

1 A bill to be entitled

2 An act relating to government accountability; creating ch.
3 21, F.S., the Florida Government Accountability Act;
4 providing definitions; creating the Legislative Sunset
5 Advisory Committee; providing for appointment,
6 qualifications, and terms of committee members; providing
7 for vacancies; providing for organization and procedure;
8 authorizing reimbursement for certain expenses; providing
9 for employment of staff; providing a schedule for
10 abolishing state agencies and advisory committees;
11 requiring the committee to conduct prior review and
12 recommend whether to abolish an agency and its advisory
13 committees as scheduled; providing for public hearings;
14 requiring agency and committee reports; providing review
15 criteria; specifying recommendation options; providing for
16 continuation, by law, under certain circumstances;
17 providing for legislative consideration of proposals with
18 respect to such recommendations; providing procedures
19 after termination; providing for issuance of subpoenas;
20 authorizing reimbursement for travel and per diem for
21 witnesses; providing for assistance of and access to state
22 agencies; providing applicability with respect to certain
23 rights, penalties, liabilities, and proceedings; providing
24 for review of proposed legislation creating a new agency
25 or advisory committee; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Chapter 21, Florida Statutes, consisting of
 30 sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006, 21.007,
 31 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.013, 21.015,
 32 21.016, 21.017, 21.018, 21.019, 21.0211, and 21.022, is created
 33 to read:

34 CHAPTER 21

35 GOVERNMENT ACCOUNTABILITY

36 21.001 Short title.--This chapter may be cited as the
 37 "Florida Government Accountability Act."

38 21.002 Definitions.--As used in this chapter:

39 (1) "State agency" or "agency" means a department as
 40 defined in s. 20.03(2) or any other administrative unit of state
 41 government scheduled for termination and prior review under this
 42 chapter.

43 (2) "Advisory committee" means any examining and licensing
 44 board, council, advisory council, committee, task force,
 45 coordinating council, commission, or board of trustees as
 46 defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any
 47 group, by whatever name, created to provide advice or
 48 recommendations to one or more agencies, departments, divisions,
 49 bureaus, boards, sections, or other units or entities of state
 50 government.

51 (3) "Committee" means the Legislative Sunset Advisory
 52 Committee.

53 21.003 Legislative Sunset Advisory Committee.--

54 (1) The Legislative Sunset Advisory Committee is created
 55 and shall consist of five members of the Senate, one public
 56 member appointed by the President of the Senate, and five

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57 members of the House of Representatives, and one public member
58 appointed by the Speaker of the House of Representatives. Each
59 appointing authority may designate himself or herself as one of
60 the legislative appointees.

61 (2) An individual is not eligible for appointment as a
62 public member if the individual or the individual's spouse is:

63 (a) Regulated by a state agency that the committee will
64 review during the term for which the individual would serve; or

65 (b) Employed by, participates in the management of, or
66 directly or indirectly has more than a 10-percent interest in a
67 business entity or other organization regulated by a state
68 agency the committee will review during the term for which the
69 individual would serve.

70 (3) It is a ground for removal of a public member from the
71 committee if the member does not have the qualifications
72 required by subsection (2) for appointment to the committee at
73 the time of appointment or does not maintain the qualifications
74 while serving on the committee. The validity of the committee's
75 action is not affected by the fact that it was taken when a
76 ground for removal of a public member from the committee
77 existed.

78 (4) Legislative and public members shall serve terms of 2
79 years. A public member may not serve more than two consecutive
80 2-year terms; and, for purposes of this prohibition, a member is
81 considered to have served a term only if the member has served
82 more than half of the term.

83 (5) Initial appointments shall be made not later than
84 November 30, 2006, and subsequent appointments shall be made not

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85 later than January 15 of the year following each organization
86 session of the Legislature.

87 (6) If a legislative member ceases to be a member of the
88 house from which he or she was appointed, the member vacates his
89 or her membership on the committee.

90 (7) If a vacancy occurs, the appropriate appointing
91 authority shall appoint a person to serve for the remainder of
92 the unexpired term in the same manner as the original
93 appointment.

