

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1410

SPONSOR: Governmental Oversight & Productivity Committee and Senator Posey

SUBJECT: Boards, Commissions, Councils, and other Entities

DATE: March 28, 2001      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Favorable/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	RC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The 1999 Legislature required each department of the executive branch to survey the boards, councils, committees, and commissions (“boards”) under its jurisdiction, and for this information to be provided to the Department of Management Services. Each agency was asked to identify the entities under its jurisdiction that had been created pursuant to federal or state statute, Executive Order of the Governor, or administrative directive by the agency or department head; to provide the number of members, the entity’s public purpose, the duties of the entity, and the type of entity (regulatory, advisory, constituency, policy, or other); to identify the appropriations for the entity, the staffing, and the accomplishments of the entity; and, to make recommendations regarding whether to abolish, revise, or continue the entity. This information was compiled by the department in a report entitled the “Boards and Commissions Review”, January 2000. A number of entities were repealed in the 2000 Legislative Session.

This committee substitute abolishes many additional entities recommended for abolishment by the agencies as included in the above report. Some of the entities repealed in this committee substitute are: the State Council on Competitive Government, the State Lottery Commission, the State Retirement Commission, the Capital Center Planning Commission, the Commission on Government Accountability to the People, the Information Service Technology Development Task Force, and the State Customer Advisory Council.

There should be some indeterminate, but minimal cost savings to state government by eliminating unnecessary governmental entities.

The committee substitute amends the following sections of the Florida Statutes: 24.105, 24.108, 24.123, 121.0515, 121.091, 228.053, 228.2001, 230.2305, 230.2303, 230.2306, 402.3015,

409.178, 411.01, 255.553, 255.556, 255.563, 272.121, 295.184, 282.3095, 216.235, 402.40, 440.49, 499.015, and 548.046.

This committee substitute repeals the following sections of the Florida Statutes: 24.106, 24.103(3), 121.22, 121.23, 121.231, 121.24, 228.054, 232.2466(3), 255.565, 272.12(2)-(6), 285.19, 286.30, 391.222, 404.056(2), 442.105, 499.005(26), 499.05(1)(c), 548.045, 570.248, and 240.5186(11).

The committee substitute repeals the following sections of the Laws of Florida: s. 13, ch. 99-332, s. 11, ch. 99-354, s. 6, ch. 99-393, and s. 192, ch. 99-397.

## II. Present Situation:

Chapter 20, F.S., authorizes the creation of a number of different types of entities to assist state government perform its duties more efficiently and effectively. While the roles, duties and function of these entities are intended to be quite different under the scheme set forth in ch. 20, F.S., very often these entities are considered to be similar in nature.

Under s. 20.03(7), F.S., a “council” is 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.

Under s. 20.03(8), F.S., a “committee” or “task force” is 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.

Under s. 20.03(9), F.S., a “coordinating council” is 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.

Under s. 20.03(10), F.S., a “commission” is 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.

Under s. 20.03(12), F.S., a “board of trustees” is defined as

. . . except with reference to the board created in chapter 253, means a board created by specific statutory enactment and appointed to function adjunctively to a department, the Governor, or the Executive Office of the Governor to administer public property or a public program.

In 1999, the Legislature enacted SB 2280, ch. 99-255, L.O.F., which required each department of the executive branch to survey each entity under its jurisdiction and to recommend whether the entity should be abolished, continued, or revised. This information was to be provided to the Department of Management Services (DMS) in an electronic format. Additionally, each agency was asked to identify whether the entities were created pursuant to federal or state statute, Executive Order of the Governor, or administrative directive by the agency or department head. The agencies also were asked to provide the number of board members, the board's public purpose, the duties of the board, and the type of board (regulatory, advisory, constituency, policy, or other), as well as to identify the appropriations for the board, the staffing, and the board's accomplishments.

The DMS was required to report the findings to the Governor and Legislature by December 1, 1999. This information was compiled in a report entitled the "Boards and Commissions Review", January 2000. In the 2000 Legislative Session, some of the entities were repealed pursuant to the recommendations in the review. The remaining entities that were recommended for abolishment were considered in compiling this committee substitute.

### III. Effect of Proposed Changes:

**Section 1.** Repeals ss. 24.103(3), and 24.106, F.S., regarding the State Lottery Commission. The Florida Lottery was established by the Legislature in 1987 in order to implement Article X, s. 15 of the State Constitution. Section 24.106, F.S., creates the State Lottery Commission within the Department of the Lottery. The Lottery Commission is comprised of five members that are appointed for four-year terms by the Governor. Commission members must be residents of the state and may not serve more than two consecutive four-year terms.

