

HB 7145

2008

1                   A bill to be entitled  
2           An act relating to legislative sunset review; amending s.  
3           11.903, F.S.; permitting the Joint Legislative Sunset  
4           Committee to conduct its meetings through teleconferences  
5           or other similar means; amending s. 11.905, F.S.; revising  
6           the schedule for reviewing state agencies and advisory  
7           committees; authorizing the review of political  
8           subdivisions; amending s. 11.9055, F.S.; requiring  
9           submission of a transfer plan under certain circumstances;  
10          amending s. 11.907, F.S.; requiring the joint committee  
11          and permitting appropriate committees to conduct reviews  
12          upon receipt of agency reports; amending s. 11.908, F.S.;  
13          revising duties of the joint committee and other  
14          committees to conduct reviews; amending s. 11.910, F.S.;  
15          authorizing committees to consider certain information in  
16          reaching determinations; amending s. 11.911, F.S.;  
17          requiring the joint committee and permitting other  
18          committees to make recommendations and propose  
19          legislation; amending s. 11.919, F.S.; permitting  
20          committee access to information, assistance from state  
21          agencies, and inspection of records when carrying out its  
22          functions; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsection (5) is added to section 11.903,  
27   Florida Statutes, to read:

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28 | 11.903 Legislative Sunset Review Committees and the Joint  
 29 | Legislative Sunset Committee.--

30 | (5) The joint committee may conduct its meetings through  
 31 | teleconferences or other similar means.

32 | Section 2. Section 11.905, Florida Statutes, is amended to  
 33 | read:

34 | 11.905 Schedule for reviewing state agencies and advisory  
 35 | committees.--The following state agencies, including their  
 36 | advisory committees, or the following advisory committees of  
 37 | agencies shall be reviewed according to the following schedule:

38 | (1) Reviewed by July 1, 2008:

39 | (a) Statutorily created responsibilities of the Fish and  
 40 | Wildlife Conservation Commission.

41 | (b) Department of Agriculture and Consumer Services.

42 | (c) Department of Citrus, including the Citrus Commission.

43 | (d) Department of Environmental Protection.

44 | (e) Department of Highway Safety and Motor Vehicles.

45 | (f) Water management districts.

46 | (2) Reviewed by July 1, 2010:

47 | (a) Department of Children and Family Services.

48 | (b) Department of Community Affairs.

49 | (c) Department of Management Services.

50 | (d) Department of State.

51 | (3)~~(4)~~ Reviewed by July 1, 2012 ~~2014~~:

52 | (a) Agency for Health Care Administration.

53 | (b) Agency for Persons with Disabilities.

54 | (c) Department of Elderly Affairs.

55 | (d) Department of Health.

- 56 |        (4)~~(3)~~ Reviewed by July 1, 2014 ~~2012~~:
- 57 |        (a) Advisory committees for the Florida Community College
- 58 | System.
- 59 |        (b) Advisory committees for the State University System.
- 60 |        (c) Agency for Workforce Innovation.
- 61 |        (d) Department of Education.
- 62 |        (e) Department of the Lottery.
- 63 |        (5) Reviewed by July 1, 2016:
- 64 |        (a) Department of Business and Professional Regulation.
- 65 |        (b) Department of Transportation.
- 66 |        (c) Department of Veterans' Affairs.
- 67 |        (d) Department of Military Affairs.
- 68 |        (6) Reviewed by July 1, 2018:
- 69 |        (a) Advisory committees for the State Board of
- 70 | Administration.
- 71 |        (b) Department of Financial Services, including the
- 72 | Financial Services Commission.
- 73 |        (c) Department of Revenue.
- 74 |        (7) Reviewed by July 1, 2020:
- 75 |        (a) Department of Corrections.
- 76 |        (b) Department of Juvenile Justice.
- 77 |        (c) Department of Law Enforcement.
- 78 |        (d) Department of Legal Affairs.
- 79 |        (e) Justice Administrative Commission.
- 80 |        (f) Parole Commission.
- 81 |        (8) Reviewed by July 1, 2022:
- 82 |        (a) Executive Office of the Governor.
- 83 |        (b) Florida Public Service Commission.

84  
 85 Upon completion of this cycle, each agency shall again be  
 86 subject to sunset review. The President of the Senate and the  
 87 Speaker of the House of Representatives together may at any time  
 88 direct the joint committee to review any political subdivision,  
 89 including those created by special act, irrespective of the  
 90 schedule set forth in this section ~~10 years after its initial~~  
 91 ~~review.~~

92 Section 3. Subsection (2) of section 11.9055, Florida  
 93 Statutes, is amended to read:

94 11.9055 Abolition of state agencies and advisory  
 95 committees.--

96 (2) If the Legislature does not take action before the  
 97 date of review to continue the agency or advisory committee, the  
 98 agency shall submit its legislative budget request consistent  
 99 with the provisions of chapter 216. Such agency shall continue  
 100 to be subject to annual sunset review by the Legislature until  
 101 the Legislature enacts legislation relating to the agency's  
 102 continuation, modification, or termination. The agency shall  
 103 also provide to the joint committee by December 31 of the year  
 104 of each agency's review schedule, as provided in s. 11.905, a  
 105 plan for a type two transfer of the agency's responsibilities.

