

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB PBC 08-12 Legislative Sunset Review  
**SPONSOR(S):** Policy & Budget Council  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Policy & Budget Council		Leznoff	Hansen
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

The Florida Government Accountability Act, sections 11.901-11.920, Florida Statutes, establishes a Joint Legislative Sunset Committee and provides a sunset framework for state agencies and advisory committees. The act provides for a detailed review process and a schedule by which agencies and advisory committees are subject to review. This proposed council bill:

- Provides that the Joint Legislative Sunset Committee may conduct its meetings through teleconferences or similar means.
- Permits the Speaker of the House and the President of the Senate to jointly direct the committee to review any political subdivision, including those created by special act.
- Exchanges the review cycle for the health care and education agencies, advancing the year of review of health care agencies to 2012 and education related agencies back to 2014. The bill also adds the Department of Military Affairs to the 2016 review schedule.
- Adds the provision that if the Legislature does not take action to continue the agency, the agency shall provide the Joint Legislative Sunset Committee with a plan for a type II transfer of the agency's responsibilities, by December 31<sup>st</sup> of the year the agency is scheduled for review.
- Provides that the sunset review will be undertaken by the Joint Legislative Sunset Committee and that a Sunset Review Committee appointed by the Senate or the House may conduct a review in addition to the joint committee.
- Allows the Joint Legislative Sunset Committee to propose legislation to carry out its recommendations.

The proposed council bill has no fiscal impact to state or local governments and has an effective date of July 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

The Florida Government Accountability Act, sections 11.901-11.920, Florida Statutes, establishes an agency sunset review process to be used by the Legislature to determine if a public need exists for the continuation of a state agency, its advisory committees, or its programs.

The act provides for the creation of the *Joint Legislative Sunset Committee* to oversee the sunset review process and make recommendations to abolish, continue, or reorganize the agency under review. The act also provides that the Senate and House may appoint *Sunset Review Committees* to conduct independent reviews regarding the scheduled agency sunsets. In addition, the Office of Program Policy Analysis and Government Accountability (OPPAGA) is designated as the primary provider of research services, as directed by the sunset committees.

An agency subject to review by the Legislature is to be abolished on June 30 following the year of the agency review, unless continued by the Legislature. However, a reviewed agency may not be abolished unless all of the services for which the agency had responsibility have been repealed, revised, or reassigned; and adequate provisions have been made for all duties and obligations relating to debt.

The act specifies the following schedule under which agencies are to be reviewed beginning July 1, 2008, and ending July 1, 2022.

Reviewed by July 1, 2008:

- Statutorily created responsibilities of the Fish and Wildlife Conservation Commission.
- Department of Agriculture and Consumer Services.
- Department of Citrus, including the Citrus Commission.
- Department of Environmental Protection.
- Department of Highway Safety and Motor Vehicles.
- Water management districts.

Reviewed by July 1, 2010:

- Department of Children and Family Services.
- Department of Community Affairs.
- Department of Management Services.
- Department of State.

Reviewed by July 1, 2012:

- Advisory committees for the Florida Community College System.
- Advisory committees for the State University System.
- Agency for Workforce Innovation.
- Department of Education.
- Department of the Lottery.

Reviewed by July 1, 2014:

- Agency for Health Care Administration.
- Agency for Persons with Disabilities.
- Department of Elderly Affairs.
- Department of Health.

Reviewed by July 1, 2016:

- Department of Business and Professional Regulation.
- Department of Transportation.
- Department of Veterans' Affairs.

Reviewed by July 1, 2018:

- Advisory committees for the State Board of Administration.
- Department of Financial Services, including the Financial Services Commission.
- Department of Revenue.

Reviewed by July 1, 2020:

- Department of Corrections.
- Department of Juvenile Justice.
- Department of Law Enforcement.
- Department of Legal Affairs.
- Justice Administrative Commission.
- Parole Commission.

Reviewed by July 1, 2022:

- Executive Office of the Governor.
- Florida Public Service Commission

An agency must provide the Legislature with a report that includes the following information, no later than July 1, two years preceding the year in which it is scheduled to be reviewed.

