If the President of the Senate and the Speaker of the House of Representatives object in writing to the effects of the appeal, the appeal may be affirmed by the affirmative vote of two-thirds of the commission members present. The failure of the Executive Office of the Governor to act on a request for action by the director within 21 days after receiving a written request constitutes approval of the request.