

1 A bill to be entitled

2 An act relating to the Florida Government Accountability
3 Act; amending s. 11.902, F.S.; changing references of
4 committee to commission and renaming the "Legislative
5 Sunset Advisory Committee" as the "Legislative Sunset
6 Commission"; amending s. 11.903, F.S.; conforming
7 terminology; requiring the appointment of one or more
8 joint committees as a Legislative Sunset Commission;
9 providing for membership of such a commission; providing
10 for alternating appointments; providing for terms;
11 amending s. 11.904, F.S.; providing the role of the Office
12 of Program Policy Analysis and Government Accountability
13 as it relates to the commission; providing that the
14 Auditor General shall, upon request, assist the
15 commission; conforming terminology; amending s. 11.905,
16 F.S.; revising the schedule for reviewing state agencies
17 and advisory committees; providing that the legislative
18 presiding officers may change the review schedule;
19 providing for notice in case of a change of the review
20 schedule; amending s. 11.9055, F.S.; conforming
21 terminology; providing conditions for an agency subject to
22 review to be abolished; providing for reassignment of
23 outstanding responsibilities of abolished agency;
24 providing for continuation of sunset review under certain
25 circumstances; amending s. 11.906, F.S.; conforming
26 terminology; revising the timeframe for agency report
27 submission to the commission; revising information to be
28 provided in the report; providing for waiver of
29 requirements by the commission; amending s. 11.907, F.S.;

30 directing the Office of Program Policy Analysis and
 31 Government Accountability to conduct reviews of state
 32 agencies and their advisory committees; delineating
 33 requirements of the reviews; providing for commission to
 34 set timeframe for submission of the reports; conforming
 35 terminology; amending s. 11.908, F.S.; conforming
 36 terminology; revising the date for certain commission
 37 duties; requiring the commission report to include
 38 proposed legislation deemed necessary by the commission;
 39 amending s. 11.910, F.S.; revising criteria requirements
 40 for review by the commission; conforming terminology;
 41 amending s. 11.911, F.S.; conforming terminology;
 42 requiring the commission's report on an agency to propose
 43 legislation necessary to carry out its recommendations;
 44 amending s. 11.918, F.S.; conforming terminology;
 45 providing that the commission may exercise the powers
 46 vested in a standing committee of the Legislature;
 47 requiring a state agency or officer to assist the
 48 commission when requested; repealing s. 11.919, F.S.,
 49 relating to assistance of and access to state agencies;
 50 providing an effective date.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. Subsection (3) of section 11.902, Florida
 55 Statutes, is amended to read:
 56 11.902 Definitions.--As used in ss. 11.901-11.920, the
 57 term:

58 (3) "Commission" ~~"Committee"~~ means any Legislative Sunset
59 Commission Advisory Committee appointed pursuant to s. 11.903.

60 Section 2. Section 11.903, Florida Statutes, is amended to
61 read:

62 11.903 Legislative Sunset Commissions ~~Advisory~~
63 ~~Committees~~.--

64 (1) The Senate and House of Representatives may, pursuant
65 to the rules of each house, appoint one or more standing or
66 select committees as a Legislative Sunset Commission Advisory
67 ~~Committee~~ to advise the Legislature regarding the agency sunsets
68 required by ss. 11.901-11.920.

69 (2) The Senate and House of Representatives shall ~~may~~,
70 pursuant to the joint rules of both houses, appoint one or more
71 joint committees as a Legislative Sunset Commission Advisory
72 ~~Committee~~ to advise the Legislature regarding the agency sunsets
73 required by ss. 11.901-11.920.

74 (a) A Legislative Sunset Commission established under this
75 subsection shall be a joint committee composed of at least 10
76 members: five members of the Senate appointed by the President of
77 the Senate and five members of the House of Representatives
78 appointed by the Speaker of the House of Representatives. At
79 least three of each presiding officer's appointments shall serve
80 on committees or councils with jurisdiction of the agencies
81 undergoing review. The President of the Senate and the Speaker of
82 the House of Representatives may appoint additional members from
83 their respective chambers as needed, as long as each house has
84 equal representation.

