

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Rules Committee

BILL: SB 1204

INTRODUCER: Senator Thrasher

SUBJECT: Joint Legislative Organizations

DATE: February 22, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Phelps	RC	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 1204 repeals or amends various sections of the Florida Statutes concerning the following joint legislative entities: the Office of Program Policy Analysis and Government Accountability (“OPPAGA”), the Joint Administrative Procedures Committee (“JAPC”), the Legislative Committee on Intergovernmental Relations (“LCIR”), the Joint Legislative Committee on Everglades Oversight (“JCEO”), the Joint Legislative Sunset Committee (“JCSC”) and other related Legislative Sunset Review Committees,<sup>1</sup> the Joint Select Committee-the Century Commission for a Sustainable Florida, Technology Review Workgroup, the Joint Committee on Public Counsel Oversight (“JCPO”), the Legislative Commission on Migrant and Seasonal Labor, the Legislative Auditing Committee (“JLAC”), the Office of Economic and Demographic Research, the Office of Legislative Services (“OLS”), and the Council for Education Policy Research and Improvement. Additionally, reporting duties of the Department of Children and Family Services’ children and families client and management information system will be impacted by the bill.

JLAC, JAPC, and JCPO are re-established in the Joint Rules of the Florida Legislature under proposed Senate Concurrent Resolution 1202 (2011). EDR, OPPAGA, and OLS are maintained in the Joint Rules of the Florida Legislature under proposed Senate Concurrent Resolution 1202 (2011).

This bill substantially amends or repeals the following sections of the Florida Statutes: ss. 1.01, 11.40, 11.45, 11.147, 11.51, 11.511, 11.513, 11.60, 11.70, 11.80, 11.901-11.920, 29.0085, 112.313, 112.3189, 112.324, 125.045, 163.055, 163.3245, 163.3247, 166.021, 189.421,

<sup>1</sup> The Government Accountability Act requiring agency sunset review is repealed in its entirety.

216.0446, 216.163, 216.181, 218.32, 282.322, 218.38, 287.0943, 288.7001, 350.012, 350.061, 350.0614, 373.026, 373.036, 373.45296, 409.146, 450.201, 450.221, 450.231, 450.241, 450.261, 590.33, and 1001.01, F.S.

## II. Present Situation:

### **Office of Program Policy Analysis and General Accountability (“OPPAGA”)**

The Office of Program Policy Analysis and General Accountability is created in Section 11.51, F.S. Pursuant to Section 11.513, Florida Statutes, OPPAGA is responsible for program evaluation and justification review of each state agency.

### **Joint Administrative Procedures Committee (“JAPC”)**

The Joint Administrative Procedures Committee is created in Section 11.60, F.S. JAPC is charged with review of agency rulemaking, agency action, and other duties contained in Section 11.60 and Chapter 120 of the Florida Statutes.

### **Legislative Committee on Intergovernmental Relations (“LCIR”)**

The Legislative Committee on Intergovernmental Relations is created in Section 11.70, F.S. LCIR is responsible for evaluation of the interrelationships of local, regional, state, and federal agencies in the provision of public services.

### **Joint Legislative Committee on Everglades Oversight (“JCEO”)**

The Joint Legislative Committee on Everglades Oversight is created in Section 11.80, F.S. JCEO monitors implementation of the Everglades Forever Act.<sup>2</sup> As such, it is responsible for monitoring all funding, expenditures, agreements, schedules of projects, land acquisition, and permitting associated with the implementation of the Everglades Forever Act.

### **Government Accountability Act; Legislative Sunset Review Committees and the Joint Legislative Sunset Committee (“JCSC”)**

The Government Accountability Act (“GAA”) is contained in Section 11.901 through Section 11.920, F.S. Section 11.903, F.S., provides for the creation of standing committee(s) in each house of the Legislature to conduct independent reviews of the agency sunsets provided for in the GAA. Section 11.903, F.S., creates a Joint Legislative Sunset Committee for the purpose of overseeing the agency review process in the Act.

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<sup>2</sup> The Everglades Forever Act is located in Section 373.4592, F.S.

**Joint Select Committee - the Century Commission for a Sustainable Florida**

This Committee is created in Section 163.3247(4)(g), F.S. The Committee is charged with reviewing the findings and recommendations of the Century Commission for a Sustainable Florida for potential legislative action.

