

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 prescribing required content for agency reports to the
12 committee; providing for review of agencies and their
13 advisory committees by the Office of Program Policy
14 Analysis and Government Accountability; prescribing duties
15 of the committee in reviewing reports, consulting with
16 other legislative entities, holding public hearings, and
17 making a report and recommendations to the legislative
18 leadership with respect to agencies scheduled for
19 abolition; providing for monitoring committee
20 recommendations; providing review criteria; specifying
21 recommendation options; authorizing exemption from certain
22 review for certain agencies; providing for continuation of
23 state agencies and their advisory committees by default
24 under certain circumstances; providing for continuation of
25 state agencies and their advisory committees, by law,
26 under certain circumstances; providing for legislative
27 consideration of proposals with respect to such

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

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

46 | Section 1. Chapter 21, Florida Statutes, consisting of
 47 | sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006, 21.007,
 48 | 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.013, 21.014,
 49 | 21.015, 21.016, 21.017, 21.018, 21.019, 21.0211, and 21.022, is
 50 | created to read:

51 |

CHAPTER 21

52 |

GOVERNMENT ACCOUNTABILITY

53 |

54 21.001 Short title.--This chapter may be cited as the
 55 "Florida Government Accountability Act."

56 21.002 Definitions.--As used in this chapter:

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

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

69 (3) "Committee" means the Legislative Sunset Advisory
 70 Committee.

71 21.003 Legislative Sunset Advisory Committee.--

72 (1) The Legislative Sunset Advisory Committee is created
 73 and shall consist of five members of the Senate and one public
 74 member appointed by the President of the Senate and five members
 75 of the House of Representatives and one public member appointed
 76 by the Speaker of the House of Representatives. Each appointing
 77 authority may designate himself or herself as one of the
 78 legislative appointees.

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

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

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

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

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

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

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

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

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

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

129 (10) Each member of the committee is entitled to
130 reimbursement for actual and necessary expenses incurred in
131 performing committee duties. Each legislative member is entitled
132 to reimbursement from the appropriate fund of the member's
133 respective house. Each public member is entitled to
134 reimbursement from funds appropriated for use by the committee.

135 21.004 Staff.--The Senate and the House of Representatives
 136 may each employ staff to work for the chair and vice chair of
 137 the committee on matters related to committee activities. The
 138 Auditor General and the Office of Program Policy Analysis and
 139 Government Accountability shall assist the committee in
 140 conducting its review under s. 21.0111.

141 21.005 Schedule for abolishing state agencies and advisory
 142 committees.--The following state agencies, including their
 143 advisory committees, or the following advisory committees of
 144 agencies are abolished according to the following schedule:

145 (1) Abolished July 1, 2008:

146 (a) Advisory committees for the Fish and Wildlife
 147 Conservation Commission.

148 (b) Department of Agriculture and Consumer Services.

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

150 (d) Department of Environmental Protection.

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

152 (f) Water management districts.

153 (2) Abolished July 1, 2009:

154 (a) Department of Children and Family Services.

155 (b) Department of Community Affairs.

156 (c) Department of Management Services.

157 (d) Department of State.

158 (3) Abolished July 1, 2010:

159 (a) Advisory committees for the Florida Community College
 160 System.

161 (b) Advisory committees for the State University System.

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

189 (b) Florida Public Service Commission.

190
 191 The President of the Senate and the Speaker of the House of
 192 Representatives may alter this schedule by transferring agencies
 193 between review years.

194 21.006 Agency report to committee.--Not later than January
 195 1 of the year preceding the year in which a state agency and its
 196 advisory committees are scheduled to be abolished, the agency
 197 shall provide the committee with a report that includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

264
265 Information and data reported by the agency shall be validated
266 by its inspector general before submission to the committee.

267 21.007 Legislative review.--Upon receipt of an agency
268 report pursuant to s. 21.006, the Office of Program Policy
269 Analysis and Government Accountability shall conduct a program
270 evaluation and justification review, as defined in s. 11.513, of
271 the agency and its advisory committees. The review shall be
272 comprehensive in its scope and consider the information provided
273 by the agency report in addition to information deemed necessary
274 by the office and the Legislative Sunset Advisory Committee. The
275 Office of Program Policy Analysis and Government Accountability
276 shall submit its report to the Legislative Sunset Advisory
277 Committee and to the President of the Senate and the Speaker of
278 the House of Representatives by October 31 of the year in which
279 the agency submits its report. The Office of Program Policy
280 Analysis and Government Accountability shall include in its
281 report recommendations for consideration by the Legislative
282 Sunset Advisory Committee.

283 21.008 Committee duties.--No later than March 1 of the
284 year in which a state agency or its advisory committees are
285 scheduled to be abolished, the committee shall:

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

289 (2) Consult with the Legislative Budget Commission,
290 relevant substantive and appropriations committees of the Senate
291 and the House of Representatives, the Governor's Office of
292 Policy and Budgeting, the Auditor General, and the Chief
293 Financial Officer, or their successors, on the application to

294 the agency and its advisory committees of the criteria provided
295 in s. 21.0111.

