

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 7043 (SB 2086)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Economic Affairs Committee; Government Operations Subcommittee; Roberson, K. (Governmental Oversight and Accountability)	96 Y's	19 N's
COMPANION BILLS:	SB 2086	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/HB 7043 combined several repealer bills and passed the House on February 23, 2012.

The bill repeals or amends certain statutory references. Specifically, the bill:

- Repeals certain inactive or duplicative advisory councils within the Department of Environmental Protection, the Department of Health, the Department of Management Services, and the Department of Transportation.
- Repeals and amends statutory references to an inactive office and inactive council relating to small businesses.
- Repeals an inactive disabilities compact workgroup.
- Repeals an inactive university research program.
- Eliminates a requirement for bicycle operators.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on March 23, 2012, ch. 2012-27, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Florida State Employee Wellness Council

Background

The Florida State Employee Wellness Council was created in 2006 to advise the Department of Management Services (DMS) on providing health education information to state employees and to assist the DMS in developing minimum benefits for all health care providers when providing age- and gender-based wellness benefits.¹ The last recorded meeting of the council took place in 2008, and its duties relating to wellness programs have been reassigned to other state entities.² In 2008, the Office of Program Policy Analysis and Government Accountability (OPPAGA) recommended abolishing the council.³

Effect of the Bill

The bill repeals the Florida State Employee Wellness Council.

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

Background

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.⁴ Located in Manatee County, the Gamble Mansion is the only surviving antebellum plantation house in south Florida.⁵ In 1925, the mansion and 16 acres were saved by the United Daughters of the Confederacy and donated to the state.⁶

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 (division) on the operation, restoration, development, and preservation of the historical site.⁷ According to the Department of Environmental Protection (DEP), the council meets an average of once a year and does not regularly advise the division.⁸ 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 the DEP, and the Department of State.⁹

Effect of the Bill

The bill repeals the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.

¹ See s. 9, ch. 2006-269, L.O.F., codified at s. 110.123(13), F.S.

² See Department of Management Services Advisory Committees Assessment, Office of Program Policy Analysis and Government Accountability, Report No. 08-S11, December 2008. As an example of the assignment of council duties to other state entities, the Department of Health is required to collaborate with other state agencies to promote healthy lifestyles of state employees (*id.* At 4; *see also* s. 381.0054, F.S.).

³ See OPPAGA Report No. 08-S11, *id.*

⁴ See "Judah P. Benjamin Confederate Memorial at Gamble Plantation Historic State Park," <http://www.floridastateparks.org/gambleplantation/> (last visited February 8, 2012).

⁵ See House of Representatives Staff Analysis for PCB ANRS 12-06 (HB 7057), Agriculture & Natural Resources Subcommittee (January 24, 2012).

⁶ *Id.*

⁷ See s. 258.155(1), F.S.

⁸ See staff analysis referenced in note 5.

⁹ See staff analysis referenced in note 5.

Small Business Regulatory Advisory Council

Background

The Small Business Regulatory Advisory Council was created by the Small Business Regulatory Relief Act passed during the 2008 legislative session.¹⁰ The council is authorized to review and provide input on rules or programs that may adversely affect small business or private property rights.¹¹ It shares many responsibilities with the rules ombudsman within the Executive Office of the Governor.¹² The council was not funded in the current fiscal year and became inactive on June 30, 2011.¹³

Effect of the Bill

The bill repeals the Small Business Regulatory Advisory Council and transfers certain provisions related to rulemaking oversight from the council to the rules ombudsman. It also deletes a requirement that the 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

Background

The director of the Office of the Small Business Advocate serves as a liaison between state government and small businesses.¹⁴ The advocate is charged with reaching out to agencies, businesses, and other organizations to identify issues, concerns, and solutions to help lessen the burden of state government and to encourage small business development within the state.¹⁵ The office was not funded in the current fiscal year and became inactive on June 30, 2011.¹⁶ Many of the office's duties 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.¹⁷

Effect of the Bill

The bill repeals the Office of the Small Business Advocate.

Statewide Intermodal Transportation Advisory Council

Background

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.¹⁸ 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.¹⁹ The council is no longer active and held its last meeting in December 2004.²⁰

Effect of the Bill

The bill repeals the Statewide Intermodal Transportation Advisory Council and conforms cross-references.

¹⁰ See s. 2, ch. 2008-149, F.S.

¹¹ See s. 288.7001(3), F.S.

