

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 7039 PCB SAC 20-01 Repeal of Advisory Bodies and Programs
SPONSOR(S): Health & Human Services Committee, State Affairs Committee, Rodriguez, A.
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1636

FINAL HOUSE FLOOR ACTION: 110 Y's 1 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 7039 passed the House on February 26, 2020. The bill was amended in the Senate on March 11, 2020, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on March 12, 2020.

Under Florida law, a "committee" or "task force" is an advisory body created by the Legislature without specific statutory enactment, for a time not to exceed one year in duration, or created by specific statutory enactment, for a time not to exceed three years. Generally, a committee or task force is appointed to study a specific problem and recommend a solution or policy alternative addressing the problem, and upon completion of that mission, the committee terminates. The Legislature must terminate advisory bodies that are no longer necessary and beneficial to the furtherance of a public purpose.

The bill repeals advisory bodies and programs that have been deemed inactive or unnecessary and are therefore no longer necessary and beneficial to the furtherance of a public purpose.

The bill will likely have a positive fiscal impact on state government because abolishing these advisory bodies and councils will eliminate their administrative costs and expenses.

The bill was approved by the Governor on June 29, 2020, ch. 2020-144, L.O.F., and will become effective on July 1, 2020.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Advisory Bodies, Commissions, and Boards

Under Florida law, a “committee” or “task force” is an advisory body created by the Legislature without specific statutory enactment, for a time not to exceed one year in duration, or created by specific statutory enactment, for a time not to exceed three years.¹ Generally, a committee or task force is appointed to study a specific problem and recommend a solution or policy alternative addressing the problem, and upon completion of that mission, the committee terminates.

An advisory body, commission, board of trustees, or any other collegial body created by specific statutory authority as an adjunct to an executive agency must be established, evaluated, and maintained in accordance with the following provisions:²

- It must be created only when it is necessary and beneficial to the furtherance of a public purpose;
- It must be terminated when it is no longer necessary and beneficial to the furtherance of a public purpose;
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies, commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies; and
- It must meet a statutorily defined purpose and its power must conform to the definitions for governmental units.³

As such, the Legislature must terminate advisory bodies that are no longer necessary and beneficial to the furtherance of a public purpose.⁴

This bill repeals inactive or unnecessary advisory bodies and programs that are no longer necessary and beneficial to the furtherance of a public purpose.

Citrus/Hernando Waterways Restoration Council

Background

The Citrus/Hernando Waterways Restoration Council was established, in 2003, in response to regional concerns for the health of Citrus and Hernando county waterways.⁵ It is the council’s responsibility to review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, evaluate whether additional studies are needed, explore all possible sources of funding to conduct restoration activities, and report to the Legislature on the progress made and any recommendations for the next fiscal year. The council last submitted an annual report in 2015.

In 2014, the Southwest Florida Water Management District formed its Springs Coast Steering Committee, which performs the same work as the council.

Effect of the Bill

The bill repeals the Citrus/Hernando Waterways Restoration Council.

¹ S. 20.03(8), F.S.

² S. 20.052, F.S.

³ Section 20.03, F.S., provides definitions for governmental units.

⁴ S. 20.052(2), F.S.

⁵ Ch. 2003-28, Laws of Fla. In 2006, the Legislature expanded the council’s responsibilities to include all of the waterways in Citrus and Hernando Counties. Ch. 2006-43, Laws of Fla.

My Safe Florida Home Program Advisory Council

Background

The My Safe Florida Home Program (program) is established within the Department of Financial Services (DFS) to develop and implement a comprehensive and coordinated approach for hurricane damage mitigation. The program provides trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties. It also provides grants to eligible applicants as funding allows.

In 2006, the My Safe Florida Home Program Advisory Council was established to advise DFS in its administration of the program.⁶ The program, after fulfilling its purpose, ceased operations in 2008. As such, the council has not been utilized.

Effect of the Bill

The bill repeals the My Safe Florida Home Program Advisory Council.

