

FINAL BILL ANALYSIS

BILL #: SB 898

FINAL HOUSE FLOOR ACTION:

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SPONSOR: Sen. Bennett (Rep. Plakon and Ford)

GOVERNOR'S ACTION: Approved

COMPANION BILLS: HB 7029 and HB 4167

SUMMARY ANALYSIS

SB 898 was passed by the House on May 4, 2011. The bill was approved by the Governor on June 17, 2011, chapter 2011-155, Laws of Florida, and took effect on June 17, 2011.

The Florida Office of State-Federal Relations (Office) was created in 1977.¹ Its purpose, as articulated in its founding legislation,² was to create strong and cooperative alliances between the State of Florida and Florida's Congressional delegation, as well as federal agencies. The duties of the Office include acting as liaison between state and federal officials, providing grant assistance and advice to state agencies, assisting in the evaluation and management of Florida's intergovernmental relations efforts, and facilitating the activities of Florida officials traveling to Washington, D.C., on official business.

In 1979, the statute creating the Office was amended to ensure the active involvement of the Legislature.³ The newer provisions clarified that the Office is to represent the legislative and executive branches of government, and that the duties of the office will be created in consultation with the Speaker of the House of Representatives and the President of the Senate. It also added that the director of the Office is to be appointed by the governor.

Additional provisions to the law were also passed in 1995⁴ to require the Executive Office of the Governor to consult with the Office with the goal of attaining an equitable share of federal revenue for the State of Florida. Those provisions include the evaluation of federal funding, development of a federal aid formula database, establishment of formula modeling capability, and development of a communications network that links Florida's legislative and executive branches with the state's congressional delegation.

Although the duties relating to the Office are several and appear in more than one section of Florida Statutes, and even though there is clear language providing access and oversight by the Legislature, there is no formal mechanism for that oversight. This bill requires the Office of State-Federal Relations to prepare and submit an annual report detailing its budget, personnel and activities. The report is due to the governor, Speaker to the House of Representatives, and the President of the Senate by January 1 of each year.

While there is no direct expenditure relating to the required report, it will likely require a moderate investment in staff time and effort to complete.

¹ Chapter 77-419, Laws of Florida

² SB 43-B, 1977

³ Chapter 79-190, Laws of Florida

⁴ Chapter 95-303, Laws of Florida

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

The Office of State-Federal Relations was created by the Florida Legislature during Special Session B in 1977. The physical office is located in Washington, D.C., near the Senate Office Buildings in a facility known as the Hall of States.⁵ Twenty-seven states, including Florida, have state offices in the Hall of States. Those states are: California, New York, Pennsylvania, Illinois, Ohio, Michigan, North Carolina, Massachusetts, New Jersey, Arizona, Georgia, Washington, Wisconsin, Maryland, Virginia, Kentucky, South Carolina, Oregon, Connecticut, New Mexico, Arkansas, Iowa, Kansas, Alaska, Nevada, and Delaware.⁶ Texas⁷ and Indiana also have offices in Washington, D.C., but they are located elsewhere.

Section 14.23, F.S., as originally created in Chapter 77-419, Laws of Florida, addressed the intent of the Office, the fundamentals of its creation, and provided some enumerated duties.

The opening clause of the legislative intent regarding the Office, as originally crafted in 1977, is similar to the modern iteration of the language found in s. 14.23(1), F.S. “It is the intent of this legislation to establish mechanisms, through which the legislative and executive branches of state government can work together in a cooperative alliance, to strengthen the state’s relationship with our Congressional Delegation and with federal agencies, and improve our position over federal legislative impact on the state.”

In 1995, additional language regarding the creation of a communications network between state and federal officials and the maximization of federal funds was included at the end of the opening intent clause found in s. 14.23, F.S., and in s. 216.151, F.S., as part of House Bill 1683. The ultimate purpose of the additional language is explained at the end of s. 216.151(6)(d), F.S., where it states, “The express intent of the endeavors enumerated in this subsection shall be to secure a more equitable share of available federal revenues.”

The closing clause of the legislative intent section, “Therefore, the mechanisms and resources created herein, for the furtherance of the state’s intergovernmental efforts, shall include the Congressional Delegation and be available to meet its needs”, has remained the same since its inclusion in the original legislation from 1977.⁸

Section 6 of Chapter 77-419 and Chapter 79-190, Laws of Florida make up the basis for the creation of the Office, as well as enumerating some of the specific responsibilities of the Office. The original law⁹ creating the Office placed its administrative home in the Executive Office of the Governor (EOG) and its physical home in Washington, D.C. The language also noted that the duties of the Office would be prescribed by the governor. The duties of the Office are found in the original legislation and remain the same in the current statute (s. 14.23(2)(b), F.S.) They are:

- Act as liaison between state and federal officials and agencies.
- Provide grant assistance to state agencies.
- Help develop and implement strategies for our state’s intergovernmental efforts.

