

CHAMBER ACTION

1 The State Administration Council 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 prescribing required content for agency reports to the
16 committee; providing for review of agencies and their
17 advisory committees by the Office of Program Policy
18 Analysis and Government Accountability; prescribing duties
19 of the committee in reviewing reports, consulting with
20 other legislative entities, holding public hearings, and
21 making a report and recommendations to the legislative
22 leadership with respect to agencies scheduled for
23 abolition; providing for monitoring committee

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24 recommendations; providing review criteria; specifying
25 recommendation options; authorizing exemption from certain
26 review for certain agencies; providing for continuation of
27 state agencies and their advisory committees, by law,
28 under certain circumstances; providing for legislative
29 consideration of proposals with respect to such
30 recommendations; providing procedures after termination;
31 providing for issuance of subpoenas; authorizing
32 reimbursement for travel and per diem for witnesses;
33 providing for assistance of and access to state agencies;
34 providing applicability with respect to certain rights,
35 penalties, liabilities, and proceedings; providing for
36 review of proposed legislation creating a new agency or
37 advisory committee; amending s. 216.023, F.S.; requiring
38 that performance measures and standards and outsourcing
39 cost-benefit and business case analyses identify impacts
40 on agency activities; creating a working group to develop
41 instructions for agencies regarding the computation of
42 activity and unit cost information required to be included
43 in legislative budget requests; providing an effective
44 date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Chapter 21, Florida Statutes, consisting of
49 sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006, 21.007,
50 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.013, 21.015,

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51 21.016, 21.017, 21.018, 21.019, 21.0211, and 21.022, is created
52 to read:

53 CHAPTER 21

54 GOVERNMENT ACCOUNTABILITY

55
56 21.001 Short title.--This chapter may be cited as the
57 "Florida Government Accountability Act."

58 21.002 Definitions.--As used in this chapter:

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

63 (2) "Advisory committee" means any examining and licensing
64 board, council, advisory council, committee, task force,
65 coordinating council, commission, or board of trustees as
66 defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any
67 group, by whatever name, created to provide advice or
68 recommendations to one or more agencies, departments, divisions,
69 bureaus, boards, sections, or other units or entities of state
70 government.

71 (3) "Committee" means the Legislative Sunset Advisory
72 Committee.

73 21.003 Legislative Sunset Advisory Committee.--

74 (1) The Legislative Sunset Advisory Committee is created
75 and shall consist of five members of the Senate and one public
76 member appointed by the President of the Senate and five members
77 of the House of Representatives and one public member appointed
78 by the Speaker of the House of Representatives. Each appointing

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79 | authority may designate himself or herself as one of the
80 | legislative appointees.

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

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

85 | (b) Employed by, participates in the management of, or
86 | directly or indirectly has more than a 10-percent interest in a
87 | business entity or other organization regulated by a state
88 | agency the committee will review during the term for which the
89 | individual would serve.

90 | (3) It is a ground for removal of a public member from the
91 | committee if the member does not have the qualifications
92 | required by subsection (2) for appointment to the committee at
93 | the time of appointment or does not maintain the qualifications
94 | while serving on the committee. The validity of the committee's
95 | action is not affected by the fact that it was taken when a
96 | ground for removal of a public member from the committee
97 | existed.

98 | (4) Legislative and public members shall serve terms of 2
99 | years. A public member may not serve more than two consecutive
100 | 2-year terms; and, for purposes of this prohibition, a member is
101 | considered to have served a term only if the member has served
102 | more than half of the term.

103 | (5) Initial appointments shall be made not later than
104 | November 30, 2006, and subsequent appointments shall be made not
105 | later than January 15 of the year following each organization
106 | session of the Legislature.

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

110 (7) If a vacancy occurs, the appropriate appointing
111 authority shall appoint a person to serve for the remainder of
112 the unexpired term in the same manner as the original
113 appointment.