85 (b) The chair and vice chair of a commission established
86 under this subsection shall be appointed for 1 calendar year term

87 each, with appointment authority alternating in 2-year increments
 88 between the President of the Senate and the Speaker of the House
 89 of Representatives. For calendar year 2007, the chair of a
 90 commission shall be appointed by the Speaker of the House of
 91 Representatives and the vice chair shall be appointed by the
 92 President of the Senate. For calendar years 2008 and 2009, the
 93 chairs shall be appointed each year by the President of the
 94 Senate and the vice chairs shall be appointed each year by the
 95 Speaker of the House of Representatives. Appointment authority of
 96 the chair and vice chair shall alternate between each house at
 97 the beginning of every even-numbered calendar year.

98 (3) Members shall serve at the pleasure of their appointing
 99 presiding officer for a term ~~terms~~ of 2 years each or until the
 100 next general election.

101 ~~(4) Initial appointments shall be made not later than~~
 102 ~~November 30, 2006, and subsequent appointments shall be made not~~
 103 ~~later than January 15 of the year following each organization~~
 104 ~~session of the Legislature.~~

105 (4) ~~(5)~~ If a legislative member ceases to be a member of the
 106 house from which he or she was appointed, the member vacates his
 107 or her membership on the commission ~~committee~~.

108 Section 3. Section 11.904, Florida Statutes, is amended to
 109 read:

110 11.904 Staff.--The Senate and the House of Representatives
 111 may each employ staff to work for the chair and vice chair of the
 112 commission ~~committee~~ on matters related to commission ~~committee~~
 113 activities. The ~~Auditor General and the~~ Office of Program Policy
 114 Analysis and Government Accountability shall provide primary
 115 research services as directed by the commission and assist the

116 commission ~~committee~~ in conducting its review under s. 11.910.
 117 Upon request, the Auditor General shall assist the commission.

118 Section 4. Section 11.905, Florida Statutes, is amended to
 119 read:

120 11.905 Schedule for reviewing state agencies and advisory
 121 committees.--The following state agencies, including their
 122 advisory committees, or the following advisory committees of
 123 agencies shall be reviewed according to the following schedule:

124 (1) Reviewed July 1, 2008:

125 (a) Statutorily created responsibilities of the Fish and
 126 Wildlife Conservation Commission.

127 (b) Department of Agriculture and Consumer Services.

128 (c) Department of Citrus, including the Citrus Commission.

129 (d) Department of Environmental Protection.

130 (e) Department of Highway Safety and Motor Vehicles.

131 (f) Water management districts.

132 (2) Reviewed July 1, 2010:

133 (a) Department of Children and Family Services.

134 (b) Agency for Persons with Disabilities.

135 (c) Department of Elderly Affairs.

136 (d) Agency for Health Care Administration.

137 (e) Department of Health.

138 (f) Department of Veterans' Affairs.

139 (3) Reviewed July 1, 2012:

140 (a) Department of Business and Professional Regulation.

141 (b) Department of Management Services.

142 (c) Department of State.

143 (d) Department of Community Affairs.

144 (e) Executive Office of the Governor.

- 145 | (f) Florida Public Service Commission.
- 146 | (g) Advisory committees for the State Board of
- 147 | Administration.
- 148 | (h) Department of Financial Services, including the
- 149 | Financial Services Commission.
- 150 | (i) Department of Revenue.
- 151 | (4) Reviewed July 1, 2014:
- 152 | (a) Department of Corrections.
- 153 | (b) Department of Juvenile Justice.
- 154 | (c) Department of Law Enforcement.
- 155 | (d) Department of Legal Affairs.
- 156 | (e) Department of Military Affairs.
- 157 | (f) Department of Transportation.
- 158 | (g) Justice Administrative Commission.
- 159 | (h) Parole Commission.
- 160 | (5) Reviewed July 1, 2016:
- 161 | (a) Advisory committees for the Florida Community College
- 162 | System.
- 163 | (b) Advisory committees for the State University System.
- 164 | (c) Agency for Workforce Innovation.
- 165 | (d) Department of Education.
- 166 | (e) Department of the Lottery.
- 167 | (6) Reviewed July 1, 2018:
- 168 | (a) Statutorily created responsibilities of the Fish and
- 169 | Wildlife Conservation Commission.
- 170 | (b) Department of Agriculture and Consumer Services.
- 171 | (c) Department of Citrus, including the Citrus Commission.
- 172 | (d) Department of Environmental Protection.
- 173 | (e) Department of Highway Safety and Motor Vehicles.

