

1 criteria for the review of an agency and its
2 advisory committees; amending s. 11.911, F.S.;
3 requiring that the Legislative Sunset Review
4 Committee provide proposed legislation;
5 amending s. 11.918, F.S.; authorizing the
6 committee to exercise any powers vested in a
7 standing committee of the Legislature; amending
8 s. 11.919, F.S.; authorizing the committee to
9 access and request information from state
10 agencies and officers; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (3) of section 11.902, Florida
16 Statutes, is amended, and subsection (4) is added to that
17 section, to read:

18 11.902 Definitions.--As used in ss. 11.901-11.920, the
19 term:

20 (3) "Committee" means any Legislative Sunset Review
21 ~~Advisory~~ Committee appointed pursuant to s. 11.903.

22 (4) "Joint committee" means any Legislative Sunset
23 Advisory Committee appointed pursuant to s. 11.903.

24 Section 2. Section 11.903, Florida Statutes, is
25 amended to read:

26 11.903 Legislative Sunset Review ~~Advisory~~ Committees
27 and the Joint Legislative Sunset Advisory Committee.--

28 (1) The Senate and House of Representatives may,
29 pursuant to the rules of each house, appoint one or more
30 standing or select committees as a Legislative Sunset Review
31

1 ~~Advisory~~ Committee to conduct ~~advise the Legislature regarding~~
2 the agency reviews ~~sunsets~~ required by ss. 11.901-11.920.

3 (2) The Senate and House of Representatives may,
4 pursuant to the joint rules of both houses, appoint a one or
5 ~~more~~ Joint ~~committees as a~~ Legislative Sunset Advisory
6 Committee for the purpose of overseeing ~~to advise the~~
7 ~~Legislature regarding~~ the agency review process ~~sunsets~~
8 required by ss. 11.901-11.920.

9 (3) Members of the committees and joint committees
10 shall serve at the pleasure of their appointing presiding
11 officer for a term ~~terms~~ of 2 years each or until the next
12 general election, whichever occurs earlier.

13 ~~(4) Initial appointments shall be made not later than~~
14 ~~November 30, 2006, and subsequent appointments shall be made~~
15 ~~not later than January 15 of the year following each~~
16 ~~organization session of the Legislature.~~

17 ~~(4)(5)~~ If a legislative member ceases to be a member
18 of the house from which he or she was appointed, the member
19 vacates his or her membership on the committee or joint
20 committees.

21 Section 3. Section 11.904, Florida Statutes, is
22 amended to read:

23 11.904 Staff.--The Senate and the House of
24 Representatives may each employ staff to work for the joint
25 ~~chair and vice chair of the~~ committee on matters related to
26 committee activities. ~~The Auditor General and~~ The Office of
27 Program Policy Analysis and Government Accountability shall
28 provide primary research services as directed by the committee
29 and the joint committee and assist the committee in conducting
30 the reviews ~~its review~~ under s. 11.910. Upon request, the
31

1 Auditor General shall assist the committees and the joint
2 committee.

3 Section 4. Section 11.905, Florida Statutes, is
4 amended to read:

5 11.905 Schedule for reviewing state agencies and
6 advisory committees.--The following state agencies, including
7 their advisory committees, or the following advisory
8 committees of agencies shall be reviewed according to the
9 following schedule:

10 (1) Reviewed by July 1, 2008:

11 (a) Statutorily created responsibilities of the Fish
12 and Wildlife Conservation Commission.

13 (b) Department of Agriculture and Consumer Services.

14 (c) Department of Citrus, including the Citrus
15 Commission.

16 (d) Department of Environmental Protection.

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

18 (f) Water management districts.

19 (2) Reviewed by July 1, ~~2010~~ 2009:

20 (a) Department of Children and Family Services.

21 (b) Department of Community Affairs.

22 (c) Department of Management Services.

23 (d) Department of State.

24 (3) Reviewed by July 1, ~~2012~~ 2010:

25 (a) Advisory committees for the Florida Community
26 College System.

27 (b) Advisory committees for the State University
28 System.

29 (c) Agency for Workforce Innovation.

30 (d) Department of Education.

31 (e) Department of the Lottery.

