

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1211 Review of Advisory Bodies

SPONSOR(S): Botana

TIED BILLS: IDEN./SIM. BILLS: SB 276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Constitutional Rights, Rule of Law & Government Operations Subcommittee	14 Y, 0 N	Poreda	Miller
2) State Affairs Committee		Poreda	Williamson

SUMMARY ANALYSIS

The executive branch executes the programs and policies adopted in law and makes policy recommendations to the Legislature. Current law authorizes the creation of different entities within the executive branch to assist agencies and departments in performing their duties more efficiently and effectively. These entities include commissions, committees, task forces, coordinating councils, and advisory councils.

The Transparency Florida Act (Act) mandates the Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, establish and maintain a single website that provides access to all other websites required by the Act. The website has external links to Transparency Florida (state finances and state budget), Florida Has a Right to Know, Florida Accountability Contract Tracking System, Florida Fiscal Portal, and Florida Government Program Summaries. These websites allow people to view state budgets, payments, contracts, budget requests and recommendations, appropriation bills, and many other fiscal documents, files and information.

The bill requires each executive agency that has 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 include the advisory body’s statutory authority, purpose or objective, membership, meeting dates and times for the preceding three fiscal years (FYs), a work plan summary for the current and next two FYs, the amount of funds appropriated and staff time used each FY, and a recommendation by the agency on whether to continue, terminate, or modify the advisory body.

The bill 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, unless reviewed and saved from repeal by the Legislature.

The bill does not appear to have a fiscal impact on local governments, but state government may incur additional workload and costs meeting the new reporting requirements of this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Executive Branch Entities

The executive branch executes the programs and policies adopted in law and makes policy recommendations to the Legislature. The agencies composing the executive branch must be consolidated into no more than 25 departments, exclusive of those specifically provided for or authorized in the State Constitution.¹ Each executive branch department or entity is administered by a specific officer or board.²

Current law authorizes the creation of different entities within the executive branch to help agencies perform their duties more efficiently and effectively.³ These entities include commissions,⁴ committees, task forces,⁵ coordinating councils,⁶ and advisory councils.⁷ Such entities created as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with the following provisions:

- The entity must be created only when found necessary and beneficial to the furtherance of a public purpose and must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of such purpose.
- The entity must keep the Legislature and the public informed of its numbers, purposes, memberships, activities, and expenses.
- Unless specifically provided for by the Florida Constitution, the members of the entity are appointed to four-year staggered terms.
- Its members serve without additional compensation or honorarium, other than per diem and reimbursement for travel expenses, unless expressly provided otherwise by statute.
- Private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of the department, the executive director of the department, or a Cabinet officer. Private citizen members of a commission or board of trustees must also be confirmed by the Senate and are subject to the dual-office-holding prohibition.
- All meetings and records of the entity are public, unless an exemption is specifically provided by law.⁸

¹ Art. IV, s. 6, FLA. CONST.; s. 20.02, F.S.

² Art. IV, ss. 1(a) and 6, FLA. CONST.; s. 20.02(3), F.S.

³ S. 20.052, F.S.

⁴ Section 20.03(4), F.S., defines “commission” to mean, unless otherwise required by the State Constitution, a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor.

⁵ Section 20.03(5), F.S., defines “committee” or “task force” to mean an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three 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.

⁶ Section 20.03(6), F.S., defines “coordinating council” to mean 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.

⁷ Section 20.03(7), F.S., defines “council” or “advisory council” to mean 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.

⁸ S. 20.052, F.S.

Transparency Florida Act

The Transparency Florida Act (Act)⁹ mandates the Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, establish and maintain a single website that provides access to all other websites required by the Act.¹⁰ This website must:

- Be constructed for usability that, to the extent possible, provides an intuitive user experience.
- Provide a consistent visual design, interaction or navigation design, and information or data presentation.
- Be deployed in compliance with the Americans with Disabilities Act.
- Be compatible with all major web browsers.¹¹

The website, which is known as “Florida Sunshine,”¹² has external links to:

- Transparency Florida (State Finances).¹³
- Transparency Florida (State Budget).¹⁴
- Florida Has a Right to Know.¹⁵
- Florida Accountability Contract Tracking System.¹⁶
- Florida Fiscal Portal.¹⁷
- Florida Government Program Summaries.¹⁸

These websites allow people to view state budgets, payments, contracts, budget requests and recommendations, appropriation bills, and many other fiscal documents, files and information.

Effect of the Bill

The bill requires each executive agency that has 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.¹⁹ 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 each 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 (FYs).
- A brief summary of the work plan for each advisory body for the current FY and the next two FYs.

⁹ Codified at s. 215.985, F.S.

¹⁰ S. 215.985(5), F.S.

¹¹ S. 215.985(3), F.S.

¹² Executive Office of the Governor, *Florida Sunshine*, available at <http://www.floridasunshine.gov/> (last visited January 10, 2024)

¹³ Florida Department of Financial Services, *Transparency*, available at <https://www.myfloridacfo.com/transparency/> (last visited January 10, 2024)

¹⁴ Executive Office of the Governor, *Transparency Florida*, available at <http://www.transparencyflorida.gov/> (last visited January 10, 2024)

¹⁵ Department of Management Services, *Florida Has a Right to Know*, available at <https://www.floridahasarithtoknow.myflorida.com/> (last visited January 10, 2024)

¹⁶ Florida Department of Financial Services, *Florida Accountability Contract Tracking System*, available at <https://facts.fldfs.com/Search/ContractSearch.aspx> (last visited January 10, 2024)

¹⁷ Executive Office of the Governor, *Florida Fiscal Portal*, available at <http://floridafiscalportal.state.fl.us/> (last visited January 10, 2024)

¹⁸ The Office of Program Policy Analysis and Government Accountability, *OPPAGA*, available at <https://oppaga.fl.gov/> (last visited January 10, 2024)

¹⁹ The new reporting requirements and timeframe for reporting are similar to those currently required for citizen support organizations and direct-support organizations. *See* s. 20.058, F.S.

- The amount of appropriated funds and staff time used in each FY to support each advisory body.
- A recommendation by the agency, with supporting rationale, to continue, terminate, or modify each advisory body.

The bill 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, unless reviewed and saved from repeal by the Legislature.

B. SECTION DIRECTORY:

Section 1. Amends s. 20.052, F.S., relating to advisory bodies, commissions, boards; establishment.

Section 2. Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Executive Office of the Governor and executive branch agencies with adjunct advisory bodies may incur additional workload and costs meeting the new reporting requirements of this bill. In addition, there may be costs associated with updating the Florida Fiscal Portal to allow for the new reporting requirements.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires additional executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.