



1 penalties, liabilities, and proceedings;  
2 providing for review of proposed legislation  
3 creating a new agency or advisory committee;  
4 providing an effective date.  
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6 Be It Enacted by the Legislature of the State of Florida:  
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8 Section 1. Chapter 21, Florida Statutes, consisting of  
9 sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006,  
10 21.007, 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.0126,  
11 21.013, 21.015, 21.016, 21.017, 21.018, 21.019, 21.0211, and  
12 21.022, is created to read:

13 CHAPTER 21

14 GOVERNMENT ACCOUNTABILITY

15 21.001 Short title.--This chapter may be cited as the  
16 "Florida Government Accountability Act."

17 21.002 Definitions.--As used in this chapter:

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

22 (2) "Advisory committee" means any examining and  
23 licensing board, council, advisory council, committee, task  
24 force, coordinating council, commission, or board of trustees  
25 as defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any  
26 group, by whatever name, created to provide advice or  
27 recommendations to one or more agencies, departments,  
28 divisions, bureaus, boards, sections, or other units or  
29 entities of state government.

30 (3) "Committee" means the Legislative Sunset Advisory  
31 Committee.

1           21.003 Legislative Sunset Advisory Committee.--

2           (1) The Legislative Sunset Advisory Committee is  
3 created and shall consist of five members of the Senate, one  
4 public member appointed by the President of the Senate, and  
5 five members of the House of Representatives, and one public  
6 member appointed by the Speaker of the House of  
7 Representatives. Each appointing authority may designate  
8 himself or herself as one of the legislative appointees.

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

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

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

19           (3) It is a ground for removal of a public member from  
20 the committee if the member does not have the qualifications  
21 required by subsection (2) for appointment to the committee at  
22 the time of appointment or does not maintain the  
23 qualifications while serving on the committee. The validity of  
24 the committee's action is not affected by the fact that it was  
25 taken when a ground for removal of a public member from the  
26 committee existed.

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

1       (5) Initial appointments shall be made not later than  
2 November 30, 2006, and subsequent appointments shall be made  
3 not later than January 15 of the year following each  
4 organization session of the Legislature.

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

8       (7) If a vacancy occurs, the appropriate appointing  
9 authority shall appoint a person to serve for the remainder of  
10 the unexpired term in the same manner as the original  
11 appointment.

12       (8) The committee shall have a chair and vice chair as  
13 presiding officers. The chair and vice chair must alternate  
14 each year between the two membership groups appointed by the  
15 President of the Senate and the Speaker of the House of  
16 Representatives. The chair and vice chair may not be from the  
17 same membership group. The President of the Senate shall  
18 designate a presiding officer from his appointed membership  
19 group who shall preside as chair during the odd-numbered year  
20 and as vice chair during the even-numbered year, and the  
21 Speaker of the House of Representatives shall designate the  
22 other presiding officer from his appointed membership group  
23 who shall preside as chair during the even-numbered year and  
24 as vice chair during the odd-numbered year.

25       (9) Seven members of the committee constitute a  
26 quorum. A final action or recommendation may not be made  
27 unless approved by a recorded vote of a majority of the  
28 committee's full membership.

29       (10) Each member of the committee is entitled to  
30 reimbursement for actual and necessary expenses incurred in  
31 performing committee duties. Each legislative member is

1 entitled to reimbursement from the appropriate fund of the  
2 member's respective house. Each public member is entitled to  
3 reimbursement from funds appropriated for use by the  
4 committee.

5 21.004 Staff.--The Senate and the House of  
6 Representatives may each employ staff to work for the chair  
7 and vice chair of the committee on matters related to  
8 committee activities. The Auditor General and the Office of  
9 Program Policy Analysis and Government Accountability shall  
10 assist the committee in conducting its review under s.  
11 21.0111.

12 21.005 Schedule for abolishing state agencies and  
13 advisory committees.--The following state agencies, including  
14 their advisory committees, or the following advisory  
15 committees of agencies are abolished according to the  
16 following schedule:

17 (1) Abolished July 1, 2008:

18 (a) Advisory committees for the Fish and Wildlife  
19 Conservation Commission.

20 (b) Department of Agriculture and Consumer Services.

21 (c) Department of Citrus, including the Citrus  
22 Commission.

23 (d) Department of Environmental Protection.

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

25 (f) Water management districts.

26 (2) Abolished July 1, 2009:

27 (a) Department of Children and Family Services.

28 (b) Department of Community Affairs.

29 (c) Department of Management Services.

30 (d) Department of State.