- 1 (4) Reviewed by July 1, 2014 ~~2011~~:
- 2 (a) Agency for Health Care Administration.
- 3 (b) Agency for Persons with Disabilities.
- 4 (c) Department of Elderly Affairs.
- 5 (d) Department of Health.
- 6 (5) Reviewed by July 1, 2016 ~~2012~~:
- 7 (a) Department of Business and Professional
- 8 Regulation.
- 9 (b) Department of Transportation.
- 10 (c) Department of Veterans' Affairs.
- 11 (6) Reviewed by July 1, 2018 ~~2013~~:
- 12 (a) Advisory committees for the State Board of
- 13 Administration.
- 14 (b) Department of Financial Services, including the
- 15 Financial Services Commission.
- 16 (c) Department of Revenue.
- 17 (7) Reviewed by July 1, 2020 ~~2014~~:
- 18 (a) Department of Corrections.
- 19 (b) Department of Juvenile Justice.
- 20 (c) Department of Law Enforcement.
- 21 (d) Department of Legal Affairs.
- 22 (e) Justice Administrative Commission.
- 23 (f) Parole Commission.
- 24 (8) Reviewed by July 1, 2022 ~~2015~~:
- 25 (a) Executive Office of the Governor.
- 26 (b) Florida Public Service Commission.
- 27 Section 5. Section 11.9055, Florida Statutes, is
- 28 amended to read:
- 29 11.9055 Abolition of state agencies and advisory
- 30 committees.--
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1 (1) An agency subject to review by the Legislature
2 ~~Legislative Committee on Sunset Review~~ shall be abolished on
3 June 30 following the date of review specified in s. 11.905,
4 unless the Legislature continues the agency or advisory
5 committee; however, an agency may not be abolished unless the
6 Legislature finds, pursuant to law, that all state laws the
7 agency had responsibility to implement or enforce have been
8 repealed, revised, or reassigned to another remaining agency
9 and that adequate provision has been made for the transfer to
10 a successor agency of all duties and obligations relating to
11 bonds, loans, promissory notes, lease-purchase ~~lease purchase~~
12 agreements, installment sales contracts, certificates of
13 participation, master equipment financing agreements, or any
14 other form of indebtedness such that security therefor and the
15 rights of bondholders or holders of other indebtedness are not
16 impaired.

17 (2) If the Legislature does not take action before the
18 date of review to continue the agency or advisory committee,
19 the agency shall submit its legislative budget request
20 consistent with the provisions of chapter 216 ~~recommendations~~
21 ~~of the appropriate Legislative committee on Sunset Review or~~
22 ~~any law transferring the agency's functions to other entities.~~
23 Such agency shall continue to be subject to annual sunset
24 review by the Legislature until the Legislature enacts
25 legislation relating to the agency's continuation,
26 modification, or termination.

27 Section 6. Section 11.906, Florida Statutes, is
28 amended to read:

29 11.906 Agency report to the Legislature
30 ~~committee.~~--Not later than July 1, 2 years ~~January 1 of the~~
31 ~~year~~ preceding the year in which a state agency and its

1 advisory committees are scheduled to be reviewed, the agency
2 shall provide the Legislature ~~committee~~ with a report that
3 includes:

4 (1) The performance measures for each program and
5 activity as provided in s. 216.011 and 3 years of data for
6 each measure that provides actual results for the immediately
7 preceding 2 years and projected results for the ~~current~~
8 year that begins in the year that the agency report is
9 scheduled to be submitted to the Legislature.

10 (2) An explanation of factors that have contributed to
11 any failure to achieve the legislative standards.

12 (3) The promptness and effectiveness with which the
13 agency disposes of complaints concerning persons affected by
14 the agency.

15 (4) The extent to which the agency has encouraged
16 participation by the public in making its rules and decisions
17 as opposed to participation solely by those it regulates and
18 the extent to which public participation has resulted in rules
19 compatible with the objectives of the agency.

20 (5) The extent to which the agency has complied with
21 applicable requirements of state law and applicable rules
22 regarding purchasing goals and programs for small and
23 minority-owned businesses ~~historically underutilized~~
24 ~~businesses.~~

25 (6) A statement of any statutory objectives intended
26 for each program and activity, the problem or need that the
27 program and activity were intended to address, and the extent
28 to which these objectives have been achieved.

29 (7) An assessment of the extent to which the
30 jurisdiction of the agency and its programs overlap or
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1 duplicate those of other agencies and the extent to which the
2 programs can be consolidated with those of other agencies.

3 (8) An assessment of less restrictive or alternative
4 methods of providing services for which the agency is
5 responsible which would reduce costs or improve performance
6 while adequately protecting the public.

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

12 (10) The process by which an agency actively measures
13 quality and efficiency of services it provides to the public.
14 ~~The extent to which the agency enforces laws relating to~~
15 ~~potential conflicts of interest of its employees.~~

16 (11) The extent to which the agency complies with
17 public records and public meetings requirements under chapters
18 119 and 286 and s. 24, Art. I of the State Constitution.

