

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 712

SPONSOR: Committee on Gubernatorial Appointments and Confirmations, Senator Myers and others

SUBJECT: Executive Appointments

DATE: March 2, 1999

REVISED: 03/23/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bradshaw</u>	<u>Bradshaw</u>	<u>GA</u>	<u>Fav/2 amendments</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 712 proposes numerous changes to statutes relating to boards whose members are required to be confirmed by the Senate. The bill repeals obsolete language, conforms conflicting language, provides in statute for the terms of office of board members whose terms are currently established by rule, eliminates the Senate confirmation of those board members the Legislature has specifically required to be appointed to boards and clarifies existing language.

This bill amends ss. 14.29, 20.171, 20.23, 20.255, 20.315, 20.316, 20.41, 186.504, 231.545, 240.145, 240.313, 246.205, 288.707, 288.901, 288.9412, 288.9512, 288.9604, 288.9611, 288.9620, 331.308, 349.03, 350.01, 370.19, 370.20, 373.0693, 380.504, 404.31, 447.205, 468.1135, 468.203, 468.205, 468.4315, 468.521, 468.605, 468.801, 475.02, 475.613, 476.054, 477.015, 480.035, 483.805, 489.107, 491.004, 497.101, 601.04, 945.602, 947.01, 947.03, F.S., and repeals ss. 464.0045 and 947.022, F.S.

II. Present Situation:

The Florida Senate confirms an average of 425 gubernatorial and other appointees each year. This includes appointees to approximately 170 boards and commissions and secretaries of departments of the executive branch, executive directors of water management districts and various other officials.

When creating and revising statutes relating to membership on various boards, the Legislature frequently includes transition language relating to terms of board members. Generally, when boards are created with members' terms of four years, the statutes will provide for the initial members of the board to receive terms of one, two, three, and four years, in order to provide for staggered terms of members. Following the initial appointments, members are appointed to full four-year terms. Once the initial appointments are made, there is no longer a need for the transition language to appear in the statutes. There are numerous obsolete provisions in the current statutes relating to transition language.

Chapter 20, Florida Statutes, contains provisions governing the terms of board members serving on various boards within the jurisdiction of the Department of Business and Professional Regulation and the Department of Health. In some cases, the specific statute regulating a board contains language which conflicts with the provisions of Chapter 20.

The statutes do not provide for the length of the term of several boards. Specifically, Regional Planning Councils and Boards of Trustees of Community Colleges have established the terms of their members by administrative rule. In the case of Regional Planning Councils, each council has set the terms of the council members. Terms of members of Regional Planning Councils appointed by the Governor are two years, three years, or at the pleasure of the Governor, depending on the specific council. Chapter 6A-14.024(2), F.A.C, sets the term of office of Members of the Board of Trustees of Community Colleges at four years.

Some boards have provisions requiring certain designated persons to be appointed to the board. For example, the Board of Directors of the International Trade and Economic Development Board requires the chairperson or the chairperson's designee of the following organizations to be appointed and confirmed: World Trade Association of Florida; Florida Airport Managers Association; Florida Custom Brokers and Forwarders Association; Florida International Banking Association; International Law Section of the Florida Bar; and Latin Chamber of Commerce of the United States. Since the Legislature has expressed through statute that certain organizations should be represented on the board, there may not be a need for the Senate to confirm these members. In addition, the chairperson of these organizations is likely to change before the four year term of the member has expired, thereby requiring recurring Senate confirmation for the same position.

Similarly, the language creating the Board of Supervisors of the Spaceport Florida Authority requires confirmation of one Senate and one House member, even though they are ex-officio nonvoting members of the authority. Under these circumstances, there does not appear to be a compelling reason to confirm these members.

Finally, there are several provisions relating to boards and commissions which are unclear or are outdated. For example, the current statutes require that the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission have as a member a legislator who is a member of the House Committee on Commerce and Reciprocal Trade, as designated by the Committee on Commerce and Reciprocal Trade. Since there is no such committee in the House, this language should be changed.

III. Effect of Proposed Changes:

Senate Bill 712 proposes numerous changes to statutes relating to boards whose members are required to be confirmed by the Senate. The bill repeals obsolete language, conforms conflicting language, provides in statute the terms of office of board members whose terms are currently established by rule, eliminates the Senate confirmation of those board members which the Legislature has specifically required to be appointed to boards, and clarifies existing language.