31 (3) Abolished July 1, 2010:

- 1           (a) Advisory committees for the Florida Community  
2 College System.
- 3           (b) Advisory committees for the State University  
4 System.
- 5           (c) Agency for Workforce Innovation.
- 6           (d) Department of Education.
- 7           (e) Department of the Lottery.
- 8           (4) Abolished July 1, 2011:
- 9           (a) Agency for Health Care Administration.
- 10           (b) Agency for Persons with Disabilities.
- 11           (c) Department of Elderly Affairs.
- 12           (d) Department of Health.
- 13           (5) Abolished July 1, 2012:
- 14           (a) Department of Business and Professional  
15 Regulation.
- 16           (b) Department of Transportation.
- 17           (c) Department of Veterans' Affairs.
- 18           (6) Abolished July 1, 2013:
- 19           (a) Advisory committees for the State Board of  
20 Administration.
- 21           (b) Department of Financial Services, including the  
22 Financial Services Commission.
- 23           (c) Department of Revenue.
- 24           (7) Abolished July 1, 2014:
- 25           (a) Department of Corrections.
- 26           (b) Department of Juvenile Justice.
- 27           (c) Department of Law Enforcement.
- 28           (d) Department of Legal Affairs.
- 29           (e) Justice Administrative Commission.
- 30           (f) Parole Commission.
- 31           (8) Abolished July 1, 2015:

1           (a) Executive Office of the Governor.

2           (b) Florida Public Service Commission.

3           21.006 Agency report to committee.--Not later than  
4 October 30 of each even-numbered year and not later than July  
5 31 of each odd-numbered year of the year preceding the year in  
6 which a state agency and its advisory committees are scheduled  
7 to be abolished, the agency shall report to the committee:

8           (1) Information regarding the application to the  
9 agency of the criteria in s. 21.0111.

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

12          21.007 Committee duties.--Not later than March 1 of  
13 the year in which a state agency is scheduled to be abolished,  
14 the committee shall:

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

17          (2) Consult with the Legislative Budget Commission,  
18 the Planning and Budgeting Office in the Executive Office of  
19 the Governor, and the Chief Financial Officer, or their  
20 successors, on the application to the agency of the criteria  
21 provided in s. 21.0111.

22          (3) Conduct a performance evaluation of the agency  
23 based on the criteria provided in s. 21.0111 and prepare a  
24 written report.

25          (4) Determine the agency's compliance with the  
26 requirements for activity-based planning and budgeting  
27 specified under s. 216.1826, including the extent to which the  
28 agency has complied with the budget accountability measures  
29 required under s. 216.023(4)(b).

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1           (5) Review the implementation of committee  
2 recommendations contained in the reports presented to the  
3 Legislature during the preceding legislative session.

4           21.008 Public hearings.--Not later than March 1 of the  
5 year in which a state agency and its advisory committees are  
6 scheduled to be abolished, the committee shall have finished  
7 conducting all public hearings concerning, but not limited to,  
8 the application to the agency and its advisory committees of  
9 the criteria provided in s. 21.0111.

10           21.009 Committee report.--

11           (1) By March 1 of each year, the committee shall  
12 present to the President of the Senate, the Speaker of the  
13 House of Representatives, and the Governor a report on the  
14 agencies and advisory committees scheduled to be abolished  
15 that year.

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

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

19           (b) Its recommendations based on the matters  
20 prescribed by s. 21.012.

21           (c) Other information the committee considers  
22 necessary for a complete evaluation of each agency and its  
23 advisory committees.

24           21.0111 Criteria for review.--The committee shall  
25 consider the following criteria in determining whether a  
26 public need exists for the continuation of a state agency or  
27 its advisory committees or for the performance of the  
28 functions of the agency or its advisory committees:

29           (1) The efficiency with which the agency or advisory  
30 committee operates.

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1           (2) An identification of the objectives intended for  
2 the agency or advisory committee and the problem or need that  
3 the agency or advisory committee was intended to address, the  
4 extent to which the objectives have been achieved, and any  
5 activities of the agency in addition to those granted by  
6 statute and the authority for these activities.

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

10           (4) The extent to which the advisory committee is  
11 needed and is used.

12           (5) The extent to which the jurisdiction of the agency  
13 and the programs administered by the agency overlap or  
14 duplicate those of other agencies and the extent to which the  
15 programs administered by the agency can be consolidated with  
16 the programs of other state agencies.

17           (6) Whether the agency has recommended to the  
18 Legislature statutory changes calculated to be of benefit to  
19 the public rather than to an occupation, business, or  
20 institution that the agency regulates.

