

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7043 PCB GVOPS 12-09 Obsolete or Outdated Programs and Requirements
SPONSOR(S): Economic Affairs Committee, Government Operations Subcommittee, Roberson
TIED BILLS: **IDEN./SIM. BILLS:** SB 2086

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations Subcommittee	12 Y, 0 N	Naf	Williamson
1) Economic Affairs Committee	15 Y, 0 N, As CS	Tecler	Tinker

SUMMARY ANALYSIS

CS/HB 7043 repeals or amends statutes related to several obsolete programs and requirements. Specifically, the bill eliminates references to inactive or duplicative advisory boards within the Department of Transportation, the Department of Management Services, the Department of Environmental Protection, the Department of Health, and the Office of Insurance Regulation.

The bill repeals and amends statutory references to inactive offices administratively housed in the Florida Small Business Development Center Network. The bill also eliminates a requirement for bicycle operators and repeals a statute related to an inactive University of Florida research program.

The bill does not have an impact on state funds.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida State Employee Wellness Council

The Florida State Employee Wellness Council was created in 2006 to advise the Department of Management Services on providing health education information to state employees and to assist DMS in developing minimum benefits for all health care providers when providing age and gender-based wellness benefits. The Department has stated that the Council has been inactive since 2008 and its duties related to wellness programs were reassigned to other state entities.¹ In 2008, the Office of Program Policy Analysis and Government Accountability (OPPAGA) recommended abolishing the Council.²

Effect of the Bill:

The bill repeals s. 110.123(13), F.S., relating to the Florida State Employee Wellness Council.

Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council

The Judah P. Benjamin Memorial at Gamble Plantation Historic State Park serves as a memorial to a former Confederate Secretary of State and as a historical site depicting the way of life and economic system that existed before the Civil War.³ Located in Manatee County, the Gamble Mansion is the only surviving antebellum plantation house in south Florida. In 1925, the mansion and 16 acres were saved by the United Daughters of the Confederacy and donated to the state.

Under current law, the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council was created to advise the Department of Environmental Protection's Division of Recreation and Parks in the operation, restoration, development, and preservation of the historical site. According to the DEP, the advisory council only meets on average once a year and does not regularly advise the Division. In addition, the park works more closely with its citizen support organization, the Gamble Plantation Preserve Alliance, the United Daughters of the Confederacy, other state entities within DEP and the Department of State.

Effect of the Bill:

The bill repeals s. 258.155, F.S., relating to the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.

Small Business Regulatory Advisory Council

The Small Business Regulatory Advisory Council (SBRAC) was created by the Small Business Regulatory Relief Act passed during the 2008 legislative session. The Council was administratively housed with the Small Business Development Center Network. SBRAC provided state agencies and the Legislature with input regarding rules or programs that may adversely affect small business or private property rights. The Rules Ombudsman, within the Executive Office of the Governor, shares many of the same statutory duties and responsibilities with the SBRAC. The SBRAC was not funded in the current fiscal year and became inactive on June 30, 2011.

Effect of the Bill:

The bill repeals s. 288.7001, F.S., relating to the Small Business Regulatory Advisory Council. Further, the bill transfers certain provisions related to rulemaking oversight from SBRAC to the Rules

¹ According to the Department of Management Services, the Council's last recorded meeting occurred in June 2008 and the last members appointed to the Council termed out in December 2010. No new appointments have been made to the council.

² Department of Management Services Advisory Committees Assessment, Office of Program Policy Analysis and Government Accountability, Dec. 2008, <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/08-S11.pdf>. (last visited February 8, 2012).

³ Judah P. Benjamin Confederate Memorial at Gamble Plantation Historic State Park, <http://www.floridastateparks.org/gambleplantation/>. (last visited February 8, 2012).

Ombudsman. The bill also deletes a requirement that OPPAGA, upon the Council's request and approval by the Legislature, conduct a study and issue a report related to the impact of an agency proposed rule and any alternative options rejected by such agency.

Office of the Small Business Advocate

The Office of the Small Business Advocate (OSBA) served as a liaison between state government and small businesses. The Office was charged with reaching out to small and medium-sized enterprises to identify issues, concerns, and solutions to help lessen the burden of state government and encourage small business development within the state. The OSBA was not funded in the current fiscal year and became inactive on June 30, 2011. Many of the duties charged to the OSBA are provided through the Small Business Development Center Network, the Department of Economic Opportunity and the Governor's Office of Fiscal Accountability and Regulatory Reform.

