

STORAGE NAME: h4351s1.go

DATE: March 30, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 4351

RELATING TO: Personnel and Agencies of the Legislative Branch

SPONSOR(S): Committee on Governmental Operations and Representative King

COMPANION BILL(S): First Engrossed CS/SB 1574(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
 - (2)
 - (3)
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I. SUMMARY:

This bill abolishes the Joint Legislative Management Committee and transfers its administrative support function to a newly established Office of Legislative Services.

This bill repeals s. 11.39, F.S., which creates the Legislative Information Technology Resource Committee.

The Steering Committee's report, that resulted in this bill, documents potential cost savings resulting from improved efficiencies, privatization of functions, productivity enhancements, and improved effectiveness.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Joint Legislative Management Committee (JLMC) was established by statute in 1968. The initial membership of the committee included the chairmen of Senate and House Rules Committees, a Senate member appointed by the Rules Committee chairman, the chairman of the House Administration Committee, plus the minority leaders of both the Senate and the House. The JLMC was given jurisdiction over the Legislative Reference Bureau and the Fiscal Accounting Division. In 1968, the Legislative Reference Bureau supported both the House and Senate with bill drafting, bill analysis, statutory revision, legislative library, bill history, committee support, and information services. The Fiscal Accounting Division handled payroll, budget, purchasing, and accounting functions.

In 1969 responsibilities of JLMC were enhanced by the addition of two new divisions: the Legislative Purchasing Division and the Legislative Data Processing Service. The name of the Legislative Reference Bureau was changed to "Legislative Services Bureau," and its functions were expanded to include training for members and staff and assistance to interim committees or commissions established by the Legislature.

The House and Senate elected to establish separate bill drafting, bill analysis, and committee staffing functions in 1972 and withdrew those functions from the purview of JLMC. Also in 1972, the membership of JLMC was changed to three members from each body appointed by the respective presiding officers. Statutory detail of JLMC functions was deleted and replaced by language that directed JLMC functions to be specified by rule. The statutory framework established in 1972 has remained substantially unchanged for the past 25 years. Current JLMC responsibilities are provided in section 3.3 of Joint Rule Three adopted by the Legislature and through additional policy adopted by the JLMC. The JLMC chairman and vice-chairman are designated by the presiding officers and rotate on an annual basis.

The first policy of the JLMC Policy Manual sets out the committee's purpose:

The purpose of the Joint Legislative Management Committee is to provide centralized administrative, management, research, editorial, data processing, and other service support to the Senate, House of Representatives, and other legislative units for those functions which can be most effectively provided on a joint basis. (JLMC Policy 1.1)

Functional operations of the JLMC are organized under the Executive Director's Office which coordinates the activities of the its six divisions: Administrative Services, Statutory Revision, Legislative Information, Library Services, Economic and Demographic Research, and Systems and Data Processing.

The JLMC provides administrative services to six of the seven operating entities of the legislative branch: JLMC itself and its independent committees and commissions, Senate, House of Representatives, Auditor General, Office of Program Policy Analysis and Government Accountability, and the Ethics Commission. Only the Public Service Commission, a nominally legislative branch agency, is independent.

The number and type of functions assigned to or assumed by JLMC has increased incrementally over time. No recent effort has been made to determine if all of the functions under JLMC's purview continue to be intrinsic to the legislative process or appropriate to current and emerging legislative management strategies. Consequently, a review was organized to examine JLMC