- 174 (f) Water management districts.
- 175 (g) Department of Community Affairs.
- 176 (7) Upon completion of this cycle, agencies shall again be
- 177 subject to sunset review 10 years after their initial review
- 178 unless the review schedule is changed by the President of the
- 179 Senate and the Speaker of the House of Representatives. Any
- 180 agency or advisory committee affected by a change in the review
- 181 schedule shall be provided a 6-month notice of such change in
- 182 order to provide sufficient time for information to be submitted.
- 183 ~~(2) Reviewed July 1, 2009:~~
- 184 ~~(a) Department of Children and Family Services.~~
- 185 ~~(b) Department of Community Affairs.~~
- 186 ~~(c) Department of Management Services.~~
- 187 ~~(d) Department of State.~~
- 188 ~~(3) Reviewed July 1, 2010:~~
- 189 ~~(a) Advisory committees for the Florida Community College~~
- 190 ~~System.~~
- 191 ~~(b) Advisory committees for the State University System.~~
- 192 ~~(c) Agency for Workforce Innovation.~~
- 193 ~~(d) Department of Education.~~
- 194 ~~(e) Department of the Lottery.~~
- 195 ~~(4) Reviewed July 1, 2011:~~
- 196 ~~(a) Agency for Health Care Administration.~~
- 197 ~~(b) Agency for Persons with Disabilities.~~
- 198 ~~(c) Department of Elderly Affairs.~~
- 199 ~~(d) Department of Health.~~
- 200 ~~(5) Reviewed July 1, 2012:~~
- 201 ~~(a) Department of Business and Professional Regulation.~~
- 202 ~~(b) Department of Transportation.~~

203 ~~(c) Department of Veterans' Affairs.~~
 204 ~~(6) Reviewed July 1, 2013:~~
 205 ~~(a) Advisory committees for the State Board of~~
 206 ~~Administration.~~
 207 ~~(b) Department of Financial Services, including the~~
 208 ~~Financial Services Commission.~~
 209 ~~(c) Department of Revenue.~~
 210 ~~(7) Reviewed July 1, 2014:~~
 211 ~~(a) Department of Corrections.~~
 212 ~~(b) Department of Juvenile Justice.~~
 213 ~~(c) Department of Law Enforcement.~~
 214 ~~(d) Department of Legal Affairs.~~
 215 ~~(e) Justice Administrative Commission.~~
 216 ~~(f) Parole Commission.~~
 217 ~~(8) Reviewed July 1, 2015:~~
 218 ~~(a) Executive Office of the Governor.~~
 219 ~~(b) Florida Public Service Commission.~~
 220 Section 5. Section 11.9055, Florida Statutes, is amended to
 221 read:
 222 11.9055 Abolition of state agencies and advisory
 223 committees.--
 224 (1) (a) An agency subject to review by the Legislative
 225 Sunset Commission Committee on Sunset Review shall be abolished
 226 on June 30 following the date of review specified in s. 11.905,
 227 unless, prior to such June 30, a law is enacted which continues
 228 the agency; however, the agency may not be abolished unless a law
 229 is enacted under which a substantial portion of the
 230 responsibilities of the abolished agency are reassigned or
 231 abolished and ~~the Legislature continues the agency or advisory~~

PCB PBC 07-04

Redraft - A

2007

232 ~~committee; however, an agency may not be abolished unless the~~
233 ~~Legislature finds, pursuant to law, that all state laws the~~
234 ~~agency had responsibility to implement or enforce have been~~
235 ~~repealed, revised, or reassigned to another remaining agency and~~
236 ~~that~~ adequate provision has been made for the transfer to a
237 successor agency of all duties and obligations relating to bonds,
238 loans, promissory notes, lease-purchase ~~lease-purchase~~
239 agreements, installment sales contracts, certificates of
240 participation, master equipment financing agreements, or any
241 other form of indebtedness such that security therefor and the
242 rights of bondholders or holders of other indebtedness are not
243 impaired.