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

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

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

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

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

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

318 21.009 Monitoring of recommendations.--During each
319 legislative session, staff of the committee shall monitor
320 legislation affecting agencies that have undergone review under

321 this chapter and shall periodically report to members of the
322 committee on proposed changes that would modify recommendations
323 of the committee. Staff shall also present a report to the
324 committee at the close of each legislative session on the
325 adoption of committee recommendations by the Legislature.

326 21.0111 Criteria for review.--The committee shall consider
327 the following criteria in determining whether a public need
328 exists for the continuation of a state agency or its advisory
329 committees or for the performance of the functions of the agency
330 or its advisory committees:

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

336 (2) The efficiency with which the agency or advisory
337 committee operates.

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

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

346 (5) The extent to which the advisory committee is needed
347 and is used.

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

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

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

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

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

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

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

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

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

379 (13) The extent to which the agency complies with public
380 records and public meetings requirements under chapters 119 and
381 287 and s. 24, Art. I of the State Constitution and follows
382 records management practices that enable the agency to respond
383 efficiently to requests for public information.

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

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

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

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

395 21.012 Recommendations.--In its report on a state agency,
396 the committee shall:

397 (1) Make recommendations on the abolition, continuation,
398 or reorganization of each affected state agency and its advisory

399 committees and on the need for the performance of the functions
400 of the agency and its advisory committees.

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

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

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

411 21.0125 Review of certain agencies.--In the year preceding
412 the date scheduled for the abolition of a state agency and its
413 advisory committees under this chapter, the committee may
414 recommend exempting certain agencies from the requirements of
415 this chapter relating to staff reports, hearings, and
416 evaluations.

417 21.013 Abolition of advisory committees.--An advisory
418 committee is abolished on the date set for abolition of the
419 agency unless the advisory committee is expressly continued by
420 law.

421 21.014 Continuation by default.--If legislation regarding
422 the continuation, reorganization, consolidation, or abolition of
423 a state agency and its advisory committees fails to become law
424 in the year in which a state agency and its advisory committees

425 are scheduled to be abolished, the agency shall be continued for
 426 a period of 12 months.

427 21.015 Continuation by law.--

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

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

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

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

439 21.016 Legislative consideration.--

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

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

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

451 21.017 Procedure after termination.--

452 (1) A state agency that is abolished may continue in
453 existence until July 1 of the following year to conclude its
454 business. Unless the law provides otherwise, abolition does not
455 reduce or otherwise limit the powers and authority of the state
456 agency during the concluding year. A state agency is terminated
457 and shall cease all activities at the expiration of the 1-year
458 period. Unless the law provides otherwise, all rules that have
459 been adopted by the state agency expire at the expiration of the
460 1-year period.

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

464 (3) Except as provided by subsection (5) or as otherwise
465 provided by law, all money in a dedicated fund of an abolished
466 state agency or advisory committee on July 1 of the year
467 immediately following abolition is transferred to the General
468 Revenue Fund. The part of the law dedicating the money to a
469 specific fund of an abolished agency becomes void on July 1 of
470 the year immediately following abolition.

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

475 (5) The Legislature recognizes the state's continuing
476 obligation to pay bonded indebtedness and all other obligations,
477 including lease, contract, and other written obligations,
478 incurred by a state agency abolished under this chapter, and

479 this chapter does not impair or impede the payment of bonded
480 indebtedness and all other obligations, including lease,
481 contract, and other written obligations, in accordance with
482 their terms. If an abolished state agency has outstanding bonded
483 indebtedness or other outstanding obligations, including lease,
484 contract, and other written obligations, the bonds and all other
485 obligations, including lease, contract, and other written
486 obligations, remain valid and enforceable in accordance with
487 their terms and subject to all applicable terms and conditions
488 of the laws and proceedings authorizing the bonds and all other
489 obligations, including lease, contract, and other written
490 obligations. If not otherwise provided by law, the Department of
491 Management Services shall continue to carry out all covenants
492 contained in the bonds and in all other obligations, including
493 lease, contract, and other written obligations, and the
494 proceedings authorizing them, including the issuance of bonds,
495 and the performance of all other obligations, including lease,
496 contract, and other written obligations, to complete the
497 construction of projects or the performance of other
498 obligations, including lease, contract, and other written
499 obligations. The designated state agency shall provide payment
500 from the sources of payment of the bonds in accordance with the
501 terms of the bonds and shall provide payment from the sources of
502 payment of all other obligations, including lease, contract, and
503 other written obligations, in accordance with their terms,
504 whether from taxes, revenues, or otherwise, until the bonds and
505 interest on the bonds are paid in full and all other

506 obligations, including lease, contract, and other written
507 obligations, are performed and paid in full. If the proceedings
508 so provide, all funds established by laws or proceedings
509 authorizing the bonds or authorizing other obligations,
510 including lease, contract, and other written obligations, shall
511 remain with the Chief Financial Officer or the previously
512 designated trustees. If the proceedings do not provide that the
513 funds remain with the Chief Financial Officer or the previously
514 designated trustees, the funds shall be transferred to the
515 designated state agency.