**Technology Review Workgroup**

The Technology Review Workgroup is created in Section 216.0446, F.S. The Workgroup is responsible for evaluating agencies' information technology resource needs and requests for information technology resources.

**Committee on Public Counsel Oversight ("JCPO")**

The Committee on Public Counsel Oversight ("JCPO") is created in Section 350.012, F.S. The JCPO is required to appoint a Public Counsel, as provided by general law, and is responsible for other duties as provided by law.

**Legislative Commission on Migrant and Seasonal Labor**

The Legislative Commission on Migrant and Seasonal Labor is created in Section 450.201, F.S. The Commission is charged with maintaining a continuing consultative examination and supervision of the migrant labor programs relating to living conditions, health, housing, and sanitation. The Commission also coordinates federal, state, and local programs administered by agencies of the executive branch of the State of Florida.

**Legislative Auditing Committee ("JLAC")**

The Legislative Auditing Committee ("JLAC") is created in Section 11.40, F.S. JLAC may direct the Auditor General or OPPAGA to review, investigate, or conduct audits provided for in Section 11.45, F.S. JLAC is also governed by previously adopted Rule 4 of the Joint Rules of the Florida Legislature.<sup>3</sup>

**Office of Economic and Demographic Research ("EDR")**

The Office of Economic and Demographic Research is created in previously adopted Joint Rule 3.1 of the Joint Rules of the Florida Legislature.<sup>4</sup> Pursuant to that Rule, the Office provides research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

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<sup>3</sup> HCR 30 ORG (2008), enrolled.

<sup>4</sup> Id.

### **Office of Legislative Services (“OLS”)**

The Office of Legislative Services (“OLS”) is created in 11.147, F.S., and is also provided for in previously adopted Rule 3.1 of the Joint Rules of the Florida Legislature.<sup>5</sup> Pursuant to that Rule, the Office provides legislative support services other than those services provided by the Office of Economic and Demographic Research and the Office of Legislative Information Technology Services. The Division of Statutory Revision and the Division of Legislative Information are divisions of OLS.

### **The Council for Education Policy Research and Improvement**

Pursuant to Section 1000.01, F.S., the Council for Education Policy Research and Improvement is an independent office under the Office of Legislative Services. The Council was established to replace the Postsecondary Education Planning Commission.

### **III. Effect of Proposed Changes:**

The bill moves the authorization for, and some of the duties of, the following entities from the Florida Statutes to the Joint Rules of the Florida Legislature: JLAC, JAPC, JPCO, OPPAGA, EDR, and OLS. Numerous technical and conforming changes are also made to the Florida Statutes.

### **Legislative Auditing Committee**

The statutory authority creating the Joint Legislative Auditing Committee’s in Section 11.40(1), F.S., is repealed. Under SCR 1202 (2011), JLAC is recreated in Rule 4 of the Joint Rules of the Florida Legislature.

Additionally, the bill also makes the following technical and conforming changes to the statutes:

- Creating Section 1.01(17), F.S., which defines the term “Legislative Auditing Committee” as a committee or committees designated by joint rule of the Legislature, by the President of the Senate or the Speaker of the House of Representatives, or by agreement between the President of the Senate and the Speaker of the House of Representatives;
- Repealing Section 11.40(2), F.S., which provides that the Committee is governed by the Joint Rules of the Florida Legislature;
- Deleting Section 11.40(3), F.S., which permits JLAC to direct the Auditor General or OPPAGA to conduct an audit, review, or examination of any entity described in Section 11.45(2), F.S., and Section 11.45(3), F.S.;
- Amending cross-references in Section 11.45(1), F.S., to conform the deletion of subsection 11.513, F.S.;
- Deleting requirement in Section 11.40(4)(b), F.S., that JLAC provide oversight and management of the Transparency Florida Act described in Section 215.985, F.S.;

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<sup>5</sup> Id.

