

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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24 | authorizing reimbursement for travel and per diem for
 25 | witnesses; providing for assistance of and access to state
 26 | agencies; providing applicability with respect to certain
 27 | rights, penalties, liabilities, and proceedings; providing
 28 | for review of proposed legislation creating a new agency
 29 | or advisory committee; providing an effective date.
 30 |

31 | Be It Enacted by the Legislature of the State of Florida:
 32 |

33 | Section 1. Chapter 21, Florida Statutes, consisting of
 34 | sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006, 21.007,
 35 | 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.013, 21.015,
 36 | 21.016, 21.017, 21.018, 21.019, 21.0211, and 21.022, is created
 37 | to read:

38 | CHAPTER 21

39 | GOVERNMENT ACCOUNTABILITY

40 | 21.001 Short title.--This chapter may be cited as the
 41 | "Florida Government Accountability Act."

42 | 21.002 Definitions.--As used in this chapter:

43 | (1) "State agency" or "agency" means a department as
 44 | defined in s. 20.03(2) or any other administrative unit of state
 45 | government scheduled for termination and prior review under this
 46 | chapter.

47 | (2) "Advisory committee" means any examining and licensing
 48 | board, council, advisory council, committee, task force,
 49 | coordinating council, commission, or board of trustees as
 50 | defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any
 51 | group, by whatever name, created to provide advice or

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52 recommendations to one or more agencies, departments, divisions,
53 bureaus, boards, sections, or other units or entities of state
54 government.

55 (3) "Committee" means the Legislative Sunset Advisory
56 Committee.

57 21.003 Legislative Sunset Advisory Committee.--

58 (1) The Legislative Sunset Advisory Committee is created
59 and shall consist of five members of the Senate, one public
60 member appointed by the President of the Senate, and five
61 members of the House of Representatives, and one public member
62 appointed by the Speaker of the House of Representatives. Each
63 appointing authority may designate himself or herself as one of
64 the legislative appointees.

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

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

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

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

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80 ground for removal of a public member from the committee
81 existed.

82 (4) Legislative and public members shall serve terms of 2
83 years. A public member may not serve more than two consecutive
84 2-year terms; and, for purposes of this prohibition, a member is
85 considered to have served a term only if the member has served
86 more than half of the term.

87 (5) Initial appointments shall be made not later than
88 November 30, 2006, and subsequent appointments shall be made not
89 later than January 15 of the year following each organization
90 session of the Legislature.

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

94 (7) If a vacancy occurs, the appropriate appointing
95 authority shall appoint a person to serve for the remainder of
96 the unexpired term in the same manner as the original
97 appointment.

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

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108 presiding officer from his appointed membership group who shall
109 preside as chair during the even-numbered year and as vice chair
110 during the odd-numbered year.

111 (9) Seven members of the committee constitute a quorum. A
112 final action or recommendation may not be made unless approved
113 by a recorded vote of a majority of the committee's full
114 membership.

115 (10) Each member of the committee is entitled to
116 reimbursement for actual and necessary expenses incurred in
117 performing committee duties. Each legislative member is entitled
118 to reimbursement from the appropriate fund of the member's
119 respective house. Each public member is entitled to
120 reimbursement from funds appropriated for use by the committee.

121 21.004 Staff.--The Senate and the House of Representatives
122 may each employ staff to work for the chair and vice chair of
123 the committee on matters related to committee activities.

124 21.005 Schedule for abolishing state agencies and advisory
125 committees.--The following state agencies, including their
126 advisory committees, or the following advisory committees of
127 agencies are abolished according to the following schedule:

128 (1) Abolished July 1, 2008:

129 (a) Advisory committees for the Fish and Wildlife
130 Conservation Commission.

131 (b) Department of Agriculture and Consumer Services.

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

133 (d) Department of Community Affairs.

134 (e) Department of Environmental Protection.