- The performance measures for each program and activity as provided in s. 216.011 and 3 years of data for each measure that provides actual results for the immediately preceding 2 years and projected results for the current fiscal year that begins in the year that the agency report is scheduled to be submitted to the Legislature.
- An explanation of factors that have contributed to any failure to achieve the legislative standards.
- The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.
- The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency.
- The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses.
- A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved.
- An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies.
- An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public.
- An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.

- The process by which an agency actively measures quality and efficiency of services it provides to the public.
- The extent to which the agency complies with public records and public meetings requirements under chapters 119 and 286 and s. 24, Art. I of the State Constitution.
- The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents.
- Recommendations to the Legislature for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication.
- The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished.
- A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee.
- Agency programs or functions that are performed without specific statutory authority.
- Other information requested by the Legislature.

Information and data reported by the agency is to be validated by its agency head and inspector general before submission to the Legislature.

Upon receipt of an agency report, the sunset committees may direct OPPAGA to conduct a review of the agency and its advisory committees that includes an examination of the cost of each agency program, an evaluation of best practices and alternatives that would result in the administration of the agency in a more efficient or effective manner, and an examination of the viability of privatization or a different state agency performing the functions, and an evaluation of the cost and consequences of discontinuing the agency.

The sunset committees are to review the information submitted by the agency and the reports of any independent reviews, including those conducted by OPPAGA; consult with specified legislative and executive entities; and hold public hearings to determine whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of any of the functions of the agency or its advisory committees.

No later than March 1 of the year in which an agency is scheduled to be reviewed, the sunset committees are to provide the President and Speaker with recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees. The sunset committees can also make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review. In addition, the *Sunset Review Committees* are to propose legislation necessary to carry out the recommendations.

### Effect of Proposed Changes

This bill clarifies that the Joint Legislative Sunset Committee may conduct its meetings through teleconferences or other similar means.

The bill permits the Speaker of the House and the President of the Senate to jointly alter the review schedule and allows the presiding officers to add any political subdivision, including those created by special act, to the sunset review process.

The bill exchanges the review cycle for the health care and education agencies, advancing health care up agencies to 2012 and education back to 2014. The bill also adds the Department of Military Affairs to the 2016 review schedule.

The bill adds the provision that if the legislature does not take action to continue the agency, in addition to continuing in sunset review, the agency shall provide the Joint Legislative Sunset Committee with a plan for a type II transfer of the agency's responsibilities, by December 31<sup>st</sup> of the year in which review is scheduled.

The bill provides that the sunset review will be undertaken by the Joint Legislative Sunset Committee and that a Sunset Review Committee appointed by the Senate or the House may conduct a review in addition to the joint committee.

Finally, the bill allows the Joint Legislative Sunset Committee to propose legislation to carry out its recommendations.

#### C. SECTION DIRECTORY:

- Section 1. Amends s. 11.903 F.S., relating to the Joint Legislative Sunset Committee.
- Section 2. Amends s. 11.905 F.S., relating to schedule for reviewing state agencies and advisory committees.
- Section 3. Amends s. 11.9055 F.S., relating to abolition of state agencies and advisory committees.
- Section 4. Amends s. 11.907 F.S., relating to legislative review.
- Section 5. Amends s. 11.908 F.S., relating to committee duties.
- Section 6. Amends s. 11.910 F.S, relating to information for review.
- Section 7. Amends s.11.911 F.S., relating to committee recommendations.
- Section 8. Amends s.11.919 F.S., relating to assistance of and access to state agencies.
- Section 9. Section 13. Provides for an effective date of July 1, 2008.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

This bill does not have a fiscal impact on state government revenues.

##### 2. Expenditures:

This bill does not have a fiscal impact on state government expenditures.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

This bill does not have an impact on local government revenues.

##### 2. Expenditures:

This bill does not have an impact on local government expenditures.

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

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take any action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

This bill does not appear to raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**