

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EAC 12-02 DEO Glitch Bill

SPONSOR(S): Economic Affairs Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Affairs Committee	15 Y, 0 N	Fennell	Tinker

SUMMARY ANALYSIS

PCB EAC 12-02 is the result of a review of the Florida Statutes for changes necessary due to the governmental reorganization provided by ch. 2011-142, L.O.F. The bill updates references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation; updates provisions or references which were enacted by other chapter laws; revises provisions or references which were drafting errors; and repeals any remaining outdated provisions.

This bill amends the following sections of the Florida Statutes: 68.096, 68.105, 159.81, 163.2517, 163.2523, 163.3178, 163.3191, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096, 213.053, 215.55865, 218.411, 220.153, 220.183, 220.194, 258.501, 259.042, 259.101, 282.201, 288.021, 288.1045, 288.106, 288.108, 288.1083, 288.1089, 288.1097, 288.11621, 288.1168, 288.1171, 288.1254, 288.714, 288.7102, 288.987, 290.0055, 290.0065, 290.00726, 290.00727, 290.00728, 311.09, 320.08058, 320.080578, 339.135, 342.201, 369.318, 377.703, 377.809, 380.06, 402.56, 403.0891, 420.503, 420.507, 420.101, 420.0005, 420.0006, 443.036, 443.091, 443.111, 443.141, 443.1715, 443.17161, 446.50, 450.261, 509.032, 624.5105, 1002.75, 1002.79, 259.035, 288.12265, 288.901, 288.980, 331.3081, 373.461, and 163.3178.

This bill repeals ss. 163.03 and 379.2353, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Governmental Reorganization

Chapter 2011-142, L.O.F. (the law), reorganized the land planning and community development, workforce development, and economic development functions of state government. Many of the functions and responsibilities of the Department of Community Affairs (DCA), the Agency for Workforce Innovation (AWI), and the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor (OTTED) were transferred into a new state agency called the Department of Economic Opportunity (DEO).

Public/Private Partnerships

The law also reorganized several public/private partnerships. The Florida Sports Foundation and the Black Business Investment Board were merged into Enterprise Florida, Inc (EFI). The Florida Commission on Tourism was abolished and much of its responsibilities and functions were transferred to the Division of Tourism Promotion within EFI. The Florida Tourism Industry Marketing Corporation (Visit Florida) was directed to contract with EFI. Space Florida remains an independent special district of the state; however, the appointed members of the board of directors for EFI now also serve as the board of directors for Space Florida.

Other Transfers

Other functions of DCA, AWI, and OTTED were transferred to more appropriate state agencies, including:

- The Florida Building Code Commission was transferred from DCA to the Department of Business and Professional Regulation.
- The Division of Emergency Management (DEM) was administratively housed within DCA, but was a separate budget entity and was not subject to control, supervision, or direction by DCA. DEM was transferred to the Executive Office of the Governor, while retaining its status as a separate budget entity.
- The Florida Communities Trust, the Parks and Open Space Florida Forever Grant Program, and the Stan Mayfield Working Waterfronts Florida Forever Grant Program were transferred from DCA to the Department of Environmental Protection.
- The Office of Early Learning within AWI was transferred to the Department of Education as a separate budget entity and is not subject to control, supervision, or direction by the department.

Office of Energy

Additionally, the law reorganized a portion of the state's energy policy, by abolishing the Florida Energy and Climate Commission (FECC) and transferring the majority of its functions and responsibilities to the Department of Agriculture and Consumer Services (DACS). There is now an Office of Energy within DACS. Additionally, FECC's emergency management responsibilities were transferred to the Division of Emergency Management and administration of the Coastal Energy Impact Program was transferred to the Department of Environmental Protection.

Florida Ready to Work

Florida Ready to Work is an employee credentialing program that is funded by the state. The program allows participants to take a skills test and credentialing classes online to earn a "career readiness certificate." The law transferred the administration of the Florida Ready to Work Program from the Department of Education to DEO. However, the program must be implemented by DEO in coordination with the Department of Education.