19 (12) The extent to which alternative program delivery
20 options, such as privatization, outsourcing, or insourcing,
21 have been considered to reduce costs or improve services to
22 state residents.

23 (13) Recommendations to the Legislature ~~committee~~ for
24 statutory, ~~or~~ budgetary, or regulatory changes that would
25 improve the quality and efficiency of services delivered to
26 the public ~~program operations~~, reduce costs, or reduce
27 duplication.

28 (14) The effect of federal intervention or loss of
29 federal funds if the agency, program, or activity is
30 abolished.

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1 (15) A list of all advisory committees, including
2 those established in statute and those established by
3 managerial initiative; their purpose, activities, composition,
4 and related expenses; the extent to which their purposes have
5 been achieved; and the rationale for continuing or eliminating
6 each advisory committee.

7 (16) Agency programs or functions that are performed
8 without specific statutory authority.

9 (17) Other information requested by the Legislature
10 ~~committee~~.

11
12 Information and data reported by the agency shall be validated
13 by its agency head and inspector general before submission to
14 the Legislature ~~committee~~.

15 Section 7. Section 11.907, Florida Statutes, is
16 amended to read:

17 11.907 Legislative review.--Upon receipt of an agency
18 report pursuant to s. 11.906, the appropriate committee shall
19 conduct a review of the agency and may direct the Office of
20 Program Policy Analysis and Government Accountability to shall
21 ~~conduct a program evaluation and justification review, as~~
22 ~~defined in s. 11.513, of the agency and its advisory~~
23 committees, including an examination of the cost of each
24 agency program, an evaluation of best practices and
25 alternatives that would result in the administration of the
26 agency in a more efficient or effective manner, and
27 examination of the viability of privatization or a different
28 state agency performing the functions, and an evaluation of
29 the cost and consequences of discontinuing the agency. The
30 reviews ~~review~~ shall be comprehensive in ~~its~~ scope and shall
31 consider the information provided by the agency report in

1 addition to information deemed necessary by the office and the
2 appropriate Legislative Sunset Advisory committee or the joint
3 committee. The Office of Program Policy Analysis and
4 Government Accountability shall submit its report to the
5 Legislature in a timeframe prescribed by the committee
6 requesting the review ~~committee and to the President of the~~
7 ~~Senate and the Speaker of the House of Representatives by~~
8 ~~October 31 of the year in which the agency submits its report.~~
9 The Office of Program Policy Analysis and Government
10 Accountability shall include in its reports ~~report~~
11 recommendations for consideration by the Legislature
12 ~~committee~~.

13 Section 8. Section 11.908, Florida Statutes, is
14 amended to read:

15 11.908 Committee duties.--No later than March 1 of the
16 year in which a state agency or its advisory committees are
17 scheduled to be reviewed, the committee shall:

18 (1) Review the information submitted by the agency and
19 the reports of any independent reviews directed by the
20 committee, including those conducted by ~~report of~~ the Office
21 of Program Policy Analysis and Government Accountability.

22 (2) Consult with the Legislative Budget Commission,
23 relevant substantive and appropriations committees of the
24 Senate and the House of Representatives, the Governor's Office
25 of Policy and Budgeting, the Auditor General, and the Chief
26 Financial Officer, or their successors, relating to the review
27 of ~~on the application to~~ the agency and its advisory
28 committees ~~of the criteria provided in s. 11.910.~~

29 (3) Hold public hearings to consider this information
30 as well as other information and testimony that the committee
31 deems necessary.

1 (4) Present to the President of the Senate and the
2 Speaker of the House of Representatives a report on the
3 agencies and advisory committees scheduled to be reviewed that
4 year by the committee. In the report, the committee shall
5 include its specific findings and recommendations regarding
6 ~~each of the information considered pursuant to criteria~~
7 ~~prescribed by s. 11.910, and shall also~~ make recommendations
8 as described in s. 11.911, and propose legislation as it
9 considers necessary.