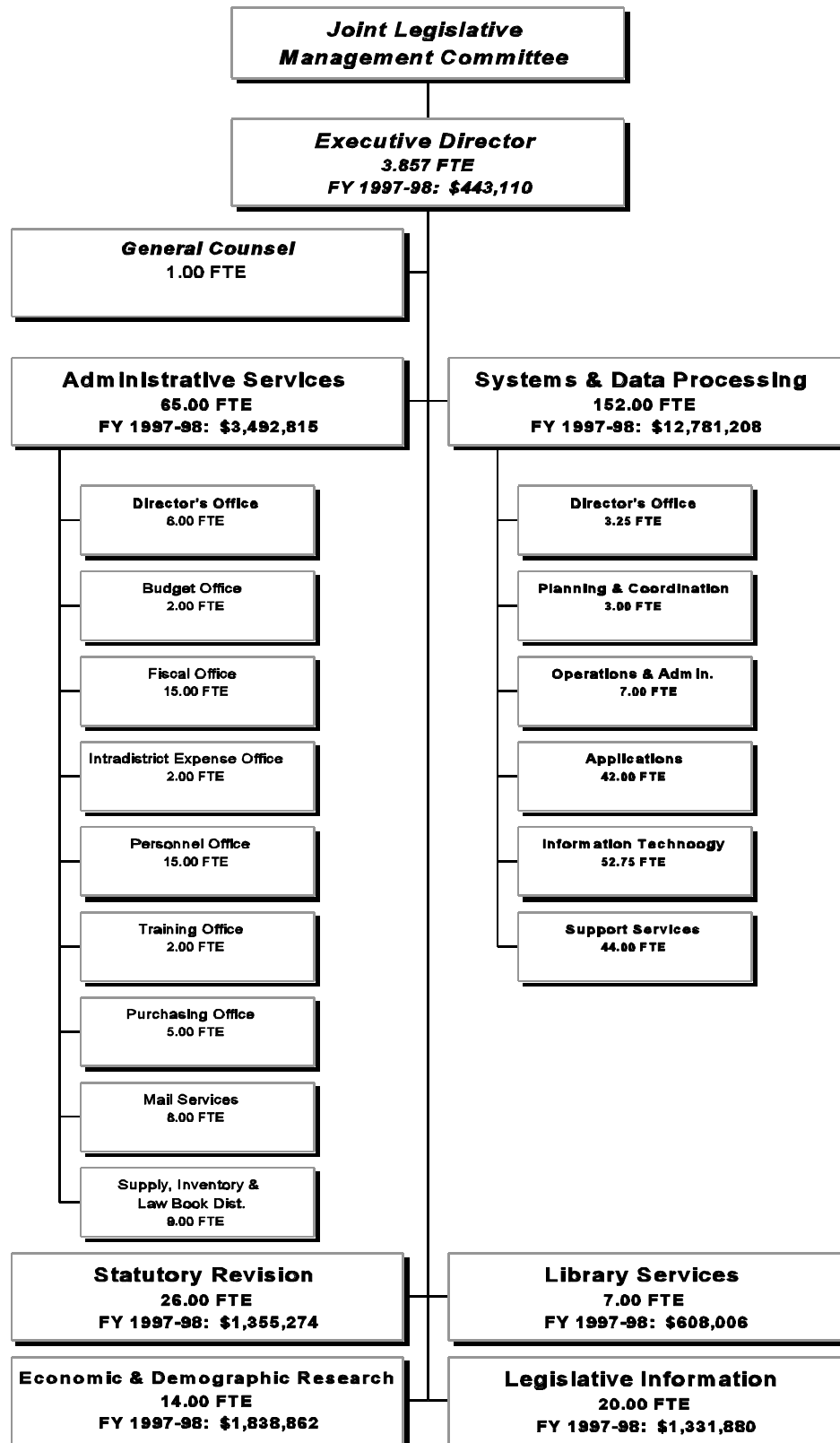
functions which may no longer be required, or should be reassigned, or that should be outsourced in the process of creating the Legislative Services Office; and to improve continuity of policy and operational oversight under the leadership of the presiding officers.

A Steering Committee comprised of five representatives from the Senate, five representatives from the House of Representatives, and four staff representatives of the Legislature provided recommendations as to whether some functions should remain joint, be separated between the two houses, or be privatized. The table below depicts a summary of their recommendations followed by organizational charts representing the old structure and the new.

