

1 need for, and the benefits derived from, executive branch
2 collegial bodies.

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

4 (a) "Collegial body" means any body of persons, by
5 whatever name, which is adjunct to an executive agency and
6 which has a common purpose or duties.

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

12 (c) "Direct costs" means the costs of a collegial body
13 for which the executive agency receives a specific
14 appropriation.

15 (d) "Indirect costs" means the costs of a collegial
16 body for which an appropriation is not specifically made and
17 which are funded by the executive agency's existing
18 appropriations and resources.

19 ~~(3) Each advisory body, commission, board of trustees,~~
20 ~~or any other collegial body created by specific statutory~~
21 ~~enactment as an adjunct to an executive agency must be~~
22 ~~established, reviewed, and evaluated, or maintained in~~
23 ~~accordance with the following provisions:~~

24 ~~(a)(1)~~ It may be created only when it is found to be
25 necessary and beneficial to the furtherance of a public
26 purpose, ~~and-~~

27 ~~(2)~~ it must be terminated ~~by the Legislature~~ when it
28 is no longer necessary and beneficial to the furtherance of
29 ~~that a public purpose. The executive agency to which the~~
30 ~~advisory body, commission, board of trustees, or other~~
31 ~~collegial body is made an adjunct must advise the Legislature~~

1 ~~at the time the advisory body, commission, board of trustees,~~
2 ~~or other collegial body ceases to be essential to the~~
3 ~~furtherance of a public purpose.~~

4 ~~(3) The Legislature and the public must be kept~~
5 ~~informed of the numbers, purposes, memberships, activities,~~
6 ~~and expenses of advisory bodies, commissions, boards of~~
7 ~~trustees, and other collegial bodies established as adjuncts~~
8 ~~to executive agencies.~~

9 ~~(4) An advisory body, commission, board of trustees,~~
10 ~~and other collegial body may not be created or reestablished~~
11 ~~unless:~~

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

13 (b) Its powers and responsibilities must conform with
14 the definitions for governmental units in s. 20.03.;

15 (c) Its members, unless expressly provided otherwise
16 in the State Constitution, must be ~~are~~ appointed to ~~for~~ 4 year
17 ~~staggered terms that may not exceed 4 years.;~~ and

18 (d) Its members must be appointed by:

19 1. The Governor, the head of a department, the
20 executive director of a department, or a Cabinet officer,
21 unless otherwise provided by law, in the case of a collegial
22 body other than a commission or board of trustees; or

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

28 ~~(e)(d)~~ Its members, unless expressly provided
29 otherwise by statute, must ~~specific statutory enactment,~~ serve
30 without ~~additional~~ compensation or honorarium, and may ~~are~~

31

1 ~~authorized to~~ receive only per diem and reimbursement for
2 travel expenses as provided in s. 112.061.

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

7 ~~(b) The private citizen members of a commission or~~
8 ~~board of trustees that is adjunct to an executive agency must~~
9 ~~be appointed by the Governor unless otherwise provided by law,~~
10 ~~must be confirmed by the Senate, and must be subject to the~~
11 ~~dual office holding prohibition of s. 5(a), Art. II of the~~
12 ~~State Constitution.~~

13 ~~(f)(c)~~ Its meetings, unless an exemption is otherwise
14 specifically provided by law, ~~all meetings of an advisory~~
15 ~~body, commission, board of trustees, or other collegial body~~
16 ~~adjunct to an executive agency~~ are public meetings under s.
17 286.011. Minutes, including a record of all votes cast, must
18 be maintained for all meetings.

19 ~~(g)(d)~~ If ~~an advisory body, commission, board of~~
20 ~~trustees, or other collegial body that is adjunct to an~~
21 ~~executive agency is~~ abolished, its records must be
22 appropriately stored, within 30 days after the effective date
23 of its abolition, by the executive agency to which it was
24 adjunct, and any property assigned to it must be reclaimed by
25 the executive agency. ~~The advisory body, commission, board of~~
26 ~~trustees, or other collegial body may not perform Any~~
27 Activities may not be performed after the effective date of
28 ~~its~~ abolition.

29 (4)(a) On July 15, 2006, and annually thereafter, each
30 executive agency shall submit the following information to the
31

1 Executive Office of the Governor for each collegial body
2 adjunct to the executive agency:

3 1. Identification of each collegial body and the legal
4 authority therefor.

5 2. Identification of each collegial body's number of
6 members, the appointment method for those members, the date of
7 each member's appointment, and any membership positions not
8 currently filled.

9 3. Identification of each collegial body's direct and
10 indirect costs, staff positions, dates of meetings, and major
11 accomplishments in furtherance of the collegial body's public
12 purpose during the previous fiscal year.

13 (b) On July 15, 2006, and every 4 years thereafter,
14 beginning on July 15, 2010, the submission required by
15 paragraph (a) shall also include for each statutorily
16 authorized collegial body a recommendation, and reasoning
17 therefor, as to whether the collegial body should be
18 continued, revised, or abolished. Before submitting a
19 recommendation to revise or abolish a collegial body, the
20 executive agency shall provide each of the collegial body's
21 members notice regarding the recommendation and an opportunity
22 to be heard by the agency head or his or her designee. A
23 written summary of member comments regarding the
24 recommendation must be included with the executive agency's
25 recommendation required by this paragraph. This paragraph does
26 not apply to collegial bodies defined in s. 20.03(8),
27 collegial bodies statutorily created for the purpose of
28 regulating a profession or occupation, and direct-support,
29 citizen support, and health services support organizations.

30 (c) The Executive Office of the Governor shall compile
31 the information required by paragraphs (a) and (b) into a

1 written report and submit the report to the President of the
2 Senate and the Speaker of the House of Representatives on
3 August 15, 2006, and annually thereafter.

4 (5) Each appropriate substantive committee within the
5 Senate and the House of Representatives shall review those
6 portions of the report required by paragraph (4)(c) which
7 pertain to collegial bodies within the committee's
8 jurisdiction and, if the report:

9 (a) Indicates that a statutorily authorized collegial
10 body has failed to meet at least once during the previous
11 fiscal year, the committee shall review the continued
12 necessity for the collegial body and provide a recommendation
13 before the next regular legislative session as to whether the
14 collegial body should be continued, revised, or abolished; or

15 (b) Sets forth an executive agency recommendation
16 provided pursuant to paragraph (4)(b) to revise or abolish a
17 collegial body, the committee shall review the continued
18 necessity for the collegial body and provide a recommendation
19 before the next regular legislative session as to whether the
20 proposed revision or abolition should be implemented, amended,
21 or rejected.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Section 2. This act shall take effect July 1, 2005.

SENATE SUMMARY

Revises the requirements for establishing and maintaining executive branch collegial bodies that are adjunct to executive agencies. Requires the executive agencies to report certain information and make recommendations to the Executive Office of the Governor every 4 years concerning that agency's collegial bodies. Requires the Executive Office of the Governor to report to the Legislature. Requires the Legislature to review the recommendations of the executive branch. (See bill for details.)