⁵ <http://www.sso.org/>

⁶ Information on file provided by Florida Office of Economic and Demographic Research

⁷ <http://www.osfr.state.tx.us/>

⁸ Senate Bill 43-B, 1977

⁹ Chapter 77-419, Laws of Florida

- Facilitate the activities of Florida officials traveling to Washington, D.C. on official business.

In addition to the duties created for the Office in s.14.23, F.S., s. 216.151(6), F.S., lists four general duties of the EOG in relation to the Office of State-Federal Relations. Those duties were added in 1995 through passage of HB 1683, and they are:

- Evaluate current levels of federal funding to determine how Florida can get a more equitable portion.
- Develop a federal aid database in order to catalog existing federal formulas and to identify funding inequities.
- Establish a federal formula modeling capability (if resources are available) that will allow Florida to evaluate federal legislation that involves financial assistance to state or local governments.
- Develop and Implement a communications network that links the EOG, the Florida Legislature, and Florida's Congressional Delegation to each other.

Even though the intent and duties regarding the Office have changed over the years, the most significant changes to the staff and governance of the Office would come soon after the Office's original creation.

In 1979, as part of House Bill 1604, the provisions of the Office's creation were changed to provide much greater oversight and involvement by the Florida Legislature. Section 14.23(2)(a), F.S., notes that the Office is to represent the executive and legislative branches of state government, and the Legislature is to have direct access to the staff of the Office. Also, as it relates to the duties of the Office, s. 14.23(2)(b), F.S., now requires the governor to consult with the Speaker of the House of Representatives and the President of the Senate when determining those duties.

House Bill 1604 also changed s. 14.23(2)(c), F.S., to create the position of Director in the Office of State-Federal Relations. The statute provides for the Director to be appointed by and serve at the pleasure of the governor.

Under the administration which served during Fiscal year 2010-2011, and when fully staffed, the Office of State-Federal Relations had six Full Time Equivalent (FTE) positions. Though some of these positions were not filled for parts of 2010, for portions of that year, the Office was fully staffed.

Included among these positions were a director and one other policy advisor funded directly through the EOG budget. Those positions are included in the overall EOG funds budgeted for the Office. The total EOG allotments for the Office in FY 2010-11 are \$394,320 for Salary and Benefits and \$170,697 in leased office space and other minor expenses¹⁰.

¹⁰ Information provided by EOG

To complete the complement of six FTE's, there are four FTE's funded by individual state agencies. The following is a list of those agencies and the amount provided for personnel and/or lease contributions in FY 2010-11:¹¹

Agency	Salary	Benefits	Lease Contribution	Total
Agency for Workforce Innovation (AWI)	\$45,000	\$14,663	\$0	\$59,663
Agency for Health Care Administration (AHCA)	\$70,269	\$26,971	\$0	\$97,240
Department of Environmental Protection (DEP); Water Management Districts; and the Florida Fish and Wildlife Conservation Commission (FWCC)	\$55,000	\$15,000	\$14,299	\$84,299
Department of Transportation (DOT)	\$45,173	\$15,810	\$0	\$60,983
All Agencies	\$215,442	\$72,444	\$14,299	\$302,185

Budgeted expenditures from all sources for the Office of State-Federal Relations in FY 2010-11 totaled \$867,202.

In order to attain budget and personnel information regarding the Office, contact with six different sources is necessary (Office of State-Federal Relations, EOG, AWI, AHCA, DEP, and DOT) because budgeting and personnel decisions are made among as many as ten separate state agencies and the EOG. Further, there are no measures by which the Legislature can determine if the Office and the EOG are complying with the provisions of s. 14.23, F.S. or s. 216.151, F.S.

B. EFFECT OF PROPOSED CHANGES:

This bill requires the Florida Office of State-Federal Relations to create and submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate each year by January 1. The report is to include details of the Office's budget, personnel and activities.

This report may provide the EOG and the Office with the means of complying more closely with their responsibilities as found in s. 14.23, F.S. and 216.151, F.S. It may also assist the executive and legislative branches of state government in their desire to work more closely with their federal counterparts in Florida's Congressional Delegation as well as federal agencies to ensure equitable treatment of Florida in funding and policy decisions.

¹¹ Information in table on following page provided by individual agencies

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues: None**
- 2. Expenditures: None**

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues: None**
- 2. Expenditures: None**

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS: