

## ENROLLED

HB 7177, Engrossed 2

2007 Legislature

1                                   A bill to be entitled  
2           An act relating to the Florida Government Accountability  
3           Act; amending s. 11.902, F.S.; redefining the term  
4           "committee" and defining the term "joint committee" for  
5           purposes of the act; amending s. 11.903, F.S.; authorizing  
6           the Senate and the House of Representatives to appoint  
7           Legislative Sunset Review Committees to conduct  
8           independent reviews for each house; requiring the Senate  
9           and the House of Representatives to jointly appoint a  
10          Legislative Sunset Committee to oversee the review process  
11          required under the act and make recommendations to the  
12          Legislature; providing terms of office for commission  
13          members; providing for membership and terms of office;  
14          amending s. 11.904, F.S.; providing for staff of the joint  
15          committee; requiring the Auditor General to assist review  
16          committees and the joint committee upon request; amending  
17          s. 11.905, F.S.; revising the schedule for reviewing state  
18          agencies and advisory committees; amending s. 11.9055,  
19          F.S.; providing duties of an agency or advisory committee  
20          if the Legislature fails to take action to continue the  
21          agency or committee by the required date; amending s.  
22          11.906, F.S.; revising the date before a review by which  
23          the agency is required to provide a report; revising the  
24          requirements for the report; amending ss. 11.907 and  
25          11.908, F.S.; revising the procedures for a review of an  
26          agency; revising the duties of the Office of Program  
27          Policy Analysis and Government Accountability; requiring a  
28          Legislative Sunset Review Committee and the joint

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29 | committee to make recommendations and propose legislation  
 30 | if necessary; amending s. 11.910, F.S.; revising certain  
 31 | criteria for the review of an agency and its advisory  
 32 | committees; amending s. 11.911, F.S.; requiring that  
 33 | Legislative Sunset Review Committees and the joint  
 34 | committee provide proposed legislation; amending s.  
 35 | 11.918, F.S.; authorizing the joint committee to exercise  
 36 | any powers vested in a standing committee of the  
 37 | Legislature; authorizing the joint committee to access  
 38 | information of and obtain assistance from state agencies;  
 39 | amending s. 11.919, F.S.; authorizing the committee to  
 40 | access and request information from state agencies and  
 41 | officers; providing an effective date.

42 |  
 43 | Be It Enacted by the Legislature of the State of Florida:

44 |  
 45 | Section 1. Subsection (3) of section 11.902, Florida  
 46 | Statutes, is amended, and subsection (4) is added to that  
 47 | section, to read:

48 | 11.902 Definitions.--As used in ss. 11.901-11.920, the  
 49 | term:

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

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

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

56 | 11.903 Legislative Sunset Review ~~Advisory~~ Committees and

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57 the Joint Legislative Sunset Committee.--

58 (1) The Senate and House of Representatives may, pursuant  
 59 to the rules of each house, appoint one or more standing or  
 60 select committees as a Legislative Sunset Review Committees  
 61 ~~Advisory Committee~~ to conduct independent reviews for each house  
 62 ~~advise the Legislature~~ regarding the agency sunsets required by  
 63 ss. 11.901-11.920.

64 (2) The Senate and House of Representatives shall ~~may,~~  
 65 ~~pursuant to the joint rules of both houses,~~ appoint a one or  
 66 ~~more Joint committees as a~~ Legislative Sunset Advisory Committee  
 67 for the purposes of overseeing to advise the Legislature  
 68 ~~regarding~~ the agency review process ~~sunsets~~ required by ss.  
 69 11.901-11.920 and of making recommendations to the Legislature.

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

74 (a) The Legislative Sunset Committee established under  
 75 this subsection shall be a joint committee composed of 10  
 76 members: five members of the Senate appointed by the President  
 77 of the Senate and five members of the House of Representatives  
 78 appointed by the Speaker of the House of Representatives.

79 (b) The presiding officer of each house shall appoint a  
 80 chair who shall serve as co-chair of the joint committee  
 81 established under this subsection. Each co-chair shall serve at  
 82 the pleasure of the appointing presiding officer for a term of 2  
 83 years or until the next general election.

84 ~~(4) Initial appointments shall be made not later than~~

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85 ~~November 30, 2006, and subsequent appointments shall be made not~~  
 86 ~~later than January 15 of the year following each organization~~  
 87 ~~session of the Legislature.~~

88 (4)~~(5)~~ If a legislative member ceases to be a member of  
 89 the house from which he or she was appointed, the member vacates  
 90 his or her membership on the committee or joint committee.

