

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1636

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Baxley

SUBJECT: Repeal of Advisory Bodies and Councils

DATE: February 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Toman</u>	<u>Ryon</u>	<u>CA</u>	<u>Favorable</u>
3.	<u>McVaney</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1636 abolishes specific advisory bodies and programs that are no longer active, necessary, or beneficial to the furtherance of a public purpose. Specifically, this bill abolishes the following entities and the statutory references relating to:

- Citrus/Hernando Waterways Restoration Council;
- My Safe Florida Home Program Advisory Council;
- Ad hoc committee for the Great Floridian Program within the Department of State;
- Geneva Freshwater Lens Task Force;
- Brownfield Areas Loan Guarantee Council;
- Nonmandatory Land Reclamation Committee;
- Sturgeon Production Working Group;
- Trap Certificate Technical Advisory Appeals Board;
- Clean Fuel Florida Advisory Board;
- Technical advisory council for water and domestic wastewater operator certification;
- Technical advisory panels for Florida Health Choices, Inc.;
- Technical advisory panel relating to result-oriented accountability program within the Department of Children and Families;
- Learning Gateway steering committee;
- Department of Elderly Affairs Advisory Council;
- Florida Agricultural Promotion Campaign Advisory Council;
- Healthy Schools for Healthy Lives Council;

- Tropical Fruit Advisory Council;
- Board of Governors Advisory board relating to online baccalaureate degree programs; and
- Florida Early Learning Advisory Council.

The bill takes effect July 1, 2020.

II. Present Situation:

Advisory Bodies, Commissions, and Boards

Under the organizational structure of the executive branch of state government, a “council” or “advisory council” is

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.¹

An advisory body, commission, board of trustees, or any other collegial body created by specific statutory authority as an adjunct to an executive agency must be established, evaluated, and maintained in accordance with the following provisions:²

- It may be created only when it is necessary and beneficial to the furtherance of a public purpose;
- It must be terminated when it is no longer necessary and beneficial to the furtherance of a public purpose;
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies, commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies; and
- It must meet a statutorily defined purpose and its power must conform to the definitions for governmental units.

Because these advisory bodies are codified in statute, the Legislature must take an affirmative action to abolish the advisory bodies.

Citrus/Hernando Waterways Restoration Council

The Citrus/Hernando Waterways Restoration Council was established, in 2003, in response to regional concerns for the health of Citrus and Hernando county waterways.³ It is the council’s responsibility to review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, evaluate whether additional studies are needed, explore all possible sources of funding to conduct restoration activities, and report to the Legislature on the progress made and any recommendations for the next fiscal year. The council last submitted an annual report in 2015.

¹ Section 20.03(6), F.S.

² Section 20.052, F.S.

³ Ch. 2003-28, Laws of Fla. In 2006, the Legislature expanded the council’s responsibilities to include all of the waterways in Citrus and Hernando Counties. Ch. 2006-43, Laws of Fla.

In 2014, the Southwest Florida Water Management District formed its Springs Coast Steering Committee, which performs the same work as the council.

My Safe Florida Home Program Advisory Council

The My Safe Florida Home Program is established within the Department of Financial Services (DFS) to develop and implement a comprehensive and coordinated approach for hurricane damage mitigation. The program provides trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties. It also provides grants to eligible applicants as funding allows.

In 2006, the My Safe Florida Home Program Advisory Council was established to advise DFS in its administration of the program.⁴ The program, after fulfilling its purpose, ceased operations in 2008. As such, the council has not been utilized.

The Great Floridian Program

The Great Floridian Program is a program administered under the Division of Historical Resources within the Department of State to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of this state.⁵ Annually, the division must convene an ad hoc committee to nominate not fewer than two persons whose names must be submitted to the Secretary of State with the recommendation that they be honored with the designation “Great Floridian.”⁶

The last time Great Floridian recognitions were made was in 2013. In addition, a 2008 sunset review report by the Office of Program Policy Analysis and Government Accountability recommended abolishing the committee.⁷

Geneva Freshwater Lens Task Force

The Geneva Freshwater Lens Task Force was created in 1993 to provide a means by which representatives from state agencies, local government, water management districts, environmental organizations, industry, and the public at large could evaluate the management needs of the Geneva Freshwater Lens for the proper protection of the public interest and to recommend actions for addressing any deficiencies discovered.⁸ The task force was directed to present a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 1993, which evaluated the adequacy of current planning, regulatory, and other programs and made recommendations for future management of the Geneva Freshwater Lens.⁹

⁴ Section 215.5586(4), F.S.