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

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- 136 | (g) Water managements districts.
- 137 | (2) Abolished July 1, 2009:
- 138 | (a) Department of Children and Family Services.
- 139 | (b) Department of the Lottery.
- 140 | (c) Department of Management Services.
- 141 | (d) Department of State.
- 142 | (3) Abolished July 1, 2010:
- 143 | (a) Advisory committees for the Florida Community College
- 144 | System.
- 145 | (b) Advisory committees for the State University System.
- 146 | (c) Agency for Workforce Innovation.
- 147 | (d) Department of Education.
- 148 | (4) Abolished July 1, 2011:
- 149 | (a) Agency for Health Care Administration.
- 150 | (b) Agency for Persons with Disabilities.
- 151 | (c) Department of Elderly Affairs.
- 152 | (d) Department of Health.
- 153 | (5) Abolished July 1, 2012:
- 154 | (a) Department of Business and Professional Regulation.
- 155 | (b) Department of Transportation.
- 156 | (c) Department of Veterans' Affairs.
- 157 | (6) Abolished July 1, 2013:
- 158 | (a) Advisory committees for the State Board of
- 159 | Administration.
- 160 | (b) Department of Financial Services, including the
- 161 | Financial Services Commission.
- 162 | (c) Department of Revenue.
- 163 | (7) Abolished July 1, 2014:

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- 164 (a) Department of Corrections.
- 165 (b) Department of Juvenile Justice.
- 166 (c) Department of Law Enforcement.
- 167 (d) Department of Legal Affairs.
- 168 (e) Justice Administrative Commission.
- 169 (f) Parole Commission.
- 170 (8) Abolished July 1, 2015:
- 171 (a) Executive Office of the Governor.
- 172 (b) Florida Public Service Commission.
- 173 21.006 Agency report to committee.--Not later than October
- 174 30 of each even-numbered year and not later than July 31 of each
- 175 odd-numbered year of the year preceding the year in which a
- 176 state agency and its advisory committees are scheduled to be
- 177 abolished, the agency shall report to the committee:
- 178 (1) Information regarding the application to the agency of
- 179 the criteria in s. 21.0111.
- 180 (2) Any other information that the agency considers
- 181 appropriate or that is requested by the committee.
- 182 21.007 Committee duties.--Not later than March 1 of the
- 183 year in which a state agency is scheduled to be abolished, the
- 184 committee shall:
- 185 (1) Review and take action necessary to verify the reports
- 186 submitted by the agency under s. 21.006.
- 187 (2) Consult with the Legislative Budget Commission, the
- 188 Planning and Budgeting Office in the Executive Office of the
- 189 Governor, the Auditor General, and the Chief Financial Officer,
- 190 or their successors, on the application to the agency of the
- 191 criteria provided in s. 21.0111.

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192 (3) Conduct a performance evaluation of the agency based
193 on the criteria provided in s. 21.0111 and prepare a written
194 report.

195 (4) Review the implementation of committee recommendations
196 contained in the reports presented to the Legislature during the
197 preceding legislative session.

198 21.008 Public hearings.--Not later than March 1 of the
199 year in which a state agency and its advisory committees are
200 scheduled to be abolished, the committee shall have finished
201 conducting all public hearings concerning, but not limited to,
202 the application to the agency and its advisory committees of the
203 criteria provided in s. 21.0111.

204 21.009 Committee report.--

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

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

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

212 (b) Its recommendations based on the matters prescribed by
213 s. 21.012.

214 (c) Other information the committee considers necessary
215 for a complete evaluation of each agency and its advisory
216 committees.

217 21.0111 Criteria for review.--The committee shall consider
218 the following criteria in determining whether a public need
219 exists for the continuation of a state agency or its advisory

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220 committees or for the performance of the functions of the agency
221 or its advisory committees:

222 (1) The efficiency with which the agency or advisory
223 committee operates.

224 (2) An identification of the objectives intended for the
225 agency or advisory committee and the problem or need that the
226 agency or advisory committee was intended to address, the extent
227 to which the objectives have been achieved, and any activities
228 of the agency in addition to those granted by statute and the
229 authority for these activities.