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

93 11.904 Staff.--The Senate and the House of Representatives  
 94 may each employ staff to work for the joint chair and vice chair  
 95 ~~of the~~ committee on matters related to joint committee  
 96 activities. ~~The Auditor General and~~ The Office of Program Policy  
 97 Analysis and Government Accountability shall provide primary  
 98 research services as directed by the committee and the joint  
 99 committee and assist the committee in conducting the reviews its  
 100 ~~review~~ under s. 11.910. Upon request, the Auditor General shall  
 101 assist the committees and the joint committee.

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

104 11.905 Schedule for reviewing state agencies and advisory  
 105 committees.--The following state agencies, including their  
 106 advisory committees, or the following advisory committees of  
 107 agencies shall be reviewed according to the following schedule:

- 108 (1) Reviewed by July 1, 2008:
  - 109 (a) Statutorily created responsibilities of the Fish and  
 110 Wildlife Conservation Commission.
  - 111 (b) Department of Agriculture and Consumer Services.
  - 112 (c) Department of Citrus, including the Citrus Commission.

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- 113 (d) Department of Environmental Protection.
- 114 (e) Department of Highway Safety and Motor Vehicles.
- 115 (f) Water management districts.
- 116 (2) Reviewed by July 1, 2010 ~~2009~~:
- 117 (a) Department of Children and Family Services.
- 118 (b) Department of Community Affairs.
- 119 (c) Department of Management Services.
- 120 (d) Department of State.
- 121 (3) Reviewed by July 1, 2012 ~~2010~~:
- 122 (a) Advisory committees for the Florida Community College
- 123 System.
- 124 (b) Advisory committees for the State University System.
- 125 (c) Agency for Workforce Innovation.
- 126 (d) Department of Education.
- 127 (e) Department of the Lottery.
- 128 (4) Reviewed by July 1, 2014 ~~2011~~:
- 129 (a) Agency for Health Care Administration.
- 130 (b) Agency for Persons with Disabilities.
- 131 (c) Department of Elderly Affairs.
- 132 (d) Department of Health.
- 133 (5) Reviewed by July 1, 2016 ~~2012~~:
- 134 (a) Department of Business and Professional Regulation.
- 135 (b) Department of Transportation.
- 136 (c) Department of Veterans' Affairs.
- 137 (6) Reviewed by July 1, 2018 ~~2013~~:
- 138 (a) Advisory committees for the State Board of
- 139 Administration.
- 140 (b) Department of Financial Services, including the

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- 141 Financial Services Commission.
- 142 (c) Department of Revenue.
- 143 (7) Reviewed by July 1, 2020 ~~2014~~:
- 144 (a) Department of Corrections.
- 145 (b) Department of Juvenile Justice.
- 146 (c) Department of Law Enforcement.
- 147 (d) Department of Legal Affairs.
- 148 (e) Justice Administrative Commission.
- 149 (f) Parole Commission.
- 150 (8) Reviewed by July 1, 2022 ~~2015~~:
- 151 (a) Executive Office of the Governor.
- 152 (b) Florida Public Service Commission.

153

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

156 Section 5. Section 11.9055, Florida Statutes, is amended  
 157 to read:

158 11.9055 Abolition of state agencies and advisory  
 159 committees.--

160 (1) An agency subject to review by the Legislature  
 161 ~~Legislative Committee on Sunset Review~~ shall be abolished on  
 162 June 30 following the date of review specified in s. 11.905,  
 163 unless the Legislature continues the agency or advisory  
 164 committee; however, an agency may not be abolished unless the  
 165 Legislature finds, pursuant to law, that all state laws the  
 166 agency had responsibility to implement or enforce have been  
 167 repealed, revised, or reassigned to another remaining agency and  
 168 that adequate provision has been made for the transfer to a

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169 successor agency of all duties and obligations relating to  
 170 bonds, loans, promissory notes, lease-purchase ~~lease purchase~~  
 171 agreements, installment sales contracts, certificates of  
 172 participation, master equipment financing agreements, or any  
 173 other form of indebtedness such that security therefor and the  
 174 rights of bondholders or holders of other indebtedness are not  
 175 impaired.

176 (2) If the Legislature does not take action before the  
 177 date of review to continue the agency or advisory committee, the  
 178 agency shall submit its legislative budget request consistent  
 179 with the provisions of chapter 216 ~~recommendations of the~~  
 180 ~~appropriate Legislative committee on Sunset Review or any law~~  
 181 ~~transferring the agency's functions to other entities.~~ Such  
 182 agency shall continue to be subject to annual sunset review by  
 183 the Legislature until the Legislature enacts legislation  
 184 relating to the agency's continuation, modification, or  
 185 termination.

