

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1113 Department of State  
**SPONSOR(S):** Detert  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1652 (S)

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| REFERENCE   | ACTION | ANALYST         | STAFF DIRECTOR   |
|---|--------|-----------------|------------------|
| 1) <u>Commerce</u>                                    | _____  | <u>McDonald</u> | <u>Billmeier</u> |
| 2) <u>State Administration</u>                        | _____  | _____           | _____            |
| 3) <u>Transportation &amp; Econ. Dev. Apps. (Sub)</u> | _____  | _____           | _____            |
| 4) <u>Appropriations</u>                              | _____  | _____           | _____            |
| 5) _____  | _____  | _____           | _____            |

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### SUMMARY ANALYSIS

The bill amends s. 20.04, F.S., to permit the Department of State (department) to have an internal structure different from that required for other state agencies. The principal policy and program development unit of the department is to be the "office" which is to be headed by a director or other senior management position as determined by the Secretary. It also amends s. 20.10, F.S., to specifically provide for the Secretary to appoint an Assistant Secretary and deputy secretaries to serve at the pleasure of the Secretary. The Secretary is given broad delegation authority relating to responsibilities of deputies or directors as they relate to the management, policy formulation, and functioning of department programs. The two deputy directors authorized are the Deputy Secretary for Cultural and Historical Programs and Deputy Secretary for State Records.

The current six divisions of the department are replaced with the following eight offices: Art and History Programs Office; Historic Preservation Programs Office; Community Grants Services Office; State Recording Office; Elections Office; State Library, Archives, and Records Services Office; Administrative Support Services Office; and Central Computing Support Services Office.

The changes in law relating to the current Division of Corporations (State Recording) and Division of Elections (Elections) are changes in name to reflect the program office structure. Any changes in responsibilities for the State Recording Office that are different from the current statutory responsibilities of the Division of Corporations are not indicated in any statutory language. The State Library, Archive and Records Services Office continues to have responsibility for operation of the library development, archives, information, and records management programs; however, many duties and responsibilities are now those of the department and not specifically given to the office as had been done with the Division of Library and Information Services.

The current laws relating to Cultural Affairs and Historic Preservation have all responsibilities and duties changed from a specific division to the department and from a director to the Secretary of State. There is no indication in law as to what newly created office will have what responsibilities or duties that are now assigned to the department and the Secretary. With the exception of the three offices mentioned in the above paragraph, all are devoid of statutory direction or responsibilities. All is left to the Secretary to decide.

Substantive changes are also made in some sections of the bill. See "Effect of Proposed Changes".

According to the Department of State, the bill has no fiscal impact.

The bill takes effect July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1113.com.doc  
**DATE:** March 25, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

The bill provides for the establishment of two deputy secretaries in addition to an assistant secretary. Although not named in s. 20.10, F.S., the Department of State has had an assistant Secretary of State. The department has not had deputy secretaries. The language of the bill does not limit the number of deputy secretaries that can be established by the secretary in addition to the two that are specifically created by the bill.

#### B. EFFECT OF PROPOSED CHANGES:

##### **BACKGROUND:**

##### **Governmental Structure – Executive Branch**

##### ***A. General Provisions***

Chapter 20, F.S., provides for the organizational structure of the executive branch of government. The chapter reiterates the doctrine of the separation of powers within state government among the legislative, executive, and judicial branches of government.<sup>1</sup> Section 20.02, F.S., states:

...The legislative branch has the broad purpose of determining policies and programs and reviewing program performance. The executive branch has the purpose of executing the programs and policies adopted by the Legislature and of making policy recommendations to the Legislature. The judicial branch has the purpose of determining the constitutional propriety of the policies and programs and of adjudicating any of the policies and programs and of adjudicating any conflicts arising from the interpretation or application of the laws.

A state agency, such as a department, is a creature of statute and, as such, it has only those rights and privileges given to it by the Legislature in statute.<sup>2</sup> A department is created in the executive branch and, therefore, is subject to the administrative control of an executive officer who is appointed by, and serves at the pleasure of, the Governor or a Cabinet officer. Nevertheless, the powers and duties which the department is authorized to execute are delegated by the Legislature:

An agency has only such power as expressly or by necessary implication is granted by legislative enactment. An agency may not increase its own jurisdiction and, as a creature of statute, has no common law jurisdiction or inherent power such as might reside in, for example, a court of general jurisdiction. When acting outside the scope of its delegated authority, an

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<sup>1</sup> Article II, s. 3 of the State Constitution provides: “The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.”