94 (8) The committee shall have a chair and vice chair as
95 presiding officers. The chair and vice chair must alternate each
96 year between the two membership groups appointed by the
97 President of the Senate and the Speaker of the House of
98 Representatives. The chair and vice chair may not be from the
99 same membership group. The President of the Senate shall
100 designate a presiding officer from his appointed membership
101 group who shall preside as chair during the odd-numbered year
102 and as vice chair during the even-numbered year, and the Speaker
103 of the House of Representatives shall designate the other
104 presiding officer from his appointed membership group who shall
105 preside as chair during the even-numbered year and as vice chair
106 during the odd-numbered year.

107 (9) Seven members of the committee constitute a quorum. A
108 final action or recommendation may not be made unless approved
109 by a recorded vote of a majority of the committee's full
110 membership.

111 (10) Each member of the committee is entitled to
112 reimbursement for actual and necessary expenses incurred in

113 performing committee duties. Each legislative member is entitled
 114 to reimbursement from the appropriate fund of the member's
 115 respective house. Each public member is entitled to
 116 reimbursement from funds appropriated for use by the committee.

117 21.004 Staff.--The Senate and the House of Representatives
 118 may each employ staff to work for the chair and vice chair of
 119 the committee on matters related to committee activities.

120 21.005 Schedule for abolishing state agencies and advisory
 121 committees.--The following state agencies, including their
 122 advisory committees, or the following advisory committees of
 123 agencies are abolished according to the following schedule:

124 (1) Abolished July 1, 2008:

125 (a) Advisory committees for the Fish and Wildlife
 126 Conservation Commission.

127 (b) Department of Agriculture and Consumer Services.

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

129 (d) Department of Community Affairs.

130 (e) Department of Environmental Protection.

131 (f) Department of Highway Safety and Motor Vehicles.

132 (g) Water managements districts.

133 (2) Abolished July 1, 2009:

134 (a) Department of Children and Family Services.

135 (b) Department of the Lottery.

136 (c) Department of Management Services.

137 (d) Department of State.

138 (3) Abolished July 1, 2010:

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

- 141 | (b) Advisory committees for the State University System.
- 142 | (c) Agency for Workforce Innovation.
- 143 | (d) Department of Education.
- 144 | (4) Abolished July 1, 2011:
- 145 | (a) Agency for Health Care Administration.
- 146 | (b) Agency for Persons with Disabilities.
- 147 | (c) Department of Elderly Affairs.
- 148 | (d) Department of Health.
- 149 | (5) Abolished July 1, 2012:
- 150 | (a) Department of Business and Professional Regulation.
- 151 | (b) Department of Transportation.
- 152 | (c) Department of Veterans' Affairs.
- 153 | (6) Abolished July 1, 2013:
- 154 | (a) Advisory committees for the State Board of
- 155 | Administration.
- 156 | (b) Department of Financial Services, including the
- 157 | Financial Services Commission.
- 158 | (c) Department of Revenue.
- 159 | (7) Abolished July 1, 2014:
- 160 | (a) Department of Corrections.
- 161 | (b) Department of Juvenile Justice.
- 162 | (c) Department of Law Enforcement.
- 163 | (d) Department of Legal Affairs.
- 164 | (e) Justice Administrative Commission.
- 165 | (f) Parole Commission.
- 166 | (8) Abolished July 1, 2015:
- 167 | (a) Executive Office of the Governor.
- 168 | (b) Florida Public Service Commission.

169 21.006 Agency report to committee.--Not later than October
 170 30 of each even-numbered year and not later than July 31 of each
 171 odd-numbered year of the year preceding the year in which a
 172 state agency and its advisory committees are scheduled to be
 173 abolished, the agency shall report to the committee:

174 (1) Information regarding the application to the agency of
 175 the criteria in s. 21.0111.

176 (2) Any other information that the agency considers
 177 appropriate or that is requested by the committee.

178 21.007 Committee duties.--Not later than March 1 of the
 179 year in which a state agency is scheduled to be abolished, the
 180 committee shall:

181 (1) Review and take action necessary to verify the reports
 182 submitted by the agency under s. 21.006.

183 (2) Consult with the Legislative Budget Commission, the
 184 Planning and Budgeting Office in the Executive Office of the
 185 Governor, the Auditor General, and the Chief Financial Officer,
 186 or their successors, on the application to the agency of the
 187 criteria provided in s. 21.0111.

188 (3) Conduct a performance evaluation of the agency based
 189 on the criteria provided in s. 21.0111 and prepare a written
 190 report.

191 (4) Review the implementation of committee recommendations
 192 contained in the reports presented to the Legislature during the
 193 preceding legislative session.

194 21.008 Public hearings.--Not later than March 1 of the
 195 year in which a state agency and its advisory committees are
 196 scheduled to be abolished, the committee shall have finished

197 conducting all public hearings concerning, but not limited to,
 198 the application to the agency and its advisory committees of the
 199 criteria provided in s. 21.0111.

200 21.009 Committee report.--

201 (1) By March 1 of each year, the committee shall present
 202 to the President of the Senate, the Speaker of the House of
 203 Representatives, and the Governor a report on the agencies and
 204 advisory committees scheduled to be abolished that year.

205 (2) In the report, the committee shall include:

206 (a) Its specific findings regarding each of the criteria
 207 prescribed by s. 21.0111.

208 (b) Its recommendations based on the matters prescribed by
 209 s. 21.012.

210 (c) Other information the committee considers necessary
 211 for a complete evaluation of each agency and its advisory
 212 committees.

213 21.0111 Criteria for review.--The committee shall consider
 214 the following criteria in determining whether a public need
 215 exists for the continuation of a state agency or its advisory
 216 committees or for the performance of the functions of the agency
 217 or its advisory committees:

218 (1) The efficiency with which the agency or advisory
 219 committee operates.

220 (2) An identification of the objectives intended for the
 221 agency or advisory committee and the problem or need that the
 222 agency or advisory committee was intended to address, the extent
 223 to which the objectives have been achieved, and any activities
 224 of the agency in addition to those granted by statute and the

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225 authority for these activities.

226 (3) An assessment of less restrictive or alternative
227 methods of providing any regulatory function for which the
228 agency is responsible while adequately protecting the public.

229 (4) The extent to which the advisory committee is needed
230 and is used.

231 (5) The extent to which the jurisdiction of the agency and
232 the programs administered by the agency overlap or duplicate
233 those of other agencies and the extent to which the programs
234 administered by the agency can be consolidated with the programs
235 of other state agencies.

236 (6) Whether the agency has recommended to the Legislature
237 statutory changes calculated to be of benefit to the public
238 rather than to an occupation, business, or institution that the
239 agency regulates.

240 (7) The promptness and effectiveness with which the agency
241 disposes of complaints concerning persons affected by the
242 agency.

243 (8) The extent to which the agency has encouraged
244 participation by the public in making its rules and decisions as
245 opposed to participation solely by those it regulates and the
246 extent to which the public participation has resulted in rules
247 compatible with the objectives of the agency.

248 (9) The extent to which the agency has complied with
249 applicable requirements of:

250 (a) An agency of the Federal Government or of this state
251 regarding equality of employment opportunity and the rights and
252 privacy of individuals.

253 (b) State law and applicable rules of any state agency
 254 regarding purchasing goals and programs for historically
 255 underutilized businesses.

256 (10) The extent to which changes are necessary in the
 257 enabling statutes of the agency so that the agency can
 258 adequately comply with the criteria listed in this section.

259 (11) The extent to which the agency issues and enforces
 260 rules relating to potential conflicts of interest of its
 261 employees.

262 (12) The extent to which the agency complies with public
 263 records and public meetings requirements under chapters 119 and
 264 287 and s. 24, Art. I of the State Constitution and follows
 265 records management practices that enable the agency to respond
 266 efficiently to requests for public information.