186 Section 6. Section 11.906, Florida Statutes, is amended to  
 187 read:

188 11.906 Agency report to the Legislature ~~committee~~.--Not  
 189 later than July 1, 2 years ~~January 1 of the year~~ preceding the  
 190 year in which a state agency and its advisory committees are  
 191 scheduled to be reviewed, the agency shall provide the  
 192 Legislature ~~committee~~ with a report that includes:

193 (1) The performance measures for each program and activity  
 194 as provided in s. 216.011 and 3 years of data for each measure  
 195 that provides actual results for the immediately preceding 2  
 196 years and projected results for the ~~current~~ fiscal year that

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197 begins in the year that the agency report is scheduled to be  
 198 submitted to the Legislature.

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

201 (3) The promptness and effectiveness with which the agency  
 202 disposes of complaints concerning persons affected by the  
 203 agency.

204 (4) The extent to which the agency has encouraged  
 205 participation by the public in making its rules and decisions as  
 206 opposed to participation solely by those it regulates and the  
 207 extent to which public participation has resulted in rules  
 208 compatible with the objectives of the agency.

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

213 (6) A statement of any statutory objectives intended for  
 214 each program and activity, the problem or need that the program  
 215 and activity were intended to address, and the extent to which  
 216 these objectives have been achieved.

217 (7) An assessment of the extent to which the jurisdiction  
 218 of the agency and its programs overlap or duplicate those of  
 219 other agencies and the extent to which the programs can be  
 220 consolidated with those of other agencies.

221 (8) An assessment of less restrictive or alternative  
 222 methods of providing services for which the agency is  
 223 responsible which would reduce costs or improve performance  
 224 while adequately protecting the public.



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

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

234 (11) The extent to which the agency complies with public  
 235 records and public meetings requirements under chapters 119 and  
 236 286 and s. 24, Art. I of the State Constitution.

237 (12) The extent to which alternative program delivery  
 238 options, such as privatization, outsourcing, or insourcing, have  
 239 been considered to reduce costs or improve services to state  
 240 residents.

241 (13) Recommendations to the Legislature ~~committee~~ for  
 242 statutory, ~~or~~ budgetary, or regulatory changes that would  
 243 improve the quality and efficiency of services delivered to the  
 244 public ~~program operations~~, reduce costs, or reduce duplication.

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

247 (15) A list of all advisory committees, including those  
 248 established in statute and those established by managerial  
 249 initiative; their purpose, activities, composition, and related  
 250 expenses; the extent to which their purposes have been achieved;  
 251 and the rationale for continuing or eliminating each advisory  
 252 committee.

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253 (16) Agency programs or functions that are performed  
 254 without specific statutory authority.

255 (17) Other information requested by the Legislature  
 256 ~~committee~~.

257  
 258 Information and data reported by the agency shall be validated  
 259 by its agency head and inspector general before submission to  
 260 the Legislature ~~committee~~.

261 Section 7. Section 11.907, Florida Statutes, is amended to  
 262 read:

263 11.907 Legislative review.--Upon receipt of an agency  
 264 report pursuant to s. 11.906, the joint committee may and the  
 265 appropriate committee shall conduct a review of the agency and  
 266 may direct the Office of Program Policy Analysis and Government  
 267 Accountability to ~~shall conduct a program evaluation and~~  
 268 ~~justification review, as defined in s. 11.513, of the agency and~~  
 269 its advisory committees, including an examination of the cost of  
 270 each agency program, an evaluation of best practices and  
 271 alternatives that would result in the administration of the  
 272 agency in a more efficient or effective manner, and examination  
 273 of the viability of privatization or a different state agency  
 274 performing the functions, and an evaluation of the cost and  
 275 consequences of discontinuing the agency. The reviews ~~review~~  
 276 shall be comprehensive in its scope and shall consider the  
 277 information provided by the agency report in addition to  
 278 information deemed necessary by the office and the appropriate  
 279 ~~Legislative Sunset Advisory~~ committee or the joint committee.  
 280 The Office of Program Policy Analysis and Government

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281 Accountability shall submit its report to the Legislature in a  
 282 timeframe prescribed by the committee requesting the review  
 283 ~~committee and to the President of the Senate and the Speaker of~~  
 284 ~~the House of Representatives by October 31 of the year in which~~  
 285 ~~the agency submits its report.~~ The Office of Program Policy  
 286 Analysis and Government Accountability shall include in its  
 287 reports ~~report~~ recommendations for consideration by the  
 288 Legislature ~~committee~~.