<sup>2</sup> *Seaside Properties, Inc., v. State Road Department*, 190 So.2d 391 (3<sup>rd</sup> DCA 1966).

agency acts illegally and is subject to the jurisdiction of the courts when necessary to prevent encroachment on the rights individuals.<sup>3</sup>

Section 20.02, F.S., requires agencies that compose the executive branch to be consolidated into no more than 25 departments, exclusive of those specifically provided for or authorized in the State Constitution. The agencies in the executive branch should be integrated into one of the departments of the executive branch to achieve maximum efficiency and effectiveness.<sup>4</sup>

Section 20.04, F.S., provides the structure of the executive branch of state government. The department is the principal administrative unit of the executive branch.<sup>5</sup> The principal unit of the department is the division, which may be further subdivided into bureaus.<sup>6</sup> A bureau may be further divided into "sections" and "subsections." Section 20.04, F.S., specifically authorizes departments to combine these various office subdivisions for field operations.

Section 20.04(3), F.S., specifically exempts the Department of Financial Services, the Department of Children and Family Services, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation from the standard organizational structure for executive branch departments that is established in that subsection.

Subsection 20.04(7)(a), F.S., explicitly forbids department heads from reallocating duties and functions specifically assigned by law to a specific unit of a department, unless otherwise authorized by law. Functions or agencies assigned generally to a department without specific designation to a unit of a department may be allocated and reallocated to a unit at the discretion of the agency head.

Further, an agency head is authorized to recommend the establishment of additional divisions, bureaus, sections, and subsections, within the limitations of the organizational structure provided in ch. 20, F.S., to promote efficient and effective operation of a department.

Section 20.04(7), F.S., permits new bureaus, sections, and subsections to be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor or as established by specific statutory enactment. The subsection explicitly limits initiation of new divisions and sub-units for the Department of Children and Family Services, the Department of Corrections, and the Department of Transportation except by specific statutory enactment.

### ***B. Reorganization – General Provision***

Section 20.02(3), F.S., contemplates the regular review of agency organizational structures to maintain agency efficiency:

Structural reorganization must be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and coordination of existing programs in response to public needs.

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<sup>3</sup> Lee v. Division of Florida Land Sales and Condominiums, 474 So.2d 282 (5<sup>th</sup> DCA 1985).

<sup>4</sup> Article IV, s. 6 of the State Constitution states: All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by serving at the pleasure of the governor, except: (a) when provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office; (b) boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

<sup>5</sup> Section 20.04(1), F.S.

<sup>6</sup> Section 20.04(3), F.S.

Management and coordination of state services is to be improved and overlapping activities eliminated.<sup>7</sup> Further, s. 20.02(4), F.S., requires departments to be organized along functional or program lines.

### **Structure and Responsibilities of Department of State:**

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. In FY 2003-04, DOS had 491 positions and a budget of \$108.8 million.

The Department of State is charged with the responsibility for:

- Serving as the official custodian of records;
- Administering and enforcing the state election laws;
- Filing acts and papers of the Legislature and county ordinances;
- Filing all rules and regulations contained in the Florida Administrative Code and publishing and distributing proposed rules and regulations in the Florida Administrative Weekly for state agencies;
- Issuing commissions to all elected and appointed officials;
- Maintaining financial disclosures for all constitutional and state officers and specified employees;
- Qualifying all federal and state candidates;
- Serving as the ministerial filing agency that serves as the statewide repository for business entity filings and uniform business reports/annual reports, the statewide central filing office for judgment lien filings, and the statewide central registration office for fictitious names, trademarks and service marks;
- Preserving and promoting the state's cultural heritage and programs through cultural grant programs and promotional programs and implementing programs to gain international recognition on behalf of Florida artists and arts programs;
- Protecting, preserving, and promoting Florida's historical resources through encouraging identification, evaluation, protection, preservation, collection, conservation and interpretation of and public access to information about Florida's historic sites, properties and objects related to Florida history and to archaeological and folk cultural heritage;
- Administering the statewide historic preservation plan and administering historic properties of the state, either directly or through management of contracts;
- Providing library, records management, and archival services at the state and local level; and,
- Enhancing and coordinating foreign affairs and diplomacy fostering global relationships for Florida.