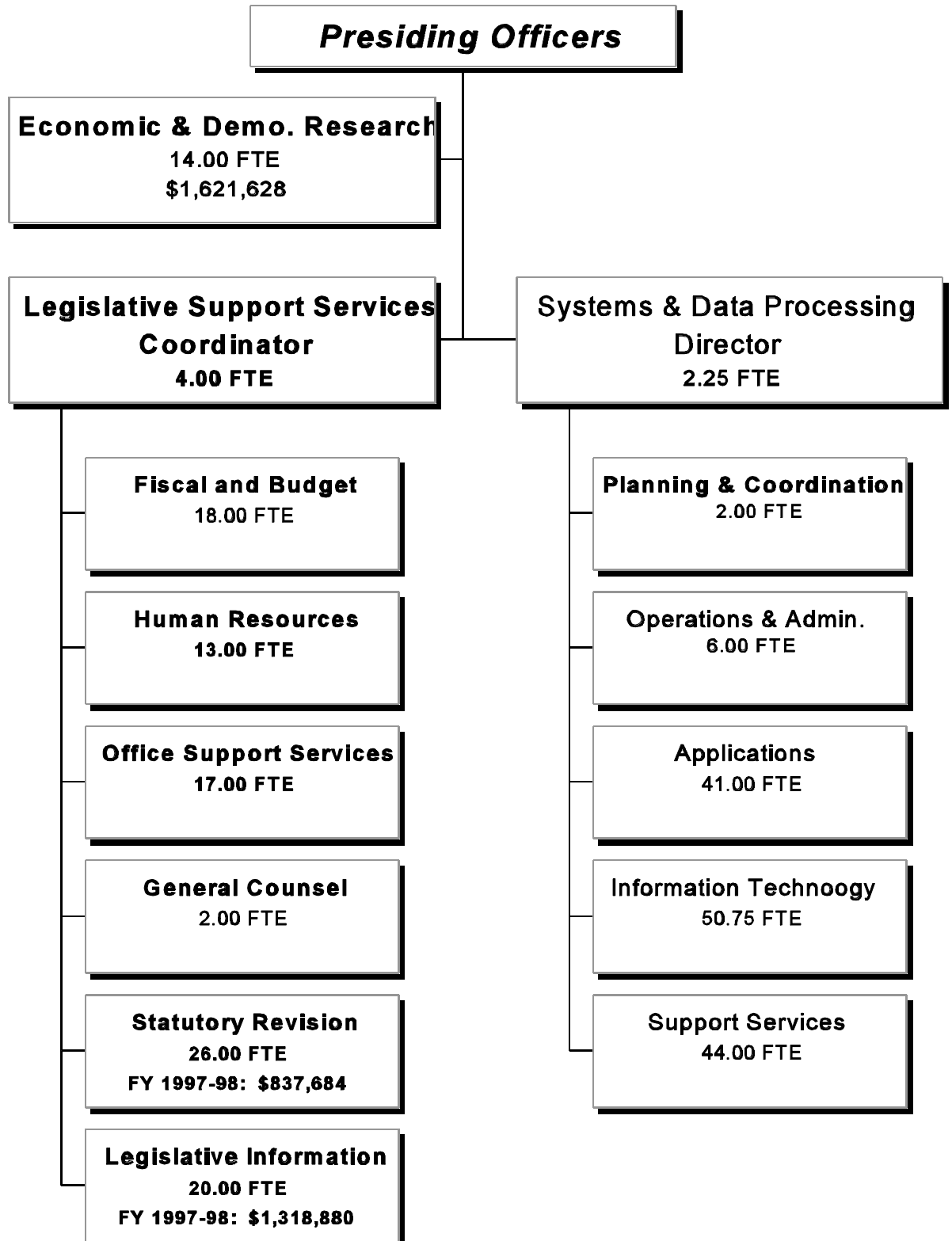
CURRENT JLMC FUNCTION	STEERING COMMITTEE RECOMMENDATION
Executive Director's Office	<i>Eliminate.</i>
Administrative Services Division	
Director's Office	<i>Convert to Legislative Services Coordination office.</i>
Personnel Office	
Payroll	<i>Retain as joint function.</i>
Employment Services	<i>Retain as joint function.</i>
Insurance and Benefits	<i>Retain as joint function.</i>
Training Office	<i>Retain as joint function.</i>
Intradistrict Expense	<i>Retain fiscal function as joint; contract separately for attorney services.</i>
Medical Clinic	<i>Retain as joint function.</i>
Purchasing Office	<i>Retain as joint now, reassess after SPURS implementation. Consolidate with Inventory and Mailing Services to form Office Support Services.</i>
Systems Inventory & Law Book Distribution Office	<i>Retain inventory function; privatize distribution. Consolidate with Purchasing and Mailing Services to form Office Support Services.</i>
Mailing Services Office	<i>Retain as joint function. Consolidate with Purchasing and Inventory to form Office Support Services.</i>
Fiscal Office	<i>Retain as joint function. Combine with Budget Office.</i>
Budget Office	<i>Retain as joint function. Combine with Fiscal Office.</i>
Statutory Revision Division	
Statutory Revision Function	<i>Retain as joint function.</i>
Printing and Distribution Function	<i>Privatize printing and distribution.</i>
Legislative Information Division	
Bill Analysis, Indexing and Training	<i>Retain as joint function.</i>
Lobbyist Registration	<i>Retain as joint function.</i>
Administration (Info. Desk, WATS line, Systems)	<i>Retain as joint function.</i>

