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Senator Nancy Argenziano, Chair

REVIEW OF EXECUTIVE BRANCH COLLEGIAL BODIES

SUMMARY

Hundreds of collegial bodies, such as task forces, boards, commissions, and councils, are authorized or mandated by state statute, federal authority, or executive order to assist Florida's executive branch agencies in executing their duties. These entities perform the valuable role of bringing citizen input to governmental processes and enable the state to economically harness the knowledge and experience of private sector experts in a myriad of subject areas. Such collegial bodies, however, are plentiful in state government and this fact raises the issue of whether such a proliferation is necessary or is providing value to the state.

Currently, there is no mandatory, periodic legislative review of executive branch collegial bodies, nor is there an up-to-date, comprehensive listing of such bodies maintained in Florida. In the past, the Legislature has implemented mandatory Sunset and Sundown Reviews of collegial bodies; however, these reviews proved overly burdensome and costly, and did not appear to achieve the streamlining returns that had been envisioned.

This report reviews the current number of executive collegial bodies and makes recommendations regarding possible options for future legislative review.

BACKGROUND

Overview of Executive Branch Collegial and Regulatory Bodies: Chapter 20, F.S., authorizes the creation of a number of different entities within the executive branch to assist agencies¹ in performing their

duties more efficiently and effectively. These entities include a:

- ❑ "Council" or "advisory council" defined as, ". . . an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives."²
- ❑ "Committee" or "task force" defined as, ". . . an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment."³
- ❑ "Coordinating council" defined as, ". . . an interdepartmental advisory body created by law to coordinate programs and activities for which one department has primary responsibility but in which one or more other departments have an interest."⁴
- ❑ "Commission" defined as, ". . . unless otherwise required by the State Constitution . . . a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor."⁵
- ❑ "Board of trustees" defined as, ". . . a board created by specific statutory enactment and

¹ Pursuant to s. 20.03(11), F.S., "agency" means ". . . an official, commission, authority, council, committee, department, division, bureau, board, section, or another unit or entity of government."

² Section 20.03(7), F.S.

³ Section 20.03(8), F.S.

⁴ Section 20.03(9), F.S.

⁵ Section 20.03(10), F.S.

appointed to function adjunctively to a department, the Governor, or the Executive Office of the Governor to administer public property or a public program.”⁶

In addition to the aforementioned entities (hereinafter collectively referred to as “collegial bodies”), other entities are also statutorily formed within the executive branch for the purpose of implementing regulations enacted pursuant to s. 11.62, F.S., entitled the “Sunrise Act.” These entities (hereinafter referred to as “regulatory bodies”) are formed for the purpose of regulating professions or occupations, e.g., the Board of Medicine.

Section 20.052, F.S., provides that statutory executive advisory bodies,⁷ commissions, boards of trustees, and other collegial bodies created as adjuncts to agencies are subject to requirements that include the following:

- ❑ The entity must be necessary and beneficial to the furtherance of a public purpose.
- ❑ The entity must be terminated by the Legislature when no longer essential to the furtherance of a public purpose.
- ❑ Members of the entity may not receive compensation, other than per diem and travel expense reimbursement pursuant to s. 112.061, F.S., unless otherwise provided by statute.
- ❑ Members of an entity, other than a commission or board of trustees, must be appointed by the Governor, a department head, an executive director, or a Cabinet officer.
- ❑ Members of a commission or board of trustees must be appointed by the Governor unless otherwise provided by law, confirmed by the Senate, and are subject to the dual-office-holding prohibition of s. 5(a), Art. II of the State Constitution.
- ❑ All meetings and records of the entity are public, unless an exemption is specifically provided by law.

⁶ Section 20.03(12), F.S.

⁷ The term “advisory body” is not defined in s. 20.052, F.S.; however, the term appears to refer to councils, committees, and task forces, as these entities are specifically referred to as advisory bodies in s. 20.03, F.S.