114 (8) The committee shall have a chair and vice chair as
115 presiding officers. The chair and vice chair must alternate each
116 year between the two membership groups appointed by the
117 President of the Senate and the Speaker of the House of
118 Representatives. The chair and vice chair may not be from the
119 same membership group. The President of the Senate shall
120 designate a presiding officer from his appointed membership
121 group who shall preside as chair during the odd-numbered year
122 and as vice chair during the even-numbered year, and the Speaker
123 of the House of Representatives shall designate the other
124 presiding officer from his appointed membership group who shall
125 preside as chair during the even-numbered year and as vice chair
126 during the odd-numbered year.

127 (9) Seven members of the committee constitute a quorum. A
128 final action or recommendation may not be made unless approved
129 by a recorded vote of a majority of the committee's full
130 membership.

131 (10) Each member of the committee is entitled to
132 reimbursement for actual and necessary expenses incurred in
133 performing committee duties. Each legislative member is entitled
134 to reimbursement from the appropriate fund of the member's

135 respective house. Each public member is entitled to
 136 reimbursement from funds appropriated for use by the committee.

137 21.004 Staff.--The Senate and the House of Representatives
 138 may each employ staff to work for the chair and vice chair of
 139 the committee on matters related to committee activities. The
 140 Auditor General and the Office of Program Policy Analysis and
 141 Government Accountability shall assist the committee in
 142 conducting its review under s. 21.0111.

143 21.005 Schedule for abolishing state agencies and advisory
 144 committees.--The following state agencies, including their
 145 advisory committees, or the following advisory committees of
 146 agencies are abolished according to the following schedule:

147 (1) Abolished July 1, 2008:

148 (a) Advisory committees for the Fish and Wildlife
 149 Conservation Commission.

150 (b) Department of Agriculture and Consumer Services.

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

152 (d) Department of Environmental Protection.

153 (e) Department of Highway Safety and Motor Vehicles.

154 (f) Water management districts.

155 (2) Abolished July 1, 2009:

156 (a) Department of Children and Family Services.

157 (b) Department of Community Affairs.

158 (c) Department of Management Services.

159 (d) Department of State.

160 (3) Abolished July 1, 2010:

161 (a) Advisory committees for the Florida Community College
 162 System.

- 163 | (b) Advisory committees for the State University System.
- 164 | (c) Agency for Workforce Innovation.
- 165 | (d) Department of Education.
- 166 | (e) Department of the Lottery.
- 167 | (4) Abolished July 1, 2011:
- 168 | (a) Agency for Health Care Administration.
- 169 | (b) Agency for Persons with Disabilities.
- 170 | (c) Department of Elderly Affairs.
- 171 | (d) Department of Health.
- 172 | (5) Abolished July 1, 2012:
- 173 | (a) Department of Business and Professional Regulation.
- 174 | (b) Department of Transportation.
- 175 | (c) Department of Veterans' Affairs.
- 176 | (6) Abolished July 1, 2013:
- 177 | (a) Advisory committees for the State Board of
- 178 | Administration.
- 179 | (b) Department of Financial Services, including the
- 180 | Financial Services Commission.
- 181 | (c) Department of Revenue.
- 182 | (7) Abolished July 1, 2014:
- 183 | (a) Department of Corrections.
- 184 | (b) Department of Juvenile Justice.
- 185 | (c) Department of Law Enforcement.
- 186 | (d) Department of Legal Affairs.
- 187 | (e) Justice Administrative Commission.
- 188 | (f) Parole Commission.
- 189 | (8) Abolished July 1, 2015:
- 190 | (a) Executive Office of the Governor.

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191 (b) Florida Public Service Commission.

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193 The President of the Senate and the Speaker of the House of
194 Representatives may alter this schedule by transferring agencies
195 between review years.

196 21.006 Agency report to committee.--Not later than January
197 1 of the year preceding the year in which a state agency and its
198 advisory committees are scheduled to be abolished, the agency
199 shall provide the committee with a report that includes:

200 (1) A list of all agency programs and activities as
201 defined in s. 216.011.

202 (2) The performance measures for each program and activity
203 as provided in s. 216.011 and 3 years of data for each measure
204 that provides actual results for the immediately preceding 2
205 years and projected results for the current fiscal year.