21           (7) The promptness and effectiveness with which the  
22 agency disposes of complaints concerning persons affected by  
23 the agency.

24           (8) The extent to which the agency has encouraged  
25 participation by the public in making its rules and decisions  
26 as opposed to participation solely by those it regulates and  
27 the extent to which the public participation has resulted in  
28 rules compatible with the objectives of the agency.

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

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1           (a) An agency of the Federal Government or of this  
2 state regarding equality of employment opportunity and the  
3 rights and privacy of individuals.

4           (b) State law and applicable rules of any state agency  
5 regarding purchasing goals and programs for historically  
6 underutilized businesses.

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

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

13           (12) The extent to which the agency complies with  
14 public records and public meetings requirements under chapters  
15 119 and 287 and s. 24, Art. I of the State Constitution and  
16 follows records management practices that enable the agency to  
17 respond efficiently to requests for public information.

18           (13) The extent to which the agency complies with  
19 requirements for maintaining transparency in its budget  
20 reports.

21           (14) The extent to which the agency accurately reports  
22 performance measures used to justify state spending on each of  
23 its activities, services, and programs.

24           (15) The effect of federal intervention or loss of  
25 federal funds if the agency is abolished.

26           (16) Whether any advisory committee or any other part  
27 of the agency exercises its powers and duties independently of  
28 the direct supervision of the agency head in violation of s.  
29 6, Art. IV of the State Constitution.

30           21.012 Recommendations.--In its report on a state  
31 agency, the committee shall:

1           (1) Make recommendations on the abolition,  
2 continuation, or reorganization of each affected state agency  
3 and its advisory committees and on the need for the  
4 performance of the functions of the agency and its advisory  
5 committees.

6           (2) Make recommendations on the consolidation,  
7 transfer, or reorganization of programs within state agencies  
8 not under review when the programs duplicate functions  
9 performed in agencies under review.

10           (3) Recommend appropriation levels for each state  
11 agency and advisory committee for which abolition or  
12 reorganization is recommended under subsection (1) or  
13 subsection (2).

14           (4) Include drafts of legislation necessary to carry  
15 out the committee's recommendations under subsection (1) or  
16 subsection (2).

17           21.0125 Review of certain agencies.--In the year  
18 preceding the date scheduled for the abolition of a state  
19 agency and its advisory committees under this chapter, the  
20 committee may recommend exempting certain agencies from the  
21 requirements of this chapter relating to staff reports,  
22 hearings, and evaluations.

23           21.0126 Monitoring of recommendations.--During each  
24 legislative session, the staff of the committee shall monitor  
25 legislation affecting agencies that have undergone review  
26 under this chapter and shall periodically report to the  
27 members of the committee on proposed changes that would modify  
28 prior recommendations of the committee.

29           21.013 Abolition of advisory committees.--An advisory  
30 committee is abolished on the date set for abolition of the  
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1 agency unless the advisory committee is expressly continued by  
2 law.

3 21.015 Continuation by law.--

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

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

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

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

16 21.016 Legislative consideration.--

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

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

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

28 21.017 Procedure after termination.--

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

1 not reduce or otherwise limit the powers and authority of the  
2 state agency during the concluding year. A state agency is  
3 terminated and shall cease all activities at the expiration of  
4 the 1-year period. Unless the law provides otherwise, all  
5 rules that have been adopted by the state agency expire at the  
6 expiration of the 1-year period.

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

10       (3) Except as provided by subsection (5) or as  
11 otherwise provided by law, all money in a dedicated fund of an  
12 abolished state agency or advisory committee on July 1 of the  
13 year immediately following abolishment is transferred to the  
14 General Revenue Fund. The part of the law dedicating the money  
15 to a specific fund of an abolished agency becomes void on July  
16 1 of the year immediately following abolishment.

17       (4) If not otherwise provided by law, property and  
18 records in the custody of an abolished state agency or  
19 advisory committee on July 1 of the year immediately following  
20 abolishment shall be transferred to the Department of  
21 Management Services.