Division of Corporations is a ministerial filing agency that serves as the statewide central repository for business entity filings and uniform business reports/annual reports, the statewide central filing office for judgment lien filings, and the statewide central registration office for fictitious names, trademarks and service marks. The division has two bureaus: Commercial Recording and Commercial Information Services. The division has 157 FTE and division funding of almost \$12 million in FY 2003-04.

Division of Cultural Affairs is made up of the Office of the Director and Bureau of Grants Services. The division awards, administers, monitors, and evaluates cultural grant programs of the Department of State, as well as plans and implements programs designed to gain national and international recognition on behalf of Florida artists and arts organizations. The division also disseminates arts-related information and fosters the development of a receptive climate for the arts in Florida. There are 19 FTEs in the division. Funding for FY 2003-04 was almost \$7.1 million.

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<sup>7</sup> Section 20.02(6), F.S.

Division of Elections is diverse and oversees many different functions. The division is comprised of the Director's office and three bureaus: Election Records; Voting System Certification; and Administrative Code and Weekly. There are 45 FTE and division funding in FY 2003-04 was \$10.9 million.

The Division of Elections administers and enforces the state election laws; files acts and papers of the Legislature and county ordinances; files all rules and regulations contained in the Florida Administrative Code; publishes and distributes proposed rules and regulations in the Florida Administrative Weekly for state agencies; issues formal advisory opinions; oversees the Florida Voter Registration Act; issues commissions to all elected and appointed officials; maintains financial disclosures for all constitutional and state officers and specified employees; and qualifies all federal and state candidates.

Division of Historical Resources is charged with encouraging identification, evaluation, protection, preservation, collection, conservation and interpretation of and public access to information about Florida's historic sites, properties and objects related to Florida history and to archaeological and folk cultural heritage. The responsibilities related to historic preservation are not only governed by state law but also by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).<sup>8</sup> The division is comprised of the Director's office and three bureaus: Archaeological Research, Historical Museums, and Historic Preservation. The division has 94 FTE and division funding in FY 2003-04 was \$17.9 million.

The division administers public information programs, the statewide historic preservation plan, the operation of historic sites and properties, and state and federal grants for historic preservation. Its duties also include the maintenance and operation of Florida's state historic museums, promotion and administration of the Florida Folklife Program, and administration of various archaeological research and preservation programs, including a historic marker program. Apart from the R.A. Gray Building where the Florida Museum of History and the division offices are housed, 63 other properties are assigned (leased) to the division to manage on behalf of the state. Only five of those are directly managed by the division, two more are not maintained by the division but the division has responsibility for maintaining exhibits, and the remainder are subleased to other entities.

Division of Library and Information Services provides library, records management, and archival services at the state and local level. Structurally, the division administers these services through three bureaus: Archives and Records Management, Library and Network Services, and Library Development. The division provides direct library services to state government, management services, technical assistance, education, financial aid, and cooperative services. Working in partnership with archivists, librarians, records managers, government officials, and citizens, the division seeks to ensure access to materials and information of past, present and future value to enable state government and local libraries and agencies to provide effective information services for the benefit of the people of Florida. The division has 106 FTE with an appropriation of approximately \$37.8 million with approximately 80% of the funds being used for grants.

### **Creating Opportunities for Quality Communities Workshops**

Six regional workshops were held in August and September 2003 by the Department of State and the Department of Community Affairs to discuss the merger of the two departments and the effectiveness of the structure of the Department of State. These meetings were held, in part, in response to legislative proviso in the 2003 Appropriations Act that directed the Department of State to evaluate its programs, functions, and activities. A report was required to be prepared and submitted to the Governor and the Legislature containing current and proposed organizational overviews of the Department of State and recommending statutory and budgetary changes for achieving efficiencies in management and operation, improving service delivery to the public and ensuring compliance with federal and state laws.