The stated purpose of the Lottery Commission is to serve as a resource for the Department of the Lottery and to provide private-sector perspectives on the operation of a large marketing enterprise. Additionally, s. 24.106, F. S., requires that the Lottery Commission review the performance of the department, and provides that the Commission may:

- < Advise the secretary and make recommendations to the secretary regarding operations of the department;
- < Identify potential improvements in the Lottery Act, the rules of the department, and the management of the department;
- < Request from the department any information the commission determines to be relevant to its duties; and
- < Regularly report to the secretary, the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding its findings and recommendations.

The Department of the Lottery recommends that this commission be abolished because the commission does not significantly enhance the Florida Lottery's mission, is duplicative of the Department, and is an unjustifiable expense.

The Lottery Commission is also being repealed in HB 707 (PCB BR 01-01), by the Committee on Business Regulation.

**Sections 2, 3, and 4.** Amends ss. 24.105, 24.108(7)(b), and 24.123(3), F.S., regarding the State Lottery Commission. This committee substitute removes references to the above repealed State Lottery Commission.

**Section 5.** Repeals ss. 121.22, 121.23, 121.231, and 121.24, F.S., regarding the State Retirement Commission. The State Retirement Commission was created in ss. 121.22, 121.23, 121.231, and 121.24, F.S., pursuant to s. 1, ch. 75-248, L.O.F. This commission is composed of: one member who is retired under a state-supported retirement system administered by the department; two members from different occupational backgrounds who are active members in a state-supported retirement system that is administered by the department; and four members who are not retirees, beneficiaries, or members of a state-supported retirement system that is administered by the DMS.

This commission hears appeals on all proceedings in which the Secretary of the DMS has made a written final decision on applications for disability retirement, reexamination of retired members receiving disability benefits, applications for special risk membership, and reexamination of special risk members in the Florida Retirement System.

The DMS recommends that the duties of the State Retirement Commission be transferred to the Division of Administrative Hearings, as this division can absorb the duties of the commission without additional staff, and it will be more efficient to route the appeals formerly handled under the commission to the Division.

**Sections 6 and 7.** Amends ss. 121.0515, Special Risk Membership, and 121.091(4)(d) and (13)(b), F.S., Benefits payable under the system. These sections remove references to the above repealed State Retirement Commission, and provides that employees may appeal to the DMS for a hearing before an administrative law judge (the Division of Administrative Hearings) as provided in ch. 120, F.S.

**Section 8.** Repeals s. 228.054, F.S., Joint Developmental Research School Planning, Articulation, and Evaluation Committee. The Joint Developmental Research School Planning, Articulation, and Evaluation Committee was created in s. 228.054, F.S., pursuant to s. 5, ch. 90-49, L.O.F. This committee is composed of six persons: three appointed by both the Commissioner of Education and the Chancellor of the State University System. This committee annually reviews the Board of Regents and Department of Education rules for conflicts or barriers and provides the Commissioner of Education with recommendations for necessary revisions or new rules and guidelines to implement provisions relating to developmental research schools; reviews annual evaluation studies of developmental research schools; periodically provides statutory, regulatory, funding, and other recommendations to the Commissioner of Education and the Legislature to improve the implementation of provisions relating to

developmental research schools; and, provides assistance to schools regarding the waiver process.

The Department of Education recommends that this committee be abolished, because the Board of Regents will be handling the above reviews.

**Section 9.** Amends s. 228.053(12), F.S., Developmental research schools. This committee substitute removes references to the above repealed Joint Developmental Research School Planning, Articulation, and Evaluation Committee, and provides that its duties fall to the Commissioner of Education.

**Section 10.** Amends s. 228.2001(6), F.S., Discrimination against students and employees in state system of public education; prohibitions; equality of access; strategies to overcome under representation; remedies. Section 228.2001(6), F.S, charges the Office of Equal Opportunity under the Department of Education with coordinating the work of a Task Force on Gender Equity in Education. Section 228.2001(6), F.S., provides that the task force will consist of 11 members. The Commissioner of Education appoints three members: two must be athletic directors at public high schools and one may be a member at large. The Chancellor of the State University System appoints two members who are athletic directors at state universities that offer scholarships for athletes in all major sports. The Executive Director of the Community College System appoints two members who are athletic directors at community colleges. The President of the Senate appoints two members and the Speaker of the House of Representatives appoints two members. The Commissioner of Education, the Chancellor of the State University System, the Executive Director of the Community College System, the President of the Senate, and the Speaker of the House of Representatives are supposed to coordinate their appointments to ensure that the task force represents, to the maximum extent possible, the gender, racial, and ethnic diversity of the state. By July 1, 1994, the task force must define equity in athletics at all levels of public education and must recommend to the Commissioner of Education rules for appropriate enforcement mechanisms to ensure equity.