- Amending Section 11.40(5), F.S., to provide that the Committee may schedule a hearing to determine if an entity who violates Sections 11.45(5)-(7), Section 218.32(1), or Section 218.38, F.S., should be subject to further state action;
- Removing mandate in Section 11.45(6), Florida Statutes, and Sections 11.45(7)(a),(b), and (d), F.S., that JLAC proceed in accordance with Section 11.40, F.S.;
- Amending Section 112.3189(9)(c), F.S., to require the Chief Inspector General to transmit a report to the Legislative Auditing Committee created in Rule 4 of the Joint Rules of the Florida Legislature in SCR 1202 (2011);
- Amending Section 189.421(3), F.S., which requires JLAC to notify the department that districts have failed to disclose financial reports and establishing the pertinent procedures to conform a statutory citation with changes made elsewhere in the bill; and,
- Deleting requirements in Section 218.32(1)(f), F.S., and Section 218.38(3), F.S., that JLAC proceed in accordance with Section 11.40(5), F.S.

### **Joint Administrative Procedures Committee**

The enabling legislation concerning JAPC in Section 11.60, F.S., is deleted. Under SCR 1202 (2011), JAPC would be recreated in Rule 4 of the Joint Rules of the Florida Legislature along with many of the current statutory functions and duties. The bill creates Section 1.01(16), F.S., which defines the term “Administrative Procedures Committee” as a committee designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives, to conform.

### **Committee on Public Counsel Oversight**

The bill repeals Section 350.012, F.S., which provides for the creation of the Committee on Public Counsel Oversight and provides its statutory authority. The Committee on Public Counsel Oversight is recreated in Rule 4 of the Joint Rules of the Florida Legislature in SCR 1202 (2011).

Additionally, the bill also makes the following technical and conforming changes to the statutes: The bill amends Section 350.061(1), F.S., to provide that the Committee as recreated in Rule 4 shall appoint a Public Counsel and deletes the requirement that the Public Counsel be appointed by majority vote of the committee. Currently, Section 350.0614(2), F.S., requires that funds be available for expenditure as provided by law and the rules or decisions of the Committee on Public Counsel Oversight. The bill deletes the phrase “and the rules or decisions of the Committee on Public Counsel Oversight.”

### **Office of Program Policy Analysis and Government Accountability**

The bill deletes the statutory language creating OPPAGA in Section 11.51(1), F.S. Under SCR 1202 (2011), OPPAGA is recreated in Rule 3 of the Joint Rules of the Florida Legislature.

The bill makes the following technical and conforming changes to the Florida Statutes:

- Creating Section 1.01(18), F.S., which defines “Office of Program Policy Analysis and Government Accountability” as an entity designated by joint rule of the Legislature or by

- agreement between the President of the Senate and the Speaker of the House of Representatives;
- Deleting Section 11.51(2), F.S., specifying that OPPAGA is independent of the Auditor General for purposes of general policies established by the Legislative Auditing Committee;
  - Deleting requirement in Section 11.51(3), F.S., that OPPAGA maintain a schedule of examinations of state programs is deleted; and,
  - Specifying in Section 11.51(5), F.S., that the designated representative of OPPAGA, rather than the designated representative of the director of OPPAGA, is required to discuss the examination and preliminary findings to the official whose office is examined.

Additionally, the bill repeals Section 11.511, F.S., concerning the Director's powers and duties. The bill also repeals Section 11.513, F.S., concerning the conduct of program evaluation and justification review. The topics in these subsections will be addressed in the Joint Rules of the Florida Legislature.

### **Office of Economic and Demographic Research**

The Office of Economic and Demographic Research is created in Rule 3 of the Joint Rules of the Florida Legislature.

Additionally, the bill also makes the following technical and conforming changes to the statutes: The bill creates Section 1.01(19), F.S., which defines the Office of Economic and Demographic Research as an entity designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives. The bill amends Sections 125.045(4) and (5), F.S., to require county economic development entities to file certain reports with the Office of Economic and Demographic Research instead of the Legislative Committee on Intergovernmental Relations or its successor entity. The amendment to Section 125.045(5), F.S., also requires the Office of Economic and Demographic Research to compile the information provided by the counties into a report and provide it to the President of the Senate and the Speaker of the House of Representatives.

This Office will continue to be governed by the Joint Rules of the Florida Legislature.

### **Office of Legislative Services**

The bill amends Section 11.147, F.S., to provide that OLS is designated as such by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives.