267 (13) The effect of federal intervention or loss of federal
 268 funds if the agency is abolished.

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

273 21.012 Recommendations.--In its report on a state agency,
 274 the committee shall:

275 (1) Make recommendations on the abolition, continuation,
 276 or reorganization of each affected state agency and its advisory
 277 committees and on the need for the performance of the functions
 278 of the agency and its advisory committees.

279 (2) Make recommendations on the consolidation, transfer,
 280 or reorganization of programs within state agencies not under

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281 review when the programs duplicate functions performed in
282 agencies under review.

283 (3) Recommend appropriation levels for each state agency
284 and advisory committee for which abolition or reorganization is
285 recommended under subsection (1) or subsection (2).

286 (4) Include drafts of legislation necessary to carry out
287 the committee's recommendations under subsection (1) or
288 subsection (2).

289 21.0125 Monitoring of recommendations.--During each
290 legislative session, the staff of the committee shall monitor
291 legislation affecting agencies that have undergone review under
292 this chapter and shall periodically report to the members of the
293 committee on proposed changes that would modify prior
294 recommendations of the committee.

295 21.013 Abolition of advisory committees.--An advisory
296 committee is abolished on the date set for abolition of the
297 agency unless the advisory committee is expressly continued by
298 law.

299 21.015 Continuation by law.--

300 (1) During the regular session immediately before a state
301 agency and its advisory committees are scheduled to be
302 abolished, the Legislature, by law, may continue the agency or
303 any of its advisory committees for a period not to exceed 8
304 years.

305 (2) This chapter does not prohibit the Legislature from:

306 (a) Abolishing a state agency or advisory committee on a
307 date earlier than that scheduled in this chapter; or

308 (b) Considering any other legislation relative to a state

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309 agency or advisory committee scheduled to be abolished under
310 this chapter.

311 21.016 Legislative consideration.--

312 (1) Except as provided by subsection (2), the Legislature
313 may not consider in one bill the continuation, transfer, or
314 modification of more than one state agency and the agency's
315 functions and advisory committees.

316 (2) If more than one agency, advisory committee, or
317 function is to be consolidated, the Legislature may consider in
318 one bill only the agencies or advisory committees to be
319 consolidated.

320 (3) A bill to continue a state agency, to transfer its
321 functions, or to consolidate it with another agency must mention
322 the affected agencies in the title of the bill.

323 21.017 Procedure after termination.--

324 (1) A state agency that is abolished may continue in
325 existence until July 1 of the following year to conclude its
326 business. Unless the law provides otherwise, abolishment does
327 not reduce or otherwise limit the powers and authority of the
328 state agency during the concluding year. A state agency is
329 terminated and shall cease all activities at the expiration of
330 the 1-year period. Unless the law provides otherwise, all rules
331 that have been adopted by the state agency expire at the
332 expiration of the 1-year period.

333 (2) Any unobligated and unexpended appropriations of an
334 abolished agency or advisory committee lapse on July 1 of the
335 year following abolishment.

336 (3) Except as provided by subsection (5) or as otherwise

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337 provided by law, all money in a dedicated fund of an abolished
338 state agency or advisory committee on July 1 of the year
339 immediately following abolishment is transferred to the General
340 Revenue Fund. The part of the law dedicating the money to a
341 specific fund of an abolished agency becomes void on July 1 of
342 the year immediately following abolishment.

343 (4) If not otherwise provided by law, property and records
344 in the custody of an abolished state agency or advisory
345 committee on July 1 of the year immediately following
346 abolishment shall be transferred to the Department of Management
347 Services.