The Great Floridian Program

Background

The Great Floridian Program is a program administered under the Division of Historical Resources within the Department of State to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of this state.⁷ Annually, the division must convene an ad hoc committee to nominate not fewer than two persons whose names must be submitted to the Secretary of State with the recommendation that they be honored with the designation "Great Floridian."⁸

The last time Great Floridian recognitions were made was in 2013. In addition, a 2008 sunset review report by the Office of Program Policy Analysis and Government Accountability recommended abolishing the committee.⁹

Effect of the Bill

The bill removes the requirement that the division annually convene an ad hoc committee to administer the Great Floridian Program.

Geneva Freshwater Lens Task Force

Background

The Geneva Freshwater Lens Task Force was created in 1993 to provide a means by which representatives from state agencies, local government, water management districts, environmental organizations, industry, and the public at large could evaluate the management needs of the Geneva Freshwater Lens for the proper protection of the public interest and to recommend actions for addressing any deficiencies discovered.¹⁰ The task force was directed to present a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 1993, which

⁶ S. 215.5586(4), F.S.

⁷ S. 267.0731, F.S.

⁸ *Id.*

⁹ Office of Program Policy Analysis and Government Accountability, *Department of State Advisory Committees Assessment*, The Florida Legislature Sunset Review, December 2008, at 7. Available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/08-S12.pdf>.

¹⁰ Ch. 93-273, L.O.F.

evaluated the adequacy of current planning, regulatory, and other programs and made recommendations for future management of the Geneva Freshwater Lens.¹¹

The task force submitted its report and in 1995, the Legislature directed the appropriate state agencies to implement the recommendations of the Geneva Freshwater Lens Task Force.¹²

Effect of the Bill

The bill repeals provisions relating to the Geneva Freshwater Lens Task Force, because the task force has completed its responsibilities and the Legislature directed implementation of its recommendations.

Brownfield Areas Loan Guarantee Council

Background

The Brownfield Areas Loan Guarantee Council was established in 1998 to support the Brownfield Areas Loan Guarantee Program, which provides tax credits for rehabilitation of brownfield sites in designated brownfield areas. The term “brownfield sites” means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.¹³ The term “brownfield area” means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Brownfield areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.¹⁴

The Brownfield Areas Loan Guarantee Council reviews certain partnership agreements with local governments, financial institutions, and other entities associated with the redevelopment of brownfields for limited guarantees of loans or loss reserves.¹⁵ By 2006, the loan guarantee provisions had been used only once. As such, the council does not appear to be active.

Effect of the Bill

The bill repeals the Brownfield Areas Loan Guarantee Council.

Nonmandatory Land Reclamation Committee

Background

The Nonmandatory Land Reclamation Committee was created within the Department of Environmental Protection (DEP) to advise the department on nonmandatory land reclamation and recommend approval, modification, or denial of reclamation grant applications submitted by landowners for lands disturbed by phosphate mining prior to July 1, 1975.¹⁶ According to DEP’s website, all projects for nonmandatory land reclamation have been identified and selected.¹⁷ No new applicants are being accepted as the funding program will end when the last of the projects are funded and released. As such, the committee appears to be inactive.

Effect of the Bill

¹¹ *Id.*

¹² Ch. 95-377, L.O.F.; codified at s. 373.4597(3), F.S.

¹³ S. 376.79(4), F.S.

¹⁴ S. 376.79(5), F.S.

¹⁵ S. 376.86, F.S.

¹⁶ S. 378.033, F.S. See *also* Nonmandatory Land Reclamation Program, DEP website <https://floridadep.gov/water/mine-restoration-funding-program> (last visited Jan. 14, 2020).

¹⁷ Nonmandatory Land Reclamation Program, DEP website <https://floridadep.gov/water/mine-restoration-funding-program> (last visited Jan. 14, 2020).

The bill repeals the Nonmandatory Land Reclamation Committee within DEP. The bill also modifies procedures governing reclamation program applications to conform to the repeal of the committee. Specifically, the bill requires DEP staff to present applicants to the Secretary of DEP and to make recommendations and prioritize applications for approval, rather than the committee. As such, if applicants are considered in the future, DEP will serve in place of the committee.

