

By the Committee on Governmental Oversight and Productivity

302-880A-04

1 A bill to be entitled
 2 An act relating to advisory bodies,
 3 commissions, and boards of trustees; amending
 4 s. 20.052, F.S.; providing legislative findings
 5 that it is in the public interest to
 6 periodically review entities adjunct to
 7 executive agencies; providing definitions;
 8 revising requirements for the establishment and
 9 maintenance of advisory bodies, commissions, or
 10 boards of trustees that are adjunct to
 11 executive agencies; requiring each executive
 12 agency to periodically report certain
 13 information and make recommendations to the
 14 Executive Office of the Governor concerning
 15 adjunct advisory bodies, commissions, and
 16 boards of trustees; requiring the Executive
 17 Office of the Governor to report to the
 18 Legislature; providing for substantive
 19 committees within the Legislature to review the
 20 recommendations of the executive branch;
 21 conforming provisions; providing an effective
 22 date.

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 24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Section 20.052, Florida Statutes, is
 27 amended to read:
 28 20.052 Creation, maintenance, and review of advisory
 29 bodies, commissions, and boards of trustees; establishment.--
 30 (1) The Legislature finds it to be in the public
 31 interest to conduct a periodic and systematic review of the

1 need for, and the benefits derived from, advisory bodies,
2 commissions, and boards of trustees created by specific
3 statutory enactment as adjuncts to executive agencies.

4 (2) As used in this section, the term:

5 (a) "Advisory body" means any entity defined in s.
6 20.03(7), (8), or (9) or any group, by whatever name, created
7 by specific statutory enactment as an adjunct to an executive
8 agency to provide advice or recommendations.

9 (b) "Board of trustees" means any entity defined in s.
10 20.03(12) or any group, by whatever name, created by specific
11 statutory enactment as an adjunct to an executive agency to
12 administer public property or a public program.

13 (c) "Commission" means any entity defined in s.
14 20.03(10) or any group, by whatever name, created by specific
15 statutory enactment within an executive agency which exercises
16 limited quasi-legislative or quasi-judicial powers, or both,
17 independently of the head of the executive agency.

18 (d) "Direct costs" means the costs of an advisory
19 body, board of trustees, or commission for which the executive
20 agency receives a specific appropriation.

21 (e) "Indirect costs" means the costs of an advisory
22 body, board of trustees, or commission which are not
23 specifically appropriated and which are funded by the
24 executive agency's existing appropriations and resources.

25 (3) Each advisory body, commission, or board of
26 trustees, or any other collegial body created by specific
27 statutory enactment as an adjunct to an executive agency must
28 be established, reviewed, and evaluated, or maintained in
29 accordance with the following provisions:

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1 ~~(a)(1)~~ It may be created only when it is found to be
2 necessary and beneficial to the furtherance of a statutorially
3 defined public purpose and-

4 ~~(2)~~ it must be terminated by the Legislature when it
5 is no longer necessary and beneficial to the furtherance of
6 that a public purpose. ~~The executive agency to which the~~
7 ~~advisory body, commission, board of trustees, or other~~
8 ~~collegial body is made an adjunct must advise the Legislature~~
9 ~~at the time the advisory body, commission, board of trustees,~~
10 ~~or other collegial body ceases to be essential to the~~
11 ~~furtherance of a public purpose.~~

12 ~~(3)~~ ~~The Legislature and the public must be kept~~
13 ~~informed of the numbers, purposes, memberships, activities,~~
14 ~~and expenses of advisory bodies, commissions, boards of~~
15 ~~trustees, and other collegial bodies established as adjuncts~~
16 ~~to executive agencies.~~

17 ~~(4)~~ ~~An advisory body, commission, board of trustees,~~
18 ~~and other collegial body may not be created or reestablished~~
19 ~~unless:~~

20 ~~(a)~~ ~~It meets a statutorily defined purpose;~~

21 (b) Its powers and responsibilities must conform with
22 the definitions for governmental units in s. 20.03.~~7~~

23 (c) Its members, unless expressly provided otherwise
24 in the State Constitution, must be ~~are~~ appointed for 4-year
25 staggered terms~~and~~ its members who are private citizens must
26 be appointed by:

27 1. The Governor, the head of a department, the
28 executive director of a department, or a Cabinet officer, in
29 the case of an advisory body; or

30 2. The Governor, unless otherwise provided by law, and
31 must be confirmed by the Senate and be subject to the

1 prohibition against dual officeholding under s. 5(a), Art. II
2 of the State Constitution, in the case of a commission or
3 board of trustees.

4 (d) Its members, unless expressly provided otherwise
5 by statute, must ~~specific statutory enactment~~, serve without
6 ~~additional~~ compensation or honorarium, and may ~~are authorized~~
7 ~~to~~ receive only per diem and reimbursement for travel expenses
8 as provided in s. 112.061.

