

Bill No. HB 7177, 1st Eng.

Barcode 123830

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Carlton moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

(4) "Joint committee" means the Legislative Sunset Committee appointed pursuant to s. 11.903.

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

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

(1) The Senate and House of Representatives may, pursuant to the rules of each house, appoint one or more

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1 standing or select committees as ~~a~~ Legislative Sunset Review
2 Committees ~~Advisory Committee~~ to conduct independent reviews
3 for each house ~~advise the Legislature~~ regarding the agency
4 sunsets required by ss. 11.901-11.920.

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

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

16 (a) The Legislative Sunset Committee established under
17 this subsection shall be a joint committee composed of 10
18 members: five members of the Senate appointed by the President
19 of the Senate and five members of the House of Representatives
20 appointed by the Speaker of the House of Representatives.

21 (b) The presiding officer of each house shall appoint
22 a chair who shall serve as co-chair of the joint committee
23 established under this subsection. Each co-chair shall serve
24 at the pleasure of the appointing presiding officer for a term
25 of 2 years or until the next general election.

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

30 (4)(5) If a legislative member ceases to be a member
31 of the house from which he or she was appointed, the member

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1 vacates his or her membership on the committee or joint
2 committee.

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

5 11.904 Staff.--The Senate and the House of
6 Representatives may each employ staff to work for the joint
7 ~~chair and vice chair of the~~ committee on matters related to
8 joint committee activities. ~~The Auditor General and The Office~~
9 of Program Policy Analysis and Government Accountability shall
10 provide primary research services as directed by the committee
11 and the joint committee and assist the committee in conducting
12 the reviews its review under s. 11.910. Upon request, the
13 Auditor General shall assist the committees and the joint
14 committee.

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

17 11.905 Schedule for reviewing state agencies and
18 advisory committees.--The following state agencies, including
19 their advisory committees, or the following advisory
20 committees of agencies shall be reviewed according to the
21 following schedule:

- 22 (1) Reviewed by July 1, 2008:
 - 23 (a) Statutorily created responsibilities of the Fish
 - 24 and Wildlife Conservation Commission.
 - 25 (b) Department of Agriculture and Consumer Services.
 - 26 (c) Department of Citrus, including the Citrus
 - 27 Commission.
 - 28 (d) Department of Environmental Protection.
 - 29 (e) Department of Highway Safety and Motor Vehicles.
 - 30 (f) Water management districts.

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

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- 1 (a) Department of Children and Family Services.
- 2 (b) Department of Community Affairs.
- 3 (c) Department of Management Services.
- 4 (d) Department of State.
- 5 (3) Reviewed by July 1, 2012 ~~2010~~:
- 6 (a) Advisory committees for the Florida Community
- 7 College System.
- 8 (b) Advisory committees for the State University
- 9 System.
- 10 (c) Agency for Workforce Innovation.
- 11 (d) Department of Education.
- 12 (e) Department of the Lottery.
- 13 (4) Reviewed by July 1, 2014 ~~2011~~:
- 14 (a) Agency for Health Care Administration.
- 15 (b) Agency for Persons with Disabilities.
- 16 (c) Department of Elderly Affairs.
- 17 (d) Department of Health.
- 18 (5) Reviewed by July 1, 2016 ~~2012~~:
- 19 (a) Department of Business and Professional
- 20 Regulation.
- 21 (b) Department of Transportation.
- 22 (c) Department of Veterans' Affairs.
- 23 (6) Reviewed by July 1, 2018 ~~2013~~:
- 24 (a) Advisory committees for the State Board of
- 25 Administration.
- 26 (b) Department of Financial Services, including the
- 27 Financial Services Commission.
- 28 (c) Department of Revenue.
- 29 (7) Reviewed by July 1, 2020 ~~2014~~:
- 30 (a) Department of Corrections.
- 31 (b) Department of Juvenile Justice.

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- 1 (c) Department of Law Enforcement.
- 2 (d) Department of Legal Affairs.
- 3 (e) Justice Administrative Commission.
- 4 (f) Parole Commission.
- 5 (8) Reviewed by July 1, 2022 ~~2015~~:
- 6 (a) Executive Office of the Governor.
- 7 (b) Florida Public Service Commission.

8

9 Upon completion of this cycle, each agency shall again be
 10 subject to sunset review 10 years after its initial review.