Effect of the Bill:

The bill repeals s. 288.7002, F.S., relating to the Office of the Small Business Advocate.

Bicycle Operators

In general, bicyclists must obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.⁴ Section 316.2065(7), F.S., specifies that operators of a bicycle must keep at least one hand on the handlebars. Violators of this section are subject to a pedestrian violation and certain fines in ch. 318, F.S. The base fine is \$15 plus \$8.50 in required fees. Other fees depend upon the county in which the violation occurs, either because only certain counties are eligible to assess the fee by statute or because the option and amount is determined by ordinance.⁵

Effect of the Bill

The bill repeals s. 316.2065(7), F.S., relating to a requirement that bicycle operators must keep at least one hand on the handlebars. The bill also corrects a cross reference related to bicycle regulations.

Statewide Intermodal Transportation Advisory Council

In 2003, the Strategic Intermodal System was established to serve the state's mobility needs, help the state become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life and reflect responsible environmental stewardship. The 2003 law also created a Statewide Intermodal Transportation Advisory Council to advise and make recommendations to the Legislature and the Department of Transportation on the policies, planning, and funding of intermodal transportation projects. The Council is no longer active and held its last meeting in December 2004.⁶

Effect of the Bill:

The bill repeals s. 339.64(5), F.S., relating to the Statewide Intermodal Transportation Advisory Council. The bill also corrects several cross-references related to the Council.

Health Information Systems Council

The Florida Health Information Systems Council was created in the Department of Health by the Information Resource Management Reform Act of 1997.⁷ The purpose of the Council is to coordinate, and provide for, the identification, collection, standardization, and sharing of health-related data among federal, state, local, and private entities. According to the Department of Health, the Council has continued to meet as required, but takes no official action.⁸ The last meeting of the Council at which any official action was taken occurred on October 22, 2003.⁹ At that meeting, the Council adopted revisions to its Strategic Plan for FY 2004-05 through 2008-09.¹⁰ However, none of the

⁴ U.S. Department of Transportation, National Highway Traffic Safety Administration, Traffic Safety Facts: 2009 Data, <http://www-nrd.nhtsa.dot.gov/Pubs/811386.pdf>. (last visited February 13, 2012).

⁵ These fees are authorized by ss. 318.1215, 318.18, 938.15, and 938.19, F.S.

⁶ April 16, 2009, email from Department of Transportation to the Roads, Bridges & Ports Policy Committee staff.

⁷ Section 27, ch. 97-286, L.O.F.

⁸ Telephone conference between the Department's legislative affairs staff and Health and Human Services Quality Subcommittee staff.

⁹ Florida Health Information Systems Council, Meeting Minutes, October 22, 2003, <http://www.doh.state.fl.us/floridahisc/Meetings/102203mts.html>. (last visited on February 8, 2012).

¹⁰ Florida Health Information Systems Council Strategic Plan for FY 2004-05 through 2008-09, http://www.doh.state.fl.us/floridahisc/Plan/FHISCSP_2003_approved_revision_10_22_2003.pdf. (last visited February 8, 2012).

recommendations contained in the Plan have been implemented over the last 8 years. In addition, the Council has not received any recent funding, nor have any appointments to the Council been made in the last two years.

Effect of the bill:

The bill repeals s. 381.90, F.S., relating to the Health Information Systems Council.

Developmental Disabilities Compact

Section 624.916, F.S., called the “Window of Opportunity Act”, required the Office of Insurance Regulation (OIR) to convene a workgroup for the purpose of developing and executing a compact including a binding agreement among the participants relating to insurance and access to services for persons with developmental disabilities. Participants in the agreement would be exempt from the provisions of the Steven A. Geller Autism Act because the agreement covered autism spectrum disorder, as well as other developmental disabilities.¹¹

One company became a participant in the agreement prior to the April 1, 2009 deadline. During its period of operation under the Compact, the company had no claims for evaluation or treatment of developmental disabilities. According to OIR, effective April 30, 2010, the certificate of authority for this company was suspended because the company was winding down its commercial operations.¹² Currently, the company no longer operates in Florida.¹³ As a result, there are no longer any signatories to the Developmental Disabilities Compact.