¹² The rules ombudsman is required to consider the impact of agency rules on the state's citizens and businesses. See s. 288.7015, F.S.

¹³ See House of Representatives Staff Analysis for CS/HB 7043, Economic Affairs Committee (February 19, 2012).

¹⁴ See s. 288.7002(3)(b), F.S.

¹⁵ *Id.*

¹⁶ See staff analysis referenced in note 13.

¹⁷ See staff analysis referenced in note 13.

¹⁸ See s. 46, ch. 2003-286, L.O.F., codified at s. 339.61, F.S.

¹⁹ See s. 339.64(5), F.S.

²⁰ Information obtained from an email from the Department of Transportation to staff of the Roads, Bridges and Ports Policy Committee (April 16, 2009). On file with the Economic Affairs Committee.

Health Information Systems Council

Background

The Florida Health Information Systems Council was created in the Department of Health (DOH) by the Information Resource Management Reform Act of 1997.²¹ 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.²² According to the DOH, the council has continued to meet as required, but takes no official action.²³ The last meeting of the council at which any official action was taken occurred on October 22, 2003.²⁴ At that meeting, the council adopted revisions to its strategic plan for fiscal years 2004-05 through 2008-09.²⁵ However, none of the recommendations contained in that plan have been implemented over the last eight years.²⁶ The council has not received any recent funding. No appointments to the council been made in the last two years.²⁷

Effect of the Bill

The bill repeals the Health Information Systems Council.

Developmental Disabilities Compact

Background

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.²⁸ 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.²⁹

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.³⁰ Currently, the company no longer operates in Florida.³¹ As a result, there are no longer any signatories to the Developmental Disabilities Compact.

Effect of the Bill

The bill repeals the Developmental Disabilities Compact and conforms cross-references. It does not have an impact on the coverage mandates contained in the Steven A. Geller Autism Act.

²¹ See s. 27, ch. 97-286, L.O.F., codified at s. 381.90, F.S.

²² *Id.*

²³ Information obtained in a telephone conference between the DOH’s legislative affairs staff and Health and Human Services Quality Subcommittee staff.

²⁴ See Florida Health Information Systems Council, “Meeting Minutes, October 22, 2003,”

<http://www.doh.state.fl.us/floridahisc/Meetings/102203mts.html> (last visited on March 9, 2012).

²⁵ See Florida Health Information Systems Council, “Strategic Plan for Fiscal Years 2004-2005 through 2008-2009,”

http://www.doh.state.fl.us/floridahisc/Plan/FHISCSP_2003_approved_revison_10_22_2003.pdf (last visited March 9, 2012).

²⁶ See staff analysis referenced in note 13.

²⁷ See staff analysis referenced in note 13.

²⁸ Section 624.916, F.S.

²⁹ Sections 627.6686 and 641.31098, F.S.

³⁰ See Florida Office of Insurance Regulation, “2011 Developmental Disabilities Compact Annual Report,”

<http://www.flair.com/siteDocuments/DDCWGReport02142011.pdf> (last visited March 9, 2012).

³¹ Information obtained in a telephone conference between Michelle Robleto, Deputy Insurance Commissioner of Life and Health Insurance, Florida Office of Insurance Regulation, and Health and Human Services Quality Subcommittee staff (January 11, 2012).

Florida Institute for Nuclear Detection and Security

Background

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.³² 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.³³

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.³⁴ Faculty at the university's College of Engineering confirm that funding was never appropriated or obtained for the program. 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.³⁵

Effect of the Bill

The bill repeals the Florida Institute for Nuclear Detection and Security.

Bicycle Operators

Background

In general, bicyclists must obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.³⁶ Operators of a bicycle must keep at least one hand on the handlebars.³⁷ 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.³⁸

Effect of the Bill

The bill repeals a requirement that bicycle operators keep at least one hand on the handlebars. It also corrects a cross-reference related to bicycle regulations.

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.

³² See s. 2, ch. 2004-262, L.O.F., codified at s. 1004.63, F.S.

³³ See s. 1004.63(1), F.S.

³⁴ See s. 1004.63(2), F.S.

³⁵ Information obtained from a conversation between Energy and Utilities Subcommittee staff and Dr. David P. Norton, Associate Dean for Research and Graduate Programs, College of Engineering, University of Florida (January 20, 2012).

³⁶ See 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 March 9, 2012).

³⁷ See s. 316.2065(7), F.S.

³⁸ These fees are authorized by ss. 318.1215, 318.18, 938.15, and 938.19, F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.