

House Bill No. 7177

An act relating to the Florida Government Accountability Act; amending s. 11.902, F.S.; redefining the term “committee” and defining the term “joint committee” for purposes of the act; amending s. 11.903, F.S.; authorizing the Senate and the House of Representatives to appoint Legislative Sunset Review Committees to conduct independent reviews for each house; requiring the Senate and the House of Representatives to jointly appoint a Legislative Sunset Committee to oversee the review process required under the act and make recommendations to the Legislature; providing terms of office for commission members; providing for membership and terms of office; amending s. 11.904, F.S.; providing for staff of the joint committee; requiring the Auditor General to assist review committees and the joint committee upon request; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; amending s. 11.9055, F.S.; providing duties of an agency or advisory committee if the Legislature fails to take action to continue the agency or committee by the required date; amending s. 11.906, F.S.; revising the date before a review by which the agency is required to provide a report; revising the requirements for the report; amending ss. 11.907 and 11.908, F.S.; revising the procedures for a review of an agency; revising the duties of the Office of Program Policy Analysis and Government Accountability; requiring a Legislative Sunset Review Committee and the joint committee to make recommendations and propose legislation if necessary; amending s. 11.910, F.S.; revising certain criteria for the review of an agency and its advisory committees; amending s. 11.911, F.S.; requiring that Legislative Sunset Review Committees and the joint committee provide proposed legislation; amending s. 11.918, F.S.; authorizing the joint committee to exercise any powers vested in a standing committee of the Legislature; authorizing the joint committee to access information of and obtain assistance from state agencies; amending s. 11.919, F.S.; authorizing the committee to access and request information from state agencies and officers; providing an effective date.

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

Section 1. Subsection (3) of section 11.902, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

11.902 Definitions.—As used in ss. 11.901-11.920, the term:

(3) “Committee” means any Legislative Sunset Review Advisory Committee appointed pursuant to s. 11.903.

(4) “Joint committee” means the Legislative Sunset Committee appointed pursuant to s. 11.903.

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

11.903 Legislative Sunset Review Advisory Committees and the Joint Legislative Sunset Committee.—

(1) The Senate and House of Representatives may, pursuant to the rules of each house, appoint one or more standing or select committees as a Legislative Sunset Review Committees Advisory Committee to conduct independent reviews for each house ~~advise the Legislature~~ regarding the agency sunsets required by ss. 11.901-11.920.

(2) The Senate and House of Representatives ~~shall may, pursuant to the joint rules of both houses,~~ appoint a one or more Joint committees as a Legislative Sunset Advisory Committee for the purposes of overseeing to advise the Legislature regarding the agency review process sunsets required by ss. 11.901-11.920 and of making recommendations to the Legislature.

(3) Members of the committees and joint committee shall serve at the pleasure of their appointing presiding officer for a term terms of 2 years each or until the next general election, whichever occurs earlier.

(a) The Legislative Sunset Committee established under this subsection shall be a joint committee composed of 10 members: five members of the Senate appointed by the President of the Senate and five members of the House of Representatives appointed by the Speaker of the House of Representatives.

(b) The presiding officer of each house shall appoint a chair who shall serve as co-chair of the joint committee established under this subsection. Each co-chair shall serve at the pleasure of the appointing presiding officer for a term of 2 years or until the next general election.

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

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

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

11.904 Staff.—The Senate and the House of Representatives may each employ staff to work for the joint chair and vice chair of the committee on matters related to joint committee activities. ~~The Auditor General and The Office of Program Policy Analysis and Government Accountability shall provide primary research services as directed by the committee and the joint committee and assist the committee in conducting the reviews its review~~ under s. 11.910. Upon request, the Auditor General shall assist the committees and the joint committee.

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

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

(1) Reviewed by July 1, 2008:

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

(b) Department of Agriculture and Consumer Services.

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

(d) Department of Environmental Protection.

(e) Department of Highway Safety and Motor Vehicles.

(f) Water management districts.

(2) Reviewed by July 1, 2010 ~~2009~~:

(a) Department of Children and Family Services.

(b) Department of Community Affairs.

(c) Department of Management Services.

(d) Department of State.

