

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: SB 276

INTRODUCER: Senator Avila

SUBJECT: Review of Advisory Bodies

DATE: December 12, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Limonos-Borja</u>	<u>Twogood</u>	<u>RC</u>	<u>Pre-meeting</u>

I. Summary:

SB 276 requires each executive agency with an adjunct advisory body to annually upload a report by August 15 to the Florida Fiscal Portal website maintained by the Executive Office of the Governor. The report must identify the statutory authority for the advisory body, the purpose or objective of the advisory body, the information regarding the advisory body’s membership, a list of the meeting dates and times for the preceding three fiscal years, a summary of the work plan for the current fiscal year and next two fiscal years, the amount of funds appropriated and staff time used each fiscal year, and a recommendation by the agency on whether to continue, terminate, or modify each advisory body.

The bill requires any law that creates or authorizes the creation of an advisory body to include a sunset review process wherein the advisory body’s authority would repeal on October 2 of the third year after its enactment, unless saved from repeal through reenactment by the Legislature.

The bill is not expected to impact state and local revenues and expenditures.

The bill takes effect July 1, 2024.

II. Present Situation:

Executive Branch Entities

Chapter 20, F.S., authorizes the creation of different entities within the executive branch to assist agencies in performing their duties more efficiently and effectively. These entities include commissions, committees or task forces, coordinating councils, and advisory councils. These entities are statutorily defined:

- “Commission,” unless otherwise required by the State Constitution, means 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.¹

- “Committee” or “task force” means 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.²
- “Coordinating Council” means 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.³
- “Council” or “advisory council” means 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.⁴

Agency Advisory Bodies and Related Entities

Each executive agency advisory body, commission, board of trustees, or any other collegial body created as an adjunct to the agency, must be established, evaluated, or maintained in accordance with the following provisions:⁵

- Must be necessary and beneficial to the furtherance of a public purpose.⁶
- Must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose. The executive agency to which it is made an adjunct, must advise the Legislature when it ceases to be essential to the furtherance of a public purpose.⁷
- 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.⁸
- Its members are appointed to 4-year staggered terms, unless expressly provided otherwise in the State Constitution.⁹
- Its members serve without additional compensation or honorarium and are only authorized to receive per diem and reimbursement for travel expenses, unless expressly provided otherwise by specific statutory enactment.¹⁰
- Members of an entity, other than a commission or board of trustees, must be appointed by the Governor, a department head, an executive director, or a Cabinet officer.¹¹

¹ Section 20.03(4), F.S.

² Section 20.03(5), F.S.

³ Section 20.03(6), F.S.

⁴ Section 20.03(7), F.S.

⁵ Section 20.052, F.S.

⁶ Section 20.052(1), F.S.

⁷ Section 20.052(2), F.S.

⁸ Section 20.052(3), F.S.

⁹ Section 20.052(4)(c), F.S.

¹⁰ Section 20.052(4)(d), F.S.

¹¹ Section 20.052(5)(a), F.S.

- Members of a commission or board of trustees must be appointed by the Governor unless otherwise provided by law, confirmed by the Senate, and are subject to the dual-office-holding prohibition of s. 5(a), Art. II of the State Constitution.¹²
- All meetings and records of the entity are public, unless an exemption is specifically provided by law.¹³

Citizen Support and Direct-Support Organizations

In 2014, the Legislature created s. 20.058, F.S., which established a comprehensive set of transparency and reporting requirements for Citizen Support Organizations (CSOs) and Direct-Support Organizations (DSOs).¹⁴ Specifically, the law requires CSOs and DSOs to annually submit the following information to the appropriate agency by August 1 of each year:¹⁵

- The name, mailing address, telephone number, and website address of the organization;¹⁶
- The statutory authority or executive order that created the organization;¹⁷
- A brief description of the mission of, and results obtained by, the organization;¹⁸
- A brief description of the organization's plans for the next three fiscal years;¹⁹
- A copy of the organization's ethics code;²⁰
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990;²¹ and
- An attestation, under penalty of perjury, stating that the organization has complied with subsection (4).²²

By August 15 of each year, each agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by each CSO and DSO.²³ The agencies must also make such information available to the public through their websites.²⁴

Transparency Florida Act

Section 215.985, F.S., is referred to as the Transparency Florida Act (the Act). The Act mandates the Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, to establish and maintain a single website that provides access to all other websites required under s. 215.985, F.S. This website must:

- Be constructed for usability and provide an intuitive user experience;
- Provide a consistent visual design, interaction or navigation design and information or data presentation;

¹² Section 20.052(5)(b), F.S.

