

# CHAPTER 86-297

## Committee Substitute for Senate Bill No. 892

An act relating to the Division of Administrative Hearings; amending s. 120.65, F.S.; deleting provisions which exempt the division from the planning and budgeting provisions of ch. 216, F.S.; providing a procedure for the division to appeal certain actions of the Executive Office of the Governor which affect the division's operation; requiring certain governmental entities to provide facilities for the division's use in conducting proceedings; amending s. 216.023, F.S.; providing for the division to submit budget requests directly to the Legislature; amending s. 216.181, F.S.; providing for the salary rate for the division to be established in the General Appropriations Act or statement of intent; providing an effective date.

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

Section 1. Subsection (1) of section 120.65, Florida Statutes, is amended and present subsections (2), (3), (4), (5), (6), and (7) are renumbered as subsections (4), (5), (6), (7), (8) and (9), respectively, and new subsections (2) and (3) are added to said section 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 a separate budget entity and the director shall be its agency head for all purposes ~~exempt from the provisions of chapter 216~~. The Department of 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 Administration in any manner including, but not limited to, personnel, purchasing, transactions including 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 operation 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 members present.

(3) All state agencies as defined in chapter 216 and all political subdivisions shall make their facilities available for use by the division in conducting proceedings pursuant to this chapter, at a time convenient to the provider.

Section 2. Subsection (2) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished by agencies.--

(2) The state courts system and the Division of Administrative Hearings shall submit their ~~its~~ final legislative budget ~~requests request~~ directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, ~~the state court system shall~~

~~not submit its~~ final legislative budget requests shall be submltted ~~no request~~ later than November 1 of each even-numbered year.

Section 3. Present subsections (5), (6), (7), (8), (9), (10), (11), and (12) of section 216.181, Florida Statutes, are renumbered subsections (6), (7), (8), (9), (10), (11), (12), and (13), respectively, and a new subsection (5) is added to said section to read:

216.181 Approved budgets for operations and fixed capital outlay.--~

5. The original approved annual salary rate for the Division of Administrative Hearings shall be as set forth in the General Appropriations Act or statement of intent provided pursuant to subsection (1). This rate may be adjusted by the Executive Officer of the Governor subject to the provisions of s. 120.65(2).

Section 4. This act shall take effect July 1, 1986, or upon becoming law, whichever occurs later.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 11, 1986.

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