

STORAGE NAME: h0501s1a.sgc.doc
DATE: March 20, 2001

**HOUSE OF REPRESENTATIVES
COUNCIL FOR
SMARTER GOVERNMENT
ANALYSIS**

BILL #: CS/HB 501
RELATING TO: Abolishment of Boards, Commissions, Councils, and Other Entities
SPONSOR(S): Council for Smarter Government & Representative(s) Brummer
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) STATE ADMINISTRATION YEAS 5 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT YEAS 11 NAYS 0
 - (3)
 - (4)
 - (5)
-

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 boards 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 board's public purpose, the duties of the board, and the type of board (regulatory, advisory, constituency, policy, or other); to identify the appropriations for the board, the staffing, and the accomplishments of the board; and, to make recommendations regarding whether to abolish, revise, or continue the board.

This information was compiled by the Department in a report entitled the "Boards and Commissions Review", January 2000. A number of the boards were repealed in the 2000 Legislative Session.

This council substitute abolishes many additional boards recommended for abolishment by the agencies as included in the above report. Some of the boards repealed in this council substitute are: the State Lottery Commission, the Capital Center Planning Commission, the Commission on Government Accountability to the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.

On March 6, 2001, the Committee on State Administration adopted several amendments, which were traveling with this bill. On March 13, 2001, the Council on Smarter Government adopted three amendments, and reported this bill out favorably as a council substitute. See the "Amendments or Committee Substitute Changes" section of this bill analysis for further details.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1998, shortly after the Florida general elections in November, Governor Bush assembled a transition team for the primary purpose of reviewing the advisory boards, councils, committees, and commissions (collectively referred to as "boards") currently operating in Florida. This transition team discovered that the Governor had the responsibility of appointing members to over 850 entities throughout the state, including boards.¹

Boards are generally created to study problems arising in a specified functional or program area of state government, and to provide recommendations and policy alternatives.² Because there was no comprehensive list of the boards in Florida, the transition team had to identify how many there were. Their research started with information provided by the Governor's Appointments Office, which is responsible for identifying and tracking gubernatorial appointments to the various boards. The Appointments Office had a list of 850 entities, which included not just boards but many constitutionally required appointments to offices, such as secretaries of departments or vacancies in constitutional offices and judgeships. The transition team discovered that a thorough review of the boards in Florida had not been done since 1991 when the Sunset Review Act was repealed.³

With the support of the Governor, the 1999 Legislature enacted Senate Bill 2280, Ch. 99-255, L.O.F., which required each department of the executive branch to survey⁴ each board or other similar entity under its jurisdiction and to recommend whether the board or entity should be abolished, continued, or revised. This information was to be provided to the Department of Management Services in the electronic format provided by the Department. The Department would then report the findings to the Governor and Legislature by December 1, 1999.

Additionally, each agency was asked to identify whether the boards or other 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 were also asked to provide the number of board

¹ Boards and Commissions Review, Department of Management Services (January 2000), at 8.

² *Id.*

³ *Id.*, at 9.

⁴ The questions for the agency surveys were developed by the Department, with input from the Governor's office, the Senate Committee on Governmental Oversight and Productivity, and the House Committee on Governmental Operations, now, the House Committee on State Administration.

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.

This information was compiled by the Department in a report entitled the "Boards and Commissions Review", January 2000. In the 2000 Legislative Session, some of the boards and other entities were repealed pursuant to the recommendations in the review. The remaining boards that were recommended for abolishment were considered by staff in compiling this bill.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis."

D. SECTION-BY-SECTION ANALYSIS:

Section 1:

Repeals ss. 24.103(3), and 24.106, F.S., regarding the State Lottery Commission.

Present Situation:

The Florida Lottery was established by the Legislature in 1987 [codified as Chapter 24, F.S.] in order to implement Article X, Section 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.⁵

⁵ *Id.* at 53.

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

Effect of Proposed Changes:

This council substitute repeals ss. 24.103(3), and 24.106, F.S., which establish the State Lottery Commission.

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 council substitute removes references to the above repealed State Lottery Commission.

Section 5:

Repeals s. 228.054, F.S., Joint Developmental Research School Planning, Articulation, and Evaluation Committee.