The Department of Education states that this task force is inactive, has completed its duties, and has not met since 1994. Its repeal is recommended by the Department of Education.

**Section 11.** Repeals s. 230.2305(7), and amends ss. 230.2305(2)(b), (3)(h) and (i), and (5), F.S., Prekindergarten early intervention program. Under s. 230.2305, F.S., the district interagency coordinating councils must include at least twelve members appointed by the district school board, the county commission for the county in which participating schools are located, and the Department of Children and Family Services' district administrator. These councils assist district school boards in developing a plan or an amended plan to implement a prekindergarten early intervention program; coordinating the delivery of educational, social, medical, child care, and other services; assisting district school boards in developing and implementing Florida First Start Programs; and, assessing the service needs of all preschool children who are eligible for subsidized child care. The annual reports of the prekindergarten early intervention programs go to the district interagency coordinating councils.

The Department of Education states that there are local councils that can absorb the duties of these councils. The repeal of these councils is recommended by the Department of Education.

**Sections 12, 13, 14, 15 and 16.** Amends ss. 230.2303(3), (7), and (8), Florida First Start Program; 230.2306(1), Prekindergarten children service needs assessments; reports; reasonable efforts by school district; 402.3015(9), Subsidized child care program; purpose; fees; contracts; 409.178(5)(d), Child Care Executive Partnership Act; findings and intent; grant; limitation; rules; and 411.01(5)(a), F.S., Florida Partnership for School Readiness; school readiness coalitions. These sections remove references to district interagency coordinating councils.

**Section 17.** Repeals s. 232.2466(3), F.S., regarding the college-ready diploma program. In 1997, the college-ready diploma program was created pursuant to s. 6, ch. 97-246, L.O.F. Section 232.2466(6), F.S., provides that, beginning with the 1998-1999 school year, schools must award a differentiated college-ready diploma to each student who: successfully completes the requirements for a standard high school diploma; takes high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and, takes the postsecondary education common placement test or an equivalent test identified by the State Board of Education before graduation, and scores at or above the established statewide passing score in each test area.

A college-ready diploma entitles a student to admission without additional placement testing to a public postsecondary education program that terminates in a technical certificate, an applied technology diploma, an associate in applied science degree, an associate in science degree, or an associate in arts degree, if the student enters postsecondary education within two years after earning the college-ready diploma.

The Department of Education periodically convenes a task force of educators and employers to recommend additional incentives for students to pursue a college-ready diploma. The incentives may include awards and recognition, preference for positions in firms, and early registration privileges in postsecondary education institutions.

This task force completed its duties in the late 1990s. Its repeal is recommended by the Department of Education.

**Section 18.** Repeals s. 255.565, F.S., Asbestos Oversight Program Team. Section 255.565, F.S., provides for the Asbestos Oversight Program Team. This section was created in 1987 pursuant to ss. 21, 23, ch. 87-394, L.O.F. The Oversight Team consists of the Asbestos Program Coordinator appointed by the Secretary of Labor and Employment Security, one member appointed by the Secretary of Health, one member appointed by the Secretary of Environmental Protection, one member appointed by the Secretary of Business and Professional Regulation, one member appointed by the Secretary of Transportation, one member appointed by the Chancellor of the State University System, one member appointed by the Department of Education, and one member appointed by the Secretary of the DMS.

The Asbestos Oversight Program Team is responsible for asbestos policy development; regulatory review; asbestos training course approval, except as provided for under ch. 469, F.S. (on asbestos abatement); and coordination with regional asbestos project managers and building contacts on policy and procedures. The Oversight Team also makes recommendations regarding

surveys by state agencies for the presence of asbestos-containing materials in each public building for which such agencies are responsible.

The Asbestos Oversight Program Team disbanded in 1997. The Department of Labor and Employment Security recommends its repeal.

**Sections 19, 20, and 21.** Amends ss. 255.553, Survey required; 255.556, Asbestos assessment; and, 255.563, F.S., Rules; Department of Labor and Employment Security. This committee substitute removes references to the above repealed Asbestos Oversight Program Team.