(3) Reviewed by July 1, 2012 ~~2010~~:

(a) Advisory committees for the Florida Community College System.

(b) Advisory committees for the State University System.

(c) Agency for Workforce Innovation.

(d) Department of Education.

(e) Department of the Lottery.

(4) Reviewed by July 1, 2014 ~~2011~~:

(a) Agency for Health Care Administration.

(b) Agency for Persons with Disabilities.

(c) Department of Elderly Affairs.

(d) Department of Health.

(5) Reviewed by July 1, 2016 ~~2012~~:

(a) Department of Business and Professional Regulation.

- (b) Department of Transportation.
- (c) Department of Veterans' Affairs.
- (6) Reviewed by July 1, 2018 ~~2013~~:
 - (a) Advisory committees for the State Board of Administration.
 - (b) Department of Financial Services, including the Financial Services Commission.
 - (c) Department of Revenue.
- (7) Reviewed by July 1, 2020 ~~2014~~:
 - (a) Department of Corrections.
 - (b) Department of Juvenile Justice.
 - (c) Department of Law Enforcement.
 - (d) Department of Legal Affairs.
 - (e) Justice Administrative Commission.
 - (f) Parole Commission.
- (8) Reviewed by July 1, 2022 ~~2015~~:
 - (a) Executive Office of the Governor.
 - (b) Florida Public Service Commission.

Upon completion of this cycle, each agency shall again be subject to sunset review 10 years after its initial review.

Section 5. Section 11.9055, Florida Statutes, is amended to read:

11.9055 Abolition of state agencies and advisory committees.—

(1) An agency subject to review by the Legislature ~~Legislative Committee on Sunset Review~~ shall be abolished on June 30 following the date of review specified in s. 11.905, unless the Legislature continues the agency or advisory committee; however, an agency may not be abolished unless the Legislature finds, pursuant to law, that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made for the transfer to a successor agency of all duties and obligations relating to bonds, loans, promissory notes, lease-purchase ~~lease purchase~~ agreements, installment sales contracts, certificates of participation, master equipment financing agreements, or any other form of indebtedness such that security therefor and the rights of bondholders or holders of other indebtedness are not impaired.

(2) If the Legislature does not take action before the date of review to continue the agency or advisory committee, the agency shall submit its legislative budget request consistent with the provisions of chapter 216 recommendations of the appropriate Legislative committee on Sunset Review or any law transferring the agency's functions to other entities. Such agency shall continue to be subject to annual sunset review by the Legislature until the Legislature enacts legislation relating to the agency's continuation, modification, or termination.

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

11.906 Agency report to the Legislature committee.—Not later than July 1, 2 years ~~January 1 of the year~~ preceding the year in which a state agency and its advisory committees are scheduled to be reviewed, the agency shall provide the Legislature committee with a report that includes:

(1) 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.

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

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

(4) 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.

(5) 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 ~~historically underutilized businesses.~~

(6) 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.

(7) 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.

(8) 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.

(9) An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Au-

ditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.

(10) ~~The process by which an agency actively measures quality and efficiency of services it provides to the public. The extent to which the agency enforces laws relating to potential conflicts of interest of its employees.~~

(11) 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.

(12) 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.

(13) ~~Recommendations to the Legislature committee for statutory, or budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public program operations, reduce costs, or reduce duplication.~~

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

(15) 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.

(16) Agency programs or functions that are performed without specific statutory authority.

(17) Other information requested by the Legislature ~~committee~~.

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

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

11.907 Legislative review.—Upon receipt of an agency report pursuant to s. 11.906, ~~the joint committee may and the appropriate committee shall conduct a review of the agency and may direct the Office of Program Policy Analysis and Government Accountability to shall conduct a program evaluation and justification review, as defined in s. 11.513, of the agency and its advisory committees, including 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 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 reviews review shall be comprehensive in its scope and shall consider the information provided by the agency report in addition to information deemed necessary by the office and the appropriate Legislative Sunset Advisory committee or the joint committee. The Office of~~

Program Policy Analysis and Government Accountability shall submit its report to the Legislature in a timeframe prescribed by the committee requesting the review committee and to the President of the Senate and the Speaker of the House of Representatives by October 31 of the year in which the agency submits its report. The Office of Program Policy Analysis and Government Accountability shall include in its reports ~~report~~ recommendations for consideration by the Legislature committee.