289 Section 8. Section 11.908, Florida Statutes, is amended to  
 290 read:

291 11.908 Committee duties.--No later than March 1 of the  
 292 year in which a state agency or its advisory committees are  
 293 scheduled to be reviewed, the committee shall and the joint  
 294 committee may:

295 (1) Review the information submitted by the agency and the  
 296 reports of any independent reviews directed by the committee,  
 297 including those conducted by ~~report of~~ the Office of Program  
 298 Policy Analysis and Government Accountability.

299 (2) Consult with the Legislative Budget Commission,  
 300 relevant substantive and appropriations committees of the Senate  
 301 and the House of Representatives, the Governor's Office of  
 302 Policy and Budgeting, the Auditor General, and the Chief  
 303 Financial Officer, or their successors, relating to the review  
 304 of ~~on the application to~~ the agency and its advisory committees  
 305 ~~of the criteria provided in s. 11.910.~~

306 (3) Hold public hearings to consider this information as  
 307 well as other information and testimony that the committee or  
 308 joint committee deems necessary.

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309           (4) Present to the President of the Senate and the Speaker  
 310 of the House of Representatives a report on the agencies and  
 311 advisory committees scheduled to be reviewed that year by the  
 312 Legislature committee. In the report, the committee shall  
 313 include its specific findings and recommendations regarding each  
 314 of the information considered pursuant to criteria prescribed by  
 315 s. 11.910, and shall also make recommendations as described in  
 316 s. 11.911, and propose legislation as it considers necessary. In  
 317 the joint committee report, the joint committee shall include  
 318 its specific findings and recommendations regarding the  
 319 information considered pursuant to s. 11.90 and make  
 320 recommendations as described in s. 11.911.

321           Section 9. Section 11.910, Florida Statutes, is amended to  
 322 read:

323           11.910 Information Criteria for review.--The committee may  
 324 shall consider information submitted pursuant to s. 11.906 as  
 325 well as any additional information it considers relevant the  
 326 following criteria in determining whether a public need exists  
 327 for the continuation of a state agency or its advisory  
 328 committees or for the performance of any of the functions of the  
 329 agency or its advisory committees.+

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

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

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

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

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

372           ~~(12) The extent to which the agency adopts and enforces~~  
 373 ~~rules relating to potential conflicts of interest of its~~  
 374 ~~employees.~~

375           ~~(13) The extent to which the agency complies with public~~  
 376 ~~records and public meetings requirements under chapters 119 and~~  
 377 ~~287 and s. 24, Art. I of the State Constitution and follows~~  
 378 ~~records management practices that enable the agency to respond~~  
 379 ~~efficiently to requests for public information.~~

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

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

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

389           Section 10. Section 11.911, Florida Statutes, is amended  
 390 to read:

391           11.911 Committee recommendations.--

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

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393           ~~(a)(1)~~ Make recommendations on the abolition,  
 394 continuation, or reorganization of each state agency and its  
 395 advisory committees and on the need for the performance of the  
 396 functions of the agency and its advisory committees.

397           ~~(b)(2)~~ Make recommendations on the consolidation,  
 398 transfer, or reorganization of programs within state agencies  
 399 not under review when the programs duplicate functions performed  
 400 in agencies under review.

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

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

406           (a) Make recommendations on the abolition, continuation,  
 407 or reorganization of each state agency and its advisory  
 408 committees and on the need for the performance of the functions  
 409 of the agency and its advisory committees.

410           (b) Make recommendations on the consolidation, transfer,  
 411 or reorganization of programs within state agencies not under  
 412 review when the programs duplicate functions performed in  
 413 agencies under review.

414           Section 11. Section 11.918, Florida Statutes, is amended  
 415 to read:

416           11.918 Joint Legislative Sunset Committee; powers;  
 417 assistance of state agencies ~~Subpoena power.~~--

418           (1) The Joint ~~Any~~ Legislative Sunset ~~Advisory~~ Committee  
 419 may take under investigation any matter within the scope of a  
 420 sunset review either completed or then being conducted by the

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421 joint committee, and, in connection with such investigation, may  
 422 exercise the powers of subpoena by law and any other powers  
 423 vested in a standing committee of the Legislature pursuant to s.  
 424 11.143.

425 (2) The joint committee may access or request information  
 426 and request assistance of state agencies and officers. When  
 427 assistance is requested, a state agency or officer shall assist  
 428 the joint committee.

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

431 11.919 Assistance of and access to state agencies.--

432 (1) The committee may access or request information and  
 433 request the assistance of state agencies and officers. When  
 434 assistance is requested, a state agency or officer shall assist  
 435 the committee.

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