Present Situation:

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.⁶

Effect of Proposed Changes:

This council substitute repeals s. 228.054, F.S., which provides for the Joint Development Research School Planning, Articulation, and Evaluation Committee.

Section 6:

Amends s. 228.053(12), F.S., Developmental research schools.

This council 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.

⁶ *Id.* at 43.

Section 7:

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 underrepresentation; remedies.

Present Situation:

Section s. 228.2001(6), F.S.,⁷ 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, it has completed its duties, and it has not met since 1994.⁸ Its repeal is recommended by the Department of Education.

Effect of Proposed Changes:

This council substitute amends s. 228.2001(6), F.S., which provides for the Task Force on Gender Equity in Education.

Section 8:

Repeals s. 230.2305(7), and amends ss. 230.2305(2)(b), (3)(h) and (i), and (5), F.S., Prekindergarten early intervention program.

Present Situation:

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.

⁷ Created pursuant to s. 2, Ch. 93-202, L.O.F

⁸ Boards and Commissions Review, at 43.

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.⁹

Effect of Proposed Changes:

This council substitute repeals s. 230.2305(7), and amends ss. 230.2305(2)(b), (3)(h) and (i), and (5), F.S., which authorize the district interagency coordinating councils, removes references to district interagency coordinating councils. This council substitute provides that the annual reports of the prekindergarten early intervention program go to the Department of Education.

Sections 9, 10, 11, 12 and 13:

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 14:

Repeals s. 232.2466(3), F.S., regarding the college-ready diploma program.

Present Situation:

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.¹⁰

⁹ *Id.*

¹⁰ *Id.*

Effect of Proposed Changes:

This council substitute repeals s. 232.2466(3), F.S., which provides for the Task Force on College-Ready Diplomas.

Section 15:

Repeals s. 255.565, F.S., Asbestos Oversight Program Team.

Present Situation:

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 Department of Management Services.

The Asbestos Oversight Program Team is responsible for asbestos policy development; regulatory review; asbestos training course approval, except as provided for under Chapter 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.

Effect of Proposed Changes:

This council substitute repeals s. 255.565, F.S., which provides for the Asbestos Oversight Program Team.

Sections 16, 17, and 18:

Amends ss. 255.553, Survey required; 255.556, Asbestos assessment; and, 255.563, F.S., Rules; Department of Labor and Employment Security.

This council substitute removes references to the above repealed Asbestos Oversight Program Team.

Section 19:

Repeals s. 258.155, F.S., Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.

Present Situation:

Section 258.155, F.S. provides for the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council. The advisory council advises the Division of Recreation and Parks of the

Department of Environmental Protection in the operation, restoration, development, and preservation of the Judah P. Benjamin Memorial at Gamble Plantation Historical Site.

Effect of Proposed Changes:

This council substitute repeals s. 258.155, F.S., which provides for the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council. The Department of Environmental Protection recommends the repeal of this council because its duties are currently provided by a citizen's organization for the park.¹¹

Section 20:

Repeals ss. 272.12(2), (3), (4), (5), and (6), F.S., regarding the Capitol Center Planning District.

Present Situation:

The Capitol Center Planning Commission was created in the early 1970's¹² 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 Department of Management Services states that the commission has met its public purpose, and therefore should be repealed.¹³

Effect of Proposed Changes:

This council substitute repeals ss. 272.12(2), (3), (4), (5), and (6), F.S., which provide for the Capital Center Planning Commission.

Sections 21 and 22:

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 23:

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.

¹¹ Handout from the Department of Environmental Protection, March 12, 2001.

¹² ss. 2, 4, 5, Ch. 72-13, L.O.F.

¹³ Boards and Commissions Review, at 54.

Section 24:

Repeals s. 282.3095, F.S., Task Force on Privacy and Technology.

Present Situation:

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 which included: privacy issues; technology fraud; and, the sale of public records to private individuals and companies.¹⁴

This task force expires July 1, 2001. Its repeal is recommended by the Executive Office of the Governor.¹⁵

Effect of Proposed Changes:

This council substitute repeals s. 282.3095, F.S., which provides for the Task Force on Privacy and Technology.

Section 25:

Repeals s. 285.19, F.S., Creek Indian Council.

Present Situation:

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.¹⁶ The Executive Office of the Governor recommends that this council be repealed.