**Section 22.** Repeals ss. 272.12(2), (3), (4), (5), and (6), F.S., regarding the Capitol Center Planning District. The Capitol Center Planning Commission was created in the early 1970's to prevent incompatible development in the area around the Capitol. Section 272.12, F.S., provides that the commission be composed of seven persons as follows: four private citizens who have distinguished themselves in planning, architecture, zoning, or such other fields appointed by the Governor; two members appointed by the City Commission of the City of Tallahassee; and one member appointed by the Board of County Commissioners of Leon County. All members are to be appointed for four-year staggered terms.

The DMS states that the commission has met its public purpose, and therefore should be repealed.

**Sections 23 and 24.** Amends ss. 272.121, Capitol Center long-range planning; and, 295.184, F.S., Report; design, cost estimates (of Veteran's Memorial). These sections remove references to the Capital Center Planning Commission.

**Section 25.** This newly created section of law provides that all rules, regulations, or orders of the Capital Center Planning Commission regulating development within the Capitol Center Planning district, will remain in effect until superseded by the City of Tallahassee. This section also provides that any owner with any development approval from the Capitol Center Planning Commission will be allowed to continue such development.

**Section 26.** Repeals s. 282.3095, F.S., Task Force on Privacy and Technology. The Task Force on Privacy and Technology was created pursuant to s. 22, ch. 2000-164, L.O.F. Section 282.3095, F.S., provides for the task force to include professionals in the fields of communications, government, law enforcement, law, marketing, technology, and financial services, including, but not limited to, the Florida Association of Court Clerks and Comptrollers, the Florida Insurance Council, the Society of Consumer Affairs Professionals in Business, the Florida Retail Federation, and the Office of Statewide Prosecution. The task force studied and made policy recommendations, by February 1, 2001, to the Legislature and the Governor that included: privacy issues; technology fraud; and, the sale of public records to private individuals and companies.

This task force expires July 1, 2001. The Executive Office of the Governor recommends its repeal.

**Section 27.** Repeals s. 285.19, F.S., Creek Indian Council. The Creek Indian Council was created in 1979 pursuant to ss. 1, 2, 3, ch. 79-421, L.O.F. The purpose, provided in s. 285.19, F.S., was to enable the Creek Indians and their descendants residing within the state to enjoy the full benefits of state, local, and federal programs for the economic, cultural, and social advancement of the Creek Indian.

The council is composed of 15 members appointed by the Governor from lists of nominees provided by the tribal council. The tribal council nominates at least three persons for each council member appointment. Three members must reside in Escambia County and must be Creek Indians. One member must reside in Santa Rosa County; one member must reside in Okaloosa County; one member must reside in Walton or Calhoun County; one member must reside in Bay County; one member must reside in Gulf, Washington, or Holmes County; one member must reside in Leon or Jackson County; and one member must reside in Pasco County. These seven members must be Creek Indians. Each of the remaining five members must have resided in this state for the preceding five years but need not be Creek Indians.

The Executive Office of the Governor states that this council's duties are being performed by the Council on Indian Affairs. The Executive Office of the Governor recommends that this council be repealed.

**Section 28.** Repeals s. 286.30, F.S., Commission on Government Accountability to the People. Section 286.30, F.S., provides for the Commission in Government Accountability to the People. This section was created by s. 19, ch. 94-249, L.O.F., in 1994. The commission consists of 15 members appointed by the Governor, subject to confirmation by the Senate, with nine members from the private sector and six members from the public sector. The members serve four-year terms. Of the initial appointees, terms are staggered as follows: three members hold one-year terms; four members hold two-year terms; four members hold three-year terms; and four members hold four-year terms. The Governor fills all vacancies. Upon the request of the chair of the commission or upon his or her own initiative, the Governor may replace members who are absent from two commission meetings within any calendar year.

The commission tracks the impact of state agency actions upon the well-being of Florida citizens by: serving as a citizen board to review state agency performance using agency strategic plans and other resources; holding public hearings to allow state agencies the opportunity to explain factors which contributed to their success or failure in meeting performance measures; receiving testimony from the public as to state agency performance; assessing the progress of state agencies in meeting their missions, goals, and objectives; making recommendations which could enhance the productivity of agencies, encourage continued agency improvement, ensure achievement of adopted performance standards, and assist state government in improving the efficiency and effectiveness of the services and products it provides; and, preparing and submitting, by July 1 of each year, a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability, summarizing the activities and findings of all assessments made by the commission.