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<sup>8</sup> The federal law requires the state to have a State Historic Preservation Officer and a comprehensive statewide historic preservation plan that is approved by the Secretary of the Interior.

An internal evaluation of the Department of State's executive management team put forward a baseline plan on an internal reorganization based on statutory functions: Custodian of State Records and Chief Cultural Officer.

At the November 18, 2003, Commerce Committee meeting the two deputy secretaries of the Department of State presented the proposed structure for change within the Department of State. Their positions were already created by the Secretary of State; however, the structure below them needed legislative authorization and statutory change to implement.

### **EFFECT OF PROPOSED CHANGES:**

The bill amends s. 20.04, F.S., to permit the Department of State (department) to have an internal structure different from that required for other state agencies. The principal policy and program development unit of the department is to be the "office" which is to be headed by a director or other senior management position as determined by the Secretary.

The bill amends s. 20.10, F.S., to specifically provide for the Secretary to appoint an Assistant Secretary and deputy secretaries to serve at the pleasure of the Secretary. The Secretary is given broad delegation authority relating to responsibilities of deputies or directors as they relate to the management, policy formulation, and functioning of department programs.

The two deputy directors specifically authorized by the bill are the:

- Deputy Secretary for Cultural and Historical Programs who is responsible for programs assigned to the Cultural, Historical, and Grants Services "entity" which meet the Secretary's responsibilities as the chief cultural officer, and
- Deputy Secretary for State Records who is responsible for those programs assigned to the State Library, Elections, and Records Custodian Services "entity" which meet the Secretary's responsibilities as state records custodian.

The current six divisions of the department are replaced with the following eight offices: Art and History Programs Office; Historic Preservation Programs Office; Community Grants Services Office; State Recording Office; Elections Office; State Library, Archives, and Records Services Office; Administrative Support Services Office; and Central Computing Support Services Office.

The changes in law relating to the current Division of Corporations (State Recording) and Division of Elections (Elections) are changes in name to reflect the program office structure. Any changes in responsibilities for the State Recording Office that are different from the current statutory responsibilities of the Division of Corporations are not indicated in any statutory language.

The current laws relating to Cultural Affairs and Historic Preservation have all responsibilities and duties changed from any specific office to the department and from a director to the Secretary of State. There is no indication in law as to what newly created office will have what responsibilities or duties that are now assigned to the department and the Secretary. The newly created Community Grants Services, Art and History Programs, Historic Preservation, and Central Computing Support Services offices are devoid of statutory direction or responsibilities with two exceptions. The only responsibility specifically assigned to the Historic Preservation Programs Office is to staff the Florida Historical Commission. The only responsibility specifically mentioned for the Art and History Programs Office is All else as it relates to these offices and their duties and responsibilities is left to the Secretary to decide without any legislative direction.

The State Library, Archive and Records Services Office continues to have responsibility for operation of the library development, archives, information, and records management programs; however, many

duties and responsibilities are now those of the department and not specifically given to the office as had been done with the Division of Library and Information Services. Responsibility for all library grants are removed from the office and given to the department with no indication of who is to have responsibility the grants. However, the State Librarian, in coordination with established advisory bodies of the department, is to recommend approval of library grants to the Secretary. In Chapters of law other than Chapter 257, F.S., the responsibilities of the current Division of Library and Information Services is left intact with only a change of name to the Office being made.

Statutory revisions not related to the structural changes are proposed in the bill. Examples of those changes are as follows:

- Change in the criteria for and use of funds by recipients of Historical Museum Grants;
- Requirement for a post audit for cultural endowment grants and for a recordation of a restrictive covenant for cultural facility and regional cultural facility grantees. Requirement of bonds and requirement for repayment of grant awards under certain circumstances;
- Change in the size, composition, and selection process of the State Library Council;
- Change in the responsibilities of the State Librarian;
- Change in the name of the State Library to encompass the State Archives;
- Designation of the library entity for federal purposes;
- Removal of obsolete language in the areas of Folklife, Great Floridians, library grants, and cultural programs; and,
- Revision in the Florida Historical Commission to permit members to stay in office until a replacement is appointed.