Sturgeon Production Working Group

Background

The Sturgeon Production Working Group was created within the Department of Agriculture and Consumer Services (DACS) to coordinate the implementation of a state sturgeon production management plan to promote the commercial production and stock enhancement of sturgeon in the state.¹⁸ The group has not met since 2009.

Effect of the Bill

The bill repeals the Sturgeon Production Working Group within DACS.

Trap Certificate Technical Advisory and Appeals Board

Background

The Trap Certificate Technical Advisory and Appeals Board was established to consider and advise the Florida Fish and Wildlife Conservation Commission (FWC) on disputes and other problems arising from the implementation of the spiny lobster trap certificate program.¹⁹ Current law provides that, beginning July 1, 1994, the board will no longer consider and advise FWC on disputes and other problems arising from implementation of the trap certificate program or allotment of certificates.²⁰ As such, the board no longer appears to be active or necessary.

Effect of the Bill

The bill repeals the Trap Certificate Technical Advisory and Appeals Board.

Clean Fuel Florida Advisory Board

Background

The Clean Fuel Florida Advisory Board was established within DEP to serve as a resource to the department and to provide the Governor, the Legislature, and the Secretary of DEP with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.²¹ Current law provides for termination of the board five years after the effective date of s. 403.42, F.S.²² The board appears to have terminated in 2006.

Effect of the Bill

The bill repeals the Clean Fuel Florida Advisory Board within DEP.

¹⁸ S. 379.2524, F.S.

¹⁹ S. 379.3671, F.S.

²⁰ S. 379.3671(4)(i), F.S.

²¹ S. 403.42(3), F.S.

²² S. 403.42(3)(b)7., F.S.

Technical Advisory Council, Water and Domestic Wastewater Operator Certification

Background

The Technical Advisory Council for Water and Domestic Wastewater Operator Certification was established in 1997 to advise DEP regarding the operator certification program and provide expertise on water and wastewater treatment.²³ The council does not appear to be active. In addition, DEP has a separate water and domestic wastewater operator certification program and likely does not need an advisory council.

Effect of the Bill

The bill repeals the Technical Advisory Council for Water and Domestic Wastewater Operator Certification.

Florida Health Choices Corporation

Background

The Florida Health Choices Corporation (corporation) was established in 2008 to create an online market for diverse health care coverage products, particularly for small businesses, as an Internal Revenue Code s. 125 cafeteria plan using pre-tax dollars.²⁴ The corporation is governed by a 15-member board of directors made up of members appointed by the Speaker, President, and Governor, as well as state agency ex-officio members.²⁵ The board of directors may establish technical advisory panels consisting of interested parties, including consumers, health care providers, individuals with expertise in insurance regulation, and insurers.²⁶ The last appropriation of funding for the corporation was vetoed in 2017. As such, the corporation does not appear to be active and the authority to establish advisory panels no longer appears to be necessary.

Effect of the Bill

The bill repeals the authorization for the Florida Health Choices Corporation Board of Directors to establish technical advisory panels, because such authority no longer appears necessary as the corporation is no longer active.

Technical Advisory Panel, Child Welfare Results-Oriented Accountability Program

Background

The child welfare results-oriented accountability program monitors and measures the use of resources, the quality and amount of services provided, and child and family outcomes in Florida's child welfare system.²⁷ Current law requires the Department of Children and Families (DCF) to establish a technical advisory panel to advise DCF on the implementation of the results-oriented accountability program.²⁸ It appears DCF is no longer using this technical advisory panel for advice on implementing the program.

Effect of the Bill

The bill repeals the technical advisory panel for the child welfare results-oriented accountability program.

²³ S. 403.87, F.S.

²⁴ See s. 408.910, F.S.

²⁵ S. 408.910(11)(a), F.S.

²⁶ S. 408.910(11)(h), F.S.

²⁷ S. 409.997(2), F.S.

²⁸ S. 409.997(3), F.S.

Learning Gateway Steering Committee

Background

In 2002, the Legislature authorized a three-year demonstration program called the Learning Gateway. The purpose of Learning Gateway is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9.²⁹

The Learning Gateway Steering Committee was established within the Department of Education to provide policy development, consultation, oversight, and support for the implementation of the Learning Gateway Programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.³⁰ No appointments have been made to the steering committee since the original three-year term appointments, and the steering committee was marked as inactive in 2014.