¹⁴ Executive Summary of Task Force Recommendations,

http://www.myflorida.com/myflorida/government/learn/pttf/documents/final_executive_summary.doc, February 27, 2001.

¹⁵ Boards and Commissions Review, at 46.

¹⁶ *Id.*

Effect of Proposed Changes:

This council substitute repeals s. 285.19, F.S., which provides for the establishment of the Creek Indian Council.

Section 26:

Repeals s. 286.30, F.S., Commission on Government Accountability to the People.

Present Situation:

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.¹⁷

The Department of Management Services states that the Legislature is no longer funding this commission, so it has become inactive.¹⁸ 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.

Effect of Proposed Changes:

This council substitute repeals s. 286.30, F.S., which provides for the Commission on Government Accountability to the People.

Section 27:

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

¹⁷ s. 286.30, F.S.

¹⁸ Boards and Commissions Review, at 54.

This council substitute removes references to the Commission on Government Accountability to the People.

Section 28:

Repeals s. 391.222, F.S., Cardiac Advisory Council.

Present Situation:

Section 391.222, F.S., provides that the secretary of the Department of Health may appoint a Children's Medical Services Cardiac Advisory Council for the purpose of acting as the advisory body to the Department of Health 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 Department of Health serve as a member or as an ex officio member of this advisory council. The Department of Health 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.¹⁹

The Department of Health recommends the repeal of this council and will absorb its functions.²⁰ This council currently receives no funding.

Effect of Proposed Changes:

This council substitute repeals s. 391.222, F.S., which establishes the Children's Medical Services Cardiac Advisory Council.

Section 29:

Amends ss. 402.40(4)(a) and (5), F.S., regarding child welfare training.

This council substitute removes references to the Child Welfare Training Council, which was repealed last year by s. 40, Ch. 2000-139, L.O.F.

Section 30:

Repeals s. 404.056(2), F.S., regarding the Florida Coordinating Council on Radon Protection.

Present Situation:

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.

¹⁹ *Id.* at 47.

²⁰ *Id.*

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

1. The Secretary of Community Affairs;
2. The Secretary of Health;
3. The Commissioner of Education or a representative;
4. 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;
5. 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; and 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;
6. One representative each from two recognized voluntary health agencies to be appointed by the Secretary of Health; and
7. One representative each from two public interest consumer groups to be appointed by the Secretary of Community Affairs.

s. 404.056(2)(b), F.S.

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.²¹

Effect of Proposed Changes:

This council substitute repeals s. 404.056(2), F.S., which establishes the Florida Coordinating Council on Radon Protection.

²¹ Proposed language from the Department of Health regarding the abolishment of boards and other entities, (December 2000).

Section 31:

Effective January 1, 2002, 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.

Present Situation:

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.²²

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 2000.²³ Its repeal is recommended by the Department of Labor and Employment Security.

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. This corporation was never created by the Special Disability Trust Fund Privatization Commission.

The repeal of this corporation is recommended by the Department of Labor and Employment Security.²⁴

²² Proposed language from the Department of Labor and Employment Security regarding the abolishment of boards and other entities, (February 2001).

²³ Boards and Commissions Review, at 51.

²⁴ Proposed language from the Department of Labor and Employment Security regarding the abolishment of boards and other entities, (February 2000).

Effect of Proposed Changes:

This council substitute, effective January 1, 2002, 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 council substitute, effective January 1, 2002, repeals s. 440.49(13), F.S., which creates the Special Disability Trust Fund Privatization Commission, and removes references to that commission.

This council substitute, effective January 1, 2002, 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 32:

Repeals s. 442.105, F.S., Toxic Substances Advisory Council; function; membership; meetings; recommendations.

Present Situation:

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. Its repeal is recommended by the Department of Labor and Employment Security.²⁵

Effect of Proposed Changes:

This council substitute repeals s. 442.105, F.S., which creates the Toxic Substances Advisory Council.

Section 33:

Repeals ss. 499.005(26), and 499.05(1)(c), F.S., regarding the Florida Drug Technical Review Panel.

Present Situation:

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 1997.²⁶

²⁵ *Id.*

²⁶ *Id.*

Effect of Proposed Changes:

This council substitute repeals ss. 499.005(26), and 499.05(1)(c), F.S., which contain references to the Florida Drug Technical Review Panel, which was repealed last year.