Section 1 - Amends s. 14.29, F.S., eliminating obsolete language relating to terms of initial members of the Florida Commission on Community Service.

Section 2 - Amends s. 20.171, F.S., eliminating obsolete language relating to terms of initial members of the Unemployment Appeals Commission.

Section 3 - Amends s. 20.23, F.S., eliminating obsolete language regarding appointments of the Secretary of Transportation prior to October 1, 1987.

Section 4 - Amends s. 20.255, F.S., clarifying the terms of members of the Environmental Regulation Commission and clarifying language regarding vacancies.

Section 5 - Amends s. 20.315, F.S., eliminating obsolete language relating to terms of initial members of the Florida Corrections Commission.

Section 6 - Amends s. 20.316, F.S., requiring the Secretary of Juvenile Justice to be subject to confirmation by the Senate. Pursuant to s. 20.05, F.S., all secretaries appointed as heads of departments are subject to confirmation.

Section 7 - Amends s. 20.41, F.S., eliminating obsolete language regarding the Secretary of Elderly Affairs.

Section 8 - Amends s. 186.504, F.S., providing a statutory term of three years for members of Regional Planning Councils. Currently these terms are provided by rule of each council and the terms are different among the councils.

Section 9 - Amends s. 231.545, F.S., eliminating obsolete language relating to appointments to the Education Standards Commission.

Section 10 - Amends s. 240.145, F.S., eliminating obsolete language relating to the terms of the initial members of the Postsecondary Education Planning Commission.

Section 11 - Amends s. 240.313, F.S., providing a statutory term of four years for members of the Board of Trustees of a Community College. The current terms of four years are provided by rule, rather than by statute.

Section 12 - Amends s. 246.205, F.S., eliminating obsolete language relating to the terms of initial members of the State Board of Nonpublic Career Education.

Section 13 - Amends s. 288.707, F.S., eliminating obsolete language relating to the terms of initial members of the Florida Black Business Investment Board and clarifying the qualifications and membership of the members of the Board.

Section 14 - Amends s. 288.901, F.S., eliminating obsolete date specific language regarding the requirement of members of Enterprise Florida, Inc., to file financial disclosure statements.

Section 15 - Amends s. 288.9412, F.S., eliminating the requirement for certain specific members of the International Trade and Economic Development Council to be confirmed by the Senate and eliminating obsolete language regarding the terms of initial members of the council.

Section 16 - Amends s. 288.9512, F.S., eliminating obsolete language regarding the terms of initial members of the Technology Development Board.

Section 17 - Amends s. 288.9604, F.S., eliminating obsolete language regarding the terms of initial members of the Florida Development Finance Corporation.

Section 18 - Amends s. 288.9611, F.S., eliminating obsolete language regarding the terms of initial members of the Capital Development Board.

Section 19 - Amends s. 288.9620, F.S., eliminating obsolete language regarding the terms of members of the Workforce Development Board; specifying the Secretary of Children and Family Services as a board member.

Section 20 - Amends s. 331.308, F.S., eliminating the requirement of Senate confirmation for the legislators appointed to serve as ex-officio nonvoting members of the Spaceport Florida Authority; eliminating obsolete language relating to the terms of initial members of the authority; eliminating obsolete language relating to the initial meeting of the authority.

Section 21 - Amends s. 349.03, F.S., eliminating obsolete language relating to terms of members of the Jacksonville Transportation Authority serving on July 1, 1979.

Section 22 - Amends s. 350.01, F.S., eliminating obsolete language relating to terms of members of the Public Service Commission; eliminating date specific language regarding the term of the chairman of the commission.

Section 23 - Amends s. 370.19, F.S., revising the statutory provisions of the Atlantic States Marine Fisheries Compact to conform to the actual compact; revising the membership of the members of the commission from Florida; providing that the ex-officio legislative member of the commission be appointed by the Governor from lists submitted by the President of the Senate or the Speaker of the House; providing that the legislators shall be appointed on a rotating basis beginning with the appointment of a Senator.

Section 24 - Amends s. 370.20, F.S., revising the membership of the members of the Gulf State Marine Fisheries Commission; providing that the ex-officio legislative member of the commission be appointed by the President of the Senate or the Speaker of the House, as applicable, on a rotating basis beginning with the appointment of the House member.