The DMS states that the Legislature is no longer funding this commission, so it has become inactive. The Department also asserts that the new budgeting formats are supposed to enable

citizens to more easily track state government performance, thereby eliminating the need for this commission. The department recommends the repeal of the Commission on Government Accountability to the People.

**Section 29.** Amends s. 216.235(4)(d), F.S., regarding the Innovation Investment Program Act.

**Section 30.** Repeals s. 391.222, F.S., Cardiac Advisory Council. Section 391.222, F.S., provides that the secretary of the Department of Health (DOH) may appoint a Children's Medical Services Cardiac Advisory Council for the purpose of acting as the advisory body to the DOH in the delivery of cardiac services to children. This statute was created pursuant to ss. 3, 4, ch. 81-270, L.O.F. This council is composed of eight members with technical expertise in cardiac medicine. Members are appointed for four-year, staggered terms. In no case can an employee of the DOH serve as a member or as an ex officio member of this advisory council. The DOH states that this council conducts peer reviews of pediatric cardiac catheterization laboratories and cardiac surgical programs before making recommendations regarding whether a facility should be approved as a children's medical services provider.

The DOH recommends the repeal of this council and will absorb its functions. This council currently receives no funding.

**Section 31.** Amends ss. 402.40(4)(a) and (5), F.S., regarding child welfare training. This committee substitute removes references to the Child Welfare Training Council, which was repealed last year by s. 40, ch. 2000-139, L.O.F.

**Section 32.** Repeals s. 404.056(2), F.S., regarding the Florida Coordinating Council on Radon Protection. Section 404.056(2), F.S., provides for the Florida Coordinating Council on Radon Protection. This council was created in 1988, pursuant to s. 3, ch. 88-285, L.O.F. This section states that public agencies responsible for and involved in radon protection activities are to: work together to reduce duplication of effort; foster maximum efficient use of existing resources; advise and assist the agencies involved in radon protection and mitigation in implementing the best management practices and the best available technology in limiting exposure to radon; identify outside funding sources and recommend priorities for research into the effects of radon; and, enhance communication between all interests involved in radon protection and mitigation activities.

The Florida Coordinating Council on Radon Protection is composed of the following representatives or their authorized designees:

- < The Secretary of Community Affairs; The Secretary of Health;
- < The Commissioner of Education or a representative;
- < An expert in the mitigation or prevention of radon, the development of building codes designed to control and abate radon, or the development of construction techniques to mitigate the effects of radon in existing buildings, one representative of one of these fields to be jointly appointed by the University of South Florida and Florida Agricultural and Mechanical University, and one representative of one of these fields to be appointed by the University of Florida. Two representatives from

- any of these fields shall be appointed by the Board of Regents from other universities in the state;
- < One representative each from the Florida Association of the American Institute of Architects, the Florida Engineering Society, the Associated General Contractors Council, the Florida Association of Counties, the Florida League of Cities, the Florida Association of Realtors, the Florida Home Builders Association, and the Florida Phosphate Council;
  - < An elected official of county government, to be appointed by the Association of Counties; and an elected official of city government, to be appointed by the League of Cities;
  - < One representative each from two recognized voluntary health agencies to be appointed by the Secretary of Health; and
  - < One representative each from two public interest consumer groups to be appointed by the Secretary of Community Affairs.

The Florida Coordinating Council on Radon Protection was established as an advisory body to the Department of Community Affairs in developing the construction and mitigation standards. This council must: provide technical advice in the development of a request-for-proposal process for radon research; identify additional funding sources for research or implementation projects and recommend research priorities; and, prepare and present reports to the department and the Department of Community Affairs on radon protection activities in the state.

The Department of Health recommends the repeal of this council and will absorb this council's functions.

**Section 33.** Repeals ss. 440.49(13) and (14), and amends ss. 440.49(2), (9)(a), and (10), F.S., Limitation of liability for subsequent injury through Special Disability Trust Fund. Section 440.49(10), F.S., provides for the Special Disability Trust Fund Advisory Committee. The Division of Workers' Compensation must appoint an advisory committee composed of representatives of management, compensation insurance carriers, and self-insurers to aid it in formulating policies with respect to conservation of the fund.

The Department of Labor and Employment Security recommends the repeal of this advisory committee.

Section 440.49(13), F.S., creates the Special Disability Trust Fund Privatization Commission, which determines liabilities of the fund and the costs to administer the Special Disability Trust Fund. This commission was created pursuant to s. 84, ch. 98-199, L.O.F. This commission may develop and issue a request for proposal to transfer the liabilities of the Special Disability Trust Fund to a qualified entity. This commission is authorized to select and contract with a qualified entity, only if the commission determines that such an arrangement would substantially reduce the costs and be more effective than the current administration of the Special Disability Trust Fund.