Effect of the Bill

The bill repeals the Learning Gateway program, which was only authorized for three years, and the steering committee, which is no longer active.

Department of Elderly Affairs Advisory Council

Background

The Department of Elderly Affairs Advisory Council was established within the Department of Elderly Affairs to serve in an advisory capacity to the Secretary of Elderly Affairs and to assist the secretary in carrying out the purpose, duties, and responsibilities of the department.³¹ The advisory council is not required to submit any reports and only appears to serve as an advisor to the secretary, who may create an ad hoc group to advise him or her at any time. As such, the establishment of the advisory council in statute appears unnecessary.

Effect of the Bill

The bill repeals the Department of Elderly Affairs Advisory Council.

Florida Agricultural Promotional Campaign Advisory Council

Background

The Florida Agricultural Promotional Campaign Advisory Council is created within DACS³² to review and make recommendations to the Commissioner of Agriculture regarding the Florida Agricultural Promotion Campaign.³³ The council does not appear to be active as the last noticed meeting was in 2013.

Effect of the Bill

The bill repeals the Florida Agricultural Promotional Campaign Advisory Council within DACS.

Healthy Schools for Healthy Lives Council

²⁹ S. 411.226(1), F.S.

³⁰ S. 411.226(2), F.S.

³¹ S. 430.05, F.S.

³² S. 571.28(1), F.S.

³³ S. 571.28, F.S.

Background

The Healthy Schools for Healthy Lives Council is created within DACS to advise the department on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.³⁴ The council does not appear to be active.

Effect of the Bill

The bill repeals the Healthy Schools for Healthy Lives Council within DACS.

Tropical Fruit Advisory Council

Background

Current law creates the Tropical Fruit Advisory Council within DACS to provide necessary assistance, review, and recommendations to the Commissioner of Agriculture for drafting a South Florida Tropical Fruit Plan.³⁵ However, the council does not appear to be active.

Effect of the Bill

The bill repeals the Tropical Fruit Advisory Council within DACS.

Advisory Board, Preeminent State Research University Institute for Online Learning

Background

Current law establishes a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Governor and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System.³⁶

The preeminent state research universities program requires each state research university that meets all 12 academic and research excellence standards, as verified by the BOG, to establish an institute for online learning.

In 2013, the BOG was required to convene an advisory body to support the development of high-quality, fully online baccalaureate degree programs; advise the BOG on the release of funding to the university; and monitor, evaluate, and report on the implementation of the plan to the BOG, the Governor, the President of the Senate, and the Speaker of the House of Representatives.³⁷ The advisory board for the preeminent state research university institute for online learning has completed its statutory duties.

Effect of the Bill

The bill repeals the advisory board for the preeminent state research university institute for online learning.

³⁴ S. 595.701(1), F.S.

³⁵ S. 603.203, F.S.

³⁶ S. 1001.7065(1), F.S.

³⁷ S. 1001.7065(4), F.S.

Florida Early Learning Advisory Council

Background

The Florida Early Learning Advisory Council was created within the Agency for Workforce Innovation in 2004³⁸ and was moved within the Office of Early Learning in 2011.³⁹ The Office of Early Learning provides staff and administrative support for the council.⁴⁰

The Florida Early Learning Advisory Council is tasked with periodically analyzing and providing recommendations to the Office of Early Learning on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of early learning coalition plans.⁴¹ However, the advisory council does not appear to be active.

Effect of the Bill

The bill repeals the Florida Early Learning Advisory Council within the Office of Early Learning.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will likely have a positive fiscal impact on state government because abolishing these advisory bodies will eliminate their administrative costs and expenses.

³⁸ S. 1, Ch. 2004-484, L.O.F.; codified at s. 1002.77, F.S.

³⁹ S. 457, Ch. 2011-142, L.O.F.

⁴⁰ S. 1002.77(5), F.S.

⁴¹ S. 1002.77, F.S.