244 (b) All outstanding responsibilities of an abolished agency
245 to implement or enforce state laws shall be reassigned by the
246 Governor by executive order within a reasonable time unless and
247 until such responsibilities are reassigned by general law. These
248 responsibilities include, but are not limited to, all duties and
249 obligations relating to bonds, loans, promissory notes, lease-
250 purchase agreements, installment sales contracts, certificates of
251 participation, master equipment financing agreements, or any
252 other form of indebtedness such that security therefor and the
253 rights of bondholders or holders of other indebtedness are not
254 impaired, unless and until such provision shall be made by
255 general law.

256 (2) If the Legislature does not take action before the date
257 of review to continue the agency or advisory committee, the
258 agency shall submit its legislative budget request consistent
259 with recommendations of the appropriate Legislative Sunset
260 Commission ~~Committee on Sunset Review~~ or any law or executive

PCB PBC 07-04

Redraft - A

2007

261 order transferring the agency's functions to other entities. Such
262 agency shall continue to be subject to sunset review by the
263 commission until the Legislature enacts legislation relating to
264 its continuation, modification, or termination.

265 Section 6. Section 11.906, Florida Statutes, is amended to
266 read:

267 11.906 Agency report to commission ~~committee~~.--Not later
268 than July 1st 2 years ~~January 1 of the year~~ preceding the year in
269 which a state agency and its advisory committees are scheduled to
270 be reviewed, the agency shall provide the commission ~~committee~~
271 with a report that includes:

272 (1) The performance measures for each program and activity
273 as provided in s. 216.011 and 3 years of data for each measure
274 that provides actual results for the immediately preceding 2
275 years and projected results for the upcoming ~~current~~ fiscal year.

276 (2) An explanation of factors that have contributed to any
277 failure to achieve the legislative standards.

278 (3) The promptness and effectiveness with which the agency
279 disposes of complaints concerning persons affected by the agency.

280 (4) The extent to which the agency has encouraged
281 participation by the public in making its rules and decisions as
282 opposed to participation solely by those it regulates and the
283 extent to which public participation has resulted in rules
284 compatible with the objectives of the agency.

285 ~~(5) The extent to which the agency has complied with~~
286 ~~applicable requirements of state law and applicable rules~~
287 ~~regarding purchasing goals and programs for historically~~
288 ~~underutilized businesses.~~

289 (5)~~(6)~~ A statement of any statutory objectives intended for
 290 each program and activity, the problem or need that the program
 291 and activity were intended to address, and the extent to which
 292 these objectives have been achieved.

293 (6)~~(7)~~ An assessment of the extent to which the
 294 jurisdiction of the agency and its programs overlap or duplicate
 295 those of other agencies and the extent to which the programs can
 296 be consolidated with those of other agencies.

297 (7)~~(8)~~ An assessment of less restrictive or alternative
 298 methods of providing services for which the agency is responsible
 299 which would reduce costs or improve performance while adequately
 300 protecting the public.

301 (8)~~(9)~~ An assessment of the extent to which the agency has
 302 corrected deficiencies and implemented recommendations contained
 303 in reports of the Auditor General, the Office of Program Policy
 304 Analysis and Government Accountability, legislative interim
 305 studies, and federal audit entities.

306 ~~(10) The extent to which the agency enforces laws relating~~
 307 ~~to potential conflicts of interest of its employees.~~

308 ~~(11) The extent to which the agency complies with public~~
 309 ~~records and public meetings requirements under chapters 119 and~~
 310 ~~286 and s. 24, Art. I of the State Constitution.~~

311 (9)~~(12)~~ The extent to which alternative program delivery
 312 options, such as privatization or outsourcing ~~insourcing~~, have
 313 been considered to reduce costs or improve services to state
 314 residents.

315 (10)~~(13)~~ Recommendations to the commission ~~committee~~ for
 316 statutory or budgetary changes that would improve program
 317 operations, reduce costs, or reduce duplication.

318 ~~(11)-(14)~~ The effect of federal intervention or loss of
 319 federal funds if the agency, program, or activity is abolished.

320 ~~(12)-(15)~~ A list of all advisory committees, including those
 321 established in statute and those established by managerial
 322 initiative; their purpose, activities, composition, and related
 323 expenses; the extent to which their purposes have been achieved;
 324 and the rationale for continuing or eliminating each advisory
 325 committee.

326 ~~(13)-(16)~~ Agency programs or functions that are performed
 327 without specific statutory authority.