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

233 (4) The extent to which the advisory committee is needed
234 and is used.

235 (5) The extent to which the jurisdiction of the agency and
236 the programs administered by the agency overlap or duplicate
237 those of other agencies and the extent to which the programs
238 administered by the agency can be consolidated with the programs
239 of other state agencies.

240 (6) Whether the agency has recommended to the Legislature
241 statutory changes calculated to be of benefit to the public
242 rather than to an occupation, business, or institution that the
243 agency regulates.

244 (7) The promptness and effectiveness with which the agency
245 disposes of complaints concerning persons affected by the
246 agency.

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

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

254 (a) An agency of the Federal Government or of this state
255 regarding equality of employment opportunity and the rights and
256 privacy of individuals.

257 (b) State law and applicable rules of any state agency
258 regarding purchasing goals and programs for historically
259 underutilized businesses.

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

263 (11) The extent to which the agency issues and enforces
264 rules relating to potential conflicts of interest of its
265 employees.

266 (12) The extent to which the agency complies with public
267 records and public meetings requirements under chapters 119 and
268 287 and s. 24, Art. I of the State Constitution and follows
269 records management practices that enable the agency to respond
270 efficiently to requests for public information.

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

273 (14) Whether any advisory committee or any other part of
274 the agency exercises its powers and duties independently of the

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275 direct supervision of the agency head in violation of s. 6, Art.
276 IV of the State Constitution.

277 21.012 Recommendations.--In its report on a state agency,
278 the committee shall:

279 (1) Make recommendations on the abolition, continuation,
280 or reorganization of each affected state agency and its advisory
281 committees and on the need for the performance of the functions
282 of the agency and its advisory committees.

283 (2) Make recommendations on the consolidation, transfer,
284 or reorganization of programs within state agencies not under
285 review when the programs duplicate functions performed in
286 agencies under review.

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

290 (4) Include drafts of legislation necessary to carry out
291 the committee's recommendations under subsection (1) or
292 subsection (2).

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

299 21.013 Abolition of advisory committees.--An advisory
300 committee is abolished on the date set for abolition of the
301 agency unless the advisory committee is expressly continued by
302 law.

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CS21.015 Continuation by law.--

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

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

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

(b) Considering any other legislation relative to a state agency or advisory committee scheduled to be abolished under this chapter.

21.016 Legislative consideration.--

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

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

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

21.017 Procedure after termination.--

(1) A state agency that is abolished may continue in existence until July 1 of the following year to conclude its business. Unless the law provides otherwise, abolishment does

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331 not reduce or otherwise limit the powers and authority of the
332 state agency during the concluding year. A state agency is
333 terminated and shall cease all activities at the expiration of
334 the 1-year period. Unless the law provides otherwise, all rules
335 that have been adopted by the state agency expire at the
336 expiration of the 1-year period.

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

340 (3) Except as provided by subsection (5) or as otherwise
341 provided by law, all money in a dedicated fund of an abolished
342 state agency or advisory committee on July 1 of the year
343 immediately following abolishment is transferred to the General
344 Revenue Fund. The part of the law dedicating the money to a
345 specific fund of an abolished agency becomes void on July 1 of
346 the year immediately following abolishment.

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

352 (5) The Legislature recognizes the state's continuing
353 obligation to pay bonded indebtedness and all other obligations,
354 including lease, contract, and other written obligations,
355 incurred by a state agency abolished under this chapter, and
356 this chapter does not impair or impede the payment of bonded
357 indebtedness and all other obligations, including lease,
358 contract, and other written obligations, in accordance with