516 21.018 Subpoena power.--

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

523 (2) If a majority of the committee directs the issuance of
524 a subpoena, the chair shall request that the President of the
525 Senate or the Speaker of the House of Representatives issue the
526 subpoena.

527 (3) Testimony taken under subpoena must be reduced to
528 writing and given under oath subject to the penalties of
529 perjury.

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

533 21.019 Assistance of and access to state agencies.--

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

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

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

545 21.022 Review of proposed legislation creating a new
546 agency or advisory committee.--

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

552 (2) The committee shall review the bill to determine
553 whether:

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

557 (b) The form of regulation, if any, proposed by the bill
558 is the least restrictive form of regulation that will adequately
559 protect the public;

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

562 (d) The bill provides for adequate protection against
563 conflicts of interest within the state agency or advisory
564 committee.

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

570 Section 2. Notwithstanding section 216.351, Florida
571 Statutes, subsection (4) of section 216.023, Florida Statutes,
572 is amended to read:

573 216.023 Legislative budget requests to be furnished to
574 Legislature by agencies.--

575 (4) (a) The legislative budget request must contain for
576 each program:

577 1. The constitutional or statutory authority for a
578 program, a brief purpose statement, and approved program
579 components.

580 2. Information on expenditures for 3 fiscal years (actual
581 prior-year expenditures, current-year estimated expenditures,
582 and agency budget requested expenditures for the next fiscal
583 year) by appropriation category.

584 3. Details on trust funds and fees.

585 4. The total number of positions (authorized, fixed, and
586 requested).

587 5. An issue narrative describing and justifying changes in
588 amounts and positions requested for current and proposed
589 programs for the next fiscal year.

590 6. Information resource requests.

591 7. Legislatively approved output and outcome performance
592 measures and any proposed revisions to measures. Each
593 performance measure must identify the associated activity
594 contributing to the measure from those identified in accordance
595 with paragraph (b).

596 8. Proposed performance standards for each performance
597 measure and justification for the standards and the sources of
598 data to be used for measurement. Performance standards must
599 include standards for each affected activity and be expressed in
600 terms of the associated unit of activity.

601 9. Prior-year performance data on approved performance
602 measures and an explanation of deviation from expected
603 performance. Performance data must be assessed for reliability
604 in accordance with s. 20.055.

605 10. Proposed performance incentives and disincentives.

606 11. Supporting information, including applicable cost-
607 benefit analyses, business case analyses, performance
608 contracting procedures, service comparisons, and impacts on
609 performance standards for any request to outsource or privatize
610 agency functions. The cost-benefit and business case analyses
611 must include an assessment of the impact on each affected
612 activity from those identified in accordance with paragraph (b).
613 Performance standards must include standards for each affected

614 activity and be expressed in terms of the associated unit of
615 activity.

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

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

- 633 1. The final budget for the agency and the judicial
634 branch.
- 635 2. Total funds from the General Appropriations Act.
- 636 3. Adjustments to the General Appropriations Act.
- 637 4. The line-item listings of all activities.
- 638 5. The number of activity units performed or accomplished.
- 639 6. Total expenditures for each activity, including amounts
640 paid to contractors and subordinate entities. Expenditures

641 related to administrative activities not aligned with output
642 measures must consistently be allocated to activities with
643 output measures prior to computing unit costs.

644 7. The cost per unit for each activity, including the
645 costs allocated to contractors and subordinate entities.

646 8. The total amount of reversions and pass-through
647 expenditures omitted from unit-cost calculations.

648

649 At the regular session immediately following the submission of
650 the agency unit cost summary, the Legislature shall reduce in
651 the General Appropriations Act for the ensuing fiscal year, by
652 an amount equal to at least 10 percent of the allocation for the
653 fiscal year preceding the current fiscal year, the funding of
654 each state agency that fails to submit the report required under
655 this paragraph.

656 Section 3. To assist in the development of legislative
657 budget request instructions for agencies regarding the
658 computation of activity and unit cost information required to be
659 included in legislative budget requests under s. 216.023(4)(b),
660 Florida Statutes, a working group consisting of representatives
661 from the Executive Office of the Governor, the Office of Program
662 Policy Analysis and Government Accountability, the Auditor
663 General, the Department of Financial Services, and legislative
664 appropriations committees shall be created, effective July 1,
665 2006, to develop a cost-allocation methodology for agencies to
666 use in the computation of activity and unit costs. The cost-
667 allocation methodology shall be based on the standards and

668 guidelines identified in the Federal Office of Management and
669 Budget Circular A-87. In addition, this working group shall
670 produce procedures to ensure that the recommended cost-
671 allocation methodology produces auditable activity and unit cost
672 information that can be used to compare the performance of each
673 reported activity over time and of agencies and private entities
674 that perform similar activities. The working group shall submit
675 its recommendations, including the associated implementation and
676 operating costs, to the Governor, the President of the Senate,
677 and the Speaker of the House of Representatives by December 31,
678 2006.

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