Section 25 - Amends s. 373.0693, F.S., clarifying the terms of members of basin boards.

Section 26 - Amends s. 380.504, F.S., eliminating obsolete language regarding the terms of the initial members of the Florida Communities Trust.

Section 27 - Amends s. 404.31, F.S., eliminating obsolete language relating to the initial members of the Southeast Interstate Low-Level Radioactive Waste Management Commission.

Section 28 - Amends s. 447.205, eliminating obsolete language relating to the terms of the members of the Public Employees Relations Commission.

Section 29 - Repeals s. 464.0045, F.S., repealing unnecessary language regarding the initial terms of certain members of the Board of Nursing.

Section 30 - Amends s. 468.1135, F.S., eliminating obsolete language relating to the terms and qualifications of initial members of the Board of Speech-Language Pathology and Audiology.

Section 31 - Amends s. 468.203, F.S., creating a definition.

Section 32 - Amends s. 468.205, F.S., eliminating obsolete language relating to the terms of initial members of the Board of Occupational Therapy Practice.

Section 33 - Amends s. 468.4315, F.S., deleting unnecessary language relating to terms of members of the Regulatory Council of Community Association Managers.

Section 34 - Amends s. 468.521, F.S., deleting unnecessary language relating to term of members of the Board of Employee Leasing Companies.

Section 35 - Amends s. 468.605, F.S., eliminating obsolete language relating to the terms of the initial members of the Florida Building Code Administrators and Inspectors Board; eliminating the term limitation for Board members due to a conflict with s. 20.165, F.S.

Section 36 - Amends s. 468.801, F.S., eliminating obsolete language relating to the terms of initial members of the Board of Orthotists and Prosthetists; eliminating the provision for additional terms of members which conflicts with s. 20.43, F.S.

Section 37 - Amends s. 475.02, F.S., eliminating unnecessary language relating to terms of members of the Florida Real Estate Commission.

Section 38 - Amends s. 475.613, F.S., eliminating unnecessary date specific language; eliminating obsolete language relating to the terms of initial members of the Florida Real Estate Appraisal Board; eliminating the term limitation for Board members due to a conflict with s. 20.165, F.S.

Section 39 - Amends s. 476.054, F.S., eliminating the term limitation for members of the Barbers' Board due to a conflict with s. 20.165, F.S.

Section 40 - Amends s. 477.015, F.S., eliminating the term limitation for members of the Board of Cosmetology due to a conflict with s. 20.165, F.S.

Section 41 - Amends s. 480.035, F.S., eliminating the term limitation for members of the Board of Massage Therapy due to a conflict with s. 20.43, F.S.

Section 42 - Amends s. 483.805, F.S., eliminating obsolete language relating to the terms of initial members of the Board of Clinical Laboratory Personnel.

Section 43 - Amends s. 489.107, F.S., eliminating the term limitation for members of the Construction Industry Licensing Board due to a conflict with s. 20.165, F.S.

Section 44 - Amends s. 491.004, F.S., eliminating obsolete language relating to the term of initial members of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

Section 45 - Amends s. 497.101, F.S., eliminating obsolete language relating to the terms of certain members of the Board of Funeral and Cemetery Services to provide for staggered terms.

Section 46 - Amends s. 601.04, F.S., revising language relating to the terms of members of the Florida Citrus Commission when the commission is redistricted.

Section 47 - Amends s. 945.602, F.S., eliminating unnecessary date specific language relating to appointments of members of the State of Florida Correctional Medical Authority.

Section 48 - Amends s. 947.01, F.S., eliminating unnecessary language relating to the reduction of members of the Parole Commission.

Section 49 - Repeals s. 947.022, F.S., repealing provisions which have had their effect relating to terms of the members of the Parole Commission.

Section 50 - Amends s. 947.03, F.S., eliminating obsolete language relating to terms of members of the Parole Commission.

Section 51 - Provides an effective date of October 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Gubernatorial Appointments and Confirmations:

Requires the Director of the Agency for Health Care Administration to be confirmed by the Senate.

#2 by Gubernatorial Appointments and Confirmations:

Increases the membership of the Parole Commission from three to four.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