In addition to collegial bodies being created by statute, it has long been the practice for collegial bodies to also be created within the executive branch by: (a) agency heads; (b) executive order;⁸ and (c) federal authority.⁹

Past Legislative Review of Executive Regulatory and Collegial Bodies: Prior to 1993, two acts required the Legislature to periodically review executive regulatory and collegial bodies:

- ❑ Under the “Regulatory Sunset Act,”¹⁰ legislation that created or revived state regulatory programs or functions was required to contain a repeal date that would be effective within 10 years after the creation or revival date. The act specified that appropriate substantive legislative committees were to review and make a recommendation regarding the program or function 15 months before its repeal date. The act also set forth criteria for the Legislature to consider when determining whether to reestablish the regulatory program or function.
- ❑ Under the “Sundown Act,”¹¹ legislation that created or revived executive advisory bodies, commissions, and boards of trustees was required to contain a date for review and repeal of the entity within 10 years after the creation or revival date. The act also set forth criteria for the Legislature to consider when determining whether to reestablish the entity.

In 1988 and 1991, the Senate conducted interim project studies of both acts. The 1988 Senate study found that the benefits of the Sunset and Sundown Reviews were difficult to define and quantify, and noted that cost data for such reviews was unavailable at the time of the study. The study recommended that both of the acts be repealed contingent upon future legislative review that considered comprehensive cost data.¹²

In 1991, the Senate conducted an interim project study in order to gather cost data for the Sunset and Sundown

⁸ See e.g., Executive Order Number 03-160 (creating the Governor's Task Force on Access to Affordable Health Insurance).

⁹ See e.g., 34 C.F.R. s. 300.650 (requiring each state establish a state advisory panel on the education of children with disabilities).

¹⁰ Section 11.61, F.S.

¹¹ Section 11.611, F.S.

¹² Senate Committee on Governmental Operations, *A Review of the Sunset and Sundown Laws of Florida* (1988).

Reviews. This study's findings included the following: (a) each Senate Sunset Review cost \$14,700 or \$205,300 for the 14 Sunset Reviews conducted during the 1990-1991 interim; (b) each Senate Sundown Review cost \$5,100 or \$178,400 for the 35 Sundown Reviews conducted during the 1990-1991 interim; (c) legislative staff were precluded from performing more traditional legislative oversight during the interim due to the vast amount of time required to conduct the reviews; (d) out of approximately 240 Sunset Reviews between 1977 and 1991, an estimated 20 regulatory laws were repealed while 50 new ones were created; and (e) out of 280 Sundown Reviews since 1978, 90 advisory boards were repealed while an estimated 150 new ones were created. Based on these findings, the 1991 study recommended that second and subsequent Sunset and Sundown Reviews be extended to every 20-years, rather than every 10-years. The impetus for this recommendation was to retain the benefits of periodic review, while reducing the legislative cost burden.¹³

In response to these studies, the Legislature enacted legislation in 1991, which provided for the repeal of the Sunset and Sundown Acts effective April 5, 1993. In that same year, the Legislature enacted the "Sunrise Act,"¹⁴ which relates to regulatory bodies and requires: (a) the Legislature, when determining whether to regulate a profession or occupation, to consider specified criteria; (b) proponents of such legislation to document the necessity for the regulation; and (c) agencies to provide information concerning the effects of the legislation. In 1994,¹⁵ the Legislature enacted s. 20.052, F.S., which, as discussed *supra*, sets forth requirements for the statutory creation, operation, and termination of executive advisory bodies, commissions, boards of trustees, and other collegial bodies.

At the present time, there is no mandatory review and repeal of existing regulatory or collegial bodies, nor is there an up-to-date, comprehensive listing of such entities maintained in Florida.¹⁶

¹³ Senate Committee on Governmental Operations, *A Review of the Regulatory Sunset Act and the Sundown Act* (1991).

¹⁴ Section 11.62, F.S.

¹⁵ Chapter 94-235, L.O.F.

¹⁶ Section 20.052(3), F.S., requires that the Legislature be kept informed of the numbers, purposes, memberships, activities, and expenses of statutorily created advisory bodies, commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies though the provision does not impose a mandatory, periodic reporting requirement. It does not appear, based on staff's

1999 Review of Executive Regulatory and Collegial Bodies: In 1999, the Legislature enacted SB 2280,¹⁷ to require each executive agency to survey every board, council, and other such entity under its jurisdiction and to recommend whether it should be abolished, continued, or revised. The law directed the Department of Management Services (DMS) to submit a compilation of the agencies' findings to the Governor and Legislature by December 1, 1999.