Effect of Proposed Changes

Due to changes made in Chapter 2011-142, Laws of Florida, and upon a review of the Florida Statutes, it was determined that additional changes were needed to:

- Update references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation;
- Update provisions or references which were enacted by other chapter laws;
- Revise provisions or references which were drafting errors; and
- Repeal any remaining outdated provisions.

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This bill repeals ss. 163.03 and 379.2353, F.S.

B. SECTION DIRECTORY:

Section 1 adds the Division of Information Technology to authorized divisions within the Department of Economic Opportunity (DEO).

Sections 2 and 3 update references in the Florida Access to Civil Legal Assistance Act in ss. 68.096 and 68.105, F.S., related to administration of the program from the Department of Community Affairs (DCA) to the Department of Legal Affairs. This program was funded through the Department of Legal Affairs in the FY 2011-12 General Appropriations Act.

Update references to the former Department of Community Affairs. References in the following sections are updated to refer to DEO or the "state land planning agency," which is currently DEO:

- Section 5 - s. 163.2517(6), F.S.;
- Section 6 - s. 163.2523, F.S.;
- Section 7 - s. 163.3178(3), F.S.;
- Section 9 - s. 163.3204, F.S.;
- Section 10 - s. 163.3221(14), F.S.;
- Section 11 - s. 163.3246(1), F.S.;
- Section 12 - s. 163.3247(5), F.S.;
- Section 13 - s. 163.336(2), F.S.;
- Section 14 - s. 163.458, F.S.;
- Section 15 - s. 163.460, F.S.;
- Section 16 - s. 163.461, F.S.;
- Section 17 - s. 163.462, F.S.;
- Section 18 - s. 163.5055(1), F.S.;
- Section 19 - s. 163.506(1), F.S.;
- Section 20 - s. 163.508(1), F.S.;
- Section 21 - s. 163.511(1), F.S.;
- Section 22 - s. 163.512(1), F.S.;
- Section 26 - s. 218.411(1), F.S.;
- Section 30 - s. 258.501, F.S.;
- Section 31 - s. 259.042(3), F.S.;
- Section 33 - s. 282.201(4), F.S.;

- Section 53 - s. 311.09(6), F.S.;
- Section 54 - s. 320.08058(62), F.S.;
- Section 58 - s. 377.703(2), F.S.;
- Section 62 - s. 403.0891(6), F.S.; and
- Section 76 - s. 509.032(7), F.S.

Section 25 amends s. 215.55865, F.S., to update a reference from DCA to the Florida Building Commission and remove obsolete language.

Section 32 amends s. 259.101(3), F.S., to update a reference from DCA to the Department of Environmental Protection.

Section 53 amends s. 311.09(1), F.S., to correct the number of members for the Florida Seaport Transportation and Economic Development Council.

Section 56 amends s. 342.201, F.S., to correct a reference for the administration of the Waterfronts Florida Program. This program had been administered by DCA, but is currently administered by DEO.

References in the following sections are updated to refer to the executive director of DEO instead of the secretary of DCA:

- Section 63 - s. 420.503(8), F.S.;
- Section 64 - s. 420.507(30), F.S.;
- Section 65 - s. 420.101(1), F.S.;
- Section 66 - s. 420.0005, F.S.;
- Section 67 - s. 420.0006, F.S.; and
- Section 75 - s. 450.261, F.S.

Section 81 amends s. 259.035, F.S., to correct a reference to the number of members of the Acquisition and Restoration Council. The secretary of DCA was removed from the council by s. 119, ch. 2011-142, L.O.F.

Section 86 repeals s. 163.03, F.S., which deals specifically with the powers and duties of the secretary of DCA and functions of DCA. These powers, duties, and functions have been transferred to DEO within s. 20.60, F.S.

Section 80 eliminates subsection 163.3178(6), F.S., which encourages local governments to adopt countywide marina siting plans to designate sites for existing and future marinas. The language is obsolete and is not being used by local governments or the state.