Additionally, the bill also makes the following technical and conforming changes to the statutes: The bill deletes Section 11.147(2), F.S., providing for the President of the Senate and Speaker of the House of Representatives to select a coordinator for OLS, who shall report directly to the President and Speaker. Further, Section 11.147(3), F.S., is amended to provide that the joint committees and other joint units of the Legislature shall be governed by joint rules of the Senate and House of Representatives. This provision has also been amended to delete the phrase that the

joint committees and other joint units shall remain in effect until repealed or amended by concurrent resolution. The bill also provides for renumbering to conform.

The following joint legislative entities are being repealed and are not being recreated in the Joint Rules of the Florida Legislature. Numerous technical and conforming changes are also made to the Florida Statutes.

### **Legislative Committee on Intergovernmental Relations**

LCIR is eliminated by repeal of Section 11.70, F.S., containing LCIR's enabling provisions.<sup>6</sup>

Additionally, the bill makes the following conforming and technical changes to the Florida Statutes:

- Amending Section 29.0085(1), F.S., by requiring certain revenues and expenditure statements be made in the form and manner prescribed by the Chief Financial Officer in consultation with the President of the Senate and the Speaker of the House of Representatives;
- Deleting the requirement in that Section that the Chief Financial Officer consult with LCIR; Section 112.313(9)(a), F.S., is amended to remove the executive director of the LCIR from the two year postemployment restriction on representing clients for compensation before the LCIR; The bill also deletes the requirement that a finding that a member of LCIR violated the Code of Ethics be forwarded by the Commission on Ethics to the President of the Senate and the Speaker of the House of Representatives;
- Deleting the requirement in Section 163.055(4), F.S., that program providers annually submit information to the LCIR;
- Section 163.055(5), F.S., no longer requires the LCIR to assist the Chief Financial Officer in preparation of the requests for proposals, reviewing of each contract, or providing the Chief Financial Officer written advisory comments and recommendations;
- Removing a reference to LCIR in Section 163.55(5)(c), F.S., establishing the factors to be considered in reviewing contract proposals;
- No longer requiring the Chief Financial Officer to provide LCIR a copy of the decision to award a contract under Section 163.055(6), F.S.;
- Relieving LCIR's obligation under Section 163.055(9), F.S., to perform an annual performance review and provide its findings to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer;
- Requiring the Department of Community Affairs to provide a report to the President of the Senate and the Speaker of the House of Representatives instead of LCIR pursuant to Section 163.3245, F.S.;
- Replacing references to LCIR with references to the Office of Economic and Demographic Research in Section 166.021(9), F.S.;
- Providing that, pursuant to Section 166.021(9), F.S., the Office of Economic and Demographic Research will be responsible for providing certain reports to the President

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<sup>6</sup> LCIR is not provided for in the current version of the Joint Rules of the Florida Legislature or in SCR 1202.

- of the Senate and the Speaker of the House of Representatives instead of the Office of Trade, Tourism, and Economic Development; and,
- Deleting the requirement in Section 287.0943(2)(b), F.S., that the chairperson of LCIR, or his designee, serve as an *ex officio* member of the Minority Business Certification Task Force.

### **Joint Legislative Committee on Everglades Oversight**

The bill eliminates the Joint Legislative Committee on Everglades Oversight by repeal of the enabling legislation in Section 11.80, F.S.<sup>7</sup>

The bill makes the following technical and conforming changes to the Florida Statutes:

- Requiring the South Florida Water Management District to provide certain information concerning approved projects to the President of the Senate and the Speaker of the House of Representatives instead of the Legislative Committee on Everglades Oversight under Section 373.026(8)(b), F.S.;
- Deleting the requirement in Section 373.036(7)(e), F.S., that the annual report of the South Florida Water Management District contain an Everglades Forever Act annual implementation report required by Section 11.80(4), F.S.;
- Removing the Joint Legislative Committee on Everglades Oversight's authority to approve the format of the consolidated annual report required in Section 373.45926(3), F.S.;
- Divesting the Committee's authority in Section 373.45926(3), F.S., to direct the Auditor General to conduct an audit; and,
- Requiring the annual report required in Section 373.45926(7), F.S., to be made to the President of the Senate and the Speaker of the House of Representatives instead of the Joint Legislative Committee on Everglades Oversight.