To execute the statutory directive, the DMS distributed a survey to all agencies, the chairperson of each entity, and the executive director of key stakeholder groups for each entity.¹⁸ The surveys requested identification of all boards, commissions, councils, and other such entities under each agency's jurisdiction, excluding Direct Support Organizations, Citizen Support Organizations, and most entities created during the 1999-2000 Legislative Session.¹⁹ Survey responses were compiled by the DMS in a report entitled, "Boards and Commissions Review," which was released in January 2000.

The report stated that a total of 522 regulatory and collegial bodies were identified.²⁰ Of that number, 367 (70.3 percent) were mandated by state statute, nine (1.7 percent) were mandated by federal authority, 142 (27.2 percent) were discretionarily created by executive branch administrative directive, and four (.8 percent) were created by executive order. Agencies recommended abolition for 141 (27 percent) and revision for 187 (36 percent) of the 522 bodies.²¹

Further, the report recommended that the Legislature enact a new "Sunset Law" review process that would require agency heads to review each collegial body

research, that it is the practice of all executive agencies to regularly maintain this information.

¹⁷ Chapter 99-255, L.O.F.

¹⁸ The survey response rate for chairpersons and stakeholders was 32 percent and for executive agencies was 100 percent. Chairperson and stakeholder responses were provided to agency heads for use in making agency recommendations regarding each entity. Department of Management Services, *Boards and Commissions Review* (January 2000) at p. 13.

¹⁹ Regulatory and collegial bodies created during the 1999-2000 Legislative Session, other than those which were scheduled to sunset in the year 2000, were excluded from the DMS's review because it did not appear that such an entity would have existed long enough for an agency to fairly evaluate its value to the state. *Id.* at 10, 61.

²⁰ *Id.* at 33-60.

²¹ *Id.* at 5-6.

every five years and to make recommendations to the Legislature regarding the continued necessity for the body.²² Ultimately, it would be the Legislature's prerogative to determine whether to implement the recommendations. The report explained that the new decentralized review process would insure that executive collegial bodies are consistently monitored and held accountable to the citizens of Florida without overburdening the Legislature as occurred with Florida's previous Sundown and Sunset laws.²³

The new review process was not adopted by the Legislature; however, in response to the DMS report, the Legislature enacted CS/HB 501 during the 2001 Legislative Session, which, based on the agency head recommendations summarized in the report, abolished 42 statutory executive advisory bodies.

2003 Review of Executive Regulatory and Adjunct Entities: During the 2003 Legislative Interim, the Senate Governmental Oversight and Productivity Committee conducted a study entitled, "A Review of Task Forces, Boards, and Commissions," in which each executive agency was asked to update its response to the DMS survey conducted in 1999.²⁴ Agency responses to this request indicated that, as of October 2003, a total of 556 regulatory and advisory bodies existed in the executive branch.²⁵ This total represented an almost two percent increase in the number of bodies that had been identified in the 1999 DMS report.²⁶ Of these 556 bodies, 380 (68.3 percent) were mandated by state statute, 42 (7.6 percent) were mandated by federal authority, 124 (22.3 percent) were discretionarily

²² Specifically, the DMS report recommended that the new review process require current and future advisory bodies to sunset every five years beginning in 2003 for bodies created in statutes numbered 0-400 and in 2004 for all other entities. *Id.* at 64-65.

²³ *Id.*

²⁴ Senate Committee on Governmental Oversight and Productivity, *A Review of Task Forces, Boards, and Commissions* (November 2003) at p. 5.

²⁵ *Id.*

²⁶ The study indicated that in order to accurately assess the difference between the 2003 finding of 556 bodies and the 1999 finding of 522 bodies that it was necessary to subtract 24, the number of bodies identified by the Fish and Wildlife Conservation Commission (FWCC) and the State Board of Administration (SBA) in 2003, from the total of 556, as neither the FWCC nor SBA were surveyed during the 1999 review. Accordingly, the total number of bodies found by the 2003 study for comparison purposes was 532. This figure demonstrated an increase of 10 bodies (almost two percent) over the total of 522 bodies identified in 1999. *Id.*

created by executive branch administrative directive, and 10 (1.8 percent) were created by executive order.²⁷ Agencies recommended abolition for 12 (2.2 percent) and revision for 96 (17.3 percent) of the 556 bodies identified.²⁸