⁵ Section 267.0731, F.S.

⁶ *Id.*

⁷ The Florida Legislature Sunset Review: Office of Program Policy Analysis and Government Accountability, *Department of State Advisory Committees Assessment*, 7 (Dec. 2008), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/08-S12.pdf> (last visited Feb.12, 2020).

⁸ Ch. 93-273, Laws of Fla.

⁹ *Id.*

The task force submitted its report and in 1995, the Legislature directed the appropriate state agencies to implement the recommendations of the Geneva Freshwater Lens Task Force.¹⁰

Brownfield Areas Loan Guarantee Council

The Brownfield Areas Loan Guarantee Council was established in 1998 to support the Brownfield Areas Loan Guarantee Program, which provides tax credits for rehabilitation of brownfield sites in designated brownfield areas. The term “brownfield sites” means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.¹¹ The term “brownfield area” means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Brownfield areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.¹²

The Brownfield Areas Loan Guarantee Council reviews certain partnership agreements with local governments, financial institutions, and other entities associated with the redevelopment of brownfields for limited guarantees of loans or loss reserves.¹³ By 2006, the loan guarantee provisions had been used only once. As such, the council does not appear to be active.

Nonmandatory Land Reclamation Committee

The Nonmandatory Land Reclamation Committee was created within the Department of Environmental Protection (DEP) to advise the department on nonmandatory land reclamation and recommend approval, modification, or denial of reclamation grant applications submitted by landowners for lands disturbed by phosphate mining prior to July 1, 1975.¹⁴ According to DEP’s website, all projects for nonmandatory land reclamation have been identified and selected.¹⁵ No new applicants are being accepted as the funding program will end when the last of the projects are funded and released. As such, the committee appears to be inactive.

Sturgeon Production Working Group

The Sturgeon Production Working Group was created within the Department of Agriculture and Consumer Services (DACS) to coordinate the implementation of a state sturgeon production management plan to promote the commercial production and stock enhancement of sturgeon in the state.¹⁶ The group has not met since 2009.

¹⁰ Ch. 95-377, Laws of Fla.; codified at section 373.4597(3), F.S.

¹¹ Section 376.79(4), F.S.

¹² Section 376.79(5), F.S.

¹³ Section 376.86, F.S.

¹⁴ Section 378.033, F.S. *See also* Nonmandatory Land Reclamation Program, DEP website, *available at* <https://floridadep.gov/water/mine-restoration-funding-program> (last visited Feb. 12, 2020).

¹⁵ Nonmandatory Land Reclamation Program, DEP website, *available at* <https://floridadep.gov/water/mine-restoration-funding-program> (last visited Feb. 12, 2020).

¹⁶ Section 379.2524, F.S.

Trap Certificate Technical Advisory and Appeals Board

The Trap Certificate Technical Advisory and Appeals Board was established to consider and advise the Florida Fish and Wildlife Conservation Commission (FWC) on disputes and other problems arising from the implementation of the spiny lobster trap certificate program.¹⁷ Current law provides that, beginning July 1, 1994, the board will no longer consider and advise FWC on disputes and other problems arising from implementation of the trap certificate program or allotment of certificates.¹⁸ As such, the board no longer appears to be active or necessary.

Clean Fuel Florida Advisory Board

The Clean Fuel Florida Advisory Board was established within DEP to serve as a resource to the department and to provide the Governor, the Legislature, and the Secretary of DEP with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.¹⁹ Current law provides for termination of the board five years after the effective date of s. 403.42, F.S.²⁰ The board appears to have terminated in 2006.

Technical Advisory Council, Water and Domestic Wastewater Operator Certification

The Technical Advisory Council for Water and Domestic Wastewater Operator Certification was established in 1997 to advise DEP regarding the operator certification program and provide expertise on water and wastewater treatment.²¹ The council does not appear to be active. In addition, DEP has a separate water and domestic wastewater operator certification program and likely does not need an advisory council.

Florida Health Choices Corporation

The Florida Health Choices Corporation (corporation) was established in 2008 to create an online market for diverse health care coverage products, particularly for small businesses, as an Internal Revenue Code s. 125 cafeteria plan using pre-tax dollars.²² The corporation is governed by a 15-member board of directors made up of members appointed by the Speaker, President, and Governor, as well as state agency ex-officio members.²³ The board of directors may establish technical advisory panels consisting of interested parties, including consumers, health care providers, individuals with expertise in insurance regulation, and insurers.²⁴ The last appropriation of funding for the corporation was vetoed in 2017. As such, the corporation does not appear to be active and the authority to establish advisory panels no longer appears to be necessary.