### **Government Accountability Act**

The bill eliminates the Legislative Sunset Review Committees and the Joint Legislative Sunset Committee by repeal of the entire Florida Government Accountability Act (Sections 11.901-11.920, Florida Statutes).<sup>8</sup>

Additionally, the bill also makes the following technical and conforming changes to the statutes: The bill amends Section 288.7001(4)(a), F.S., by deleting a reference to the sunset review schedule in Section 11.905, F.S., and providing that the Small Business Regulatory Advisory Council may periodically review rules of agencies to determine whether the rules should remain, be amended, or be repealed. The bill also amends Section 288.7001(4)(c), F.S., to delete the requirement that, within six months after the agency report is completed, the Council must

<sup>7</sup> The Joint Legislative Committee on Everglades Oversight is not provided for in the current version of the Joint Rules of the Florida Legislature or in SCR 1202.

<sup>8</sup> Neither the Legislative Sunset Review Committees nor the Joint Legislative Sunset Committee is provided for in the current version of the Joint Rules of the Florida Legislature or in SCR 1202.



provide a report to the Joint Legislative Sunset Review Committee pursuant to Section 11.907, F.S. The remainder of the paragraph contains minor technical changes to conform.

### **Joint Select Committee-the Century Commission for a Sustainable Florida**

SB 1204 repeals Section 163.3247(4)(g), F.S., eliminating the Joint Select Committee to review the findings and recommendations of the Century Commission for a Sustainable Florida.<sup>9</sup>

### **Technology Review Workgroup**

The Technology Review Workgroup is eliminated by repeal of Section 216.0446, F.S.<sup>10</sup> The bill also repeals the provisions concerning monitoring processes for information resources management projects pursuant to 282.322, F.S., and Section 216.163(2)(f), Florida Statutes. The bill amends Section 216.181, F.S., by removing the requirement that certain technology-related amendments must be reviewed by the Technology Review Workgroup.

### **Legislative Commission on Migrant and Seasonal Labor**

The Legislative Commission on Migrant and Seasonal Labor is eliminated by repeal of Sections 450.201, 450.221, 450.231, and 450.241, F.S.<sup>11</sup> Additionally, the bill also makes the following technical and conforming changes to the statutes: The bill amends Section 450.261 by deleting the requirement that the two legislative members shall be chosen from among the members of the Legislative Commission on Migrant and Seasonal Labor. That Section is also amended to delete the requirement that at least one of the two members appointed by the Governor shall be chosen from among the members of the advisory committee to the Legislative Commission on Migrant and Seasonal Labor.

### **The Council for Education Policy Research and Improvement**

The bill deletes Section 1000.01(6), F.S., which creates the Council. The bill also deletes Section 1000.01(7), F.S., which provides that all personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council.

### *Other Provisions*

### **Legislative Budget Commission**

The bill contains a conforming change giving the Legislative Budget Commission authority to approve certain expenditures relating to information technology projects pursuant to Section 261.181(5), F.S.

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<sup>9</sup> The Joint Select Committee- Century Commission for a Sustainable Florida is not provided for in the current version of the Joint Rules of the Florida Legislature or in SCR 1202.

<sup>10</sup> The Technology Review Workgroup is not provided for in the current version of the Joint Rules of the Florida Legislature or in SCR 1202.

<sup>11</sup> The Legislative Commission on Migrant and Seasonal Labor is not provided for in the current version of the Joint Rules of the Florida Legislature or in SCR 1202.

**Florida Department of Children and Families**

The bill also makes conforming changes impacting the Florida Department of Children and Families. The bill amends Section 409.146(9), F.S., concerning the children and families client and management information system, by requiring the Department to report to the President of the Senate and the Speaker of the House of Representatives instead of the Joint Information Technology Resources Committee. The bill also deletes the portion of that Section requiring the Joint Information Technology Resources Committee to review the report and forward it to the appropriate committees in the Senate and the House of Representatives.

**Southeastern Interstate Forest Fire Protection Compact**

Currently, Section 590.33, F.S., provides that two of Florida's four members on the Southeastern Interstate Forest Fire Protection Compact Advisory Committee are required to be Legislators, one of which is from the Senate and the other from the House of Representatives. The bill amends that Section by specifying that the President of the Senate and the Speaker of the House of Representatives would each be responsible for designating one member.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Some of the changes made in this bill conform to funding decisions made in the 2010-2011 General Appropriations Act. Implementation of provisions may result in a positive fiscal impact which is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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