CURRENT JLMC FUNCTIONS	STEERING COMMITTEE RECOMMENDATION
Library Services Division	<i>Transfer to Department of State with budget.</i>
Economic and Demographic Research Division	<i>Retain as joint function reporting directly to the presiding officers.</i>
Systems and Data Processing Division	
Operations and Administration	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Planning and Coordination	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Application Development and Support	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Infrastructure	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Network Planning and Administration	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Publishing	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Security and End User Administration	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Technical Services	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Computer Operations	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Educational Services	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Resource Center	<i>Retain as joint function until completion of strategic plan, then reassess.</i>
Help Desk	<i>Retain as joint function for support of Capitol offices and Senate district offices. Create separate Help Desk function to support House district offices. Common work order management system will be used for all Help Desk functions.</i>

JLMC Structure and Staffing Before Rightsizing



LEGISLATIVE SERVICES OFFICE



B. EFFECT OF PROPOSED CHANGES:

- Section 1. Amends s. 11.045, F.S., defining the "Division" as the Division of Legislative Information Services within the Office of Legislative Services; providing that a lobbyist registrant canceling the registration for a principal, must promptly send a written statement to the division terminating the lobbyist's representation of that principal; providing that for each reporting period, the division will have responsibility for aggregating all expenditures for a principal reported by all lobbyists; providing for the appeal to the division of assessed fines for a lobbyist's failure to timely file reports; providing that a lobbyist, on appeal or dispute of a fine, may request a hearing before the director of the division, who in turn, will recommend to the President of the Senate and the Speaker of the House of Representatives, or their designees, that the fine be waived in whole or in part for good cause shown; providing that the President and the Speaker, or their respective designees, may concur in the recommendation and waive the fine in whole or in part; providing for notice to the division director if a lobbyist fails to report in a timely manner or fails to pay the fine imposed; providing for personal appearance before the committee of either house, charged by the presiding officer with responsibility for ethical conduct of lobbyists, for an advisory opinion as to whether the facts in a particular case would constitute a violation of this section; and substituting "division" or "director of the division" for Joint Legislative Management Committee (JLMC) where necessary in this section.
- Section 2. Amends s. 11.12, F.S., providing the President of the Senate with responsibility for establishing the rate of subsistence for Senate employees and the Speaker of the House of Representatives with responsibility for establishing the rate of subsistence for House employees. The JLMC is removed from this process.
- Section 3. Amends s. 11.13, F.S., providing the Appropriations Committee of each house will now certify to the Office of Legislative Services, rather than the JLMC, the average percent increase in salaries of state career service employees to be used in adjusting the annual salaries of members of the House and Senate; providing that the President of the Senate and the Speaker of the House, rather than JLMC, will annually set the member monthly allowance for intradistrict expenses; providing that the Office of Legislative Services will establish the procedure for disbursement of monthly intradistrict expense, with approval of the Speaker and President; providing for the approval of Senate budgets by the President, House budgets by the Speaker, and budgets of joint committees and divisions of the Legislature by the President and Speaker; providing for recommendations concerning the form and preparation of these budgets by the Office of Legislative Services; providing for transfer between items of appropriation to the Legislature within the total amounts appropriated, with approval of the Speaker and President; providing for the submission of a legislative budget by the President and Speaker; providing for the Office of Legislative Services to request from the Comptroller releases of funds; and removes current references to JLMC in this section.