Technical Advisory Panel, Child Welfare Results-Oriented Accountability Program

The child welfare results-oriented accountability program monitors and measures the use of resources, the quality and amount of services provided, and child and family outcomes in

¹⁷ Section 379.3671, F.S.

¹⁸ Section 379.3671(4)(i), F.S.

¹⁹ Section 403.42(3), F.S.

²⁰ Section 403.42(3)(b)7., F.S.

²¹ Section 403.87, F.S.

²² See section 408.910, F.S.

²³ Section 408.910(11)(a), F.S.

²⁴ Section 408.910(11)(h), F.S.

Florida's child welfare system.²⁵ Current law requires the Department of Children and Families (DCF) to establish a technical advisory panel to advise DCF on the implementation of the results-oriented accountability program.²⁶ It appears DCF is no longer using this technical advisory panel for advice on implementing the program.

Learning Gateway Steering Committee

In 2002, the Legislature authorized a three-year demonstration program called the Learning Gateway. The purpose of Learning Gateway is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9.²⁷

The Learning Gateway Steering Committee was established within the Department of Education to provide policy development, consultation, oversight, and support for the implementation of the Learning Gateway Programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.²⁸ No appointments have been made to the steering committee since the original three-year term appointments, and the steering committee was marked as inactive in 2014.

Department of Elderly Affairs Advisory Council

The Department of Elderly Affairs Advisory Council was established within the Department of Elderly Affairs to serve in an advisory capacity to the Secretary of Elderly Affairs and to assist the secretary in carrying out the purpose, duties, and responsibilities of the department.²⁹ The advisory council is not required to submit any reports and only appears to serve as an advisor to the secretary, who may create an ad hoc group to advise him or her at any time. As such, the establishment of the advisory council in statute appears unnecessary.

Florida Agricultural Promotional Campaign Advisory Council

The Florida Agricultural Promotional Campaign Advisory Council is created within DACS³⁰ to review and make recommendations to the Commissioner of Agriculture regarding the Florida Agricultural Promotion Campaign.³¹ The council does not appear to be active as the last noticed meeting was in 2013.

Healthy Schools for Healthy Lives Council

The Healthy Schools for Healthy Lives Council is created within DACS to advise the department on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.³² The council does not appear to be active.

²⁵ Section 409.997(2), F.S.

²⁶ Section 409.997(3), F.S.

²⁷ Section 411.226(1), F.S.

²⁸ Section 411.226(2), F.S.

²⁹ Section 430.05, F.S.

³⁰ Section 571.28(1), F.S.

³¹ Section 571.28, F.S.

³² Section 595.701(1), F.S.

Tropical Fruit Advisory Council

Current law creates the Tropical Fruit Advisory Council within DACS to provide necessary assistance, review, and recommendations to the Commissioner of Agriculture for drafting a South Florida Tropical Fruit Plan.³³ However, the council does not appear to be active.

Advisory Board, Preeminent State Research University Institute for Online Learning

Current law establishes a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Governor and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System.³⁴

The preeminent state research universities program requires each state research university that meets all 12 academic and research excellence standards, as verified by the BOG, to establish an institute for online learning.

In 2013, the BOG was required to convene an advisory body to support the development of high-quality, fully online baccalaureate degree programs; advise the BOG on the release of funding to the university; and monitor, evaluate, and report on the implementation of the plan to the BOG, the Governor, the President of the Senate, and the Speaker of the House of Representatives.³⁵ The advisory board for the preeminent state research university institute for online learning has completed its statutory duties.

Florida Early Learning Advisory Council

The Florida Early Learning Advisory Council was created within the Agency for Workforce Innovation in 2004³⁶ and was moved within the Office of Early Learning in 2011.³⁷ The Office of Early Learning provides staff and administrative support for the council.³⁸

The Florida Early Learning Advisory Council is tasked with periodically analyzing and providing recommendations to the Office of Early Learning on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of early learning coalition plans.³⁹ However, the advisory council does not appear to be active.

³³ Section 603.203, F.S.

³⁴ Section 1001.7065(1), F.S.

³⁵ Section 1001.7065(4), F.S.

³⁶ Section 1, ch. 2004-484, Laws of Fla.; codified at section 1002.77, F.S.