106 Section 4. Section 11.907, Florida Statutes, is amended to  
 107 read:

108 11.907 Legislative review.--Upon receipt of an agency  
 109 report pursuant to s. 11.906, the appropriate joint committee  
 110 may and the joint ~~appropriate~~ committee shall conduct a review  
 111 of the agency and may direct the Office of Program Policy

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112 Analysis and Government Accountability to review the agency and  
 113 its advisory committees, including an examination of the cost of  
 114 each agency program, an evaluation of best practices and  
 115 alternatives that would result in the administration of the  
 116 agency in a more efficient or effective manner, an examination  
 117 of the viability of privatization or a different state agency  
 118 performing the functions, and an evaluation of the cost and  
 119 consequences of discontinuing the agency. The reviews shall be  
 120 comprehensive in scope and shall consider the information  
 121 provided by the agency report in addition to information deemed  
 122 necessary by the office and the appropriate committee or the  
 123 joint committee. The Office of Program Policy Analysis and  
 124 Government Accountability shall submit its report to the  
 125 Legislature in a timeframe prescribed by the committee  
 126 requesting the review. The Office of Program Policy Analysis and  
 127 Government Accountability shall include in its reports  
 128 recommendations for consideration by the Legislature.

129 Section 5. Section 11.908, Florida Statutes, is amended to  
 130 read:

131 11.908 Committee duties.--No later than March 1 of the  
 132 year in which a state agency or its advisory committees are  
 133 scheduled to be reviewed, the joint committee shall and the  
 134 ~~joint~~ committee may:

135 (1) Review the information submitted by the agency and the  
 136 reports of any independent reviews directed by the committees  
 137 ~~committee~~, including those conducted by the Office of Program  
 138 Policy Analysis and Government Accountability.

139           (2) Consult with the Legislative Budget Commission,  
 140 relevant substantive and appropriations committees of the Senate  
 141 and the House of Representatives, the Governor's Office of  
 142 Policy and Budgeting, the Auditor General, and the Chief  
 143 Financial Officer, or their successors, relating to the review  
 144 of the agency and its advisory committees.

145           (3) Hold public hearings to consider this information as  
 146 well as other information and testimony that the committee or  
 147 joint committee deems necessary.

148           (4) Present to the President of the Senate and the Speaker  
 149 of the House of Representatives a report on the agencies and  
 150 advisory committees scheduled to be reviewed that year by the  
 151 Legislature. In the report, the joint committee shall include  
 152 its specific findings and recommendations regarding the  
 153 information considered pursuant to s. 11.910, make  
 154 recommendations as described in s. 11.911, and propose  
 155 legislation as it considers necessary. ~~In the joint committee~~  
 156 ~~report, the joint committee shall include its specific findings~~  
 157 ~~and recommendations regarding the information considered~~  
 158 ~~pursuant to s. 11.910 and make recommendations as described in~~  
 159 ~~s. 11.911.~~

160           Section 6. Section 11.910, Florida Statutes, is amended to  
 161 read:

162           11.910 Information for review.--The committees ~~committee~~  
 163 may consider information submitted pursuant to s. 11.906 as well  
 164 as any additional information it considers relevant in  
 165 determining whether a public need exists for the continuation of  
 166 a state agency or its advisory committees or for the performance

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167 of any of the functions of the agency or its advisory  
168 committees.

169 Section 7. Section 11.911, Florida Statutes, is amended to  
170 read:

171 11.911 Committee recommendations.--

172 ~~(1)~~ In its report on a state agency, the joint committee  
173 shall and the committee may:

174 (1)(a) Make recommendations on the abolition,  
175 continuation, or reorganization of each state agency and its  
176 advisory committees and on the need for the performance of the  
177 functions of the agency and its advisory committees.

178 (2)(b) Make recommendations on the consolidation,  
179 transfer, or reorganization of programs within state agencies  
180 not under review when the programs duplicate functions performed  
181 in agencies under review.

182 (3)(e) Propose legislation necessary to carry out the  
183 committee's recommendations under subsection (1) paragraph (a)  
184 or subsection (2) paragraph (b).

185 ~~(2) In its report on a state agency, the joint committee~~  
186 ~~shall:~~

187 ~~(a) Make recommendations on the abolition, continuation,~~  
188 ~~or reorganization of each state agency and its advisory~~  
189 ~~committees and on the need for the performance of the functions~~  
190 ~~of the agency and its advisory committees.~~

191 ~~(b) Make recommendations on the consolidation, transfer,~~  
192 ~~or reorganization of programs within state agencies not under~~  
193 ~~review when the programs duplicate functions performed in~~  
194 ~~agencies under review.~~

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195 Section 8. Section 11.919, Florida Statutes, is amended to  
196 read:

197 11.919 Assistance of and access to state agencies.--

198 (1) The committees ~~committee~~ may access or request  
199 information and request the assistance of state agencies and  
200 officers. When assistance is requested, a state agency or  
201 officer shall assist the committees ~~committee~~.

202 (2) In carrying out its functions under ss. 11.901-11.920,  
203 the committees ~~committee~~ or its designated staff member may  
204 inspect the records, documents, and files of any state agency.

205 Section 9. This act shall take effect July 1, 2008.