

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

Prepared By: General Government Appropriations Committee

BILL: CS/SB 1152

INTRODUCER: General Government Appropriations Committee and Senator Carlton

SUBJECT: Florida Governmental Accountability Act

DATE: April 25, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	DeLoach	GA	Fav/CS
2.				
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**I. Summary:**

This bill modifies the Florida Governmental Accountability Act relating to the review of state agencies and advisory committees. This bill sets a new review schedule for the agencies, providing additional time for the legislature to act on each group of entities. The bill makes other modifications to clarify the roles and duties of the review committees, OPPAGA and the Auditor General.

This bill substantially amends sections 11.902, 11.903, 11.904, 11.905, 11.9055, 11.906, 11.907, 11.908, 11.910, 11.911, 11.918, and 11.919 of the Florida Statutes:

**II. Present Situation:**

Sections 11.901 through 11.920, F.S., create the Florida Government Accountability Act to set forth a process for the periodic review of state agencies that could result in the continuation, modification, or abolition of the state agencies and advisory bodies. The act provides that an agency will be abolished on a certain date unless the Legislature continues the agency or advisory committee. However, an agency may not be abolished unless all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another agency and adequate provision has been made for the transfer to a successor agency of all duties and obligations.

The act contains a detailed review process. Section 11.906, F.S., requires each agency to submit specified information to the committee, no later than January 1, of the year preceding its scheduled review. This information includes:

- The performance measures for each program and activity and 3 years of data for each measure that provides actual results for the immediately preceding 2 years and projected results for the current fiscal year.
- An explanation of factors that have contributed to any failure to achieve the legislative standards.
- The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.
- The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency.
- The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for historically underutilized businesses.
- A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved.
- An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies.
- An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public.
- An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.
- The extent to which the agency enforces laws relating to potential conflicts of interest of its employees.
- The extent to which the agency complies with public records and public meetings requirements.
- The extent to which alternative program delivery options, such as privatization or insourcing, have been considered to reduce costs or improve services to state residents.

- Recommendations to the committee for statutory or budgetary changes that would improve program operations, reduce costs, or reduce duplication.
- The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished.
- A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee.
- Agency programs or functions that are performed without specific statutory authority.
- Other information requested by the committee.

Section 11.907, F.S., requires OPPAGA, upon receipt of the report, to conduct a program evaluation and justification review of the agency, considering the information submitted by the agency. The results of the OPPAGA review are to be submitted to the Speaker of the House and President of the Senate by October 31, in the year the agency submits its report.

The act permits the houses of the legislature to create standing or select committees to advise the legislature regarding the agency reviews. In addition, the Legislature may appoint a joint committee to act as the review committee. Pursuant to s. 11.908, F.S., by March 1 of the year in which a state agency is scheduled for review, the advisory committee conducting the review should be reviewing the information sent by the agency and OPPAGA and consulting with the Legislative Budget Commission, the relevant legislative committees, the Governor's Office Of Policy and Budget, the Auditor General and the Chief Financial Officer.

Section 11.911, F.S., requires the reviewing committee to produce a report that includes a recommendation to abolish, continue, or reorganize an agency under review. The report is required to use the specific statutory criteria in determining the public need for the continued existence of an agency.

In addition, the report is to make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review. The act also requires reports and assistance from agencies, the Auditor General and the Office of Program Policy Analysis and Government Accountability.

The act specifies a schedule under which agencies are to be reviewed beginning July 1, 2008, and ending July 1, 2015 as follows:

Reviewed July 1, 2008:

Statutorily created responsibilities of the Fish and Wildlife Conservation Commission.

Department of Agriculture and Consumer Services.

Department of Citrus, including the Citrus Commission.

Department of Environmental Protection.

Department of Highway Safety and Motor Vehicles.  
Water management districts.

Reviewed July 1, 2009:  
Department of Children and Family Services.  
Department of Community Affairs.  
Department of Management Services.  
Department of State.

Reviewed July 1, 2010:  
Advisory committees for the Florida Community College System.  
Advisory committees for the State University System.  
Agency for Workforce Innovation.  
Department of Education.  
Department of the Lottery.

Reviewed July 1, 2011:  
Agency for Health Care Administration.  
Agency for Persons with Disabilities.  
Department of Elderly Affairs.  
Department of Health.

Reviewed July 1, 2012:  
Department of Business and Professional Regulation.  
Department of Transportation.  
Department of Veterans' Affairs.

Reviewed July 1, 2013:  
Advisory committees for the State Board of Administration.  
Department of Financial Services, including the Financial Services Commission.  
Department of Revenue.

Reviewed July 1, 2014:  
Department of Corrections.  
Department of Juvenile Justice.  
Department of Law Enforcement.  
Department of Legal Affairs.  
Justice Administrative Commission.  
Parole Commission.

Reviewed July 1, 2015:  
Executive Office of the Governor.  
Florida Public Service Commission.

The timeframes specified in the act are demonstrated in the following table for the initial sunset review cycle.

January 1, 2007	Agencies submit reports to the Sunset Advisory Committee.
October 31, 2007	OPPAGA submits justification review and program evaluation to the Sunset Advisory Committee, Speaker of the House of Representatives, and President of the Senate.
March 1, 2008	Sunset Advisory Committee presents to the President of the Senate and the Speaker of the House of Representatives a report on the agencies and advisory committees scheduled to be reviewed that year by the committee.
June 30, 2009	Agency subject to a Sunset Review is abolished unless the Legislature continues the agency or advisory committee.

### III. Effect of Proposed Changes:

Section 1 amends s. 11.902, F.S., to define the term “joint committee.”

Section 2 amends s. 11.903, F.S., to permit the legislature to create a joint committee to oversee the agency review process and standing or select committees within either house. The bill also clarifies the term of the appointment for the committee and joint committee members.

Section 3 amends s. 11.904, F.S., to clarify that each chamber of the legislature may employ staff to assist the joint committee. The bill clarifies that OPPAGA will provide the primary research services for the agency review at the direction of the reviewing committee and the joint committee.

Section 4 amends s. 11.905, F.S., to extend the review periods to two years for agencies to be subject to review.

Section 5 amends s. 11.9055, F.S., to make technical and conforming changes and to clarify that an agency remains subject to annual review until the Legislature addresses the continuation, modification or termination of the agency.

Section 6 amends s. 11.906, F.S., to speed up the due date for an agency report to be submitted to the legislature, and to clarify elements of the report.

Section 7 amends s. 11.907, F.S., to clarify that the review will be undertaken by the committee and that OPPAGA may conduct some review of the agencies as directed by the committee.

Section 8 amends s. 11.908, F.S., to clarify that OPPAGA may do several (rather than one) report on each agency under review and to make conforming changes relating to the elimination of specific criteria to be used by the review committee.

Section 9 amends s. 11.910, F.S., to eliminate the specific criteria that the review committee must consider. Instead, the review committee may consider any information submitted by the agencies, OPPAGA and the Auditor General and any other information the committee considers relevant.

Section 10 amends s. 11.911, F.S., to make a conforming change.

Section 11 amends s. 11.918, F.S., to clarify that the review committee may exercise all powers vested in a standing committee pursuant to s. 11.143, F.S. These powers would include the power to inspect confidential documents.

Section 12 amends s. 11.919, F.S., to clarify that the review committee may access agency information.

Section 13 provides that the act is effective July 1, 2007.

**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:

This bill modifies how state agencies will be reviewed by the legislature for the purpose of continuing, modifying or terminating the agency.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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