³⁷ Section 457, ch. 2011-142, Laws of Fla.

³⁸ Section 1002.77(5), F.S.

³⁹ Section 1002.77, F.S.

III. Effect of Proposed Changes:

Section 1 repeals chapters 2003-287 and 2006-43, L.O.F., relating to the membership, powers, and duties of the Citrus/Hernando Waterways Restoration Council.

Section 2 repeals s. 215.5586(4), F.S., relating to the advisory council for the My Safe Florida Home Program.

Section 3 amends s. 267.0731, F.S., to delete a requirement that the Division of Historical Resources of the Department of State convene an ad hoc committee to make recommendations for the Great Floridians Program.

Section 4 repeals s. 373.4597(3), F.S., relating to implementation of recommendations of the Geneva Freshwater Lens Task Force.

Section 5 repeals s. 376.86, F.S., to abolish the Brownfield Areas Loan Guarantee Council.

Section 6 repeals s. 378.032(3), F.S., to delete a definition referring to the Nonmandatory Land Reclamation Committee, which is abolished in section 10 of the bill.

Section 7 repeals s. 378.033, F.S., to abolish the Nonmandatory Land Reclamation Committee.

Section 8 amends s. 378.034, F.S., to modify the procedures governing reclamation program applications to conform to the abolition of the Nonmandatory Land Reclamation Committee by shifting duties of the committee to the either the Secretary of the Department of Environmental Protection or the department staff.

Section 9 repeals s. 379.2524, F.S., to abolish to the Sturgeon Production Working Group.

Section 10 amends s. 379.361, F.S., to delete cross-references to conform to the abolition of the Sturgeon Production Working Group.

Section 11 amends s. 379.367, F.S., to conform a cross-reference.

Section 12 repeals s. 379.3671(4), F.S., to abolish the Trap Certificate Technical Advisory and Appeals Board.

Section 13 repeals s. 403.42, F.S., to abolish the Clean Fuel Florida Advisory Board.

Section 14 repeals s. 403.87, F.S., to abolish the technical advisory council for water and domestic wastewater operator certification.

Section 15 repeals s. 408.910(11)(h), F.S., to delete statutory authority granted to the Florida Health Choices, Inc., to appoint technical advisory panels.

Section 16 repeals s. 409.997(3), F.S., to delete statutory authority granted to the Department of Children and Families to establish a technical advisory panel relating to the results-oriented accountability program.

Section 17 repeals s. 411.226, F.S., to delete the statutorily-defined goals of the Learning Gateway, to abolish the Learning Gateway steering committee, and to delete the statutory authority for the steering committee to approve demonstration projects.

Section 18 repeals s. 430.05, F.S., to abolish the Department of Elderly Affairs Advisory Council.

Section 19 repeals s. 571.24(7), F.S., to delete a duty of DACS relating to the Florida Agricultural Promotional Campaign Advisory Council, which is abolished by section 20 of this bill.

Section 20 repeals s. 571.28, F.S., to abolish the Florida Agricultural Promotional Campaign Advisory Council.

Section 21 repeals s. 595.701, F.S., to abolish the Healthy Schools for Healthy Lives Council.

Section 22 repeals s. 603.203, F.S., to abolish the Tropical Fruit Advisory Council.

Section 23 amends s. 603.204, F.S., to delete a reference to the Tropical Fruit Advisory Council, which is abolished by section 22 of the bill.

Section 24 repeals s. 1001.7065(4)(a)–(f), F.S., to delete statutory authority granted to the Board of Governors to convene an advisory board relating to online baccalaureate degree programs.

Section 25 repeals s. 1002.77, F.S., to abolish the Florida Early Learning Advisory Council.

Section 26 amends s. 1002.83, F.S., to delete a reference to the Early Learning Advisory Council, which is abolished by section 25 of the bill.

Section 27 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 215.5586, 267.0731, 373.4597, 378.032, 378.034, 379.361, 379.367, 379.3671, 408.910, 409.997, 571.24, 603.204, 1001.7065, and 1002.83.

This bill repeals the following sections of the Florida Statutes: 376.86, 378.033, 379.2524, 403.42, 403.87, 411.226, 430.05, 571.28, 595.701, 603.203, and 1002.77.

This bill repeals the following chapters of the Laws of Florida: 2003-287 and 2006-43.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on February 10, 2020:
The CS deletes language abolishing the Florida Film and Entertainment Advisory Council and the Florida Young Farmer and Rancher Advisory Council.

- B. **Amendments:**

None.