9 ~~(5)(a) The private citizen members of an advisory body~~
10 ~~that is adjunct to an executive agency must be appointed by~~
11 ~~the Governor, the head of the department, the executive~~
12 ~~director of the department, or a Cabinet officer.~~

13 ~~(b) The private citizen members of a commission or~~
14 ~~board of trustees that is adjunct to an executive agency must~~
15 ~~be appointed by the Governor unless otherwise provided by law,~~
16 ~~must be confirmed by the Senate, and must be subject to the~~
17 ~~dual-office-holding prohibition of s. 5(a), Art. II of the~~
18 ~~State Constitution.~~

19 ~~(e)(c)~~ Unless an exemption is otherwise specifically
20 provided by law, all meetings of an advisory body, commission,
21 or board of trustees, ~~or other collegial body adjunct to an~~
22 ~~executive agency~~ are public meetings under s. 286.011.
23 Minutes, including a record of all votes cast, must be
24 maintained for all meetings.

25 ~~(f)(d)~~ If an advisory body, commission, or board of
26 trustees, ~~or other collegial body that is adjunct to an~~
27 ~~executive agency~~ is abolished, its records must be
28 appropriately stored, within 30 days after the effective date
29 of its abolition, by the executive agency to which it was
30 adjunct, and any property assigned to it must be reclaimed by
31 the executive agency. The advisory body, commission, or board

1 of trustees, ~~or other collegial body~~ may not perform any
2 activities after the effective date of its abolition.

3 (4) On July 15, 2005, and every 3 years thereafter
4 beginning on July 15, 2008, each executive agency shall submit
5 the following information to the Executive Office of the
6 Governor for each advisory body, commission, or board of
7 trustees adjunct to the executive agency, except such an
8 entity that is statutorily created for the purpose of
9 regulating a profession or occupation:

10 (a) Identification of each entity and its specific
11 statutory authority.

12 (b) Identification of each entity's number of members,
13 the appointment method for the entity's members, the date of
14 each member's appointment, and any membership positions not
15 currently filled.

16 (c) Identification of each entity's direct and
17 indirect costs, staff positions, dates of meetings, and major
18 accomplishments in furtherance of the entity's statutorily
19 defined public purpose during the previous 3 fiscal years.

20 (d) A recommendation, and reasoning therefor, as to
21 whether each entity should be continued, revised, or
22 abolished. Prior to submitting a recommendation to revise or
23 abolish an entity, the executive agency shall provide notice
24 and an opportunity to be heard by the head of the executive
25 agency, or his or her designee, to each of the entity's
26 members concerning the recommendation. A written summary of
27 each member's input regarding the recommendation shall be
28 included with the executive agency's recommendation required
29 by this paragraph.

30 (5) The Executive Office of the Governor shall compile
31 the information required by subsection (4) into a written

1 report and shall submit the report to the President of the
2 Senate and the Speaker of the House of Representatives on
3 August 31, 2005, and every 3 years thereafter beginning on
4 August 31, 2008.

5 (6) Each appropriate substantive committee within the
6 Senate and the House of Representatives shall review those
7 portions of the report required by subsection (5) which
8 pertain to the advisory bodies, commissions, or boards of
9 trustees within the committee's jurisdiction and, if the
10 report:

11 (a) Indicates that an advisory body, commission, or
12 board of trustees has not met at least once during the
13 previous fiscal year or has not achieved any major
14 accomplishment in furtherance of the entity's statutorily
15 defined public purpose, the committee shall review the
16 continued necessity for the entity and recommend whether the
17 entity should be continued, revised, or abolished; or

18 (b) Sets forth an executive agency recommendation to
19 revise or abolish an advisory body, commission, or board of
20 trustees, the committee shall review the continued necessity
21 for the entity and recommend whether to implement, amend, or
22 reject the proposed revision or abolition.

23 (7)(6) This section does not affect the right to
24 institute or prosecute any cause of action by or against an
25 abolished advisory body, commission, or board of trustees, ~~or~~
26 ~~other collegial body that was adjunct to an executive agency~~
27 if the cause of the action accrued before the date it was
28 abolished. Any cause of action pending on the date the
29 advisory body, commission, or board of trustees, ~~or other~~
30 ~~collegial body~~ is abolished, or instituted thereafter, must be
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1 prosecuted or defended in the name of the state by the
2 Department of Legal Affairs.

3 Section 2. This act shall take effect July 1, 2004.
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6 SENATE SUMMARY

7 Revises the requirements for establishing and maintaining
8 advisory bodies, commissions, and boards of trustees that
9 are adjunct to a state agency. Requires the executive
10 agencies to report certain information and make
11 recommendations to the Executive Office of the Governor
12 every 3 years concerning that agency's advisory bodies,
13 commissions, and boards of trustees. Requires the
14 Executive Office of the Governor to report to the
15 Legislature. Requires the Legislature to review the
16 recommendations of the executive branch. (See bill for
17 details.)
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