206 (3) The agency's success in meeting its legislative
207 performance standards for each program and activity and an
208 explanation of factors that have contributed to its success or
209 failure to achieve the legislative standards.

210 (4) The promptness and effectiveness with which the agency
211 disposes of complaints concerning persons affected by the
212 agency.

213 (5) The extent to which the agency has encouraged
214 participation by the public in making its rules and decisions as
215 opposed to participation solely by those it regulates and the
216 extent to which public participation has resulted in rules
217 compatible with the objectives of the agency.

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218 (6) The extent to which the agency has complied with
219 applicable requirements of:

220 (a) State and federal provisions relating to equality of
221 employment opportunity and the rights and privacy of
222 individuals.

223 (b) State law and applicable rules regarding purchasing
224 goals and programs for historically underutilized businesses.

225 (7) A statement of the objectives intended for each
226 program and activity, the problem or need that the program and
227 activity were intended to address, and the extent to which these
228 objectives have been achieved.

229 (8) An assessment of the extent to which the jurisdiction
230 of the agency and its programs and activities overlap or
231 duplicate those of other agencies and the extent to which the
232 programs and activities can be consolidated with those of other
233 agencies.

234 (9) An assessment of less restrictive or alternative
235 methods of providing services for which the agency is
236 responsible that would reduce costs or improve performance while
237 adequately protecting the public.

238 (10) An assessment of the extent to which the agency has
239 corrected deficiencies and implemented recommendations contained
240 in reports of the Auditor General, the Office of Program Policy
241 Analysis and Government Accountability, legislative interim
242 studies, and federal audit entities.

243 (11) The extent to which the agency adopts and enforces
244 rules relating to potential conflicts of interest of its
245 employees.

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246 (12) The extent to which the agency complies with public
247 records and public meetings requirements under chapters 119 and
248 286 and s. 24, Art. I of the State Constitution and follows
249 records management practices that enable the agency to respond
250 efficiently to requests for public information.

251 (13) The extent to which alternative program delivery
252 options, such as privatization, have been considered to reduce
253 costs or improve services to citizens.

254 (14) Recommendations to the Legislature for statutory or
255 budgetary changes that would improve program operations, reduce
256 costs, or reduce duplication.

257 (15) The effect of federal intervention or loss of federal
258 funds if the agency, program, or activity is abolished.

259 (16) A list of all advisory committees, including those
260 established in statute and those established by agency
261 initiation; their purpose, activities, membership, and related
262 expenses; the extent to which their purposes have been achieved;
263 and the rationale for continuing or eliminating each advisory
264 committee.

265 (17) Other information deemed necessary by the committee.

266
267 Information and data reported by the agency shall be validated
268 by its inspector general before submission to the committee.

269 21.007 Legislative review.--Upon receipt of an agency
270 report pursuant to s. 21.006, the Office of Program Policy
271 Analysis and Government Accountability shall conduct a program
272 evaluation and justification review, as defined in s. 11.513, of
273 the agency and its advisory committees. The review shall be

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274 comprehensive in its scope and consider the information provided
275 by the agency report in addition to information deemed necessary
276 by the office and the Legislative Sunset Advisory Committee. The
277 Office of Program Policy Analysis and Government Accountability
278 shall submit its report to the Legislative Sunset Advisory
279 Committee and to the President of the Senate and the Speaker of
280 the House of Representatives by October 31 of the year in which
281 the agency submits its report. The Office of Program Policy
282 Analysis and Government Accountability shall include in its
283 report recommendations for consideration by the Legislative
284 Sunset Advisory Committee.

285 21.008 Committee duties.--No later than March 1 of the
286 year in which a state agency or its advisory committees are
287 scheduled to be abolished, the committee shall:

288 (1) Review the information submitted by the agency and the
289 report of the Office of Program Policy Analysis and Government
290 Accountability.

291 (2) Consult with the Legislative Budget Commission,
292 relevant substantive and appropriations committees of the Senate
293 and the House of Representatives, the Governor's Office of
294 Policy and Budgeting, the Auditor General, and the Chief
295 Financial Officer, or their successors, on the application to
296 the agency and its advisory committees of the criteria provided
297 in s. 21.0111.