On or before July 1, 1999, this commission was to, in consultation with the Division of Workers' Compensation, develop and issue a request for proposal for the transfer and assumption of liabilities, and administration of certain functions related to claims of the Special Disability Trust

Fund. The Department of Labor and Employment Security states that this commission has met its responsibilities and expires in 2000. The Department of Labor and Employment Security recommends its repeal.

Section 440.49(14), F.S., authorizes creation of the Special Disability Trust Fund Financing Corporation. This section states that in the event the Special Disability Trust Fund Privatization Commission determines that it is more cost-effective, and in the best interest of the Special Disability Trust Fund, the state, insurers, and employers, to finance the liabilities of the Special Disability Trust Fund, through the issuance of bonds, notes or other evidence of indebtedness, it can create a public benefits corporation, to be known as the Special Disability Trust Fund Financing Corporation. This corporation is to fund and pay the liabilities of the Special Disability Trust Fund, ensure the existence of a sufficient funding source for reimbursements to employers and carriers, and reduce the overall costs of the program provided by the state by employers and carriers. The Special Disability Trust Fund Privatization Commission never created this corporation.

The Department of Labor and Employment Security recommends the repeal of this corporation.

This committee substitute amends s. 440.49(10), F.S., which creates the Special Disability Trust Fund Advisory Committee, to remove the language that creates that committee.

This committee substitute repeals s. 440.49(13), F.S., which creates the Special Disability Trust Fund Privatization Commission, and removes references to that commission.

This committee substitute repeals s. 440.49(14), F.S., which provides the Special Disability Trust Fund Privatization Commission with the authority to create a Special Disability Trust Fund Financing Corporation, and removes references to that corporation.

**Section 34.** Repeals s. 442.105, F.S., Toxic Substances Advisory Council; function; membership; meetings; recommendations. Section 442.105, F.S., provides for the Toxic Substances Advisory Council. This council was created pursuant to ss. 5, 17, ch. 84-223, L.O.F., and serves to assist the Secretary of the Department of Labor and Employment Security in reviewing and preparing the Florida Substance List. The council consists of nine members, including four technically qualified employer representatives, four technically qualified employee representatives, and one member selected by the Secretary to serve as chair. The Toxic Substances Advisory Council is required to submit its recommendations to the Secretary for the revision of the Florida Substance List on or before January 1 of each year.

This council has been inactive since 1992. The Department of Labor and Employment Security recommend its repeal.

**Section 35.** Repeals ss. 499.005(26), and 499.05(1)(c), F.S., regarding the Florida Drug Technical Review Panel. Section 499.02, F.S., which provided for the Florida Drug Technical Review Panel, was repealed by s. 10, ch. 2000-326, L.O.F. Sections 499.005(26), and 499.05(1)(c), F.S., contain references to this panel.

This panel had met its public purpose, and has had no activity since 1997.

**Section 36.** Amends s. 499.015(1)(b), F.S., regarding Registration of drugs, devices, and cosmetics; issuance of certificates of free sale. This committee substitute removes references to the Florida Drug Technical Review Panel.

**Section 37.** Repeals s. 548.045, F.S., Medical advisory council; qualifications, compensation, powers and duties. Section 548.045, F.S., provides for the Medical Advisory Council, created pursuant to s. 2, ch. 84-246, L.O.F. This council prepares, and submits to the State Athletic Commission, standards for the physical and mental examination of participants in matches. A standard does not become effective until approved by the State Athletic Commission. This council recommends physicians who are qualified to make the examinations of participants in matches and performs any other duties as are directed. This council consists of five members appointed by the Governor.

The Department of Business and Professional Regulation states that the duties of the council will be absorbed by the Florida Boxing Commission. The Department of Business and Professional Regulation recommends repeal.

**Section 38.** Amends s. 548.046(2), F.S., Physician's attendance at match; examinations; cancellation of match. This committee substitute removes references to the Medical Advisory Council.