11 Section 5. Section 11.9055, Florida Statutes, is
 12 amended to read:

13 11.9055 Abolition of state agencies and advisory
 14 committees.--

15 (1) An agency subject to review by the Legislature
 16 ~~Legislative Committee on Sunset Review~~ shall be abolished on
 17 June 30 following the date of review specified in s. 11.905,
 18 unless the Legislature continues the agency or advisory
 19 committee; however, an agency may not be abolished unless the
 20 Legislature finds, pursuant to law, that all state laws the
 21 agency had responsibility to implement or enforce have been
 22 repealed, revised, or reassigned to another remaining agency
 23 and that adequate provision has been made for the transfer to
 24 a successor agency of all duties and obligations relating to
 25 bonds, loans, promissory notes, lease-purchase ~~lease purchase~~
 26 agreements, installment sales contracts, certificates of
 27 participation, master equipment financing agreements, or any
 28 other form of indebtedness such that security therefor and the
 29 rights of bondholders or holders of other indebtedness are not
 30 impaired.

31 (2) If the Legislature does not take action before the

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1 date of review to continue the agency or advisory committee,
 2 the agency shall submit its legislative budget request
 3 consistent with the provisions of chapter 216 ~~recommendations~~
 4 ~~of the appropriate Legislative committee on Sunset Review or~~
 5 ~~any law transferring the agency's functions to other entities.~~
 6 Such agency shall continue to be subject to annual sunset
 7 review by the Legislature until the Legislature enacts
 8 legislation relating to the agency's continuation,
 9 modification, or termination.

10 Section 6. Section 11.906, Florida Statutes, is
 11 amended to read:

12 11.906 Agency report to the Legislature
 13 ~~committee.~~--Not later than July 1, 2 years ~~January 1 of the~~
 14 ~~year~~ preceding the year in which a state agency and its
 15 advisory committees are scheduled to be reviewed, the agency
 16 shall provide the Legislature ~~committee~~ with a report that
 17 includes:

18 (1) The performance measures for each program and
 19 activity as provided in s. 216.011 and 3 years of data for
 20 each measure that provides actual results for the immediately
 21 preceding 2 years and projected results for the ~~current~~ fiscal
 22 year that begins in the year that the agency report is
 23 scheduled to be submitted to the Legislature.

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

26 (3) The promptness and effectiveness with which the
 27 agency disposes of complaints concerning persons affected by
 28 the agency.

29 (4) The extent to which the agency has encouraged
 30 participation by the public in making its rules and decisions
 31 as opposed to participation solely by those it regulates and

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1 the extent to which public participation has resulted in rules
2 compatible with the objectives of the agency.

3 (5) The extent to which the agency has complied with
4 applicable requirements of state law and applicable rules
5 regarding purchasing goals and programs for small and
6 minority-owned businesses ~~historically underutilized~~
7 ~~businesses.~~

8 (6) A statement of any statutory objectives intended
9 for each program and activity, the problem or need that the
10 program and activity were intended to address, and the extent
11 to which these objectives have been achieved.

12 (7) An assessment of the extent to which the
13 jurisdiction of the agency and its programs overlap or
14 duplicate those of other agencies and the extent to which the
15 programs can be consolidated with those of other agencies.

16 (8) An assessment of less restrictive or alternative
17 methods of providing services for which the agency is
18 responsible which would reduce costs or improve performance
19 while adequately protecting the public.

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

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

29 (11) The extent to which the agency complies with
30 public records and public meetings requirements under chapters
31 119 and 286 and s. 24, Art. I of the State Constitution.

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1 (12) The extent to which alternative program delivery
2 options, such as privatization, outsourcing, or insourcing,
3 have been considered to reduce costs or improve services to
4 state residents.

5 (13) Recommendations to the Legislature ~~committee~~ for
6 statutory, ~~or~~ budgetary, or regulatory changes that would
7 improve the quality and efficiency of services delivered to
8 the public ~~program operations~~, reduce costs, or reduce
9 duplication.

10 (14) The effect of federal intervention or loss of
11 federal funds if the agency, program, or activity is
12 abolished.

13 (15) A list of all advisory committees, including
14 those established in statute and those established by
15 managerial initiative; their purpose, activities, composition,
16 and related expenses; the extent to which their purposes have
17 been achieved; and the rationale for continuing or eliminating
18 each advisory committee.

19 (16) Agency programs or functions that are performed
20 without specific statutory authority.

21 (17) Other information requested by the Legislature
22 ~~committee~~.

23
24 Information and data reported by the agency shall be validated
25 by its agency head and inspector general before submission to
26 the Legislature ~~committee~~.