See the section by section analysis below to identify other areas of change.

The bill becomes law on July 1, 2004.

#### C. SECTION DIRECTORY:

##### **Chapter 20 Department of State Structural Revisions**

###### ***General Provisions:***

Section 1. Amends s. 20.04, F.S., relating to the structure of executive branch; adding Department of State to agencies not required to adhere to state agency structure; providing principal policy and program development unit; specifying positions to be appointed to head such unit.

Section 2. Amends s. 20.10, F.S., relating to Department of State; changing departmental structure.

Section 11. Amends s. 20.23, F.S., relating to Department of Transportation; correcting cross reference due to added language on Department of State restructuring.

###### ***Division of Corporations:***

Sections 4, 5, 61, 67 – 69, 149, 150, 154 - 159. Amend various provisions of law changing reference relating to Division of Corporations to conform with structural change.

###### ***Division of Cultural Affairs:***

Section 105. Amends s. 265.283, F.S., relating to definitions to remove definitions of division and division director.

Sections 107, 108, 110, 112, 113, 116, 117, 152. Amend various provisions in Chapter 265, F.S., to conform to structural changes.

###### ***Division of Elections:***

Sections 14, 18, 21 – 26, 28 – 56, 63. Amend various provisions of law, changing “Division of Elections” to “Office of Elections” or “division” to “office” to conform to organizational change.

***Division of Historical Resources:***

Sections 64 - 66, 70 – 72, 100 – 104, 118, 120, 124 – 137, 139 – 141, 143 – 147, 153, 160 – 162, 166. Amend various provisions of law changing reference to the “Division of Historical Resources” to the “Department of State”, “division” to “department”, and “director” to “Secretary of State.”

***Division of Library and Information Services:***

Sections 9, 10, 12, 13, 15 – 17, 19, 20, 27, 57-60, 142, 148, 151, 163 - 165. Amend various provisions of law, changing reference to Division of Library and Information Services to conform with change in departmental structure.

**Revisions Not Related to Structural Changes**

***General:***

Section 6. Amends s. 15.16, F.S., relating to reproduction of records, admissibility in evidence electronic receipt and transmission of records, certification, and acknowledgment; deleting reference to specific chapters for which the department may ask for electronic filing of records.

Section 7. Amends s. 15.18, F.S., deleting reference to specific divisions of department that promote cultural, artistic, and indirect economic significance that emphasize American creativity; making generic to all “offices.”; conforming to structural change from “division” to “office”.

Section 167. Provides for repeals.

Section 168. Provides and effective date of July 1, 2004.

***Division of Cultural Affairs:***

Section 106. Amends s. 265.284, F.S., relating to chief cultural officer, director of division, posers and duties; deleting reference to division director; deleting reference to division and replacing with department; increasing powers to include requiring a post audit for cultural endowment grants and requiring a recordation of a restrictive covenant for cultural facility and regional cultural facility grantees; requiring bonds; providing for repayment of grant awards under certain circumstances.

Section 109. Amends s. 265.2861, F.S., relating to cultural institutions programs; trust fund; providing for funding of programs from sources other than the Cultural Institutions Trust Fund; making conforming changes to structural language.

Section 111. Amends s. 265.2865, F.S., relating to Florida Artists Hall of Fame; deleting obsolete language; making conforming changes to structural language.

Section 114. Amends s. 265.608, F.S., relating to Science Museums, grants; making technical changes; making conforming changes to structural language.

Section 115. Amends s. 265.609, F.S., relating to Youth and Children’s Museum, grants; making technical changes; making conforming changes to structural language.

***Division of Elections:***

Section 8. Amends s. 15.21, F.S., relating to initiative petitions; changing Division of Elections to Department of State for purposes of obtaining specified letter. Only time change is made to department.

***Division of Historical Resources:***



Section 119. Amends s. 267.031, F.S., relating to Division of Historical Resources, powers and duties; changing reference to the "Division of Historical Resources" to the "Department of State" and "division" to "department"; deleting required locations for historic preservation regional offices; deleting "historic preservation" from name of regional offices; provides for establishment of offices in locations determined by Secretary and subject to the availability of funds; removes requirement for such offices.