348 (5) The Legislature recognizes the state's continuing
349 obligation to pay bonded indebtedness and all other obligations,
350 including lease, contract, and other written obligations,
351 incurred by a state agency abolished under this chapter, and
352 this chapter does not impair or impede the payment of bonded
353 indebtedness and all other obligations, including lease,
354 contract, and other written obligations, in accordance with
355 their terms. If an abolished state agency has outstanding bonded
356 indebtedness or other outstanding obligations, including lease,
357 contract, and other written obligations, the bonds and all other
358 obligations, including lease, contract, and other written
359 obligations, remain valid and enforceable in accordance with
360 their terms and subject to all applicable terms and conditions
361 of the laws and proceedings authorizing the bonds and all other
362 obligations, including lease, contract, and other written
363 obligations. If not otherwise provided by law, the Department of
364 Management Services shall continue to carry out all covenants

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365 contained in the bonds and in all other obligations, including
366 lease, contract, and other written obligations, and the
367 proceedings authorizing them, including the issuance of bonds,
368 and the performance of all other obligations, including lease,
369 contract, and other written obligations, to complete the
370 construction of projects or the performance of other
371 obligations, including lease, contract, and other written
372 obligations. The designated state agency shall provide payment
373 from the sources of payment of the bonds in accordance with the
374 terms of the bonds and shall provide payment from the sources of
375 payment of all other obligations, including lease, contract, and
376 other written obligations, in accordance with their terms,
377 whether from taxes, revenues, or otherwise, until the bonds and
378 interest on the bonds are paid in full and all other
379 obligations, including lease, contract, and other written
380 obligations, are performed and paid in full. If the proceedings
381 so provide, all funds established by laws or proceedings
382 authorizing the bonds or authorizing other obligations,
383 including lease, contract, and other written obligations, shall
384 remain with the Chief Financial Officer or the previously
385 designated trustees. If the proceedings do not provide that the
386 funds remain with the Chief Financial Officer or the previously
387 designated trustees, the funds shall be transferred to the
388 designated state agency.

389 21.018 Subpoena power.--

390 (1) The President of the Senate or the Speaker of the
391 House of Representatives may issue process to compel the
392 attendance of witnesses and the production of books, records,

393 papers, and other objects necessary or proper for the purposes
 394 of the committee proceedings. The process may be served on a
 395 witness at any place in this state.

396 (2) If a majority of the committee directs the issuance of
 397 a subpoena, the chair shall request that the President of the
 398 Senate or the Speaker of the House of Representatives issue the
 399 subpoena.

400 (3) Testimony taken under subpoena must be reduced to
 401 writing and given under oath subject to the penalties of
 402 perjury.

403 (4) A witness who attends a committee proceeding under
 404 process is entitled to the same mileage and per diem as a
 405 witness who appears before a grand jury in this state.

406 21.019 Assistance of and access to state agencies.--

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

410 (2) In carrying out its functions under this chapter, the
 411 committee or its designated staff member may inspect the
 412 records, documents, and files of any state agency.

413 21.0211 Saving provision.--Except as otherwise expressly
 414 provided by law, abolition of a state agency does not affect
 415 rights and duties that matured, penalties that were incurred,
 416 civil or criminal liabilities that arose, or proceedings that
 417 were begun before the effective date of the abolition.

418 21.022 Review of proposed legislation creating a new
 419 agency or advisory committee.--

420 (1) Each bill filed in the Senate or the House of

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421 Representatives that would create a new state agency or a new
422 advisory committee to a state agency shall be forwarded by the
423 President of the Senate or the Speaker of the House of
424 Representatives, as applicable, to the committee.

425 (2) The committee shall review the bill to determine if:

426 (a) The proposed regulatory and other functions of the
427 state agency or advisory committee could be administered by one
428 or more existing state agencies or advisory committees;

429 (b) The form of regulation, if any, proposed by the bill
430 is the least restrictive form of regulation that will adequately
431 protect the public;

432 (c) The bill provides for adequate public input regarding
433 any regulatory function proposed by the bill; and

434 (d) The bill provides for adequate protection against
435 conflicts of interest within the state agency or advisory
436 committee.

437 (3) After reviewing the bill, the committee shall forward
438 a written comment on the legislation to the sponsor of the bill
439 and to the chair of the substantive legislative committee to
440 which the bill is referred, and implementation cannot take place
441 until a recommendation is made.

442 Section 2. This act shall take effect July 1, 2006.