

By the Committee on Governmental Oversight and Productivity

302-1226B-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 advisory bodies,
7 commissions, boards, and other collegial bodies
8 in the executive branch; providing definitions;
9 revising requirements for the establishment and
10 maintenance of executive collegial bodies;
11 requiring each executive agency to periodically
12 report certain information and make
13 recommendations to the Executive Office of the
14 Governor concerning executive collegial bodies;
15 providing exemptions to the recommendation
16 requirement; requiring the Executive Office of
17 the Governor to report to the Legislature;
18 providing for substantive committees within the
19 Legislature to review the reports and
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, boards of trustees, and commissions,~~boards,~~
30 ~~establishment.~~--
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1 (1) The Legislature finds it to be in the public
2 interest to conduct a periodic and systematic review of the
3 need for, and the benefits derived from, advisory bodies,
4 boards of trustees, commissions, and other collegial bodies in
5 the executive branch.

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

7 (a) "Advisory body" means any entity defined in s.
8 20.03(7), (8), or (9) or any group, by whatever name, created
9 to provide advice or recommendations to one or more executive
10 agencies.

11 (b) "Executive agency" means a department as defined
12 in s. 20.03(2), the Agency for Workforce Innovation, the
13 Executive Office of the Governor, the Fish and Wildlife
14 Conservation Commission, the Parole Commission, or the State
15 Board of Administration.

16 (c) "Direct costs" means the costs of an advisory
17 body, board of trustees, commission, or other collegial body
18 for which the agency receives a specific appropriation.

19 (d) "Indirect costs" means the costs of an advisory
20 body, board of trustees, commission, or other collegial body
21 for which an appropriation is not specifically made and which
22 are funded by the executive agency's existing appropriations
23 and resources.

24 (3) Each advisory body, board of trustees, commission,
25 board of trustees, or any other collegial body in the
26 executive branch created by specific statutory enactment as an
27 adjunct to an executive agency must be established, reviewed,
28 and evaluated, or maintained in accordance with the following
29 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 public
3 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 by law in the State Constitution, must be ~~are~~ appointed for
25 4-year staggered terms, except in the case of an advisory body
26 defined in s. 20.03(8).~~7~~ ~~and~~

27 ~~(d)~~ Its members must be appointed by:

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

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1 2. The Governor, unless otherwise provided by law, and
2 must be confirmed by the Senate and be subject to the
3 prohibition against dual officeholding under s. 5(a), Art. II
4 of the State Constitution, in the case of a commission or
5 board of trustees.

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

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

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

21 (f)(c) Its meetings, unless an exemption is otherwise
22 specifically provided by law, ~~all meetings of an advisory~~
23 ~~body, commission, board of trustees, or other collegial body~~
24 ~~adjunct to an executive agency~~ are public meetings under s.
25 286.011. Minutes, including a record of all votes cast, must
26 be maintained for all meetings.

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

1 adjunct or within, and any property assigned to it must be
2 reclaimed by the executive agency. ~~The advisory body,~~
3 ~~commission, board of trustees, or other collegial body may not~~
4 ~~perform~~ Any Activities may not be performed after the
5 effective date of ~~its~~ abolition.

6 (4)(a) On July 15, 2005, and annually thereafter, each
7 executive agency shall submit the following information to the
8 Executive Office of the Governor for each advisory body, board
9 of trustees, commission, or other collegial body adjunct to or
10 within the executive agency:

11 1. Identification of each entity and the legal
12 authority therefor.

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

17 3. Identification of each entity's direct and indirect
18 costs, staff positions, dates of meetings, and major
19 accomplishments in furtherance of the entity's public purpose
20 during the previous fiscal year.

21 (b) On July 15, 2005, and every 4 years thereafter,
22 beginning on July 15, 2009, the submission required by
23 paragraph (a) shall also include for each statutorily
24 authorized entity a recommendation, and reasoning therefor, as
25 to whether the entity should be continued, revised, or
26 abolished. Before submitting a recommendation to revise or
27 abolish an entity, the executive agency shall provide each of
28 the entity's members notice regarding the recommendation and
29 an opportunity to be heard by the agency head or his or her
30 designee. A written summary of member comments regarding the
31 recommendation must be included with the executive agency's

1 recommendation required by this paragraph. This paragraph does
2 not apply to entities defined in s. 20.03(8), entities
3 statutorily created for the purpose of regulating a profession
4 or occupation, and direct-support and citizen support
5 organizations.

6 (c) The Executive Office of the Governor shall compile
7 the information required by paragraphs (a) and (b) into a
8 written report and submit the report to the President of the
9 Senate and the Speaker of the House of Representatives on
10 August 15, 2005, and annually thereafter.

11 (5) Each appropriate substantive committee within the
12 Senate and the House of Representatives shall review those
13 portions of the report required by paragraph (4)(c) which
14 pertain to the advisory bodies, boards of trustees,
15 commissions, or other collegial bodies within the committee's
16 jurisdiction and, if the report:

17 (a) Indicates that a statutorily authorized entity has
18 failed to meet at least once during the previous fiscal year,
19 the committee shall review the continued necessity for the
20 entity and provide a recommendation before the next regular
21 legislative session as to whether the entity should be
22 continued, revised, or abolished; or

23 (b) Sets forth an executive agency recommendation
24 provided pursuant to paragraph (4)(b) to revise or abolish an
25 entity, the committee shall review the continued necessity for
26 the entity and provide a recommendation before the next
27 regular legislative session as to whether the proposed
28 revision or abolition should be implemented, amended, or
29 rejected.

30 (6) This section does not affect the right to
31 institute or prosecute any cause of action by or against an

1 abolished advisory body, board of trustees, commission, ~~board~~
2 ~~of trustees~~, or other collegial body that was adjunct to or
3 within an executive agency if the cause of the action accrued
4 before the date it was abolished. Any cause of action pending
5 on the date the advisory body, board of trustees, commission,
6 ~~board of trustees~~, or other collegial body is abolished, or
7 instituted thereafter, must be prosecuted or defended in the
8 name of the state by the Department of Legal Affairs.

9 Section 2. This act shall take effect July 1, 2004.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1160

14 Removes definitions for "Board of Trustees" and "Commission."
15 Defines the term "executive agency." Specifies that all
16 collegial bodies in the executive branch are subject to s.
17 20.052(3), F.S. Clarifies that four-year staggered terms do
18 not apply to bodies defined in s. 20.03(8), F.S. Requires each
19 executive agency to: (a) annually compile information about
20 all collegial bodies within or adjunct to the agency; (b)
21 recommend every four years, rather than every three years,
22 whether to continue, revise, or abolish specified entities.
23 Exempts specified entities from recommendation requirements.
24 Amends legislative review requirements.
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