Update references to the former Agency for Workforce Innovation. References in the following sections are updated to refer to DEO:

- Section 23 - s. 212.096(1), F.S.;
- Section 29 - s. 220.194(3), F.S.;
- Section 34 - s. 288.021(1), F.S.;
- Section 68 - s. 443.036(26), F.S.;
- Section 69 - s. 443.091(1), F.S.;
- Section 70 - s. 443.111(5), F.S.;
- Section 71 - s. 443.141(1), F.S.;
- Section 72 - s. 443.1715(2), F.S.;
- Section 73 - s. 443.17161, F.S.;
- Section 74 - s. 446.50(2), F.S.;
- Section 78 - s. 1002.75(4), F.S.; and
- Section 79 - s. 1002.79(2), F.S.

Section 61 amends s. 402.56(4), F.S., to correct a reference to the Office of Early Learning.

Update references to the former Office of Tourism, Trade, and Economic Development. References in the following sections are updated to refer to DEO:

- Section 4 - s. 159.81(1), F.S.;
- Section 24 - s. 213.053(8), F.S.;
- Section 27 - s. 220.153, F.S.;
- Section 28 - s. 220.183(2), F.S.;
- Section 29 - s. 220.194, F.S.;
- Section 35 - s. 288.1045, F.S.;
- Section 36 - s. 288.106, F.S.;
- Section 37 - s. 288.108(3), F.S.;
- Section 38 - s. 288.1083(3), F.S.;
- Section 39 - s. 288.1089(2), F.S.;
- Section 40 - s. 288.1097(2), F.S.;
- Section 41 - s. 288.11621(3), F.S.;
- Section 42 - s. 288.1168(6), F.S.;
- Section 43 - s. 288.1171(4), F.S.;
- Section 44 - s. 288.1254(8), F.S.;
- Section 47 - s. 288.987, F.S.;
- Section 48 - s. 290.0055(6), F.S.;
- Section 49 - s. 290.0065(4), F.S.;
- Section 50 - s. 290.00726, F.S.;
- Section 51 - s. 290.00727, F.S.;
- Section 52 - s. 290.00728, F.S.;
- Section 55 - s. 339.135(5), F.S.;
- Section 59 - s. 377.809(4), F.S.;
- Section 60 - s. 380.06(19), F.S.;
- Section 77 - s. 624.5105(3), F.S.; and
- Section 57 – s. 373.461(5), F.S.

Section 84 amends s. 288.980, F.S., to correct a reference to the number of grant programs relating to the Florida Economic Reinvestment Initiative. It also updates a reference to the former OTTED.

Section 86 repeals s. 379.2353, F.S., which deals with enterprise zone designations for communities suffering adverse impacts from the adoption of the 1995 constitutional amendment limiting the use of nets to harvest marine species. The statute states that any enterprise zone that designated under the paragraph which was effective on or before January 1, 2005, would cease to exist after December 31, 2005. Redesignated enterprise zones after that date were required to comply with the Florida Enterprise Zone Act in ch. 290, F.S.

Update references to Public/Private Partnerships.

Sections 45 and 46 amend ss. 288.714(2) and 288.7102(7), F.S., to update references to the former Black Business Investment Board.

Section 54 amends s. 320.08058(9) and (35), F.S., to update references from the former Florida Sports Foundation to the Department of Economic Opportunity and Enterprise Florida.

Section 82 amends s. 288.12265, F.S., to authorize EFI to contract with the Florida Tourism Industry Marketing Corporation (Visit Florida) for the management and operation of the welcome centers.

Section 83 amends s. 288.901(5), F.S., to limit the requirement that members of the board of directors of EFI be confirmed by the Senate to those members who are appointed by the Governor. Members appointed by the President of the Senate or the Speaker of the House of Representatives would not be confirmed by the Senate.

Section 85 amends s. 331.3081, F.S., to add the Governor or the Governor's designee as a member and chair of the board of directors of Space Florida. This increases the number of members on the board from an even 12 to 13-members.

Cross-References

Section 8 amends s. 163.3191(3), F.S., to update a cross-reference.

Section 60 amends s. 380.06(6), (24), and (29), F.S., to update cross-references.

Effective Date

Section 87 provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None