298 (3) Hold public hearings to consider this information as
299 well as other information and testimony that the committee deems
300 necessary.

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301 (4) Present to the President of the Senate, the Speaker of
302 the House of Representatives, and the Governor a report on the
303 agencies and advisory committees scheduled to be abolished that
304 year. In the report, the committee shall include its specific
305 findings and recommendations regarding each of the criteria
306 prescribed by s. 21.0111 and shall also:

307 (a) Make recommendations on the abolition, continuation,
308 or reorganization of each affected state agency and its advisory
309 committees and on the need for the performance of the functions
310 of the agency and its advisory committees.

311 (b) Make recommendations on the consolidation, transfer,
312 privatization, or reorganization of programs within state
313 agencies not under review when the programs duplicate functions
314 performed in agencies under review.

315 (c) Recommend appropriation levels for each state agency
316 and advisory committee for which abolition or reorganization is
317 recommended.

318 (d) Include drafts of legislation necessary to carry out
319 the committee's recommendations.

320 21.009 Monitoring of recommendations.--During each
321 legislative session, staff of the committee shall monitor
322 legislation affecting agencies that have undergone review under
323 this chapter and shall periodically report to members of the
324 committee on proposed changes that would modify recommendations
325 of the committee. Staff shall also present a report to the
326 committee at the close of each legislative session on the
327 adoption of committee recommendations by the Legislature.

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328 21.0111 Criteria for review.--The committee shall consider
329 the following criteria in determining whether a public need
330 exists for the continuation of a state agency or its advisory
331 committees or for the performance of the functions of the agency
332 or its advisory committees:

333 (1) Agency compliance with the accountability measures, as
334 analyzed by the Auditor General, the Office of Program Policy
335 Analysis and Government Accountability, and the Office of Policy
336 and Budget within the Executive Office of the Governor, pursuant
337 to s. 216.023(4) and (5).

338 (2) The efficiency with which the agency or advisory
339 committee operates.

340 (3) The objectives of the agency or advisory committee and
341 the problem or need that the agency or advisory committee is
342 intended to address, the extent to which the objectives have
343 been achieved, and any activities of the agency in addition to
344 those granted by statute and the authority for these activities.

345 (4) An assessment of less restrictive or alternative
346 methods of providing any regulatory function for which the
347 agency is responsible while adequately protecting the public.

348 (5) The extent to which the advisory committee is needed
349 and is used.

350 (6) The extent to which the jurisdiction of the agency and
351 the programs administered by the agency overlap or duplicate
352 those of other agencies and the extent to which the programs
353 administered by the agency can be consolidated with the programs
354 of other state agencies.

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355 (7) Whether the agency has recommended to the Legislature
356 statutory changes calculated to be of benefit to the public
357 rather than to an occupation, business, or institution that the
358 agency regulates.

359 (8) The promptness and effectiveness with which the agency
360 disposes of complaints concerning persons affected by the
361 agency.

362 (9) The extent to which the agency has encouraged
363 participation by the public in making its rules and decisions as
364 opposed to participation solely by those it regulates and the
365 extent to which the public participation has resulted in rules
366 compatible with the objectives of the agency.

367 (10) The extent to which the agency has complied with
368 applicable requirements of:

369 (a) An agency of the Federal Government or of this state
370 regarding equality of employment opportunity and the rights and
371 privacy of individuals.

372 (b) State law and applicable rules of any state agency
373 regarding purchasing goals and programs for historically
374 underutilized businesses.

375 (11) The extent to which changes are necessary in the
376 enabling statutes of the agency so that the agency can
377 adequately comply with the criteria listed in this section.

378 (12) The extent to which the agency adopts and enforces
379 rules relating to potential conflicts of interest of its
380 employees.

381 (13) The extent to which the agency complies with public
382 records and public meetings requirements under chapters 119 and

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383 287 and s. 24, Art. I of the State Constitution and follows
384 records management practices that enable the agency to respond
385 efficiently to requests for public information.