Effect of the bill:

The bill repeals s. 624.916, F.S., relating to the Developmental Disabilities Compact. The bill also corrects several cross references related to the Compact. The bill does not have an impact on the coverage mandates contained in the Steven A. Geller Autism Act.

Florida Institute for Nuclear Detection and Security

In 2004, the Legislature created the Florida Institute for Nuclear Detection and Security within the Department of Nuclear Engineering and Radiological Sciences at the University of Florida. The Institute was to serve as a design-basis center for research, development, testing, and engineering projects that directly address certain critical nuclear detection and security needs.

The Institute was to solicit and receive state, federal, and private funds for the purpose of conducting research and development in the area of nuclear security technology. Faculty at the University's College of Engineering confirms that funding was never appropriated or obtained for the program. Further, the Institute's Board of Advisors was never established and the two faculty members that were to staff the Institute have since left the University.¹⁴

Effect of the bill:

The bill repeals s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security.

The bill provides an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1: Amends s. 110.123, F.S., repealing the Florida State Employee Wellness Council.

Section 2: Amends s. 120.54, F.S., transferring certain provisions related to rulemaking oversight from the Small Business Regulatory Advisory Council to the Rules Ombudsman.

¹¹ Sections 627.6686 and 641.31098, F.S.

¹² Florida Office of Insurance Regulation, 2011 Developmental Disabilities Compact Annual Report, page 2, <http://www.floir.com/siteDocuments/DDCWGReport02142011.pdf>. (last visited February 8, 2012).

¹³ Telephone conference between Michelle Robleto, Deputy Insurance Commissioner of Life and Health Insurance, Florida Office of Insurance Regulation, and the Health and Human Services Quality Subcommittee staff, January 11, 2012.

¹⁴ Conversation with Dr. David P. Norton, Associate Dean for Research and Graduate Programs, College of Engineering, University of Florida, January 20, 2012.

- Section 3: Amends s. 120.745, F.S., removing a requirement that the Office of Program Policy Analysis and Government Accountability conduct a study and issue a report related to proposed rules.
- Section 4: Repeals s. 258.155, F.S., relating to the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.
- Section 5: Repeals s. 288.7001, F.S., relating to the Small Business Regulatory Advisory Council.
- Section 6: Repeals s. 288.7002, F.S., relating to the Office of the Small Business Advocate.
- Section 7: Amends s. 316.2065, F.S., repealing a requirement that bicycle operators must keep at least one hand on the handlebars; correcting cross-references.
- Section 8: Amends s. 339.64, F.S., repealing the Statewide Intermodal Transportation Advisory Council; correcting cross-references.
- Section 9: Repeals s. 381.90, F.S., relating to the Health Information Systems Council.
- Section 10: Repeals s. 624.916, F.S., relating to the Developmental Disabilities Compact.
- Section 11: Repeals s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security.
- Sections 12, 13, and 14: Amend ss. 322.27, 627.6686, and 641.31098, F.S., correcting cross-references.
- Section 15: Provides an effective date of July 1, 2012.

II. 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:

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 16, 2012, the Economic Affairs Committee adopted a committee substitute, which repealed the following obsolete or outdated sections of law:

- Section 110.123(13), F.S., relating to the Florida State Employee Wellness Council.
- Section 258.155, F.S., relating to the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.
- Section 288.7001, F.S., relating to the Small Business Regulatory Advisory Council. The committee substitute transfers certain provisions related to rulemaking oversight from the Council to the Rules Ombudsman and deletes a reporting requirement.
- Section 288.7002, F.S., relating to the Office of the Small Business Advocate.
- Section 316.2065(7), F.S., relating to a requirement that bicycle operators must keep at least one hand on the handlebars.
- Section 339.64(5), F.S., relating to the Statewide Intermodal Transportation Advisory Council.
- Section 381.90, F.S., relating to the Health Information Systems Council.
- Section 624.916, F.S., relating to the Developmental Disabilities Compact.
- Section 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security.

The committee substitute also corrected several cross-references. The bill was reported favorably as a committee substitute and the analysis has been updated to reflect the committee substitute.