27 Section 7. Section 11.907, Florida Statutes, is
28 amended to read:

29 11.907 Legislative review.--Upon receipt of an agency
30 report pursuant to s. 11.906, the joint committee may and the
31 appropriate committee shall conduct a review of the agency and

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1 may direct the Office of Program Policy Analysis and
2 Government Accountability ~~to shall conduct a program~~
3 ~~evaluation and justification review, as defined in s. 11.513,~~
4 ~~of the agency and its advisory committees, including an~~
5 examination of the cost of each agency program, an evaluation
6 of best practices and alternatives that would result in the
7 administration of the agency in a more efficient or effective
8 manner, and examination of the viability of privatization or a
9 different state agency performing the functions, and an
10 evaluation of the cost and consequences of discontinuing the
11 agency. The reviews ~~review~~ shall be comprehensive in ~~its~~ scope
12 and shall consider the information provided by the agency
13 report in addition to information deemed necessary by the
14 office and the appropriate ~~Legislative Sunset Advisory~~
15 committee or the joint committee. The Office of Program Policy
16 Analysis and Government Accountability shall submit its report
17 to the Legislature in a timeframe prescribed by the committee
18 requesting the review ~~committee and to the President of the~~
19 ~~Senate and the Speaker of the House of Representatives by~~
20 ~~October 31 of the year in which the agency submits its report.~~
21 The Office of Program Policy Analysis and Government
22 Accountability shall include in its reports ~~report~~
23 recommendations for consideration by the Legislature
24 committee.

25 Section 8. Section 11.908, Florida Statutes, is
26 amended to read:

27 11.908 Committee duties.--No later than March 1 of the
28 year in which a state agency or its advisory committees are
29 scheduled to be reviewed, the committee shall and the joint
30 committee may:

- 31 (1) Review the information submitted by the agency and

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1 the reports of any independent reviews directed by the
2 committee, including those conducted by ~~report of~~ the Office
3 of Program Policy Analysis and Government Accountability.

4 (2) Consult with the Legislative Budget Commission,
5 relevant substantive and appropriations committees of the
6 Senate and the House of Representatives, the Governor's Office
7 of Policy and Budgeting, the Auditor General, and the Chief
8 Financial Officer, or their successors, relating to the review
9 of ~~on the application to~~ the agency and its advisory
10 committees ~~of the criteria provided in s. 11.910.~~

11 (3) Hold public hearings to consider this information
12 as well as other information and testimony that the committee
13 or joint committee deems necessary.

14 (4) Present to the President of the Senate and the
15 Speaker of the House of Representatives a report on the
16 agencies and advisory committees scheduled to be reviewed that
17 year by the Legislature ~~committee~~. In the report, the
18 committee shall include its specific findings and
19 recommendations regarding ~~each of the~~ information considered
20 pursuant to ~~criteria prescribed by s. 11.910,~~ ~~and shall also~~
21 make recommendations as described in s. 11.911, and propose
22 legislation as it considers necessary. In the joint committee
23 report, the joint committee shall include its specific
24 findings and recommendations regarding the information
25 considered pursuant to s. 11.90 and make recommendations as
26 described in s. 11.911.

27 Section 9. Section 11.910, Florida Statutes, is
28 amended to read:

29 11.910 Information Criteria for review.--The committee
30 ~~may shall~~ consider information submitted pursuant to s. 11.906
31 as well as any additional information it considers relevant

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1 ~~the following criteria~~ in determining whether a public need
2 exists for the continuation of a state agency or its advisory
3 committees or for the performance of any of the functions of
4 the agency or its advisory committees.÷

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

10 ~~(2) The efficiency with which the agency or advisory~~
11 ~~committee operates.~~

12 ~~(3) The statutory objectives of the agency or advisory~~
13 ~~committee and the problem or need that the agency or advisory~~
14 ~~committee is intended to address, the extent to which the~~
15 ~~objectives have been achieved, and any activities of the~~
16 ~~agency in addition to those granted by statute and the~~
17 ~~authority for these activities.~~

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

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

23 ~~(6) The extent to which the jurisdiction of the agency~~
24 ~~and the programs administered by the agency overlap or~~
25 ~~duplicate those of other agencies and the extent to which the~~
26 ~~programs administered by the agency can be consolidated with~~
27 ~~the programs of other state agencies.~~

28 ~~(7) Whether the agency has recommended to the~~
29 ~~Legislature statutory changes calculated to be of benefit to~~
30 ~~the public rather than to an occupation, business, or~~
31 ~~institution that the agency regulates.~~

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1 ~~(8) The promptness and effectiveness with which the~~
2 ~~agency disposes of complaints concerning persons affected by~~
3 ~~the agency.~~

4 ~~(9) The extent to which the agency has encouraged~~
5 ~~participation by the public in making its rules and decisions~~
6 ~~as opposed to participation solely by those it regulates and~~
7 ~~the extent to which the public participation has resulted in~~
8 ~~rules compatible with the objectives of the agency.~~

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

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

16 ~~(12) The extent to which the agency adopts and~~
17 ~~enforces rules relating to potential conflicts of interest of~~
18 ~~its employees.~~

