

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 110

SPONSOR: Committee on Gubernatorial Appointments and Confirmations

SUBJECT: Executive Appointments

DATE: September 30, 1999 REVISED: _____

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

I. Summary:

Senate Bill 110 recommends 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, 20.255, 20.316, 20.41, 20.42, 186.504, 231.545, 240.145, 240.313, 246.205, 288.707, 288.9604, 331.308, 349.03, 350.01, 370.19, 370.20, 373.0693, 380.504, 404.31, 443.012, 447.205, 468.1135, 468.203, 468.205, 468.354, 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.

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.

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.

The Governor appoints and the Senate confirms various agency heads. All secretaries of departments of the executive branch are confirmed and many executive directors of various offices of departments are also confirmed. One notable exception of a position appointed by the Governor which does not require Senate confirmation is the Director of Health Care Administration.

In 1996, the number of members of the Parole Commission was reduced from six to three. Due to the reduction of commissioners, the number of cases per commissioner has increased. In order to complete its work, the commission has had to hire former commissioners on a temporary basis.

III. Effect of Proposed Changes:

Senate Bill 110 recommends 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. 20.255, F.S., clarifying the terms of members of the Environmental Regulation Commission and clarifying language regarding vacancies.

Section 3 - Amends s. 20.316, F.S., reaffirming that the Secretary of Juvenile Justice is 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 4 - Amends s. 20.41, F.S., eliminating obsolete language regarding the Secretary of Elderly Affairs.

Section 5 - Amends s. 20.42, F.S., requiring the Director of Health Care Administration to be confirmed by the Senate.

Section 6 - 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 7 - Amends s. 231.545, F.S., eliminating obsolete language relating to appointments to the Education Standards Commission.

Section 8 - Amends s. 240.145, F.S., eliminating obsolete language relating to the terms of the initial members of the Postsecondary Education Planning Commission.

Section 9 - 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 10 - 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 11 - 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 12 - Amends s. 288.9604, F.S., eliminating obsolete language regarding the terms of initial members of the Florida Development Finance Corporation.

Section 13 - 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 initial appointment of members of the authority; eliminating obsolete language relating to the initial meeting of the authority.

Section 14 - 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 15 - 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 16 - 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 17 - Amends s. 370.20, F.S., revising the membership 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 18 - Amends s. 373.0693, F.S., clarifying the terms of members of basin boards.

Section 19 - Amends s. 380.504, F.S., eliminating obsolete language regarding the terms of the initial members of the Florida Communities Trust.

Section 20 - 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 21 - Amends s. 443.012, F.S., eliminating obsolete language relating to terms of initial members of the Unemployment Appeals Commission.

Section 22 - Amends s. 447.205, F.S., eliminating obsolete language relating to the terms of the members of the Public Employees Relations Commission.

Section 23 - Repeals s. 464.0045, F.S., repealing unnecessary language regarding the initial terms of certain members of the Board of Nursing.

Section 24 - 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 25 - Amends s. 468.203, F.S., creating a definition; clarifying that the Board of Occupational Therapy Practice is in the Department of Health.

Section 26 - Amends s. 468.205, F.S., eliminating obsolete language relating to the terms of initial members of the Board of Occupational Therapy Practice.

Section 27 - Amends s. 468.354, F.S., eliminating the term limitation for members of the Board of Respiratory Care due to a conflict with s. 20.43, F.S., eliminating obsolete language relating to initial terms of members.

Section 28 - Amends s. 468.4315, F.S., deleting unnecessary language relating to terms of members of the Regulatory Council of Community Association Managers.

Section 29 - Amends s. 468.521, F.S., deleting unnecessary language relating to term of members of the Board of Employee Leasing Companies.

Section 30 - 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 31 - 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 32 - Amends s. 475.02, F.S., eliminating unnecessary language relating to terms of members of the Florida Real Estate Commission.

Section 33 - 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 34 - 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 35 - 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 36 - 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 37 - Amends s. 483.805, F.S., eliminating obsolete language relating to the terms of initial members of the Board of Clinical Laboratory Personnel.

Section 38 - 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 39 - 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 40 - 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 41 - 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 42 - 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 43 - Amends s. 947.01, F.S., eliminating unnecessary language relating to the reduction of members of the Parole Commission; increasing the number of members of the Commission from three to four.

Section 44 - Repeals s. 947.022, F.S., repealing provisions which have had their effect relating to terms of the members of the Parole Commission.

Section 45 - Amends s. 947.03, F.S., eliminating obsolete language relating to terms of members of the Parole Commission.

Section 46 - Provides an effective date of October 1, 2000.

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:

According to the Parole Commission, establishing a fourth commissioner will require three FTE - a Parole Commissioner and two assistants. The annual cost of these staff will be \$186,730. Based on an October 1 starting date, the FY 2000-2001 cost will be \$153,731, approximately \$13,683 of which is non-recurring. The Parole Commission has requested funding for a fourth commissioner and staff in its FY 2000-01 Legislative Budget Request.

Cost of Fourth Parole Commissioner	FY 2000-01	FY 2001-02
Salaries/Benefits (3 FTE)	\$124,880	\$166,507
Expenses	22,850	20,223
OCO	6,000	
Total	\$153,731	\$186,730

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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