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

11.908 Committee duties.—No later than March 1 of the year in which a state agency or its advisory committees are scheduled to be reviewed, the committee shall and the joint committee may:

(1) Review the information submitted by the agency and the reports of any independent reviews directed by the committee, including those conducted by report of the Office of Program Policy Analysis and Government Accountability.

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

(3) Hold public hearings to consider this information as well as other information and testimony that the committee or joint committee deems necessary.

(4) Present to the President of the Senate and the Speaker of the House of Representatives a report on the agencies and advisory committees scheduled to be reviewed that year by the Legislature committee. In the report, the committee shall include its specific findings and recommendations regarding each of the information considered pursuant to criteria prescribed by s. 11.910, and shall also make recommendations as described in s. 11.911, and propose legislation as it considers necessary. In the joint committee report, the joint committee shall include its specific findings and recommendations regarding the information considered pursuant to s. 11.90 and make recommendations as described in s. 11.911.

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

11.910 Information Criteria for review.—The committee may shall consider information submitted pursuant to s. 11.906 as well as any additional information it considers relevant the following criteria in determining 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.;

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

- ~~(2) The efficiency with which the agency or advisory committee operates.~~
- ~~(3) The statutory objectives of the agency or advisory committee and the problem or need that the agency or advisory committee is intended to address, the extent to which the objectives have been achieved, and any activities of the agency in addition to those granted by statute and the authority for these activities.~~
- ~~(4) An assessment of less restrictive or alternative methods of providing any regulatory function for which the agency is responsible while adequately protecting the public.~~
- ~~(5) The extent to which the advisory committee is needed and is used.~~
- ~~(6) The extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies.~~
- ~~(7) Whether the agency has recommended to the Legislature statutory changes calculated to be of benefit to the public rather than to an occupation, business, or institution that the agency regulates.~~
- ~~(8) The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.~~
- ~~(9) 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 the public participation has resulted in rules compatible with the objectives of the agency.~~
- ~~(10) The extent to which the agency has complied with applicable requirements of state law and applicable rules of any state agency regarding purchasing goals and programs for historically underutilized businesses.~~
- ~~(11) The extent to which changes are necessary in the enabling statutes of the agency so that the agency can adequately comply with the criteria listed in this section.~~
- ~~(12) The extent to which the agency adopts and enforces rules relating to potential conflicts of interest of its employees.~~
- ~~(13) The extent to which the agency complies with public records and public meetings requirements under chapters 119 and 287 and s. 24, Art. I of the State Constitution and follows records management practices that enable the agency to respond efficiently to requests for public information.~~
- ~~(14) The extent to which the agency accurately reports performance measures used to justify state spending on each of its activities, services, and programs.~~
- ~~(15) The effect of federal intervention or loss of federal funds if the agency is abolished.~~

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

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

11.911 Committee recommendations.—

(1) In its report on a state agency, the committee shall:

(a)(1) Make 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.

(b)(2) 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.

(c)(3) Propose ~~Include drafts of~~ legislation necessary to carry out the committee's recommendations under paragraph (a) or paragraph (b) subsection (1) or subsection (2).

(2) In its report on a state agency, the joint committee shall:

(a) Make 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.

(b) 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.

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

11.918 Joint Legislative Sunset Committee; powers; assistance of state agencies ~~Subpoena power.~~—

(1) The Joint Any Legislative Sunset Advisory Committee may take under investigation any matter within the scope of a sunset review either completed or then being conducted by the joint committee, and, in connection with such investigation, may exercise the powers of subpoena by law and any other powers vested in a standing committee of the Legislature pursuant to s. 11.143.

(2) The joint committee may access or request information and request assistance of state agencies and officers. When assistance is requested, a state agency or officer shall assist the joint committee.

Section 12. Subsection (1) of section 11.919, Florida Statutes, is amended to read:

11.919 Assistance of and access to state agencies.—

(1) The committee may access or request information and request the assistance of state agencies and officers. When assistance is requested, a state agency or officer shall assist the committee.

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

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.