22       (5) The Legislature recognizes the state's continuing  
23 obligation to pay bonded indebtedness and all other  
24 obligations, including lease, contract, and other written  
25 obligations, incurred by a state agency abolished under this  
26 chapter, and this chapter does not impair or impede the  
27 payment of bonded indebtedness and all other obligations,  
28 including lease, contract, and other written obligations, in  
29 accordance with their terms. If an abolished state agency has  
30 outstanding bonded indebtedness or other outstanding  
31 obligations, including lease, contract, and other written

1 obligations, the bonds and all other obligations, including  
2 lease, contract, and other written obligations, remain valid  
3 and enforceable in accordance with their terms and subject to  
4 all applicable terms and conditions of the laws and  
5 proceedings authorizing the bonds and all other obligations,  
6 including lease, contract, and other written obligations. If  
7 not otherwise provided by law, the Department of Management  
8 Services shall continue to carry out all covenants contained  
9 in the bonds and in all other obligations, including lease,  
10 contract, and other written obligations, and the proceedings  
11 authorizing them, including the issuance of bonds, and the  
12 performance of all other obligations, including lease,  
13 contract, and other written obligations, to complete the  
14 construction of projects or the performance of other  
15 obligations, including lease, contract, and other written  
16 obligations. The designated state agency shall provide payment  
17 from the sources of payment of the bonds in accordance with  
18 the terms of the bonds and shall provide payment from the  
19 sources of payment of all other obligations, including lease,  
20 contract, and other written obligations, in accordance with  
21 their terms, whether from taxes, revenues, or otherwise, until  
22 the bonds and interest on the bonds are paid in full and all  
23 other obligations, including lease, contract, and other  
24 written obligations, are performed and paid in full. If the  
25 proceedings so provide, all funds established by laws or  
26 proceedings authorizing the bonds or authorizing other  
27 obligations, including lease, contract, and other written  
28 obligations, shall remain with the Chief Financial Officer or  
29 the previously designated trustees. If the proceedings do not  
30 provide that the funds remain with the Chief Financial Officer  
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1 or the previously designated trustees, the funds shall be  
2 transferred to the designated state agency.

3 21.018 Subpoena power.--

4 (1) The President of the Senate or the Speaker of the  
5 House of Representatives may issue process to compel the  
6 attendance of witnesses and the production of books, records,  
7 papers, and other objects necessary or proper for the purposes  
8 of the committee proceedings. The process may be served on a  
9 witness at any place in this state.

10 (2) If a majority of the committee directs the  
11 issuance of a subpoena, the chair shall request that the  
12 President of the Senate or the Speaker of the House of  
13 Representatives issue the subpoena.

14 (3) Testimony taken under subpoena must be reduced to  
15 writing and given under oath subject to the penalties of  
16 perjury.

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

20 21.019 Assistance of and access to state agencies.--

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

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

27 21.0211 Saving provision.--Except as otherwise  
28 expressly provided by law, abolishment of a state agency does  
29 not affect rights and duties that matured, penalties that were  
30 incurred, civil or criminal liabilities that arose, or

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1 proceedings that were begun before the effective date of the  
2 abolishment.

3 21.022 Review of proposed legislation creating a new  
4 agency or advisory committee.--

5 (1) Each bill filed in the Senate or the House of  
6 Representatives that would create a new state agency or a new  
7 advisory committee to a state agency shall be forwarded by the  
8 President of the Senate or the Speaker of the House of  
9 Representatives, as applicable, to the committee.

10 (2) The committee shall review the bill to determine  
11 whether:

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

15 (b) The form of regulation, if any, proposed by the  
16 bill is the least restrictive form of regulation that will  
17 adequately protect the public;

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

20 (d) The bill provides for adequate protection against  
21 conflicts of interest within the state agency or advisory  
22 committee.

23 (3) After reviewing the bill, the committee shall  
24 forward a written comment concerning the legislation to the  
25 sponsor of the bill and to the chair of the substantive  
26 legislative committee to which the bill is referred, and  
27 implementation may not take place until a recommendation is  
28 made.

29 Section 2. This act shall take effect July 1, 2006.  
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SENATE SUMMARY

1  
2  
3 Creates the Florida Government Accountability Act.  
4 Provides a schedule for abolishing state agencies and  
5 agency advisory committees. Provides for a Legislative  
6 Sunset Advisory Committee to review each agency and  
7 committee before the scheduled abolishment and make  
8 recommendations to the Legislature concerning the agency  
9 and committee. Authorizes the Senate and the House of  
10 Representatives to employ staff to assist the Legislative  
11 Sunset Advisory Committee and requires that the Auditor  
12 General and the Office of Program Policy Analysis and  
13 Government Accountability assist the committee in  
14 conducting its reviews. Specifies the items concerning  
15 each agency which are subject to review. Requires that a  
16 recommendation for continuation or abolishment of an  
17 agency include appropriation levels and proposed  
18 legislation. Provides procedures for a state agency  
19 following its abolishment. (See bill for details.)  
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