Section 34:

Amends s. 499.015(1)(b), F.S., regarding Registration of drugs, devices, and cosmetics; issuance of certificates of free sale.

This council substitute removes references to the Florida Drug Technical Review Panel.

Section 35:

Repeals s. 548.045, F.S., Medical advisory council; qualifications, compensation, powers and duties.

Present Situation:

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.²⁷ Repeal is recommended by the Department of Business and Professional Regulation.

Effect of Proposed Changes:

This council substitute repeals s. 548.045, F.S., which provides for the Medical Advisory Council for the State Athletic Commission.

Section 36:

Amends s. 548.046(2), F.S., Physician's attendance at match; examinations; cancellation of match.

This council substitute removes references to the Medical Advisory Council.

Section 37:

Repeals s. 580.151, F.S., Commercial Feed Technical Council.

Present Situation:

Section 580.151, F.S., provides for the Commercial Feed Technical Council, created pursuant to s. 14, Ch. 86-112, L.O.F. The Commercial Feed Technical Council is composed of 13 members

²⁷ *Id.* at 37.

appointed by the Commissioner of Agriculture of which there must be three representatives of commercial feed manufacturers; two representatives of the poultry industry; one representative from a dairy feed cooperative; one representative from the dairy industry, who purchases feed commercially; one representative of the beef industry; one representative of the horse industry; one representative of the swine industry; one representative of the aquaculture industry; one representative of the Institute of Food and Agricultural Sciences of the University of Florida; and one representative of the Department of Agriculture and Consumer Services, who shall serve as secretary of the council.²⁸

This council is an "advisory council" to the Department of Agriculture and Consumer Services as provided in s. 570.0705, F.S. The advisory councils under s. 570.0705, F.S., consider and study the entire field relating to their area of responsibility; consider all matters submitted to them by the commissioner or the division directors; submit proposed legislation and rules to the commissioner; advise and consult with the commissioner and the division directors of the department, regarding the promulgation, administration, and enforcement of all laws and rules relating to their area of responsibility; and, suggest policies and practices for the conduct of departmental business.

The work of the Commercial Feed Technical Council is now being performed by the private commercial feed industry. Its repeal is recommended by the Department of Agriculture and Consumer Services.²⁹

Effect of Proposed Changes:

This council substitute repeals s. 580.151, F.S., which provides for the Commercial Feed Technical Council.

Section 38:

Repeals s. 13 of Ch. 99-332, L.O.F, creating the Task Force on Home Health Services Licensure Provisions.

Present Situation:

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.³⁰

²⁸ *Id.*

²⁹ *Id.* at 34.

³⁰ *Id.* at 32.

Effect of Proposed Changes:

This council substitute abolishes the Task Force on Home Health Services Licensure Provisions.

Section 39:

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.

Present Situation:

The Information Service Technology Development Task Force was created in the Department of Management Services 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.³¹ 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. Its repeal is recommended by the Department of Management Services.³²

Effect of Proposed Changes:

This council substitute abolishes the Information Service Technology Development Task Force.

Section 40:

Repeals s. 6 of Ch. 99-393, L.O.F., creating the Advisory Council on the Submission and Payment of Claims.

Present Situation:

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.³³

³¹ Updated comments from the Department of Management Services regarding abolishments, February 2001.

³² *Id.*

³³ Boards and Commissions Review, at 33.

Effect of Proposed Changes:

This council substitute abolishes the Advisory Council on the Submission and Payment of Claims.

Section 41:

Repeals s. 192 of Ch. 99-397, L.O.F., creating the Public Medical Assistance Trust Fund Advisory Council.

Present Situation:

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.³⁴

Effect of Proposed Changes:

This council substitute abolishes the Public Medical Assistance Trust Fund Advisory Council.

Section 42:

Abolishes the Diversity Council and the State Customer Advisory Council created under the Department of Labor and Employment Security.

Present Situation:

The Diversity Council was established by former Secretary Jameson of the Department of Labor and Employment Security for department employees to assure that certain diversity activities were carried out in the department.³⁵ 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.³⁶

The State Customer Advisory Council was also established by former Secretary Jameson. 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.³⁷

³⁴ *Id.*

³⁵ *Id.* at 51.