386 (14) The extent to which the agency complies with
387 requirements for maintaining transparency in its budget reports.

388 (15) The extent to which the agency accurately reports
389 performance measures used to justify state spending on each of
390 its activities, services, and programs.

391 (16) The effect of federal intervention or loss of federal
392 funds if the agency is abolished.

393 (17) Whether any advisory committee or any other part of
394 the agency exercises its powers and duties independently of the
395 direct supervision of the agency head in violation of s. 6, Art.
396 IV of the State Constitution.

397 21.012 Recommendations.--In its report on a state agency,
398 the committee shall:

399 (1) Make recommendations on the abolition, continuation,
400 or reorganization of each affected state agency and its advisory
401 committees and on the need for the performance of the functions
402 of the agency and its advisory committees.

403 (2) Make recommendations on the consolidation, transfer,
404 or reorganization of programs within state agencies not under
405 review when the programs duplicate functions performed in
406 agencies under review.

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

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410 (4) Include drafts of legislation necessary to carry out
411 the committee's recommendations under subsection (1) or
412 subsection (2).

413 21.0125 Review of certain agencies.--In the year preceding
414 the date scheduled for the abolition of a state agency and its
415 advisory committees under this chapter, the committee may
416 recommend exempting certain agencies from the requirements of
417 this chapter relating to staff reports, hearings, and
418 evaluations.

419 21.013 Abolition of advisory committees.--An advisory
420 committee is abolished on the date set for abolition of the
421 agency unless the advisory committee is expressly continued by
422 law.

423 21.015 Continuation by law.--

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

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

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

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

435 21.016 Legislative consideration.--

436 (1) Except as provided by subsection (2), the Legislature
437 may not consider in one bill the continuation, transfer, or

438 modification of more than one state agency and the agency's
439 functions and advisory committees.

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

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

447 21.017 Procedure after termination.--

448 (1) A state agency that is abolished may continue in
449 existence until July 1 of the following year to conclude its
450 business. Unless the law provides otherwise, abolition does not
451 reduce or otherwise limit the powers and authority of the state
452 agency during the concluding year. A state agency is terminated
453 and shall cease all activities at the expiration of the 1-year
454 period. Unless the law provides otherwise, all rules that have
455 been adopted by the state agency expire at the expiration of the
456 1-year period.

457 (2) Any unobligated and unexpended appropriations of an
458 abolished agency or advisory committee lapse on July 1 of the
459 year following abolition.

460 (3) Except as provided by subsection (5) or as otherwise
461 provided by law, all money in a dedicated fund of an abolished
462 state agency or advisory committee on July 1 of the year
463 immediately following abolition is transferred to the General
464 Revenue Fund. The part of the law dedicating the money to a

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465 specific fund of an abolished agency becomes void on July 1 of
466 the year immediately following abolition.

467 (4) If not otherwise provided by law, property and records
468 in the custody of an abolished state agency or advisory
469 committee on July 1 of the year immediately following abolition
470 shall be transferred to the Department of Management Services.

471 (5) The Legislature recognizes the state's continuing
472 obligation to pay bonded indebtedness and all other obligations,
473 including lease, contract, and other written obligations,
474 incurred by a state agency abolished under this chapter, and
475 this chapter does not impair or impede the payment of bonded
476 indebtedness and all other obligations, including lease,
477 contract, and other written obligations, in accordance with
478 their terms. If an abolished state agency has outstanding bonded
479 indebtedness or other outstanding obligations, including lease,
480 contract, and other written obligations, the bonds and all other
481 obligations, including lease, contract, and other written
482 obligations, remain valid and enforceable in accordance with
483 their terms and subject to all applicable terms and conditions
484 of the laws and proceedings authorizing the bonds and all other
485 obligations, including lease, contract, and other written
486 obligations. If not otherwise provided by law, the Department of
487 Management Services shall continue to carry out all covenants
488 contained in the bonds and in all other obligations, including
489 lease, contract, and other written obligations, and the
490 proceedings authorizing them, including the issuance of bonds,
491 and the performance of all other obligations, including lease,
492 contract, and other written obligations, to complete the