- Section 4. Amends s. 11.147, F.S., creating the Office of Legislative Services to provide support services as determined by the Speaker and President; providing for the selection of a coordinator for the Office of Legislative Services who will report directly to the Speaker and President or their respective designees; providing that the joint committees and other units of the Legislature shall be governed by joint rules of the Senate and House of Representatives which shall remain in effect until repealed or amended by concurrent resolution; providing for the Office of Legislative Services to deliver vouchers covering legislative expenses as required by the Comptroller.
- Section 5. Repeals s. 11.39, F.S.; this action abolishes the Joint Legislative Information Technology Resource Committee.
- Section 6. Effective July 1, 1998, the legislative library is transferred to the Department of State by a type two transfer, as defined in s. 20.06, F.S.
- Section 7. Amends s. 112.0455, F.S., providing the President and Speaker, rather than JLMC, may adopt rules, policies, or procedures for the employees and members of the legislative branch regarding the Drug Free Workplace Act.
- Section 8. Amends s. 112.3148, F.S., requiring that the reporting of gifts under this section be filed with the Division of Information Services in the Office of Legislative Services, rather than JLMC.
- Section 9. Amends s. 121.055, F.S., adding staff directors of service offices of the Legislature as compulsory participants in the Senior Management Service Class; providing approval to participate in the Senior Management Service Optional Annuity Program in lieu of the Senior Management Service Class of the Florida Retirement System at the discretion of the Speaker and President, rather than JLMC.
- Section 10. Amends s. 216.136, F.S., adding the Office of Economic and Demographic Research to the principals' list for the Economic Estimating Conference replacing the Division of Economic and Demographic Research of the JLMC. All of the principal references with regard to estimating or forecasting conferences and the Division of Economic and Demographic Research of the JLMC in subsequent subsections are replaced with the "Office of Economic and Demographic Research." All references to "director" of the Office of Economic and Demographic Research are replaced with "coordinator." The principal representing the Executive Office of the Governor shall preside over sessions of the Transportation Estimating Conference.
- Section 11. Amends s. 216.251, F.S., providing that the classification and pay plan for legislative employees will be approved by the President and Speaker, rather than JLMC.
- Section 12. Amends s. 985.401, F.S., changing the name of the Juvenile Justice Advisory Board to Juvenile Justice Accountability Board and keeping general oversight authority with the Joint Legislative Auditing Committee.