**Section 39.** Repeals s. 570.248, F.S., Agricultural Economic Development Project Review Committee; powers and duties. Section 570.248, F.S., establishes the Agricultural Economic Development Project Review Committee that was created pursuant to s. 14, ch. 91-268, L.O.F. This committee consists of five members appointed by the Commissioner of Agriculture. This committee reviews each application for assistance that meets the basic program criteria; makes recommendations to the Commissioner of Agriculture regarding all aspects of each eligible application, including the acceptance or rejection of each application; prioritizes the applications recommended for assistance; and, provides written comments and recommendations to the Commissioner, which must be included in the annual report of the Department of Agriculture and Consumer Services.

The Department of Agriculture and Consumer Services recommended the repeal of the council, because it was no longer receiving economic development funds. Its repeal was recommended by this department as of January 2000. However, since that recommendation, the legislature has created a new program that is the responsibility of that committee, and the legislature has provided funding. Accordingly, there is an amendment that removes the repeal of this committee from the committee substitute.

**Section 40.** Repeals s. 13 of ch. 99-332, L.O.F, creating the Task Force on Home Health Services Licensure Provisions. The Task Force on Home Health Services Licensure Provisions was created in 1999, s. 13 of ch. 99-332, L.O.F, to review the provisions of Part IV of Chapter 400, F.S., (on Home Health Agencies), and recommend additional legislative revisions. The review was to include the following issues: adult abuse registry screening; exemptions for individuals who provide companion and homemaker services; and, adjustments in the fee schedule for Medicaid home health services. The task force is composed of representatives of the

Agency for Health Care Administration, the Department of Health, the Department of Elderly Affairs, the Private Care Association of Florida and Associated Home Health Industries, as well as a representative of the homemaker companion services industry. The task force was required to submit a report on that review to the appropriate legislative committees by December 31, 1999. The task force submitted its required report on December 30, 1999.

The repeal of the Task Force on Home Health Services Licensure Provisions is recommended by the Agency for Health Care Administration.

**Section 41.** Repeals s. 11 of ch. 99-354, L.O.F., and s. 240.5186(11), F.S., regarding the Information Service Technology Development Task Force. The Information Service Technology Development Task Force was created in the DMS to develop policies to benefit Florida residents by fostering the free-market development and beneficial use of advanced communications networks and information technologies within the state. This task force is composed of 34 members including the Attorney General, the Executive Director of the Florida Department of Law Enforcement, and members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. This task force is required to submit a report annually for two years to the Governor, President of the Senate, and Speaker of the House of Representatives, by February 14 of 2000 and 2001. This task force expires July 1, 2001. The Department of Management Services recommends its repeal.

**Section 42.** Repeals s. 6 of ch. 99-393, L.O.F., creating the Advisory Council on the Submission and Payment of Claims. The Advisory Council on the Submission and Payment of Claims was created to study and make recommendations concerning: trends and issues relating to legislative, regulatory, or private-sector solutions for timely and accurate submission of health claims; development and implementation of electronic billing and processing; form and content of claims; and, measures to reduce fraud and abuse relating to the submission and payment of claims. The advisory council is composed of eight members with three members from health maintenance organizations licensed in Florida, one representative from a not-for-profit hospital, one representative from a for-profit hospital, one representative who is a licensed physician, and one representative from the Agency for Health Care Administration.

The advisory group submitted its recommendations in a report, as required, to the President of the Senate and the Speaker of the House of Representatives. The Agency for Health Care Administration recommends the repeal of this advisory group.

**Section 43.** Repeals s. 192 of ch. 99-397, L.O.F., creating the Public Medical Assistance Trust Fund Advisory Council. The Public Medical Assistance Trust Fund Advisory Council was created in 1999 to recommend what, if any, changes were needed in laws requiring assessments on hospital, clinical labs, ambulatory, surgical centers, diagnostic imaging centers, and radiation therapy centers; and, what the fiscal impact of such changes would be to the Public Medical Assistance Trust Fund. This advisory council is composed of seven members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The advisory council submitted its recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives as required.

The Agency for Health Care Administration recommends the repeal of this advisory council because its purpose has been completed.

**Section 44.** Abolishes the Diversity Council and the State Customer Advisory Council created under the Department of Labor and Employment Security. Former Secretary Jameson of the Department of Labor and Employment Security established the Diversity Council for department employees to assure that certain diversity activities were carried out in the department. However, the Commission on Human Relations currently has the responsibility for assuring diversity throughout all of the agencies. Accordingly, the Department of Labor and Employment Security recommends the abolishment of the Diversity Council.

Former Secretary Jameson also established the State Customer Advisory Council. This council was established to provide advice and counsel to the Secretary on occupational safety issues, policies, and programs administered by the Division of Safety. This council last met in November of 1997, and has disbanded in favor of local customer advisory councils.