Given the apparent, though slight, trend toward increasing numbers of executive regulatory and collegial bodies and the substantial numbers of bodies recommended by agency heads for abolition or revision in the 1999 and 2003 survey results, the 2003 Senate interim report recommended that the Legislature consider a proposed committee bill that would implement: (a) the new Sunset Review process recommended by the DMS in its 1999 report; or (b) a requirement that an annually updated, comprehensive listing of all executive collegial bodies be maintained, and published on the Internet, by the Executive Office of the Governor. The report indicated that either recommendation would permit greater, less onerous legislative and executive branch oversight of the number and type of collegial bodies in state government.²⁹

As a result of these recommendations, the Senate, during the 2004 Regular Session, considered CS/CS/SB 1160, which amended s. 20.052, F.S., to create a new, periodic system of executive and legislative review for advisory bodies, boards of trustees, commissions, and other collegial bodies within or adjunct to executive agencies. Under the bill, executive agencies were required to annually provide the Executive Office of the Governor (EOG) with information about the membership, activities, and costs for all executive collegial bodies. Additionally, the agencies were also required every four years to recommend whether each statutorily authorized, non-regulatory entity should be continued, revised, or abolished. This recommendation requirement applied only to statutorily authorized collegial bodies and was not applicable to committees, task forces,³⁰ regulatory entities,³¹ and not-for-profit direct, citizen, and health

²⁷ *Id.*

²⁸ *Id.* at 5-6.

²⁹ *Id.* at 6-7.

³⁰ Pursuant to s. 20.03(8), F.S., a committee or task force self-repeals within three years; thus, periodic review of these entities does not appear warranted.

³¹ Sufficient legislative oversight appears to currently exist for regulatory entities, given that: (a) legislation creating such entities is subject to s. 11.62, F.S., the Sunrise Act; and (b) such entities are typically the subject of annual specific appropriations.

services support organizations.³² The bill directed the EOG to compile the agencies' information and recommendations into a report that had to be annually submitted to the Legislature. Legislative substantive committees were then required to review portions of the report within the committee's jurisdiction and if the report:

- Indicated that a statutorily authorized body had not met at least once during the previous fiscal year, the legislative committee was required to review the continued necessity for the entity and to recommend whether the entity should be continued, revised, or abolished; or
- Set forth an agency recommendation to revise or abolish a statutorily authorized body, the legislative committee was required to review the continued necessity for the entity and recommend whether to implement, amend, or reject the proposed revision or abolition.

This bill was passed by the Senate, but was never considered by the House of Representatives.

METHODOLOGY

Staff reviewed Florida Senate Interim Project Report 2004-142, entitled a, "Review of Task Forces, Boards, and Commissions," surveyed executive branch agencies, and conducted legal research.

FINDINGS

In order to obtain current statistics, surveys requesting that each agency identify all collegial and regulatory bodies in the executive branch were distributed. The survey responses, which are current as of September 2004, identified a total of 654 executive collegial and regulatory bodies.³³ ³⁴ The number of bodies identified by each agency is:

³² Sufficient legislative oversight appears to currently exist for direct support, citizen support, and health services support organizations, given that these not-for-profit corporations are: (a) typically self-funding and/or subject to specific appropriation by the Legislature; and (b) subject to audit by the Auditor General. *See ss.* 11.45(3)(a), 20.2551, F.S., 215.981, 258.015, 267.17, and 372.0215, F.S.

³³ Senate staff obtained data for the Executive Office of the Governor through legal research because a survey response was not received from this office prior to publication of this report. As a result, this data has not