10 Section 9. Section 11.910, Florida Statutes, is
11 amended to read:

12 11.910 Information Criteria for review.--The committee
13 may shall consider information submitted pursuant to s. 11.906
14 as well as any additional information it considers relevant
15 ~~the following criteria~~ in determining whether a public need
16 exists for the continuation of a state agency or its advisory
17 committees or for the performance of any of the functions of
18 the agency or its advisory committees. +

19 ~~(1) Agency compliance with the accountability~~
20 ~~measures, as analyzed by the Auditor General, the Office of~~
21 ~~Program Policy Analysis and Government Accountability, and the~~
22 ~~Office of Policy and Budget within the Executive Office of the~~
23 ~~Governor, pursuant to ss. 216.013 and 216.023(4) and (5).~~

24 ~~(2) The efficiency with which the agency or advisory~~
25 ~~committee operates.~~

26 ~~(3) The statutory objectives of the agency or advisory~~
27 ~~committee and the problem or need that the agency or advisory~~
28 ~~committee is intended to address, the extent to which the~~
29 ~~objectives have been achieved, and any activities of the~~
30 ~~agency in addition to those granted by statute and the~~
31 ~~authority for these activities.~~

1 ~~(4) An assessment of less restrictive or alternative~~
2 ~~methods of providing any regulatory function for which the~~
3 ~~agency is responsible while adequately protecting the public.~~

4 ~~(5) The extent to which the advisory committee is~~
5 ~~needed and is used.~~

6 ~~(6) The extent to which the jurisdiction of the agency~~
7 ~~and the programs administered by the agency overlap or~~
8 ~~duplicate those of other agencies and the extent to which the~~
9 ~~programs administered by the agency can be consolidated with~~
10 ~~the programs of other state agencies.~~

11 ~~(7) Whether the agency has recommended to the~~
12 ~~Legislature statutory changes calculated to be of benefit to~~
13 ~~the public rather than to an occupation, business, or~~
14 ~~institution that the agency regulates.~~

15 ~~(8) The promptness and effectiveness with which the~~
16 ~~agency disposes of complaints concerning persons affected by~~
17 ~~the agency.~~

18 ~~(9) The extent to which the agency has encouraged~~
19 ~~participation by the public in making its rules and decisions~~
20 ~~as opposed to participation solely by those it regulates and~~
21 ~~the extent to which the public participation has resulted in~~
22 ~~rules compatible with the objectives of the agency.~~

23 ~~(10) The extent to which the agency has complied with~~
24 ~~applicable requirements of state law and applicable rules of~~
25 ~~any state agency regarding purchasing goals and programs for~~
26 ~~historically underutilized businesses.~~

27 ~~(11) The extent to which changes are necessary in the~~
28 ~~enabling statutes of the agency so that the agency can~~
29 ~~adequately comply with the criteria listed in this section.~~

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1 ~~(12) The extent to which the agency adopts and~~
2 ~~enforces rules relating to potential conflicts of interest of~~
3 ~~its employees.~~

4 ~~(13) The extent to which the agency complies with~~
5 ~~public records and public meetings requirements under chapters~~
6 ~~119 and 287 and s. 24, Art. I of the State Constitution and~~
7 ~~follows records management practices that enable the agency to~~
8 ~~respond efficiently to requests for public information.~~

9 ~~(14) The extent to which the agency accurately reports~~
10 ~~performance measures used to justify state spending on each of~~
11 ~~its activities, services, and programs.~~

12 ~~(15) The effect of federal intervention or loss of~~
13 ~~federal funds if the agency is abolished.~~

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

18 Section 10. Subsection (3) of section 11.911, Florida
19 Statutes, is amended to read:

20 11.911 Recommendations.--In its report on a state
21 agency, the committee shall:

22 (3) Propose ~~include drafts of~~ legislation necessary to
23 carry out the committee's recommendations under subsection (1)
24 or subsection (2).

25 Section 11. Section 11.918, Florida Statutes, is
26 amended to read:

27 11.918 Subpoena power.--Any Legislative Sunset Review
28 ~~Advisory~~ Committee may take under investigation any matter
29 within the scope of a sunset review either completed or then
30 being conducted by the committee, and, in connection with such
31 investigation, may exercise the powers of subpoena by law and

1 any other powers vested in a standing committee of the
2 Legislature pursuant to s. 11.143.

3 Section 12. Subsection (1) of section 11.919, Florida
4 Statutes, is amended to read:

5 11.919 Assistance of and access to state agencies.--

6 (1) The committee may access or request information
7 and request the assistance of state agencies and officers.

8 When assistance is requested, a state agency or officer shall
9 assist the committee.

10 Section 13. This act shall take effect July 1, 2007.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 1152

14

15 Modifies the Governmental Accountability Act (also known as
16 the Agency Sunset Act) by spreading out the time frames for
17 agency reviews, with a new set of agencies under review every
18 other year rather than every year.

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18 Clarifies the role of the review committees, the Office of
19 Program Policy and Government Accountability, and the Auditor
20 General.

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