³⁶ *Id.*

³⁷ *Id.*

Effect of Proposed Changes:

This council substitute abolishes the Diversity Council and the State Customer Advisory Council created under the Department of Labor and Employment Security.

Section 43:

Abolishes the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services.

Present Situation:

The State Agency Law Enforcement Radio System Review Panel was created pursuant to Ch. 2000-369, L.O.F., under the Department of Management Services. This panel was created to review and evaluate a proposal by the Department of Management Services 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. Its repeal is recommended by the Department of Management Services.³⁸

Effect of Proposed Changes:

This council substitute abolishes the State Agency Law Enforcement Radio System Review Panel.

Section 44:

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.

Present Situation:

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 Department of Highway Safety and Motor Vehicles.³⁹

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.⁴⁰

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.⁴¹ The Department states that this planning function has been completed and the advisory council is no longer necessary.⁴²

³⁸ Updated comments from the Department of Management Services regarding abolishments, February 2001, at 3.

³⁹ Boards and Commissions Review, at 48.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

Effect of Proposed Changes:

This council substitute abolishes the Driver's Under the Influence Advisory Council, and the Florida Rider Training Program Citizen Motorcycle Safety Council.

Section 45:

Abolishes the following councils under the Department of Agriculture and Consumer Services:

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
Immokalee 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
Pompano Beach Farmers Market Authority
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

Present Situation:

The Farmers Market Advisory Councils were established to provide information to the Department of Agriculture and Consumer Services 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 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.⁴³

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 by the Department during the Plant Industry Technical Council annual meetings.⁴⁴

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.⁴⁵

⁴³ *Id.*

⁴⁴ *Id.* The Plant Industry Technical Council is created in s. 570.34, F.S. It meets annually to discuss problems or issues concerning plant industries. Telephone conversation with staff from the Division of Plant Industry, Department of Agriculture and Consumer Services (March 2, 2001).

⁴⁵ *Id.*

The Department of Agriculture and Consumer Services has recommended the abolishment of the above entities.⁴⁶

Effect of Proposed Changes:

This council substitute abolishes the above councils and entities under the Department of Agriculture and Consumer Services.

Section 46:

Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

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

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This council substitute does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

⁴⁶ *Id.* at 34.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This council substitute does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This council substitute does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 6, 2001, the Committee on State Administration heard this bill and adopted 8 amendments.

- Amendment #1 removes the "Agricultural Economic Development Project Review Committee" from the bill.
- Amendment #2 was replaced by substitute amendment #2a which removes the "Agriculture and Livestock Fair Council" and the "Racing Quarter Horse Advisory Council" from the bill, and adds the "Pompano Beach Farmers Market Authority" to the bill for repeal.
- Amendment #3 removes the "Workers' Compensation Oversight Board" from the bill.
- Amendment #4 removes the "Florida Business Partners for Prevention" from the bill.
- Amendment #5 removes the "State Council on Competitive Government" from the bill.
- Amendment #6 changes the effective date of the bill to add "Except as otherwise provided herein" to allow for different effective dates within the bill.
- Amendment #7 changes the effective date of the section repealing the "Special Disability Trust Fund Privatization Commission" and the "Special Disability Trust Fund Financing Corporation" from June 30, 2001, to January 1, 2002.
- Amendment #8 removes the "State Retirement Commission" from the bill.

These amendments are traveling with the bill. This bill, as amended, was reported favorably.

On March 13, 2001, the Council for Smarter Government heard HB 501, and adopted three amendments.

- Amendment #1 removes the repeal of the removes the repeal of the A.G. Holley Advisory Board from the bill. The American Lung Association and the A.G. Holley Hospital recommended the retention of this board.
- Amendment #2 abolishes the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council. The Department of Environmental Protection recommended the abolishment of this council.
- Amendment #3 removes the Department of Elderly Affairs Advisory Council from the bill. The Department of Elderly Affairs recommended the retention of this council.

The bill was reported out favorably as council substitute, with all of the above amendments engrossed.

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Jennifer D. Krell, J.D.

Staff Director:

J. Marleen Ahearn, Ph.D., J.D.

AS REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

Jennifer D. Krell, J.D.

Council Director:

Don Rubottom