- ❑ Agency for Health Care Administration, 26;
- ❑ Agency for Workforce Innovation, 98;
- ❑ Department of Agriculture, 49;
- ❑ Department of Business and Professional Regulation, 24;
- ❑ Department of Children and Families, 56;
- ❑ Department of Citrus, 7;
- ❑ Department of Community Affairs, 19;
- ❑ Department of Corrections, 2;
- ❑ Department of Education, 44;
- ❑ Department of Elder Affairs, 23;
- ❑ Department of Environmental Protection, 12;
- ❑ Department of Financial Services, 31;
- ❑ Department of Health, 70;
- ❑ Department of Highway Safety and Motor Vehicles, 5;
- ❑ Department of Juvenile Justice, 100;
- ❑ Department of Law Enforcement, 10;
- ❑ Department of Legal Affairs, 4;
- ❑ Department of Lottery, 0;
- ❑ Department of Management Services, 7;
- ❑ Department of Military Affairs, 1;
- ❑ Department of Revenue, 0;
- ❑ Department of State, 18;
- ❑ Department of Transportation, 2;
- ❑ Department of Veterans' Affairs, 1.
- ❑ Executive Office of the Governor, 20;
- ❑ Fish and Wildlife Conservation Commission, 16;
- ❑ Parole Commission, 0; and
- ❑ State Board of Administration, 9.

Of the 654 bodies, 458 (70 percent) are mandated by state statute, 40 (6 percent) are mandated by federal authority, 143 (22 percent) were discretionarily created by executive administrative directive, and 13 (2 percent) were created by executive order. Agencies recommended abolition for seven (1 percent) and revision for 16 (2.4 percent) of the 654 bodies identified.

On its face, the total of 654 gives the impression that there has been an increase of 98 collegial and regulatory bodies when compared to the 2003 total of 556; however, a review of each body's creation date indicates that 101 of the bodies identified for the first time during the 2004 survey should have been

been confirmed and other collegial bodies that are not formally identified in legal research materials may exist.

³⁴ The agencies were also asked to identify direct and citizen support organizations. A total of 9 direct support organizations and 90 citizen support organizations were identified.

identified during the 2003 survey as they existed prior to 2002. Consequently, it appears that a reduction of three bodies has been realized since the 2003 survey.

Further, comparison of the 2004 total of 654 bodies to the 1999 survey total of 522 bodies appears to reflect a 20.5 percent increase in the number of executive collegial and regulatory bodies since 1999, but whether this comparison is valid is unknown.³⁵ As illustrated by the lack of accuracy in the 2003 survey results, there has been confusion in agencies over precisely what types of entities constitute collegial bodies; thus, it is indeterminable whether any of the totals calculated based upon the 1999, 2003, and 2004 survey data are accurate representations of the numbers of all collegial bodies within the executive branch. Until accurate data is assured, valid comparisons of changes in survey data cannot be made.

The confusion regarding what constitutes a “collegial body” appears to stem from the fact that there is no statutory definition for this term, even though that term is repeatedly used in s. 20.052, F.S.³⁶ According to the dictionary, the term “collegial body” means, “[a] company or assemblage, esp. a body of persons having a common purpose or common duties.”³⁷ Given this definition’s breadth, virtually any entity in the executive branch could fall within the term’s meaning. Thus, the question becomes whether the term includes not only those entities traditionally considered to be governmental collegial bodies, e.g., councils, committees, commissions, and boards, but also entities such as direct support, citizen support, or health services support organizations, or boards of directors for non-profit statutorily created corporations that are administratively housed within agencies. The recent

collegial body surveys indicate that some agencies interpret this term narrowly, e.g., they report only statutorily created bodies, while some agencies interpret the term broadly to include entities such as boards of directors for non-profit corporations. Without definition it is difficult for agencies to know exactly what bodies should be included in survey responses; as a result, such responses will always be inconsistent until greater clarification is provided.

It should also be noted that the uniform nomenclature for the structure of the executive branch, as set forth in s. 20.03, F.S., is often ignored by the creators of collegial bodies. This section of law provides definitions for the terms, “council,” “advisory council,” “committee,” “task force,” “coordinating council,” “commission,” and “board of trustees,” and s. 20.052(4), F.S., requires the powers and duties of statutorily created collegial bodies to conform to those definitions. However, these terms are not exclusively used in statute or by agency heads for the creation of such entities. For example, statute and executive directive provide for panels,³⁸ workgroups,³⁹ alliances,⁴⁰ partnerships,⁴¹ and coalitions.⁴² Given this legislative and executive practice, it is impossible to identify all executive collegial bodies by simply requesting identification of those bodies defined in the uniform nomenclature of ch. 20, F.S.