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493 construction of projects or the performance of other
494 obligations, including lease, contract, and other written
495 obligations. The designated state agency shall provide payment
496 from the sources of payment of the bonds in accordance with the
497 terms of the bonds and shall provide payment from the sources of
498 payment of all other obligations, including lease, contract, and
499 other written obligations, in accordance with their terms,
500 whether from taxes, revenues, or otherwise, until the bonds and
501 interest on the bonds are paid in full and all other
502 obligations, including lease, contract, and other written
503 obligations, are performed and paid in full. If the proceedings
504 so provide, all funds established by laws or proceedings
505 authorizing the bonds or authorizing other obligations,
506 including lease, contract, and other written obligations, shall
507 remain with the Chief Financial Officer or the previously
508 designated trustees. If the proceedings do not provide that the
509 funds remain with the Chief Financial Officer or the previously
510 designated trustees, the funds shall be transferred to the
511 designated state agency.

512 21.018 Subpoena power.--

513 (1) The President of the Senate or the Speaker of the
514 House of Representatives may issue process to compel the
515 attendance of witnesses and the production of books, records,
516 papers, and other objects necessary or proper for the purposes
517 of the committee proceedings. The process may be served on a
518 witness at any place in this state.

519 (2) If a majority of the committee directs the issuance of
520 a subpoena, the chair shall request that the President of the

521 Senate or the Speaker of the House of Representatives issue the
522 subpoena.

523 (3) Testimony taken under subpoena must be reduced to
524 writing and given under oath subject to the penalties of
525 perjury.

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

529 21.019 Assistance of and access to state agencies.--

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

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

536 21.0211 Saving provision.--Except as otherwise expressly
537 provided by law, abolition of a state agency does not affect
538 rights and duties that matured, penalties that were incurred,
539 civil or criminal liabilities that arose, or proceedings that
540 were begun before the effective date of the abolition.

541 21.022 Review of proposed legislation creating a new
542 agency or advisory committee.--

543 (1) Each bill filed in the Senate or the House of
544 Representatives that would create a new state agency or a new
545 advisory committee to a state agency shall be forwarded by the
546 President of the Senate or the Speaker of the House of
547 Representatives, as applicable, to the committee.

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548 (2) The committee shall review the bill to determine
549 whether:

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

553 (b) The form of regulation, if any, proposed by the bill
554 is the least restrictive form of regulation that will adequately
555 protect the public;

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

558 (d) The bill provides for adequate protection against
559 conflicts of interest within the state agency or advisory
560 committee.

561 (3) After reviewing the bill, the committee shall forward
562 a written comment concerning the legislation to the sponsor of
563 the bill and to the chair of the substantive legislative
564 committee to which the bill is referred, and implementation may
565 not take place until a recommendation is made.

566 Section 2. Notwithstanding section 216.351, Florida
567 Statutes, subsection (4) of section 216.023, Florida Statutes,
568 is amended to read:

569 216.023 Legislative budget requests to be furnished to
570 Legislature by agencies.--

571 (4) (a) The legislative budget request must contain for
572 each program:

573 1. The constitutional or statutory authority for a
574 program, a brief purpose statement, and approved program
575 components.

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576 | 2. Information on expenditures for 3 fiscal years (actual
577 | prior-year expenditures, current-year estimated expenditures,
578 | and agency budget requested expenditures for the next fiscal
579 | year) by appropriation category.

580 | 3. Details on trust funds and fees.

581 | 4. The total number of positions (authorized, fixed, and
582 | requested).

583 | 5. An issue narrative describing and justifying changes in
584 | amounts and positions requested for current and proposed
585 | programs for the next fiscal year.

586 | 6. Information resource requests.

587 | 7. Legislatively approved output and outcome performance
588 | measures and any proposed revisions to measures. Each
589 | performance measure must identify the associated activity
590 | contributing to the measure from those identified in accordance
591 | with paragraph (b).