- Section 13. Amends s. 11.241, F.S., providing that the Office of Legislative Services, rather than the joint committee, will now assume the responsibility for implementing and maintaining a permanent statutory revision plan.
- Section 14. Amends s. 11.242, F.S., establishing the duties and functions of the Office of Legislative Services, rather than the joint committee, in the operation and maintenance of a statutory revision program.
- Section 15. Amends s. 11.243, F.S., establishing responsibility with the Office of Legislative Services, rather than the joint committee, for the publication, distribution, pricing, and sale of copies of the Florida Statutes.
- Section 16. Amends s. 11.70, F.S., directing the Office of Legislative Services, rather than the JLMC, to provide office space and equipment for the Legislative Committee on Intergovernmental Relations.
- Section 17. Amends s. 13.01, F.S., providing that an employee of the Office of Legislative Services, rather than the JLMC, be designated by the coordinator to serve as secretary of the Joint Legislative Committee on Interstate Cooperation.
- Section 18. Amends s. 13.10, F.S., providing that the coordinator of the Office of Legislative Services, rather than the executive director of the JLMC, designate an appropriate legislative employee to serve as an associate member and secretary to the Florida commissioners to the National Conference of Commissioners on Uniform State Laws.
- Section 19. Amends s. 15.155, F.S., providing that the Department of State shall furnish true and accurate copies of laws, resolutions, and memorials passed by the Legislature to the Office of Legislative Services for publication, rather than to the JLMC.
- Section 20. Amends s. 20.315, F.S., providing that the Office of Economic and Demographic Research, rather than the Division of Economic and Demographic Research of the JLMC, submit alternative proposals to the Florida Corrections Commission for the revision of statewide sentencing guidelines.
- Section 21. Reenacts s. 20.315, F.S., as amended by s. 9, of ch. 97-194, L.O.F.; effective, October 1, 1998, Chapter 97-194, Laws of Florida, will delete the requirement that the Office of Economic and Demographic Research participate in alternative proposal submission.
- Section 22. Amends s. 27.709, F.S., directing the Office of Legislative Services, rather than the JLMC, to provide staff support for the Commission on the Administration of Justice in Capital Cases.
- Section 23. Amends s. 112.061, F.S., removing a reference to the JLMC in this section which disclaims applicability of this section, relating to direct payment of expenses by an agency, to any legislator or legislative employee.

- Section 24. Amends s. 112.321, F.S., providing that the Office of Legislative Services, rather than the JLMC, administer the uniform personnel, job classification, and pay plan adopted with the approval of the President and Speaker.
- Section 25. Amends s. 119.15, F.S., replacing the Division of Statutory Revision of the JLMC with the Division of Statutory Revision of the Office of Legislative Services as the appropriate entity to certify to the Speaker and President any public records and public meetings exemptions scheduled for repeal.
- Section 26. Amends s. 218.60, F.S., providing that the Office of Economic and Demographic Research, rather than the Division of Economic and Demographic Research of the JLMC, will provide estimates and projections to local governments for the half-cents sales tax proceeds participation program, in consultation with the Department of Revenue.
- Section 27. Amends s. 229.593, F.S., authorizing the Office of Legislative Services, rather than the JLMC, to provide travel and per diem expenses for legislative members of the Florida Commission on Education Reform and Accountability.
- Section 28. Amends s. 282.3091, F.S., providing that the State Technology Council shall recommend statewide policies to the President and Speaker, rather than the Joint Legislative Information Technology Resource Committee; the council will no longer have to review and comment on the work products of the former joint committee.
- Section 29. Amends s. 282.310, F.S., eliminating the Joint Legislative Information Technology Resource Committee from the electronic distribution list for the State Annual Report on Information Resources Management.
- Section 30. Amends s. 282.322, F.S., eliminating the Legislative Information Technology Resource Committee from the distribution list for state monitored project reports.
- Section 31. Amends s. 350.031, F.S., directing the Office of Legislative Services, rather than the JLMC, to provide staffing for the Florida Public Service Commission Nominating Council.
- Section 32. Amends s. 790.22, F.S., authorizing the Office of Economic and Demographic Research, rather than the Division of Economic and Demographic Research of the JLMC, to receive orders from the Department of Juvenile Justice placing minors in secure detention.
- Section 33. Provides that the Office of Legislative Services shall assume all rights, duties, and obligations of the Joint Legislative Management Committee under contracts in effect on the effective date of this act to which the committee is a party.
- Section 34. Transfers to the Office of Legislative Services the unexpended balances of Specific Appropriations 1854 through 1857 of section 6, chapter 97-152,

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Laws of Florida, from the Joint Legislative Management Committee for Fiscal Year 1997-1998 upon the date this bill becomes law.