328 ~~(14)-(17)~~ Other information requested by the commission
 329 ~~committee~~.

330
 331 Information and data reported by the agency shall be validated by
 332 its agency head and inspector general before submission to the
 333 commission. The commission may waive any of the requirements of
 334 this section with respect to an agency under review ~~committee~~.

335 Section 7. Section 11.907, Florida Statutes, is amended to
 336 read:

337 11.907 Legislative review.--Upon receipt of an agency
 338 report pursuant to s. 11.906, the Office of Program Policy
 339 Analysis and Government Accountability shall conduct reviews a
 340 ~~program evaluation and justification review, as defined in s.~~
 341 ~~11.513,~~ of the agency and its advisory committees that examine
 342 the cost of each agency; evaluate alternate courses of action
 343 that would result in the administration of the agency in a more
 344 efficient or effective manner, such as privatization or a
 345 different state agency performing the functions; and evaluate the
 346 consequences of discontinuing the agency. The reviews ~~review~~

347 shall be comprehensive in their ~~its~~ scope and consider the
 348 information provided by the agency report in addition to
 349 information deemed necessary by the office and the Legislative
 350 Sunset Commission ~~Advisory Committee~~. The Office of Program
 351 Policy Analysis and Government Accountability shall submit its
 352 reports ~~report~~ to the commission ~~committee~~ and to the President
 353 of the Senate and the Speaker of the House of Representatives in
 354 a timeframe prescribed by the commission ~~by October 31 of the~~
 355 ~~year in which the agency submits its report~~. The Office of
 356 Program Policy Analysis and Government Accountability shall
 357 include in its reports ~~report~~ recommendations for consideration
 358 by the commission ~~committee~~.

359 Section 8. Section 11.908, Florida Statutes, is amended to
 360 read:

361 11.908 Commission ~~Committee~~ duties.--No later than January
 362 31 ~~March 1~~ of the year in which a state agency or its advisory
 363 committees are scheduled to be reviewed, the commission ~~committee~~
 364 shall:

365 (1) Review the information submitted by the agency and the
 366 report of the Office of Program Policy Analysis and Government
 367 Accountability.

368 (2) Consult with the Legislative Budget Commission,
 369 relevant substantive and appropriations committees of the Senate
 370 and the House of Representatives, the Governor's Office of Policy
 371 and Budgeting, the Auditor General, and the Chief Financial
 372 Officer, or their successors, on the application to the agency
 373 and its advisory committees of the criteria provided in s.
 374 11.910.

375 (3) Hold public hearings to consider this information as
 376 well as other information and testimony that the commission
 377 ~~committee~~ deems necessary.

378 (4) Present to the President of the Senate and the Speaker
 379 of the House of Representatives a report on the agencies and
 380 advisory committees scheduled to be reviewed that year by the
 381 commission committee. In the report, the commission committee
 382 shall include its specific findings and recommendations regarding
 383 ~~each of the review criteria under prescribed by s. 11.910, and~~
 384 ~~shall also~~ make recommendations as described in s. 11.911, and
 385 propose legislation as deemed necessary.

386 Section 9. Section 11.910, Florida Statutes, is amended to
 387 read:

388 11.910 Criteria for review.--The commission may committee
 389 ~~shall~~ consider information submitted pursuant to s. 11.906 as
 390 well as any additional criteria it deems relevant the following
 391 ~~eriteria~~ in determining whether a public need exists for the
 392 continuation of a state agency or its advisory committees or for
 393 the performance of the functions of the agency or its advisory
 394 committees. +

395 ~~(1) Agency compliance with the accountability measures, as~~
 396 ~~analyzed by the Auditor General, the Office of Program Policy~~
 397 ~~Analysis and Government Accountability, and the Office of Policy~~
 398 ~~and Budget within the Executive Office of the Governor, pursuant~~
 399 ~~to ss. 216.013 and 216.023(4) and (5).~~

400 ~~(2) The efficiency with which the agency or advisory~~
 401 ~~committee operates.~~

402 ~~(3) The statutory objectives of the agency or advisory~~
 403 ~~committee and the problem or need that the agency or advisory~~

404 ~~committee is intended to address, the extent to which the~~
405 ~~objectives have been achieved, and any activities of the agency~~
406 ~~in addition to those granted by statute and the authority for~~
407 ~~these activities.~~