An additional issue that has become evident after reviewing the collegial body surveys is that it is not clear in statute precisely who may create such entities. There is no question that the Legislature may establish collegial bodies given that it is responsible for

³⁵ In order to accurately assess the difference between the 2004 finding of 654 bodies and the 1999 finding of 522 bodies, it is necessary to subtract 25, the number of bodies identified by the Fish and Wildlife Conservation Commission (FWCC) and the State Board of Administration (SBA) in 2004, from the total of 654, as neither the FWCC nor SBA were surveyed during the 1999 review. Accordingly, the total number of bodies found by the 2004 study for comparison purposes is 629. This figure demonstrates an increase of 107 bodies (20.5 percent) over the total of 522 bodies identified in 1999.

³⁶ This same difficulty does not exist with regard to the determination of regulatory bodies, as these entities have to be statutorily enacted pursuant to the “Sunrise Act” contained in s. 11.62, F.S., and as such, are easily identifiable.

³⁷ *Webster’s II New Riverside University Dictionary*, 1984, p. 281.

³⁸ See, e.g., Section 408.7056, F.S. (creating a “Subscriber Assistance Panel” as an adjunct to the Agency for Health Care Administration); and Section 440.13(12), F.S. (creating the “three-member panel” for purposes of determining state maximum reimbursement schedules for certain medical care).

³⁹ See, e.g., Section 394.9083, F.S. (requiring the Department of Children and Families to establish the Behavioral Health Services Integration Workgroup); Section 409.2675(2), F.S. (creating a workgroup for rules within the Department of Children and Families).

⁴⁰ See, e.g., Section 20.19 (requiring the Department of Children and Families to establish alliances).

⁴¹ See, e.g., The K-20 Education Safety Partnership created by the Commissioner for Education and The Florida Partnership for Promoting Physical Activity and Healthful Nutrition created by the Secretary for the Department of Health.

⁴² See, e.g., The Florida Tuberculosis Control Coalition created by the Secretary for the Department of Health.

determining state policies and programs.⁴³ In contrast, statutorily created, executive branch agencies are responsible for executing the programs and policies adopted by the Legislature and only have such power as is granted by legislative enactment.⁴⁴ No statute appears to broadly provide general authority for all agency heads in the exercise of their statutory duties to create collegial bodies.⁴⁵ Instead, the statutes that grant such creation authority apply only to specified agency heads for specified purposes.⁴⁶ Thus, it appears that agency heads may not create collegial bodies, unless specifically authorized by statute; however, there is no case law directly on this point.

serve as a catch all that would capture, and provide a centralized listing of, all executive bodies; i.e., not only those entities defined in s. 20.03, F.S., and traditionally deemed collegial bodies, but also direct support, citizen support, and health services support organizations, boards of directors for statutory, non-profit corporations, etcetera.

- Clarify if executive agency heads are statutorily authorized to create collegial bodies and, if so, the types of bodies that may be created and pursuant to what criteria.

RECOMMENDATIONS

In order to insure consistent oversight of executive collegial and regulatory bodies, the Legislature may wish to again consider the substance contained in CS/CS/SB 1160 from the 2004 Regular Session, which, as described *supra*, created a mandatory, periodic reporting, recommendation, and review process for executive collegial bodies. This process appears to be a manageable, decentralized oversight method that sufficiently distributes responsibilities such that neither the legislative nor executive branch will be overburdened.

Additionally, in order to specifically address the issues raised in this report, the Legislature may wish to refine last year's bill to also:

- Define the term "collegial body" for purposes of the annual reporting requirements contained in the bill. Such definition would ensure greater accuracy in ascertaining the number and types of collegial bodies within the executive branch. Utilization of the broad dictionary definition for "collegial body," as discussed *supra*, may be desirable as it would

⁴³ Section 20.02(1), F.S.

⁴⁴ *Id.*; *Lee v. Division of Florida Land Sales and Condominiums*, 474 So.2d 282 (Fla. 5th DCA 1985).

⁴⁵ This discussion relates only to an agency head's statutory authority. It does not relate constitutional powers that are granted to certain agency heads, e.g., a cabinet officer.

⁴⁶ *See e.g.*, ss. 20.43(6), 110.405, and 570.0705, F.S. (permitting the heads of the Departments of Agriculture, Health and Management Services to establish advisory committees subject to specified requirements); and s. 395.10972, F.S. (permitting the Secretary of Health Care Administration to appoint an advisory council for matters pertaining to health care risk managers).