Section 35. Provides an effective date of upon becoming a law.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Any authority to make rules or adjudicate disputes held by the former JLMC is transferred to the Office of Legislative Services and the President and Speaker.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The Office of Legislative Services will replace the Joint Legislative Management Committee for administrative purposes.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

The Joint Legislative Management Committee and the Joint Legislative Information Technology Resource Committee are abolished. A new Office of Legislative Services is created. The Division of Economic and Demographic Research is changed to the Office of Economic and Demographic Research. The Office of Legislative Services will assume administrative responsibilities previously assigned to the JLMC. It is anticipated there will be potential cost savings as a result of this restructuring.

- (2) what is the cost of such responsibility at the new level/agency?

This restructuring within the Legislative Branch (House and Senate) is anticipated to save in excess of \$2 million (Source: Joint Committee Review and Rightsizing Project Report).

- (3) how is the new agency accountable to the people governed?

It is anticipated that this rightsizing and restructuring will result in increased efficiency, productivity, and effectiveness at a reduced cost to the Legislature. It is also anticipated that some privatization will occur.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends ss. 11.045, 11.12, 11.13, 11.147, 112.0455, 112.3148, 121.055, 216.136, 216.251, 985.401, 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 790.22, F.S. Repeals s. 11.39, F.S.

E. SECTION-BY-SECTION RESEARCH:

Please refer to Section II. B., Effect of Proposed Changes.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The Steering Committee's report documents the following potential cost savings resulting from improved efficiencies, privatization of functions, productivity enhancements, and improved effectiveness.

<i>TYPE OF REDUCTION</i>	<i>SAVINGS</i>		<i>COST</i>	<i>NET SAVINGS YEAR 1</i>	<i>NET SAVINGS OUTYEARS</i>
	FTE	DOLLARS			
EFFICIENCY	(9.00)	(1,179,820)	40,000	(1,139,820)	(1,179,820)
PRIVATIZATION	(2.00)	(131,316)		(131,316)	(131,316)
PRODUCTIVITY	(13.88)	(1,035,588)		(1,035,588)	(1,035,588)
Joint Leg. Mgt.	(11.88)	(897,593)		(897,593)	(897,593)

<i>TYPE OF REDUCTION</i>	<i>SAVINGS</i>	<i>COST</i>	<i>NET SAVINGS YEAR 1</i>	<i>NET SAVINGS OUTYEARS</i>
Info. Tech. Resources	(2.00)	(137,995)	(137,995)	(137,995)
EFFECTIVENESS		(13,000)	175,000	162,000
TOTAL	(24.88)	(2,359,724)	215,000	(2,144,724)

Source: Joint Committee Review and Rightsizing Project Report.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See Recurring Effects Above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Indeterminate.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

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D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds, or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 30, 1998, the Committee on Governmental Operations adopted a remove everything after the enacting clause amendment that made the following changes to the bill as originally filed:

Section 1. Provides that the President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in a recommendation to waive the fine of a lobbyist for failure to report and may waive the fine in whole or in part for good cause shown.

Section 4. Provides that the joint committee and other units of the Legislature shall be governed by joint rules of the Senate and House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

Section 10. Replaces "director" of the Office of Economic and Demographic Research with the title "coordinator" and provides that the principal representing the Executive Office of the Governor shall preside over sessions of the Transportation Estimating Conference.

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Section 12. Changes the name of the Juvenile Justice Advisory Board to the Juvenile Justice Accountability Board and keeps general oversight authority with the Joint Legislative Auditing Committee.

Section 33. Provides that the Office of Legislative Services shall assume all rights, duties, and obligations of the JLMC under contracts in effect on the effective date of this act to which the committee is a party.

Section 34. Transfers to the Office of Legislative Services the unexpended balances of Specific Appropriations 1854 through 1857 of section 6, chapter 97-152, Laws of Florida, from the JLMC for Fiscal Year 1997-1998 upon the date this bill becomes law.

The bill was reported favorable, as amended, and was made a committee substitute.

VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:

Jimmy O. Helms

Jimmy O. Helms