19 ~~(13) The extent to which the agency complies with~~
20 ~~public records and public meetings requirements under chapters~~
21 ~~119 and 287 and s. 24, Art. I of the State Constitution and~~
22 ~~follows records management practices that enable the agency to~~
23 ~~respond efficiently to requests for public information.~~

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

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

29 ~~(16) Whether any advisory committee or any other part~~
30 ~~of the agency exercises its powers and duties independently of~~
31 ~~the direct supervision of the agency head in violation of s.~~

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1 ~~6, Art. IV of the State Constitution.~~

2 Section 10. Section 11.911, Florida Statutes, is
3 amended to read:

4 11.911 Committee recommendations.--

5 (1) In its report on a state agency, the committee
6 shall:

7 (a)(1) Make recommendations on the abolition,
8 continuation, or reorganization of each state agency and its
9 advisory committees and on the need for the performance of the
10 functions of the agency and its advisory committees.

11 (b)(2) Make recommendations on the consolidation,
12 transfer, or reorganization of programs within state agencies
13 not under review when the programs duplicate functions
14 performed in agencies under review.

15 (c)(3) Propose ~~include drafts of~~ legislation necessary
16 to carry out the committee's recommendations under paragraph
17 (a) or paragraph (b) subsection (1) or subsection (2).

18 (2) In its report on a state agency, the joint
19 committee shall:

20 (a) Make recommendations on the abolition,
21 continuation, or reorganization of each state agency and its
22 advisory committees and on the need for the performance of the
23 functions of the agency and its advisory committees.

24 (b) Make recommendations on the consolidation,
25 transfer, or reorganization of programs within state agencies
26 not under review when the programs duplicate functions
27 performed in agencies under review.

28 Section 11. Section 11.918, Florida Statutes, is
29 amended to read:

30 11.918 Joint Legislative Sunset Committee; powers;
31 assistance of state agencies ~~Subpoena power.--~~

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1 (1) The Joint ~~Any~~ Legislative Sunset ~~Advisory~~
2 Committee may take under investigation any matter within the
3 scope of a sunset review either completed or then being
4 conducted by the joint committee, and, in connection with such
5 investigation, may exercise the powers of subpoena by law and
6 any other powers vested in a standing committee of the
7 Legislature pursuant to s. 11.143.

8 (2) The joint committee may access or request
9 information and request assistance of state agencies and
10 officers. When assistance is requested, a state agency or
11 officer shall assist the joint committee.

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

14 11.919 Assistance of and access to state agencies.--

15 (1) The committee may access or request information
16 and request the assistance of state agencies and officers.
17 When assistance is requested, a state agency or officer shall
18 assist the committee.

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

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause

26 and insert:

27 A bill to be entitled
28 An act relating to the Florida Government
29 Accountability Act; amending s. 11.902, F.S.;
30 redefining the term "committee" and defining
31 the term "joint committee" for purposes of the

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1 act; amending s. 11.903, F.S.; authorizing the
2 Senate and the House of Representatives to
3 appoint Legislative Sunset Review Committees to
4 conduct independent reviews for each house;
5 requiring the Senate and the House of
6 Representatives to jointly appoint a
7 Legislative Sunset Committee to oversee the
8 review process required under the act and make
9 recommendations to the Legislature; providing
10 terms of office for commission members;
11 providing for membership and terms of office;
12 amending s. 11.904, F.S.; providing for staff
13 of the joint committee; requiring the Auditor
14 General to assist review committees and the
15 joint committee upon request; amending s.
16 11.905, F.S.; revising the schedule for
17 reviewing state agencies and advisory
18 committees; amending s. 11.9055, F.S.;
19 providing duties of an agency or advisory
20 committee if the Legislature fails to take
21 action to continue the agency or committee by
22 the required date; amending s. 11.906, F.S.;
23 revising the date before a review by which the
24 agency is required to provide a report;
25 revising the requirements for the report;
26 amending ss. 11.907 and 11.908, F.S.; revising
27 the procedures for a review of an agency;
28 revising the duties of the Office of Program
29 Policy Analysis and Government Accountability;
30 requiring a Legislative Sunset Review Committee
31 and the joint committee to make recommendations

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1 and propose legislation if necessary; amending
2 s. 11.910, F.S.; revising certain criteria for
3 the review of an agency and its advisory
4 committees; amending s. 11.911, F.S.; requiring
5 that Legislative Sunset Review Committees and
6 the joint committee provide proposed
7 legislation; amending s. 11.918, F.S.;
8 authorizing the joint committee to exercise any
9 powers vested in a standing committee of the
10 Legislature; authorizing the joint committee to
11 access information of and obtain assistance
12 from state agencies; amending s. 11.919, F.S.;
13 authorizing the committee to access and request
14 information from state agencies and officers;
15 providing an effective date.

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