408 ~~(4) An assessment of less restrictive or alternative~~
409 ~~methods of providing any regulatory function for which the agency~~
410 ~~is responsible while adequately protecting the public.~~

411 ~~(5) The extent to which the advisory committee is needed~~
412 ~~and is used.~~

413 ~~(6) The extent to which the jurisdiction of the agency and~~
414 ~~the programs administered by the agency overlap or duplicate~~
415 ~~those of other agencies and the extent to which the programs~~
416 ~~administered by the agency can be consolidated with the programs~~
417 ~~of other state agencies.~~

418 ~~(7) Whether the agency has recommended to the Legislature~~
419 ~~statutory changes calculated to be of benefit to the public~~
420 ~~rather than to an occupation, business, or institution that the~~
421 ~~agency regulates.~~

422 ~~(8) The promptness and effectiveness with which the agency~~
423 ~~disposes of complaints concerning persons affected by the agency.~~

424 ~~(9) The extent to which the agency has encouraged~~
425 ~~participation by the public in making its rules and decisions as~~
426 ~~opposed to participation solely by those it regulates and the~~
427 ~~extent to which the public participation has resulted in rules~~
428 ~~compatible with the objectives of the agency.~~

429 ~~(10) The extent to which the agency has complied with~~
430 ~~applicable requirements of state law and applicable rules of any~~
431 ~~state agency regarding purchasing goals and programs for~~
432 ~~historically underutilized businesses.~~

433 ~~(11) The extent to which changes are necessary in the~~
 434 ~~enabling statutes of the agency so that the agency can adequately~~
 435 ~~comply with the criteria listed in this section.~~

436 ~~(12) The extent to which the agency adopts and enforces~~
 437 ~~rules relating to potential conflicts of interest of its~~
 438 ~~employees.~~

439 ~~(13) The extent to which the agency complies with public~~
 440 ~~records and public meetings requirements under chapters 119 and~~
 441 ~~287 and s. 24, Art. I of the State Constitution and follows~~
 442 ~~records management practices that enable the agency to respond~~
 443 ~~efficiently to requests for public information.~~

444 ~~(14) The extent to which the agency accurately reports~~
 445 ~~performance measures used to justify state spending on each of~~
 446 ~~its activities, services, and programs.~~

447 ~~(15) The effect of federal intervention or loss of federal~~
 448 ~~funds if the agency is abolished.~~

449 ~~(16) Whether any advisory committee or any other part of~~
 450 ~~the agency exercises its powers and duties independently of the~~
 451 ~~direct supervision of the agency head in violation of s. 6, Art.~~
 452 ~~IV of the State Constitution.~~

453 Section 10. Section 11.911, Florida Statutes, is amended to
 454 read:

455 11.911 Recommendations.--In its report on a state agency,
 456 the commission ~~committee~~ shall:

457 (1) Make recommendations on the abolition, continuation, or
 458 reorganization of each state agency and its advisory committees
 459 and on the need for the performance of the functions of the
 460 agency and its advisory committees.

461 (2) Make recommendations on the consolidation, transfer, or
 462 reorganization of programs within state agencies not under review
 463 when the programs duplicate functions performed in agencies under
 464 review.

465 (3) Propose ~~include drafts of~~ legislation necessary to
 466 carry out the commission's ~~committee's~~ recommendations under
 467 subsection (1) or subsection (2).

468 Section 11. Section 11.918, Florida Statutes, is amended to
 469 read:

470 11.918 Legislative Sunset Commission; powers; assistance of
 471 state agencies ~~Subpoena power.~~--

472 (1) Any Legislative Sunset Commission ~~Advisory Committee~~
 473 may take under investigation any matter within the scope of a
 474 sunset review either completed or then being conducted by the
 475 commission. Any Legislative Sunset Commission committee, and, in
 476 connection with such investigation, may exercise the powers of
 477 ~~subpoena by law~~ vested in a standing committee of the Legislature
 478 pursuant to s. 11.143.

479 (2) The commission may request the assistance of state
 480 agencies and officers. When assistance is requested, a state
 481 agency or officer shall assist the commission.

482 Section 12. Section 11.919, Florida Statutes, is repealed.

483 Section 13. This act shall take effect July 1, 2007.