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359 | their terms. If an abolished state agency has outstanding bonded
360 | indebtedness or other outstanding obligations, including lease,
361 | contract, and other written obligations, the bonds and all other
362 | obligations, including lease, contract, and other written
363 | obligations, remain valid and enforceable in accordance with
364 | their terms and subject to all applicable terms and conditions
365 | of the laws and proceedings authorizing the bonds and all other
366 | obligations, including lease, contract, and other written
367 | obligations. If not otherwise provided by law, the Department of
368 | Management Services shall continue to carry out all covenants
369 | contained in the bonds and in all other obligations, including
370 | lease, contract, and other written obligations, and the
371 | proceedings authorizing them, including the issuance of bonds,
372 | and the performance of all other obligations, including lease,
373 | contract, and other written obligations, to complete the
374 | construction of projects or the performance of other
375 | obligations, including lease, contract, and other written
376 | obligations. The designated state agency shall provide payment
377 | from the sources of payment of the bonds in accordance with the
378 | terms of the bonds and shall provide payment from the sources of
379 | payment of all other obligations, including lease, contract, and
380 | other written obligations, in accordance with their terms,
381 | whether from taxes, revenues, or otherwise, until the bonds and
382 | interest on the bonds are paid in full and all other
383 | obligations, including lease, contract, and other written
384 | obligations, are performed and paid in full. If the proceedings
385 | so provide, all funds established by laws or proceedings
386 | authorizing the bonds or authorizing other obligations,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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387 including lease, contract, and other written obligations, shall
388 remain with the Chief Financial Officer or the previously
389 designated trustees. If the proceedings do not provide that the
390 funds remain with the Chief Financial Officer or the previously
391 designated trustees, the funds shall be transferred to the
392 designated state agency.

393 21.018 Subpoena power.--

394 (1) The President of the Senate or the Speaker of the
395 House of Representatives may issue process to compel the
396 attendance of witnesses and the production of books, records,
397 papers, and other objects necessary or proper for the purposes
398 of the committee proceedings. The process may be served on a
399 witness at any place in this state.

400 (2) If a majority of the committee directs the issuance of
401 a subpoena, the chair shall request that the President of the
402 Senate or the Speaker of the House of Representatives issue the
403 subpoena.

404 (3) Testimony taken under subpoena must be reduced to
405 writing and given under oath subject to the penalties of
406 perjury.

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

410 21.019 Assistance of and access to state agencies.--

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

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414 (2) In order to carry out its functions under this
415 chapter, the committee and its designated staff members are
416 empowered with the right and authority to inspect, copy, and
417 investigate the books, records, papers, documents, data,
418 operation, and physical plant of any public agency or advisory
419 committee in this state, including any confidential or exempt
420 information.

421 21.0211 Saving provision.--Except as otherwise expressly
422 provided by law, abolition of a state agency does not affect
423 rights and duties that matured, penalties that were incurred,
424 civil or criminal liabilities that arose, or proceedings that
425 were begun before the effective date of the abolition.

426 21.022 Review of proposed legislation creating a new
427 agency or advisory committee.--

428 (1) Each bill filed in the Senate or the House of
429 Representatives that would create a new state agency or a new
430 advisory committee to a state agency shall be forwarded by the
431 President of the Senate or the Speaker of the House of
432 Representatives, as applicable, to the committee.

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

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

437 (b) The form of regulation, if any, proposed by the bill
438 is the least restrictive form of regulation that will adequately
439 protect the public;

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

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442 (d) The bill provides for adequate protection against
443 conflicts of interest within the state agency or advisory
444 committee.

445 (3) For any bill to be considered during the regular
446 session of the Legislature, the committee shall review the bill
447 no later than 3 weeks after the regular session convenes and
448 shall forward written comments from the review of the
449 legislation required under subsection (2) to the sponsor of the
450 bill and to the chair of the substantive committee to which the
451 bill is referred.

452 (4) For any bill to be considered during a special session
453 of the Legislature, the committee shall review the bill during
454 the special session and forward written comments from the review
455 of the legislation required under subsection (2) to the sponsor
456 of the bill and to the chair of the substantive committee to
457 which the bill is referred.

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