**Section 45.** Abolishes the Florida Business Partners for Prevention under the Department of Juvenile Justice. The Florida Business Partners for Prevention was created by an agency initiative of the Department of Juvenile Justice. The purpose of this organization was to receive, hold, invest, and administer property, grants, and monetary contributions from private citizens, foundations, and businesses; and, to make expenditures to or for the benefit of Florida's at-risk youth, and for the education, motivation, facilitation or recognition of business involvement.

The Department of Juvenile Justice states that the functions of the Florida Business Partners for Prevention are going to be carried out by a direct-support organization being created by the Department. The direct-support organization structure is intended to provide greater flexibility and facilitate the ability of the business partners to support the efforts of the Department.

**Section 46.** Abolishes the State Agency Law Enforcement Radio System Review Panel under the DMS. The State Agency Law Enforcement Radio System Review Panel was created pursuant to ch. 2000-369, L.O.F., under the DMS. This panel was created to review and evaluate a proposal by the DMS to complete the implementation of the statewide law enforcement radio system, to be presented to the panel in one or more public meetings. This panel was to abolish 15 days after the submission of its report, or on March 15, 2001, whichever occurred sooner.

This panel disbanded upon submission of its report in September 2000. The DMS recommends its repeal.

**Section 47.** Abolishes the Driver's Under the Influence (DUI) Advisory Council, and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles (DHSMV). The Driver's Under the Influence (DUI) Advisory Council was established in 1998 at the recommendation of the Florida Association of DUI Programs to provide advice to the DHSMV.

The Department of Highway Safety and Motor Vehicles states that there are other committees under the department that overlap the functions of the DUI Advisory Council, and that the council should be abolished.

The Florida Rider Training Program Citizen Motorcycle Safety Council was initially established by the department, in 1994, to provide public input and to help plan long-term goals regarding motorcycle safety. The department states that this planning function has been completed and the advisory council is no longer necessary.

**Section 48.** Abolishes the following councils under the Department of Agriculture and Consumer Services (DACS):

- < Agriculture and Livestock Fair Council
- < Bonifay State Farmers Market Advisory Council
- < Florida City State Farmers Market Advisory Council
- < Fort Myers State Farmers Market Advisory Council
- < Fort Pierce State Farmers Market Advisory Council
- < Gadsden County State Farmers Market Advisory Council
- < Immolakee State Farmers Market Advisory Council
- < Nitrate Bill Best Management Practices Advisory Group
- < Palatka State Farmers Market Advisory Council
- < Plant City State Farmers Market Advisory Council
- < Racing Quarter Horse Advisory Council
- < Sanford State Farmers Market Advisory Council
- < Seed Potato Advisory Council
- < Starke State Farmers Market Advisory Council
- < Suwannee Valley State Farmers Market Advisory Council
- < Trenton State Farmers Market Advisory Council
- < Tropical Soda Apple Task Force
- < Wauchula State Farmers Market Advisory Council

The Farmers Market Advisory Councils were established to provide information to the DACS on issues pertaining to their individual markets and to the entire market system. The department plans on establishing one statewide farmers market advisory council to provide more efficient and effective coordination and policy implementation statewide.

The department, in the January 2000 report, recommended that the Agriculture and Livestock Fair Council and the Racing Quarter Horse Advisory Council be abolished. These councils were abolished, since that report, during last year's legislative session, ch. 2000-272, L.O.F. There is an amendment to remove these councils from this committee substitute.

The Nitrate Bill Best Management Practices Advisory Group was established by the department to address nitrate issues pertaining to specific legislation. These issues were addressed and the group is no longer needed.

The Seed Potato Advisory Council was established by the department to review seed potato issues in the state. The department states that the issues will be addressed during the Plant Industry Technical Council annual meetings.

The Tropical Soda Apple Task Force was established pursuant to s. 570.0705, F.S. (Advisory committees under the department). This task force was created to research and advise the department on the Tropical Soda Apple. The department states that the duties of this task force will also be addressed during the Plant Industry Technical Council annual meetings.

The Department of Agriculture and Consumer Services has recommended the abolishment of the above entities.

**Section 49.** Provides an effective date of June 30, 2001.

**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:

There should be some cost reductions from the elimination of these entities. For example, it is estimated that a one-day trip, with airfare and per diem, costs about \$500 per person. A reduction in the number of entities, results in fewer meetings, and lower costs to the state. As some of the entities have not been meeting, there will be no cost reduction associated with the committee substitute for those entities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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

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