592 | 8. Proposed performance standards for each performance
593 | measure and justification for the standards and the sources of
594 | data to be used for measurement. Performance standards must
595 | include standards for each affected activity and be expressed in
596 | terms of the associated unit of activity.

597 | 9. Prior-year performance data on approved performance
598 | measures and an explanation of deviation from expected
599 | performance. Performance data must be assessed for reliability
600 | in accordance with s. 20.055.

601 | 10. Proposed performance incentives and disincentives.

602 | 11. Supporting information, including applicable cost-
603 | benefit analyses, business case analyses, performance

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604 contracting procedures, service comparisons, and impacts on
605 performance standards for any request to outsource or privatize
606 agency functions. The cost-benefit and business case analyses
607 must include an assessment of the impact on each affected
608 activity from those identified in accordance with paragraph (b).
609 Performance standards must include standards for each affected
610 activity and be expressed in terms of the associated unit of
611 activity.

612 12. An evaluation of any major outsourcing and
613 privatization initiatives undertaken during the last 5 fiscal
614 years having aggregate expenditures exceeding \$10 million during
615 the term of the contract. The evaluation shall include an
616 assessment of contractor performance, a comparison of
617 anticipated service levels to actual service levels, and a
618 comparison of estimated savings to actual savings achieved.
619 Consolidated reports issued by the Department of Management
620 Services may be used to satisfy this requirement.

621 (b) It is the intent of the Legislature that total
622 accountability measures, including unit-cost data, serve not
623 only as a budgeting tool but also as a policymaking tool and an
624 accountability tool. Therefore, each state agency and the
625 judicial branch must submit a ~~one-page~~ summary of information
626 for the preceding year in accordance with the legislative budget
627 instructions. Each ~~one-page~~ summary must provide a one-page
628 overview and must contain:

- 629 1. The final budget for the agency and the judicial
630 branch.
- 631 2. Total funds from the General Appropriations Act.

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- 632 3. Adjustments to the General Appropriations Act.
- 633 4. The line-item listings of all activities.
- 634 5. The number of activity units performed or accomplished.
- 635 6. Total expenditures for each activity, including amounts
- 636 paid to contractors and subordinate entities. Expenditures
- 637 related to administrative activities not aligned with output
- 638 measures must consistently be allocated to activities with
- 639 output measures prior to computing unit costs.
- 640 7. The cost per unit for each activity, including the
- 641 costs allocated to contractors and subordinate entities.
- 642 8. The total amount of reversions and pass-through
- 643 expenditures omitted from unit-cost calculations.

644

645 At the regular session immediately following the submission of

646 the agency unit cost summary, the Legislature shall reduce in

647 the General Appropriations Act for the ensuing fiscal year, by

648 an amount equal to at least 10 percent of the allocation for the

649 fiscal year preceding the current fiscal year, the funding of

650 each state agency that fails to submit the report required under

651 this paragraph.

652 Section 3. To assist in the development of legislative

653 budget request instructions for agencies regarding the

654 computation of activity and unit cost information required to be

655 included in legislative budget requests under s. 216.023(4)(b),

656 Florida Statutes, a working group consisting of representatives

657 from the Executive Office of the Governor, the Office of Program

658 Policy Analysis and Government Accountability, the Auditor

659 General, the Department of Financial Services, and legislative

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660 appropriations committees shall be created, effective July 1,
661 2006, to develop a cost-allocation methodology for agencies to
662 use in the computation of activity and unit costs. The cost-
663 allocation methodology shall be based on the standards and
664 guidelines identified in the Federal Office of Management and
665 Budget Circular A-87. In addition, this working group shall
666 produce procedures to ensure that the recommended cost-
667 allocation methodology produces auditable activity and unit cost
668 information that can be used to compare the performance of each
669 reported activity over time and of agencies and private entities
670 that perform similar activities. The working group shall submit
671 its recommendations, including the associated implementation and
672 operating costs, to the Governor, the President of the Senate,
673 and the Speaker of the House of Representatives by December 31,
674 2006.

675 Section 4. This act shall take effect July 1, 2006.