¹³ Section 20.052(5)(c), F.S.

¹⁴ Ch. 2014-96, Laws of Fla.

¹⁵ Section 20.058(1), F.S.

¹⁶ Section 20.058(1)(a), F.S.

¹⁷ Section 20.058(1)(b), F.S.

¹⁸ Section 20.058(1)(c), F.S.

¹⁹ Section 20.058(1)(d), F.S.

²⁰ Section 20.058(1)(e), F.S.

²¹ Section 20.058(1)(f), F.S.

²² Section 20.058(1)(g), F.S.

²³ Section 20.058(3), F.S.

²⁴ Section 20.058(2), F.S.

- Be deployed in compliance with the Americans with Disabilities Act; and
- Be compatible with all major web browsers.

The outcome of this requirement has been the single webpage known as “Transparency Florida,”²⁵ an initiative to ensure accountability in how the state spends its money. The Transparency Florida website allows Florida citizens to view state budgets, payments, and contracts in order to hold state government accountable. The website provides links to:

- Florida Accountability Contract Tracking System (FACTS);
- Local Government Financial Reporting;
- State Payments;
- State Financial Reports;
- State Employee Data;
- State Contract Audits;
- State Economic Incentives Program; and
- State Financial Reports.

Florida Fiscal Portal

The Florida Fiscal Portal houses a collection of documents related to the fiscal status of the State of Florida. Some of the documents included are Agency Legislative Budget Requests, Governor’s Budget Recommendations, and the House and Senate Appropriations Bills. The documents are searchable through fiscal year, agency, documents or specific words or phrases.²⁶

III. Effect of Proposed Changes:

Section 1 amends s. 20.052, F.S., to require each executive agency with an adjunct advisory body to annually upload a report by August 15 to the Florida Fiscal Portal. The report must include the following information:

- The statutory authority pursuant to which each advisory body is created.
- A brief description of the purpose or objective of each advisory body.
- A list indicating the membership of the advisory body, the appointing authority for each member position, whether the member positions are filled or vacant, the term of each member position, and if vacant, when the vacancy occurred.
- A list of the meeting dates and times of each advisory body for the preceding three fiscal years.
- A brief summary of the work plan for each advisory body for the current fiscal year and the next two fiscal years.
- The amount of appropriated funds and staff time used in each fiscal year to support each advisory body.
- A recommendation by the agency, with supporting rationale, to continue, terminate, or modify each advisory body.

²⁵ Department of Financial Services, *Transparency Florida*, <https://www.myfloridacfo.com/Transparency/> (last visited Dec. 5, 2023).

²⁶ Florida Fiscal Portal, *Welcome to Florida Fiscal Portal*, <http://floridafiscalportal.state.fl.us/> (last visited Dec. 5, 2023).

The new reporting requirements apply to councils, advisory councils, committees, and task forces as defined in section 20.052, F.S.

Section 1 requires any law creating or authorizing the creation of an advisory body to include the repeal of the advisory body on October 2 of the third year after enactment. The Legislature may save the advisory body from repeal by reenactment of its authority before the third year repeal.

Section 2 provides that the bill will take effect on July 1, 2024.

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:

To implement the bill, the Executive Office of the Governor may incur costs to modify its website to include the reports required by the bill. However, these costs are expected to be absorbed within current resources of the Office.

Executive branch agencies with adjunct advisory commissions may incur additional workload meeting the reporting requirements of this bill; however, such workload should be absorbed within the current resources of each agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 20.052 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.