Section 121. Amends s. 267.0612, F.S., relating to the Florida Historical Commission; changing reference to the "Division of Historical Resources" to the "Department of State" and "division" to "department"; making technical changes; providing for continuation of member in office until a replacement is appointed; changing reference to "director of the division" to "State Historic Preservation Officer".

Section 122. Amends s. 267.0617, F.S., relating to historic preservation grant program; changing reference to the "Division of Historical Resources" to the "Department of State" and "division" to "department"; making technical changes.

Section 123. Amends s. 267.0619, F.S., relating to historical museum grants; limiting the use of grants by museums; deleting funding for a museum that has a mission that does not relate primarily and directly to the history of Florida; changing staffing criteria for museums; providing for alternate to sit as chair of grant review panels; making technical changes; ; changing reference to the "Division of Historical Resources" to the "Department of State" and "division" to "department".

Section 127. Amends s. 267.0731, F.S., relating to Great Floridian Program; deleting obsolete language; reducing the persons making decisions on Great Floridian nominations; amending criteria for funding; changing reference to the "Division of Historical Resources" to the "Department of State" and "division" to "department".

Section 138. Amends s. 267.16, F.S., relating to Florida Folklife Programs; deleting obsolete language; changing reference to the "Division of Historical Resources" to the "Department of State" and "division" to "department".

### ***Division of Library and Information Services:***

Section 3. Creates s. 257.015, F.S., providing definitions for ch. 257, F.S., pertaining to libraries and information services.

Sections 62, 76, 77, 92, 94, 95. Amends various provisions of law; changes reference to "State Library" to the "State Library and Archives of Florida"; changes reference to "division" to "department".

Section 73. Amends s. 257.01, F.S., relating to the State Library; changing name to the "State Library and Archives of Florida"; changing name of division to reflect organizational changes.

Section 74. Amends s. 257.02, F.S., relating to State Library Council; changing name of division to reflect organizational changes; changing number and composition of Council; changing who can call meetings; specifies different groups for Secretary to consult with regarding membership; provides for officers.

Section 75. Amends s. 257.031, F.S., relating to organization of council, appointment and duties of State Librarian; deletes provisions relating to council; State Librarian to be "head of office" not "director of division"; provides duties of State Librarian.

Section 78. Amends s. 257.12, F.S., relating to Division of Library and Information Services, authorized to accept and expend federal funds; changes division to department; designates the office as the state library administrative agency.

Sections 79 - 91, 97, 99. Amend various sections of law to change Division of Library and Information Services to department (grants).

Section 93. Amends s. 257.34, relating to Florida International Archive and Repository; changes name of Division of Library and Information Services to conform to change; changes all references to "division" to "department".

Section 96. Amends s. 257.37, F.S., relating to legislative intent; changing Division of Library and Information Services to department; making technical changes.

Section 98. Amends s. 257.41, F.S., relating to library cooperatives; changing Division of Library and Information Services to department; deleting requirement for issuance of a certificate.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See "Fiscal Comments"

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

The Department of State has stated that there is no fiscal impact caused by the bill. There is no indication as to what, if any costs, would be incurred by the changes in the names of offices regarding letterhead or other expenses.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require municipalities or counties to expend funds, does not reduce their authority to raise revenue, and does not reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

N/A

### C. DRAFTING ISSUES OR OTHER COMMENTS:

The legislation is inconsistent in provisions relating to responsibility for rulemaking and for whether the department or an office is responsible for certain functions.

Substantive changes are made in the legislation that are not related to the structural changes proposed; however, the title of the legislation reflects that changes are made to conform to such structural changes.

The legislation is not consistent in the degree of statutory authority and direction given to the various offices. Some have the same authority as prior to restructuring, i.e., Elections, while others are completely devoid of any structure other than a name.

The term "entity" is not defined in the areas of responsibility of the two deputy secretaries and is, therefore, unclear in its scope.

Compliance with federal law relating historic preservation needs to be reviewed carefully to make certain that changes being proposed are in conformity and do not put Florida in jeopardy of noncompliance.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

N/A